

OSCE HUMAN DIMENSION COMMITMENTS

Volume 2

Chronological Compilation

SECOND EDITION



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2nd Edition

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Final Act of the Conference on Security and Co-operation in Europe

Helsinki 1975

(...)

The High Representatives of the participating States have solemnly adopted the following:

Questions relating to Security in Europe

The States participating in the Conference on Security and Co-operation in Europe,

Reaffirming their objective of promoting better relations among themselves and ensuring conditions in which their people can live in true and lasting peace free from any threat to or attempt against their security;

Convinced of the need to exert efforts to make détente both a continuing and an increasingly viable and comprehensive process, universal in scope, and that the implementation of the results of the Conference on Security and Co-operation in Europe will be a major contribution to this process;

Considering that solidarity among peoples, as well as the common purpose of the participating States in achieving the aims as set forth by the Conference on Security and Cooperation in Europe, should lead to the development of better and closer relations among them in all fields and thus to overcoming the confrontation stemming from the character of their past relations, and to better mutual understanding;

Mindful of their common history and recognizing that the existence of elements common to their traditions and values can assist them in developing their relations, and desiring to search, fully taking into account the individuality and diversity of their positions and views, for possibilities of joining their efforts with a view to overcoming distrust and increasing confidence, solving the problems that separate them and co-operating in the interest of mankind;

Recognizing the indivisibility of security in Europe as well as their common interest in the development of co-operation throughout Europe and among selves and expressing their intention to pursue efforts accordingly;

Recognizing the close link between peace and security in Europe and in the world as a whole and conscious of the need for each of them to make its contribution to the strengthening of world peace and security and to the promotion of fundamental rights, economic and social progress and well-being for all peoples;

Have adopted the following:

1. (a) Declaration on Principles Guiding Relations between Participating States

The participating States,

Reaffirming their commitment to peace, security and justice and the continuing development of friendly relations and co-operation;

Recognizing that this commitment, which reflects the interest and aspirations of peoples, constitutes for each participating State a present and future responsibility, heightened by experience of the past;

Reaffirming, in conformity with their membership in the United Nations and in accordance with the purposes and principles of the United Nations, their full and active support for the United Nations and for the enhancement of its role and effectiveness in strengthening international peace, security and justice, and in promoting the solution of international problems, as well as the development of friendly relations and co-operation among States;

Expressing their common adherence to the principles which are set forth below and are in conformity with the Charter of the United Nations, as well as their common will to act, in the application of these principles, in conformity with the purposes and principles of the Charter of the United Nations;

Declare their determination to respect and put into practice, each of them in its relations with all other participating States, irrespective of their political, economic or social systems as well as of their size, geographical location or level of economic development, the following principles, which all are of primary significance, guiding their mutual relations:

1. Sovereign equality, respect for the rights inherent in sovereignty

The participating States will respect each other's sovereign equality and individuality as well as all the rights inherent in and encompassed by its sovereignty, including in particular the right of every State to juridical equality, to territorial integrity and to freedom and political independence. They will also respect each other's right freely to choose and develop its political, social, economic and cultural systems as well as its right to determine its laws and regulations.

Within the framework of international law, all the participating States have equal rights and duties. They will respect each other's right to define and conduct as it wishes its relations with other States in accordance with international law and in the spirit of the present Declaration. They consider that their frontiers can be changed, in accordance with international law, by peaceful means and by agreement. They also have the right to belong or not to belong to international organizations, to be or not to be a party to bilateral or multilateral treaties including the right to be or not to be a party to treaties of alliance; they also have the right to neutrality.

II. Refraining from the threat or use of force

The participating States will refrain in their mutual relations, as well as in their international relations in general, from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations and with the present Declaration. No consideration may be invoked to serve to warrant resort to the threat or use of force in contravention of this principle.

Accordingly, the participating States will refrain from any acts constituting a threat of force or direct or indirect use of force against another participating State.

Likewise they will refrain from any manifestation of force for the purpose of inducing another participating State to renounce the full exercise of its sovereign rights. Likewise they will also refrain in their mutual relations from any act of reprisal by force.

No such threat or use of force will be employed as a means of settling disputes, or questions likely to give rise to disputes, between them.

III. Inviolability of frontiers

The participating States regard as inviolable all one another's frontiers as well as the frontiers of all States in Europe and therefore they will refrain now and in the future from assaulting these frontiers.

Accordingly, they will also refrain from any demand for, or act of, seizure and usurpation of part or all of the territory of any participating State.

IV. Territorial integrity of States

The participating States will respect the territorial integrity of each of the participating States.

Accordingly, they will refrain from any action inconsistent with the purposes and principles of the Charter of the United Nations against the territorial integrity, political independence or the unity of any participating State, and in particular from any such action constituting a threat or use of force.

The participating States will likewise refrain from making each other's territory the object of military occupation or other direct or indirect measures of force in contravention of international law, or the object of acquisition by means of such measures or the threat of them. No such occupation or acquisition will be recognized as legal.

V. Peaceful settlement of disputes

The participating States will settle disputes among them by peaceful means in such a manner as not to endanger international peace and security, and justice.

They will endeavour in good faith and a spirit of co-operation to reach a rapid and equitable solution on the basis of international law. For this purpose they will use such means as negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement or other peaceful means of their own choice including any settlement procedure agreed to in advance of disputes to which they are parties.

In the event of failure to reach a solution by any of the above peaceful means, the parties to a dispute will continue to seek a mutually agreed way to settle the dispute peacefully.

Participating States, parties to a dispute among them, as well as other participating States, will refrain from any action which might aggravate the situation to such a degree as to endanger the maintenance of international peace and security and thereby make a peaceful settlement of the dispute more difficult.

VI. Non-intervention in internal affairs

The participating States will refrain from any intervention, direct or indirect, individual or collective, in the internal or external affairs falling within the domestic jurisdiction of another participating State, regardless of their mutual relations.

They will accordingly refrain from any form of armed intervention or threat of such intervention against another participating State.

They will likewise in all circumstances refrain from any other act of military, or of political, economic or other coercion designed to subordinate to their own interest the exercise by another participating State of the rights inherent in its sovereignty and thus to secure advantages of any kind.

Accordingly, they will, *inter alia*, refrain from direct or indirect assistance to terrorist activities, or to subversive or other activities directed towards the violent overthrow of the regime of another participating State.

VII. Respect for human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief

The participating States will respect human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief, for all without distinction as to race, sex, language or religion.

They will promote and encourage the effective exercise of civil, political, economic, social, cultural and other rights and freedoms all of which derive from the inherent dignity of the human person and are essential for his free and full development.

Within this framework the participating States will recognize and respect the freedom of the individual to profess and practice, alone or in community with others, religion or belief acting in accordance with the dictates of his own conscience.

The participating States on whose territory national minorities exist will respect the right of persons belonging to such minorities to equality before the law, will afford them the full opportunity for the actual enjoyment of human rights and fundamental freedoms and will, in this manner, protect their legitimate interests in this sphere.

The participating States recognize the universal significance of human rights and fundamental freedoms, respect for which is an essential factor for the peace, justice and well-being necessary to ensure the development of friendly relations and co-operation among themselves as among all States.

They will constantly respect these rights and freedoms in their mutual relations and will endeavour jointly and separately, including in co-operation with the United Nations, to promote universal and effective respect for them.

They confirm the right of the individual to know and act upon his rights and duties in this field.

In the field of human rights and fundamental freedoms, the participating States will act in conformity with the purposes and principles of the Charter of the United Nations and with the Universal Declaration of Human Rights. They will also fulfil their obligations as set forth in the international declarations and agreements in this field, including *inter alia* the International Covenants on Human Rights, by which they may be bound.

VIII. Equal rights and self-determination of peoples

The participating States will respect the equal rights of peoples and their right to self-determination, acting at all times in conformity with the purposes and principles of the Charter of the United Nations and with the relevant norms of international law, including those relating to territorial integrity of States.

By virtue of the principle of equal rights and self-determination of peoples, all peoples always have the right, in full freedom, to determine, when and as they wish, their internal and external political status, without external interference, and to pursue as they wish their political, economic, social and cultural development.

The participating States reaffirm the universal significance of respect for and effective exercise of equal rights and self-determination of peoples for the development of friendly relations among themselves as among all States; they also recall the importance of the elimination of any form of violation of this principle.

IX. Co-operation among States

The participating States will develop their co-operation with one another and with all States in all fields in accordance with the purposes and principles of the Charter of the United Nations. In developing their co-operation the participating States will place special emphasis on the fields as set forth within the framework of the Conference on Security and Co-operation in Europe, with each of them making its contribution in conditions of full equality.

They will endeavour, in developing their co-operation as equals, to promote mutual understanding and confidence, friendly and good-neighbourly relations among themselves, international peace, security and justice. They will equally endeavour, in developing their cooperation, to improve the well-being of peoples and contribute to the fulfilment of their aspirations through, *inter alia*, the benefits resulting from increased mutual knowledge and from progress and achievement in the economic, scientific, technological, social, cultural and humanitarian fields. They will take steps to promote conditions favourable to making these benefits available to all; they will take into account the interest of all in the narrowing of differences in the levels of economic development, and in particular the interest of developing countries throughout the world.

They confirm that governments, institutions, organizations and persons have a relevant and positive role to play in contributing toward the achievement of these aims of their cooperation.

They will strive, in increasing their cooperation as set forth above, to develop closer relations among themselves on an improved and more enduring basis for the benefit of peoples.

X. Fulfilment in good faith of obligations under international law

The participating States will fulfil in good faith their obligations under international law, both those obligations arising from the generally recognized principles and rules of international law and those obligations arising from treaties or other agreements, in conformity with international law, to which they are parties.

In exercising their sovereign rights, including the right to determine their laws and regulations, they will conform with their legal obligations under international law; they will furthermore pay due regard to and implement the provisions in the Final Act of the Conference on Security and Cooperation in Europe.

The participating States confirm that in the event of a conflict between the obligations of the members of the United Nations under the Charter of the United Nations and their obligations under any treaty or other international agreement, their obligations under the Charter will prevail, in accordance with Article 103 of the Charter of the United Nations.

All the principles set forth above are of primary significance and, accordingly, they will be equally and unreservedly applied, each of them being interpreted taking into account the others.

The participating States express their determination fully to respect and apply these principles, as set forth in the present Declaration, in all aspects, to their mutual relations and cooperation in order to ensure to each participating State the benefits resulting from the respect and application of these principles by all.

The participating States, paying due regard to the principles above and, in particular, to the first sentence of the tenth principle, "Fulfilment in good faith of obligations under international law", note that the present Declaration does not affect their rights and obligations, nor the corresponding treaties and other agreements and arrangements.

The participating States express the conviction that respect for these principles will encourage the development of normal and friendly relations and the progress of cooperation among them in all fields. They also express the conviction that respect for these principles will encourage the development of political contacts among them which in time would contribute to better mutual understanding of their positions and views.

The participating States declare their intention to conduct their relations with all other States in the spirit of the principles contained in the present Declaration.

(b) Matters related to giving effect to certain of the above Principles

(i) The participating States,

Reaffirming that they will respect and give effect to refraining from the threat or use of force and convinced of the necessity to make it an effective norm of international life,

Declare that they are resolved to respect and carry out, in their relations with one another, *inter alia*, the following provisions which are in conformity with the Declaration on Principles Guiding Relations between Participating States:

- To give effect and expression, by all the ways and forms which they consider appropriate, to the duty to refrain from the threat or use of force in their relations with one another.
- To refrain from any use of armed forces inconsistent with the purposes and principles of the Charter of the United Nations and the provisions of the Declaration on Principles Guiding Relations between Participating States, against another participating State, in particular from invasion of or attack on its territory.
- To refrain from any manifestation of force for the purpose of inducing another participating State to renounce the full exercise of its sovereign rights.

- To refrain from any act of economic coercion designed to subordinate to their own interest the exercise by another participating State of the rights inherent in its sovereignty and thus to secure advantages of any kind.
- To take effective measures which by their scope and by their nature constitute steps towards the ultimate achievement of general and complete disarmament under strict and effective international control.
- To promote, by all means which each of them considers appropriate, a climate of confidence and respect among peoples consonant with their duty to refrain from propaganda for wars of aggression or for any threat or use of force inconsistent with the purposes of the United Nations and with the Declaration on Principles Guiding Relations between Participating States, against another participating State.
- To make every effort to settle exclusively by peaceful means any dispute between them, the continuance of which is likely to endanger the maintenance of international peace and security in Europe, and to seek, first of all, a solution through the peaceful means set forth in Article 33 of the United Nations Charter.
- To refrain from any action which could hinder the peaceful settlement of disputes between the participating States.

(...)

Co-operation in the Field of Economics, of Science and Technology and of the Environment

(...)

6. Co-operation in other areas

(...)

Economic and social aspects of migrant labour

The participating States,

Considering that the movements of migrant workers in Europe have reached substantial proportions, and that they constitute an important economic, social and human factor for host countries as well as for countries of origin,

Recognizing that workers' migrations have also given rise to a number of economic, social, human and other problems in both the receiving countries and the countries of origin,

Taking due account of the activities of the competent international organizations, more particularly the International Labour Organisation, in this area,

- are of the opinion that the problems arising bilaterally from the migration of workers in Europe as well as between the participating States should be dealt with by the parties directly concerned, in order to resolve these problems in their mutual interest, in the light of the concern of each State involved to take due account of the requirements resulting from its socio-economic situation, having regard to the obligation of each State to comply with the bilateral and multilateral agreements to which it is party, and with the following aims in view:
- to encourage the efforts of the countries of origin directed towards increasing the possibilities of employment for their nationals in their own territories, in particular by developing economic co-operation appropriate for this purpose and suitable for the host countries and the countries of origin concerned;
- to ensure, through collaboration between the host country and the country of origin, the conditions under which the orderly movement of workers might take place, while at the same time protecting their personal and social welfare and, if appropriate, to organize the recruitment of migrant workers and the provision of elementary language and vocational training;
- to ensure equality of rights between migrant workers and nationals of the host countries with regard to conditions of employment and work and to social security, and to endeavour to ensure that migrant workers may enjoy satisfactory living conditions, especially housing conditions;
- to endeavour to ensure, as far as possible, that migrant workers may enjoy the same opportunities as nationals of the host countries of finding other suitable employment in the event of unemployment;
- to regard with favour the provision of vocational training to migrant workers and, as far as possible, free instruction in the language of the host country, in the framework of their employment;
- to confirm the right of migrant workers to receive, as far as possible, regular information in their own language, covering both their country of origin and the host country;
- to ensure that the children of migrant workers established in the host country have access to the education usually given there, under the same conditions as the children of that country and, furthermore, to permit them to receive supplementary education in their own language, national culture, history and geography;
- to bear in mind that migrant workers, particularly those who have acquired qualifications, can by returning to their countries after a certain period of time help to remedy any deficiency of skilled labour in their country of origin;
- to facilitate, as far as possible, the reuniting of migrant workers with their families;

- to regard with favour the efforts of the countries of origin to attract the savings of migrant workers, with a view to increasing, within the framework of their economic development, appropriate opportunities for employment, thereby facilitating the reintegration of these workers on their return home.

(...)

Co-operation in Humanitarian and Other Fields

The participating States,

Desiring to contribute to the strengthening of peace and understanding among peoples and to the spiritual enrichment of the human personality without distinction as to race, sex, language or religion,

Conscious that increased cultural and educational exchanges, broader dissemination of information, contacts between people, and the solution of humanitarian problems will contribute to the attainment of these aims,

Determined therefore to cooperate among themselves, irrespective of their political, economic and social systems, in order to create better conditions in the above fields, to develop and strengthen existing forms of co-operation and to work out new ways and means appropriate to these aims,

Convinced that this co-operation should take place in full respect for the principles guiding relations among participating States as set forth in the relevant document,

Have adopted the following:

1. Human Contacts

The participating States,

Considering the development of contacts to be an important element in the strengthening of friendly relations and trust among peoples,

Affirming, in relation to their present effort to improve conditions in this area, the importance they attach to humanitarian considerations,

Desiring in this spirit to develop, with the continuance of détente, further efforts to achieve continuing progress in this field,

And conscious that the questions relevant hereto must be settled by the States concerned under mutually acceptable conditions,

Make it their aim to facilitate freer movement and contacts, individually and collectively, whether privately or officially, among persons, institutions and organizations of the participating States, and to contribute to the solution of the humanitarian problems that arise in that connection,

Declare their readiness to these ends to take measures which they consider appropriate and to conclude agreements or arrangements among themselves, as may be needed, and

Express their intention now to proceed to the implementation of the following:

(a) Contacts and Regular Meetings on the Basis of Family Ties

In order to promote further development of contacts on the basis of family ties the participating States will favourably consider applications for travel with the purpose of allowing persons to enter or leave their territory temporarily, and on a regular basis if desired, in order to visit members of their families.

Applications for temporary visits to meet members of their families will be dealt with without distinction as to the country of origin or destination: existing requirements for travel documents and visas will be applied in this spirit. The preparation and issue of such documents and visas will be effected within reasonable time limits, cases of urgent necessity – such as serious illness or death - will be given priority treatment. They will take such steps as may be necessary to ensure that the fees for official travel documents and visas are acceptable.

They confirm that the presentation of an application concerning contacts on the basis of family ties will not modify the rights and obligations of the applicant or of members of his family.

(b) Reunification of Families

The participating States will deal in a positive and humanitarian spirit with the applications of persons who wish to be reunited with members of their family, with special attention being given to requests of an urgent character - such as requests submitted by persons who are ill or old.

They will deal with applications in this field as expeditiously as possible

They will lower where necessary the fees charged in connection with these applications to ensure that they are at a moderate level.

Applications for the purpose of family reunification which are not granted may be renewed at the appropriate level and will be reconsidered at reasonably short intervals by the authorities of the country of residence or destination, whichever is concerned, under such circumstances fees will be charged only when applications are granted.

Persons whose applications for family reunification are granted may bring with them or ship their household and personal effects; to this end the participating States will use all possibilities provided by existing regulations.

Until members of the same family are reunited meetings and contacts between them may take place in accordance with the modalities for contacts on the basis of family ties.

The participating States will support the efforts of Red Cross and Red Crescent Societies concerned with the problems of family reunification.

They confirm that the presentation of an application concerning family reunification will not modify the rights and obligations of the applicant or of members of his family.

The receiving participating State will take appropriate care with regard to employment for persons from other participating States who take up permanent residence in that State in connection with family reunification with its citizens and see that they are afforded opportunities equal to those enjoyed by its own citizens for education, medical assistance and social security.

(c) Marriage between Citizens of Different States

The participating States will examine favourably and on the basis of humanitarian considerations requests for exit or entry permits from persons who have decided to marry a citizen from another participating State.

The processing and issuing of the documents required for the above purposes and for the marriage will be in accordance with the provisions accepted for family reunification.

In dealing with requests from couples from different participating States, once married, to enable them and the minor children of their marriage to transfer their permanent residence to a State in which either one is normally a resident, the participating States will also apply the provisions accepted for family reunification.

(d) Travel for Personal or Professional Reasons

The participating States intend to facilitate wider travel by their citizens for personal or professional reasons and to this end they intend in particular:

- gradually to simplify and to administer flexibly the procedures for exit and entry;
- to ease regulations concerning movement of citizens from the other participating States in their territory, with due regard to security requirements.

They will endeavour gradually to lower, where necessary, the fees for visas and official travel documents.

They intend to consider, as necessary, means — including, in so far as appropriate, the conclusion of multilateral or bilateral consular conventions or other relevant agreements or understandings — for the improvement of arrangements to provide consular services, including legal and consular assistance.

They confirm that religious faiths, institutions and organizations, practising within the constitutional framework of the participating States, and their representatives can, in the field of their activities, have contacts and meetings among themselves and exchange information.

(e) Improvement of Conditions for Tourism on an Individual or Collective Basis

The participating States consider that tourism contributes to a fuller knowledge of the life, culture and history of other countries, to the growth of understanding among peoples, to the improvement of contacts and to the broader use of leisure. They intend to promote the development of tourism, on an individual or collective basis, and, in particular, they intend:

- to promote visits to their respective countries by encouraging the provision of appropriate facilities and the simplification and expediting of necessary formalities relating to such visits;
- to increase, on the basis of appropriate agreements or arrangements where necessary, co-operation in the development of tourism, in particular by considering bilaterally possible ways to increase information relating to travel to other countries and to the reception and service of tourists, and other related questions of mutual interest.

(f) Meetings among Young People

The participating States intend to further the development of contacts and exchanges among young people by encouraging:

- increased exchanges and contacts on a short or long term basis among young people working, training or undergoing education through bilateral or multilateral agreements or regular programmes in all cases where it is possible;
- study by their youth organizations of the question of possible agreements relating to frameworks of multilateral youth co-operation;
- agreements or regular programmes relating to the organization of exchanges of students, of international youth seminars, of courses of professional training and foreign language study;
- the further development of youth tourism and the provision to this end of appropriate facilities;
- the development, where possible, of exchanges, contacts and co-operation on a bilateral or multilateral basis between their organizations which represent wide circles of young people working, training or undergoing education;
- awareness among youth of the importance of developing mutual understanding and of strengthening friendly relations and confidence among peoples.

(g) Sport

In order to expand existing links and co-operation in the field of sport the participating States will encourage contacts and exchanges of this kind, including sports meetings and competitions of all sorts, on the basis of the established international rules, regulations and practice.

(h) Expansion of Contacts

By way of further developing contacts among governmental institutions and non-governmental organizations and associations, including women's organizations, the participating States will facilitate the convening of meetings as well as travel by delegations, groups and individuals.

2. Information

The participating States,

Conscious of the need for an ever wider knowledge and understanding of the various aspects of life in other participating States,

Acknowledging the contribution of this process to the growth of confidence between peoples,

Desiring, with the development of mutual understanding between the participating States and with the further improvement of their relations, to continue further efforts towards progress in this field,

Recognizing the importance of the dissemination of information from the other participating States and of a better acquaintance with such information,

Emphasizing therefore the essential and influential role of the press, radio, television, cinema and news agencies and of the journalists working in these fields,

Make it their aim to facilitate the freer and wider dissemination of information of all kinds, to encourage co-operation in the field of information and the exchange of information with other countries, and, to improve the conditions under which journalists from one participating State exercise their profession in another participating State, and

Express their intention in particular:

(a) Improvement of the Circulation of, Access to, and Exchange of Information

(i) Oral Information

- To facilitate the dissemination of oral information through the encouragement of lectures and lecture tours by personalities and specialists from the other participating

States, as well as exchanges of opinions at round table meetings, seminars, symposia, summer schools, congresses and other bilateral and multilateral meetings.

(ii) *Printed Information*

- To facilitate the improvement of the dissemination, on their territory, of newspapers and printed publications, periodical and non-periodical, from the other participating States. For this purpose:

they will encourage their competent firms and organizations to conclude agreements and contracts designed gradually to increase the quantities and the number of titles of newspapers and publications imported from the other participating States. These agreements and contracts should in particular mention the speediest conditions of delivery and the use of the normal channels existing in each country for the distribution of its own publications and newspapers, as well as forms and means of payment agreed between the parties making it possible to achieve the objectives aimed at by these agreements and contracts; where necessary, they will take appropriate measures to achieve the above objectives and to implement the provisions contained in the agreements and contracts.

- To contribute to the improvement of access by the public to periodical and non-periodical printed publications imported on the bases indicated above. In particular:
- they will encourage an increase in the number of places where these publications are on sale,
- they will facilitate the availability of these periodical publications during congresses, conferences, official visits and other international events and to tourists during the season,
- they will develop the possibilities for taking out subscriptions according to the modalities particular to each country;
- they will improve the opportunities for reading and borrowing these publications in large public libraries and their reading rooms as well as in university libraries.

They intend to improve the possibilities for acquaintance with bulletins of official information issued by diplomatic missions and distributed by those missions on the basis of arrangements acceptable to the interested parties.

(iii) *Filmed and Broadcast Information*

- To promote the improvement of the dissemination of filmed and broadcast information. To this end:

- they will encourage the wider showing and broadcasting of a greater variety of recorded and filmed information from the other participating States, illustrating the various aspects of life in their countries and received on the basis of such agreements

or arrangements as may be necessary between the organizations and firms directly concerned;

- they will facilitate the import by competent organizations and firms of recorded audio-visual material from the other participating States.

The participating States note the expansion in the dissemination of information broadcast by radio, and express the hope for the continuation of this process, so as to meet the interest of mutual understanding among peoples and the aims set forth by this Conference.

(b) Co-operation in the Field of Information

- To encourage co-operation in the field of information on the basis of short or long term agreements or arrangements. In particular:

- they will favour increased co-operation among mass media organizations. Including press agencies, as well as among publishing houses and organizations:
- they will favour co-operation among public or private, national or international radio and television organizations, in particular through the exchange of both live and recorded radio and television programmes, and through the joint production and the broadcasting and distribution of such programmes;
- they will encourage meetings and contacts both between journalists organizations and between journalists from the participating States;
- they will view favourably the possibilities of arrangements between periodical publications as well as between newspapers from the participating States, for the purpose of exchanging and publishing articles;
- they will encourage the exchange of technical information as well as the organization of joint research and meetings devoted to the exchange of experience and views between experts in the field of the press, radio and television.

(c) Improvement of Working Conditions for Journalists

The participating States, desiring to improve the conditions under which journalists from one participating State exercise their profession in another participating State, intend in particular to:

- examine in a favourable spirit and within a suitable and reasonable time scale requests from journalists for visas;
- grant to permanently accredited journalists of the participating States, on the basis of arrangements, multiple entry and exit visas for specified periods;

- facilitate the issue to accredited journalists of the participating States of permits for stay in their country of temporary residence and, if and when these are necessary, of other official papers which it is appropriate for them to have;
- ease, on a basis of reciprocity, procedures for arranging travel by journalists of the participating States in the country where they are exercising their profession, and to provide progressively greater opportunities for such travel, subject to the observance of regulations relating to the existence of areas closed for security reasons,
- ensure that requests by such journalists for such travel receive, in so far as possible, an expeditious response, taking into account the time scale of the request;
- increase the opportunities for journalists of the participating States to communicate personally with their sources, including organizations and official institutions;
- grant to journalists of the participating States the right to import, subject only to its being taken out again, the technical equipment (photographic, cinematographic, tape recorder, radio and television) necessary for the exercise of their profession;*
- enable journalists of the other participating States, whether permanently or temporarily accredited, to transmit completely, normally and rapidly by means recognized by the participating States to the information organs which they represent, the results of their professional activity, including tape recordings and undeveloped film, for the purpose of publication or of broadcasting on the radio or television.

The participating States reaffirm that the legitimate pursuit of their professional activity will neither render journalists liable to expulsion nor otherwise penalize them. If an accredited journalist is expelled, he will be informed of the reasons for this act and may submit an application for re-examination of his case.

3. Co-operation and Exchanges in the Field of Culture

The participating States

Considering that cultural exchanges and co-operation contribute to a better comprehension among people and among peoples, and thus promote a lasting understanding among States,

Confirming the conclusions already formulated in this field at the multilateral level, particularly at the Intergovernmental Conference on Cultural Policies in Europe, organized by UNESCO in Helsinki in June 1972, where interest was manifested in the active participation of the broadest possible social groups in an increasingly diversified cultural life,

* While recognizing that appropriate local personnel are employed by foreign journalists in many instances, the participating States note that the above provisions would be applied, subject to the observance of the appropriate rules, to persons from the other participating States, who are regularly and professionally engaged as technicians, photographers or cameramen of the press, radio, television or cinema.

Desiring, with the development of mutual confidence and the further improvement of relations between the participating States, to continue further efforts toward progress in this field,

Disposed in this spirit to increase substantially their cultural exchanges, with regard both to persons and to cultural works, and to develop among them an active co-operation, both at the bilateral and the multilateral level, in all the fields of culture,

Convinced that such a development of their mutual relations will contribute to the enrichment of the respective cultures, while respecting the originality of each, as well as to the reinforcement among them of a consciousness of common values, while continuing to develop cultural co-operation with other countries of the world,

Declare that they jointly set themselves the following objectives:

- (a) to develop the mutual exchange of information with a view to a better knowledge of respective cultural achievements,
- (b) to improve the facilities for the exchange and for the dissemination of cultural property,
- (c) to promote access by all to respective cultural achievements,
- (d) to develop contacts and co-operation among persons active in the field of culture,
- (e) to seek new fields and forms of cultural co-operation,

Thus give expression to their common will to take progressive, coherent and long-term action in order to achieve the objectives of the present declaration; and

Express their intention now to proceed to the implementation of the following:

Extension of Relations

To expand and improve at the various levels co-operation and links in the field of culture, in particular by:

- concluding, where appropriate, agreements on a bilateral or multilateral basis, providing for the extension of relations among competent State institutions and non-governmental organizations in the field of culture, as well as among people engaged in cultural activities, taking into account the need both for flexibility and the fullest possible use of existing agreements, and bearing in mind that agreements and also other arrangements constitute important means of developing cultural co-operation and exchanges;
- contributing to the development of direct communication and co-operation among relevant State institutions and non-governmental organizations, including, where necessary, such communication and co-operation carried out on the basis of special agreements and arrangements;

- encouraging direct contacts and communications among persons engaged in cultural activities, including, where necessary, such contacts and communications carried out on the basis of special agreements and arrangements.

Mutual Knowledge

Within their competence to adopt, on a bilateral and multilateral level, appropriate measures which would give their peoples a more comprehensive and complete mutual knowledge of their achievements in the various fields of culture, and among them:

- to examine jointly, if necessary with the assistance of appropriate international organizations, the possible creation in Europe and the structure of a bank of cultural data, which would collect information from the participating countries and make it available to its correspondents on their request, and to convene for this purpose a meeting of experts from interested States;
- to consider, if necessary in conjunction with appropriate international organizations, ways of compiling in Europe an inventory of documentary films of a cultural or scientific nature from the participating States;
- to encourage more frequent book exhibitions and to examine the possibility of organizing periodically in Europe a large-scale exhibition of books from the participating States;
- to promote the systematic exchange, between the institutions concerned and publishing houses, of catalogues of available books as well as of pre-publication material which will include, as far as possible, all forthcoming publications; and also to promote the exchange of material between firms publishing encyclopaedias, with a view to improving the presentation of each country;
- to examine jointly questions of expanding and improving exchanges of information in the various fields of culture, such as theatre, music, library work as well as the conservation and restoration of cultural property.

Exchanges and Dissemination

To contribute to the improvement of facilities for exchanges and the dissemination of cultural property, by appropriate means, in particular by:

- studying the possibilities for harmonizing and reducing the charges relating to international commercial exchanges of books and other cultural materials, and also for new means of insuring works of art in foreign exhibitions and for reducing the risks of damage or loss to which these works are exposed by their movement;
- facilitating the formalities of customs clearance, in good time for programmes of artistic events, of the works of art, materials and accessories appearing on lists agreed upon by the organizers of these events;

- encouraging meetings among representatives of competent organizations and relevant firms to examine measures within their field of activity — such as the simplification of orders, time limits for sending supplies and modalities of payment — which might facilitate international commercial exchanges of books;
- promoting the loan and exchange of films among their film institutes and film libraries;
- encouraging the exchange of information among interested parties concerning events of a cultural character foreseen in the participating States, in fields where this is most appropriate, such as music, theatre and the plastic and graphic arts, with a view to contributing to the compilation and publication of a calendar of such events, with the assistance, where necessary, of the appropriate international organizations;
- encouraging a study of the impact which the foreseeable development, and a possible harmonization among interested parties, of the technical means used for the dissemination of culture might have on the development of cultural co-operation and exchanges, while keeping in view the preservation of the diversity and originality, of their respective cultures;
- encouraging, in the way they deem appropriate, within their cultural policies, the further development of interest in the cultural heritage of the other participating States, conscious of the merits and the value of each culture;
- endeavouring to ensure the full and effective application of the international agreements and conventions on copyrights and on circulation of cultural property to which they are party or to which they may decide in the future to become party.

Access

To promote fuller mutual access by all to the achievements — works, experiences and performing arts — in the various fields of culture of their countries, and to that end to make the best possible efforts, in accordance with their competence, more particularly:

- to promote wider dissemination of books and artistic works, in particular by such means as:

facilitating, while taking full account of the international copyright conventions to which they are party, international contacts and communications between authors and publishing houses as well as other cultural institutions, with a view to a more complete mutual access to cultural achievements;

recommending that, in determining the size of editions, publishing houses take into account also the demand from the other participating States, and that rights of sale in other participating States be granted, where possible, to several sales organizations of the importing countries, by agreement between interested partners;

encouraging competent organizations and relevant firms to conclude agreements and contracts and contributing, by this means, to a gradual increase in the number and diversity of works by authors from the other participating States available in the original and in translation in their libraries and bookshops;

promoting, where deemed appropriate, an increase in the number of sales outlets where books by authors from the other participating States, imported in the original on the basis of agreements and contracts, and in translation, are for sale;

promoting, on a wider scale, the translation of works in the sphere of literature and other fields of cultural activity, produced in the languages of the other participating States, especially from the less widely-spoken languages, and the publication and dissemination of the translated works by such measures as:

encouraging more regular contacts between interested publishing houses;

developing their efforts in the basic and advanced training of translators;

encouraging, by appropriate means, the publishing houses of their countries to publish translations;

facilitating the exchange between publishers and interested institutions of lists of books which might be translated;

promoting between their countries the professional activity and co-operation of translators;

carrying out joint studies on ways of further promoting translations and their dissemination;

improving and expanding exchanges of books, bibliographies and catalogue cards between libraries;

- to envisage other appropriate measures which would permit, where necessary by mutual agreement among interested parties, the facilitation of access to their respective cultural achievements, in particular in the field of books;
- to contribute by appropriate means to the wider use of the mass media in order to improve mutual acquaintance with the cultural life of each;
- to seek to develop the necessary conditions for migrant workers and their families to preserve their links with their national culture, and also to adapt themselves to their new cultural environment;
- to encourage the competent bodies and enterprises to make a wider choice and effect wider distribution of full-length and documentary films from the other participating States, and to promote more frequent non-commercial showings, such as premières,

film weeks and festivals, giving due consideration to films from countries whose cinematographic works are less well known;

- to promote, by appropriate means, the extension of opportunities for specialists from the other participating States to work with materials of a cultural character from film and audio-visual archives, within the framework of the existing rules for work on such archival materials;
- to encourage a joint study by interested bodies, where appropriate with the assistance of the competent international organizations, of the expediency and the conditions for the establishment of a repertory of their recorded television programmes of a cultural nature, as well as of the means of viewing them rapidly in order to facilitate their selection and possible acquisition.

Contacts and Co-operation

To contribute, by appropriate means, to the development of contacts and co-operation in the various fields of culture, especially among creative artists and people engaged in cultural activities, in particular by making efforts to:

- promote for persons active in the field of culture, travel and meetings including, where necessary, those carried out on the basis of agreements, contracts or other special arrangements and which are relevant to their cultural co-operation;
- encourage in this way contacts among creative and performing artists and artistic groups with a view to their working together, making known their works in other participating States or exchanging views on topics relevant to their common activity;
- encourage, where necessary through appropriate arrangements, exchanges of trainee and specialists and the granting of scholarships for basic and advanced training in various fields of culture such as the arts and architecture, museums and libraries, literary studies and translation, and contribute to the creation of favourable conditions of reception in their respective institutions;
- encourage the exchange of experience in the training of organizers of cultural activities as well as of teachers and specialists in fields such as theatre, opera, ballet, music and fine arts;
- continue to encourage the organization of international meetings among creative artists, especially young creative artists, on current questions of artistic and literary creation which are of interest for joint study;
- study other possibilities for developing exchanges and co-operation among persons active in the field of culture, with a view to a better mutual knowledge of the cultural life of the participating States.

Fields and Forms of Co-operation

To encourage the search for new fields and forms of cultural co-operation, to these ends contributing to the conclusion among interested parties, where necessary, of appropriate agreements and arrangements, and in this context to promote:

- joint studies regarding cultural policies, in particular in their social aspects, and as they relate to planning, town-planning, educational and environmental policies, and the cultural aspects of tourism;
- the exchange of knowledge in the realm of cultural diversity, with a view to contributing thus to a better understanding by interested parties of such diversity where it occurs;
- the exchange of information, and as may be appropriate, meetings of experts, the elaboration and the execution of research programmes and projects, as well as their joint evaluation, and the dissemination of the results, on the subjects indicated above;
- such forms of cultural co-operation and the development of such joint projects as:

international events in the fields of the plastic and graphic arts, cinema, theatre, ballet, music, folklore, etc.; book fairs and exhibitions, joint performances of operatic and dramatic works, as well as performances given by soloists,

instrumental ensembles, orchestras, choirs and other artistic groups, including those composed of amateurs, paying due attention to the organization of international cultural youth events and the exchange of young artists;

the inclusion of works by writers and composers from the other participating States in the repertoires of soloists and artistic ensembles;

the preparation, translation and publication of articles, studies and monographs, as well as of low-cost books and of artistic and literary collections, suited to making better known respective cultural achievements, envisaging for this purpose meetings among experts and representatives of publishing houses;

the co-production and the exchange of films and of radio and television programmes, by promoting, in particular, meetings among producers, technicians and representatives of the public authorities with a view to working out favourable conditions for the execution of specific joint projects and by encouraging, in the field of co-production, the establishment of international filming teams;

the organization of competitions for architects and town-planners, bearing in mind the possible implementation of the best projects and the formation, where possible, of international teams;

the implementation of joint projects for conserving, restoring and showing to advantage works of art, historical and archaeological monuments and sites of cultural inter-

est, with the help, in appropriate cases, of international organizations of a governmental or non-governmental character as well as of private institutions — competent and active in these fields — envisaging for this purpose:

- periodic meetings of experts of the interested parties to elaborate the necessary proposals, while bearing in mind the need to consider these questions in a wider social and economic context;
- the publication in appropriate periodicals of articles designed to make known and to compare, among the participating States, the most significant achievements and innovations;
- a joint study with a view to the improvement and possible harmonization of the different systems used to inventory and catalogue the historical monuments and places of cultural interest in their countries;
- the study of the possibilities for organizing international courses for the training of specialists in different disciplines relating to restoration.

National minorities or regional cultures. The participating States, recognizing the contribution that national minorities or regional cultures can make to co-operation among them in various fields of culture, intend, when such minorities or cultures exist within their territory, to facilitate this contribution, taking into account the legitimate interests of their members.

4. Co-operation and Exchanges in the Field of Education

The participating States,

Conscious that the development of relations of an international character in the fields of education and science contributes to a better mutual understanding and is to the advantage of all peoples as well as to the benefit of future generations,

Prepared to facilitate, between organizations, institutions and persons engaged in education and science, the further development of exchanges of knowledge and experience as well as of contacts, on the basis of special arrangements where these are necessary,

Desiring to strengthen the links among educational and scientific establishments and also to encourage their co-operation in sectors of common interest, particularly where the levels of knowledge and resources require efforts to be concerted internationally, and

Convinced that progress in these fields should be accompanied and supported by a wider knowledge of foreign languages,

Express to these ends their intention in particular:

(a) Extension of Relations

To expand and improve at the various levels co-operation and links in the fields of education and science, in particular by:

- concluding, where appropriate, bilateral or multilateral agreements providing for co-operation and exchanges among State institutions, non-governmental bodies and persons engaged in activities in education and science, bearing in mind the need both for flexibility and the fuller use of existing agreements and arrangements;
- promoting the conclusion of direct arrangements between universities and other institutions of higher education and research, in the framework of agreements between governments where appropriate;
- encouraging among persons engaged in education and science direct contacts and communications including those based on special agreements or arrangements where these are appropriate.

(b) Access and Exchanges

To improve access, under mutually acceptable conditions, for students, teachers and scholars of the participating States to each other's educational, cultural and scientific institutions, and to intensify exchanges among these institutions in all areas of common interest, in particular by:

- increasing the exchange of information on facilities for study and courses open to foreign participants, as well as on the conditions under which they will be admitted and received;
- facilitating travel between the participating States by scholars, teachers and students for purposes of study, teaching and research as well as for improving knowledge of each other's educational, cultural and scientific achievements;
- encouraging the award of scholarships for study, teaching and research in their countries to scholars, teachers and students of other participating States;
- establishing, developing or encouraging programmes providing for the broader exchange of scholars, teachers and students, including the organization of symposia, seminars and collaborative projects, and the exchanges of educational and scholarly information such as university publications and materials from libraries;
- promoting the efficient implementation of such arrangements and programmes by providing scholars, teachers and students in good time with more detailed information about their placing in universities and institutes and the programmes envisaged for them; by granting them the opportunity to use relevant scholarly, scientific and open archival materials; and by facilitating their travel within the receiving State for the purpose of study or research as well as in the form of vacation tours on the basis of the usual procedures;

- promoting a more exact assessment of the problems of comparison and equivalence of academic degrees and diplomas by fostering the exchange of information on the organization, duration and content of studies, the comparison of methods of assessing levels of knowledge, and academic qualifications, and, where feasible, arriving at the mutual recognition of academic degrees and diplomas either through governmental agreements, where necessary, or direct arrangements between universities and other institutions of higher learning and research;
- recommending, moreover, to the appropriate international organizations that they should intensify their efforts to reach a generally acceptable solution to the problems of comparison and equivalence between academic degrees and diplomas.

(c) Science

Within their competence to broaden and improve co-operation and exchanges in the field of science, in particular:

To increase, on a bilateral or multilateral basis, the exchange and dissemination of scientific information and documentation by such means as:

- making this information more widely available to scientists and research workers of the other participating States through, for instance, participation in international information-sharing programmes or through other appropriate arrangements;
- broadening and facilitating the exchange of samples and other scientific materials used particularly for fundamental research in the fields of natural sciences and medicine;
- inviting scientific institutions and universities to keep each other more fully and regularly informed about their current and contemplated research work in fields of common interest.

To facilitate the extension of communications and direct contacts between universities, scientific institutions and associations as well as among scientists and research workers, including those based where necessary on special agreements or arrangements, by such means as:

- further developing exchanges of scientists and research workers and encouraging the organization of preparatory meetings or working groups on research topics of common interest;
- encouraging the creation of joint teams of scientists to pursue research projects under arrangements made by the scientific institutions of several countries;
- assisting the organization and successful functioning of international conferences and seminars and participation in them by their scientists and research workers;

- furthermore envisaging, in the near future, a “Scientific Forum” in the form of a meeting of leading personalities in science from the participating States to discuss inter-related problems of common interest concerning current and future developments in science, and to promote the expansion of contacts, communications and the exchange of information between scientific institutions and among scientists;
- foreseeing, at an early date, a meeting of experts representing the participating States and their national scientific institutions, in order to prepare such a “Scientific Forum” in consultation with appropriate international organizations, such as UNESCO and the ECE;
- considering in due course what further steps might be taken with respect to the “Scientific Forum”.

To develop in the field of scientific research, on a bilateral or multilateral basis, the co-ordination of programmes carried out in the participating States and the organization of joint programmes, especially in the areas mentioned below, which may involve the combined efforts of scientists and in certain cases the use of costly or unique equipment. The list of subjects in these areas is illustrative; and specific projects would have to be determined subsequently by the potential partners in the participating States, taking account of the contribution which could be made by appropriate international organizations and scientific institutions:

- exact and natural sciences, in particular fundamental research in such fields as mathematics, physics, theoretical physics, geophysics, chemistry, biology, ecology and astronomy;
- medicine, in particular basic research into cancer and cardiovascular diseases, studies on the diseases endemic in the developing countries, as well as medico-social research with special emphasis on occupational diseases, the rehabilitation of the handicapped and the care of mothers, children and the elderly;
- the humanities and social sciences, such as history, geography, philosophy, psychology, pedagogical research, linguistics, sociology, the legal, political and economic sciences; comparative studies on social, socioeconomic and cultural phenomena which are of common interest to the participating States, especially the problems of human environment and urban development; and scientific studies on the methods of conserving and restoring monuments and works of art.

(d) Foreign Languages and Civilizations

To encourage the study of foreign languages and civilizations as an important means of expanding communication among peoples for their better acquaintance with the culture of each country, as well as for the strengthening of international co-operation; to this end to stimulate, within their competence, the further development and improvement of foreign language teaching and the diversification of choice of languages taught

at various levels, paying due attention to less widely-spread or studied languages, and in particular:

- to intensify co-operation aimed at improving the teaching of foreign languages through exchanges of information and experience concerning the development and application of effective modern teaching methods and technical aids, adapted to the needs of different categories of students, including methods of accelerated teaching; and to consider the possibility of conducting, on a bilateral or multilateral basis, studies of new methods of foreign language teaching;
- to encourage co-operation between institutions concerned, on a bilateral or multilateral basis, aimed at exploiting more fully the resources of modern educational technology in language teaching, for example through comparative studies by their specialists and, where agreed, through exchanges or transfers of audio-visual materials, of materials used for preparing textbooks, as well as of information about new types of technical equipment used for teaching languages;
- to promote the exchange of information on the experience acquired in the training of language teachers and to intensify exchanges on a bilateral basis of language teachers and students as well as to facilitate their participation in summer courses in languages and civilizations, wherever these are organized;
- to encourage co-operation among experts in the field of lexicography with the aim of defining the necessary terminological equivalents, particularly in the scientific and technical disciplines, in order to facilitate relations among scientific institutions and specialists;
- to promote the wider spread of foreign language study among the different types of secondary education establishments and greater possibilities of choice between an increased number of European languages; and in this context to consider, wherever appropriate, the possibilities for developing the recruitment and training of teachers as well as the organization of the student groups required;
- to favour, in higher education, a wider choice in the languages offered to language students and greater opportunities for other students to study various foreign languages; also to facilitate, where desirable, the organization of courses in languages and civilizations, on the basis of special arrangements as necessary to be given by foreign lecturers, particularly from European countries having less widely-spread or studied languages;
- to promote, within the framework of adult education, the further development of specialized programmes, adapted to various needs and interests, for teaching foreign languages to their own inhabitants and the languages of host countries to interested adults from other countries; in this context to encourage interested institutions to cooperate, for example, in the elaboration of programmes for teaching by radio and television and by accelerated methods, and also, where desirable, in the definition of

study objectives for such programmes, with a view to arriving at comparable levels of language proficiency;

- to encourage the association, where appropriate, of the teaching of foreign languages with the study of the corresponding civilizations and also to make further efforts to stimulate interest in the study of foreign languages, including relevant out-of-class activities.

(e) Teaching Methods

To promote the exchange of experience, on a bilateral or multilateral basis, in teaching methods at all levels of education, including those used in permanent and adult education, as well as the exchange of teaching materials, in particular by:

- further developing various forms of contacts and co-operation in the different fields of pedagogical science, for example through comparative or joint studies carried out by interested institutions or through exchanges of information on the results of teaching experiments;
- intensifying exchanges of information on teaching methods used in various educational systems and on results of research into the processes by which pupils and students acquire knowledge, taking account of relevant experience in different types of specialized education;
- facilitating exchanges of experience concerning the organization and functioning of education intended for adults and recurrent education, the relationships between these and other forms and levels of education, as well as concerning the means of adapting education, including vocational and technical training, to the needs of economic and social development in their countries;
- encouraging exchanges of experience in the education of youth and adults in international understanding, with particular reference to those major problems of mankind whose solution calls for a common approach and wider international co-operation;
- encouraging exchanges of teaching materials — including school textbooks, having in mind the possibility of promoting mutual knowledge and facilitating the presentation of each country in such books — as well as exchanges of information on technical innovations in the field of education.

National minorities or regional cultures. The participating States, recognizing the contribution that national minorities or regional cultures can make to co-operation among them in various fields of education, intend, when such minorities or cultures exist within their territory, to facilitate this contribution, taking into account the legitimate interests of their members.

Follow-up to the Conference

The participating States,

Having considered and evaluated the progress made at the Conference on Security and Co-operation in Europe,

Considering further that, within the broader context of the world, the Conference is an important part of the process of improving security and developing co-operation in Europe and that its results will contribute significantly to this process,

Intending to implement the provisions of the Final Act of the Conference in order to give full effect to its results and thus to further the process of improving security and developing co-operation in Europe,

Convinced that, in order to achieve the aims sought by the Conference, they should make further unilateral, bilateral and multilateral efforts and continue, in the appropriate forms set forth below, the multilateral process initiated by the Conference,

1. Declare their resolve, in the period following the Conference, to pay due regard to and implement the provisions of the Final Act of the Conference:

(a) unilaterally, in all cases which lend themselves to such action;

(b) bilaterally, by negotiations with other participating States;

(c) multilaterally, by meetings of experts of the participating States, and also within the framework of existing international organizations, such as the United Nations Economic Commission for Europe and UNESCO, with regard to educational, scientific and cultural co-operation;

2. Declare furthermore their resolve to continue the multilateral process initiated by the Conference:

(a) by proceeding to a thorough exchange of views both on the implementation of the provisions of the Final Act and of the tasks defined by the Conference, as well as, in the context of the questions dealt with by the latter, on the deepening of their mutual relations, the improvement of security and the development of co-operation in Europe, and the development of the process of détente in the future;

(b) by organizing to these ends meetings among their representatives, beginning with a meeting at the level of representatives appointed by the Ministers of foreign Affairs. This meeting will define the appropriate modalities for the holding of other meetings which could include further similar meetings and the possibility of a new Conference;

3. The first of the meetings indicated above will be held at Belgrade in 1977. A preparatory meeting to organize this meeting will be held at Belgrade on 15 June 1977. The pre-

paratory meeting will decide on the date, duration, agenda and other modalities of the meeting of representatives appointed by the Ministers of Foreign Affairs;

4. The rules of procedure, the working methods and the scale of distribution for the expenses of the Conference will, *mutatis mutandis*, be applied to the meetings envisaged in paragraphs 1 (c), 2 and 3 above. All the above-mentioned meetings will be held in the participating States in rotation. The services of a technical secretariat will be provided by the host country.

The original of this Final Act, drawn up in English, French, German, Italian, Russian and Spanish, will be transmitted to the Government of the Republic of Finland, which will retain it in its archives. Each of the participating States will receive from the Government of the Republic of Finland a true copy of this Final Act.

The text of this Final Act will be published in each participating State, which will disseminate it and make it known as widely as possible.

The Government of the Republic of Finland is requested to transmit to the Secretary-General of the United Nations the text of this Final Act, which is not eligible for registration under Article 102 of the Charter of the United Nations, with a view to its circulation to all the members of the Organization as an official document of the United Nations.

The Government of the Republic of Finland is also requested to transmit the text of this Final Act to the Director-General of UNESCO and to the Executive Secretary of the United Nations Economic Commission for Europe.

Wherefore, the undersigned High Representatives of the participating States, mindful of the high political significance which they attach to the results of the Conference, and declaring their determination to act in accordance with the provisions contained in the above texts, have subscribed their signatures below

(...)

Concluding Document of the Madrid Meeting (Second Follow-up Meeting to the Helsinki Conference)

Madrid 1983

Questions relating to Security in Europe

The participating States express their determination

- to exert new efforts to make detente an effective, as well as continuing, increasingly viable and comprehensive process, universal in scope, as undertaken under the Final Act;
- to seek solutions to outstanding problems through peaceful means;
- to fulfil consistently all the provisions under the Final Act and, in particular, strictly and unreservedly to respect and put into practice all the ten principles contained in the Declaration on Principles Guiding Relations between Participating States, irrespective of their political, economic or social systems, as well as of their size, geographical location or level of economic development, including their commitment to conduct their relations with all other States in the spirit of these principles;
- to develop relations of mutual co-operation, friendship and confidence, refraining from any action which, being contrary to the Final Act, might impair such relations;
- to encourage genuine efforts to implement the Final Act;
- to exert genuine efforts towards containing an increasing arms build-up as well as towards strengthening confidence and security and promoting disarmament.

Principles

They reaffirm their determination fully to respect and apply these principles and accordingly, to promote by all means, both in law and practice, their increased effectiveness. They consider that one such means could be to give legislative expression -in forms appropriate to practices and procedures specific to each country- to the ten principles set forth in the Final Act.

They recognize it as important that treaties and agreements concluded by participating States reflect and be consonant with the relevant principles and, where appropriate, refer to them.

The participating States reaffirm the need that refraining from the threat or use of force, as a norm of international life, should be strictly and effectively observed. To this end they stress their duty, under the relevant provisions of the Final Act, to act accordingly.

The participating States condemn terrorism, including terrorism in international relations, as endangering or taking innocent human lives or otherwise jeopardizing human rights and fundamental freedoms and emphasize the necessity to take resolute measures to combat it. They express their determination to take effective measures for the prevention and suppression of acts of terrorism, both at the national level and through international co-operation including appropriate bilateral and multilateral agreements, and accordingly to broaden and reinforce mutual co-operation to combat such acts. They agree to do so in conformity with the Charter of the United Nations, the United Nations Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States and the Helsinki Final Act.

In the context of the combat against acts of terrorism, they will take all appropriate measures in preventing their respective territories from being used for the preparation, organization or commission of terrorist activities, including those directed against other participating States and their citizens. This also includes measures to prohibit on their territories illegal activities of persons, groups and organizations that instigate, organize or engage in the perpetration of acts of terrorism.

The participating States confirm that they will refrain from direct or indirect assistance to terrorist activities or to subversive or other activities directed towards the violent overthrow of the regime of another participating State. Accordingly, they will refrain, *inter alia*, from financing, encouraging, fomenting or tolerating any such activities.

They express their determination to do their utmost to assure necessary security to all official representatives and persons who participate on their territories in activities within the scope of diplomatic, consular or other official relations.

They emphasize that all the participating States recognize in the Final Act the universal significance of human rights and fundamental freedoms, respect for which is an essential factor for the peace, justice and well-being necessary to ensure the development of friendly relations and co-operation among themselves, as among all States.

The participating States stress their determination to promote and encourage the effective exercise of human rights and fundamental freedoms, all of which derive from the inherent dignity of the human person and are essential for his free and full, development, and to assure constant and tangible progress in accordance with the Final Act, aiming at further and steady development in this field in all participating States, irrespective of their political, economic and social systems.

They similarly stress their determination to develop their laws and regulations in the field of civil, political, economic, social, cultural and other human rights and fundamental freedoms; they also emphasize their determination to ensure the effective exercise of these rights and freedoms.

They recall the right of the individual to know and act upon his rights and duties in the field of human rights and fundamental freedoms, as embodied in the Final Act, and will take the necessary action in their respective countries to effectively ensure this right.

The participating States reaffirm that they will recognize, respect and furthermore agree to take the action necessary to ensure the freedom of the individual to profess and practise, alone or in community with others, religion or belief acting in accordance with the dictates of his own conscience.

In this context, they will consult, whenever necessary, the religious faiths, institutions and organizations, which act within the constitutional framework of their respective countries.

They will favourably consider applications by religious communities of believers practising or prepared to practise their faith within the constitutional framework of their States, to be granted the status provided for in their respective countries for religious faiths, institutions and organizations.

They stress also the importance of constant progress in ensuring the respect for and actual enjoyment of the rights of persons belonging to national minorities as well as protecting their legitimate interests as provided for in the Final Act.

They stress the importance of ensuring equal rights of men and women; accordingly, they agree to take all actions necessary to promote equally effective participation of men and women in political, economic, social and cultural life.

The participating States will ensure the right of workers freely to establish and join trade unions, the right of trade unions freely to exercise their activities and other rights as laid down in relevant international instruments. They note that these rights will be exercised in compliance with the law of the State and in conformity with the State's obligations under international law. They will encourage, as appropriate, direct contacts and communication among such trade unions and their representatives.

They reaffirm that governments, institutions, organizations and persons have a relevant and positive role to play in contributing toward the achievement of the above-mentioned aims of their co-operation.

They reaffirm the particular significance of the Universal Declaration of Human Rights, the international Covenants on Human Rights and other relevant international instruments of their joint and separate efforts to stimulate and develop universal respect for human rights and fundamental freedoms; they call on all participating States to act

in conformity with those international instruments and on those participating States, which have not yet done so, to consider the possibility of acceding to the covenants.

They agree to give favourable consideration to the use of bilateral round-table meetings, held on a voluntary basis, between delegations composed by each participating State to discuss issues of human rights and fundamental freedoms in accordance with an agreed agenda in a spirit of mutual respect with a view to achieving greater understanding and co-operation based on the provisions of the Final Act.

They decide to convene a meeting of experts of the participating States on questions concerning respect, in their States, for human rights and fundamental freedoms, in all their aspects, as embodied in the Final Act.

(...)

Co-operation in the Field of Economics, of Science and Technology and of the Environment

(...)

In the context of the provisions of the Final Act concerning migrant labour in Europe, the participating States note that recent developments in the world economy have affected the situation of migrant workers. In this connection, the participating States express their wish that host countries and countries of origin, guided by a spirit of mutual interest and co-operation, intensify their contacts with a view to improving further the general situation of migrant workers and their families, *inter alia* the protection of their human rights including their economic, social and cultural rights while taking particularly into account the special problems of second generation migrants. They will also endeavour to provide or promote, where reasonable demand exists, adequate teaching of the language and culture of the countries of origin.

The participating States recommend that, among other measures for facilitating the social and economic reintegration of returning migrant labour, the payment of pensions as acquired or established under the social security system to which such workers have been admitted in the host country should be ensured by appropriate legislative means or reciprocal agreements (...)

Co-operation in Humanitarian and other Fields

The participating States,

Recalling the introductory sections of the Chapter on Co-operation in Humanitarian and other Fields of the Final Act including those concerning the development of mutual understanding between them and detente and those concerning progress in cultural and educational exchanges, broader dissemination of information, contacts between people and the solution of humanitarian problems,

Resolving to pursue and expand co-operation in these fields and to achieve a fuller utilization of the possibilities offered by the Final Act,

Agree now to implement the following:

Human Contacts

The participating States will favourably deal with applications relating to contacts and regular meetings on the basis of family ties, reunification of families and marriage between citizens of different States and will decide upon them in the same spirit.

They will decide upon these applications in emergency cases for family meetings as expeditiously as possible, for family reunification and for marriage between citizens of different States in normal practice within six months and for other family meetings within gradually decreasing time limits.

They confirm that the presentation or renewal of applications in these cases will not modify the rights and obligations of the applicants or of members of their families concerning *inter alia* employment, housing, residence status, family support, access to social, economic or educational benefits, as well as any other rights and obligations flowing from the laws and regulations of the respective participating State.

The participating States will provide the necessary information on the procedures to be followed by the applicants in these cases and on the regulations to be observed, as well as, upon the applicant's request, provide the relevant forms.

They will, where necessary, gradually reduce fees charged in connection with these applications, including those for visas and passports, in order to bring them to a moderate level in relation to the average monthly income in the respective participating State.

Applicants will be informed as expeditiously as possible of the decision that has been reached. In case of refusal applicants will also be informed of their right to renew applications after reasonably short intervals.

The participating States reaffirm their commitment fully to implement the provisions regarding diplomatic and other official missions and consular posts of other participating States contained in relevant multilateral or bilateral conventions, and to facilitate the normal functioning of those missions. Access by visitors to these missions will be assured with due regard to the necessary requirements of security of these missions.

They also reaffirm their willingness to take, within their competence, reasonable steps, including necessary security measures, when appropriate, to ensure satisfactory conditions for activities within the framework of mutual co-operation on their territory, such as sporting and cultural events, in which citizens of other participating States take part.

The participating States will endeavour, where appropriate, to improve the conditions relating to legal, consular and medical assistance for citizens of other participating

States temporarily on their territory for personal or professional reasons, taking due account of relevant multilateral or bilateral conventions or agreements.

They will further implement the relevant provisions of the Final Act, so that religious faiths, institutions, organizations and their representatives can, in the field of their activity, develop contacts and meetings among themselves and exchange information.

The participating States will encourage contacts and exchanges among young people and foster the broadening of co-operation among their youth organizations. They will favour the holding among young people and youth organizations of educational, cultural and other comparable events and activities. They will also favour the study of problems relating to the younger generation. The participating States will further the development of individual or collective youth tourism, when necessary on the basis of arrangements, *inter alia* by encouraging the granting of suitable facilities by the transport authorities and tourist organizations of the participating States or such facilities as those offered by the railway authorities participating in the "Inter-Rail" system.

Information

The participating States will further encourage the freer and wider dissemination of printed matter, periodical and non-periodical, imported from other participating States, as well as an increase in the number of places where these publications are on public sale. These publications will also be accessible in reading rooms in large public libraries and similar institutions.

In particular, to facilitate the improvement of dissemination of printed information, the participating States will encourage contacts and negotiations between their competent firms and organizations with a view to concluding long-term agreements and contracts designed to increase the quantities and number of titles of newspapers and other publications imported from other participating States. They consider it desirable that the retail prices of foreign publications are not excessive in relation to prices in their country of origin.

They confirm their intention, according to the relevant provisions of the Final Act, to further extend the possibilities for the public to take out subscriptions.

They will favour the further expansion of co-operation among mass media and their representatives, especially between the editorial staffs of press agencies, newspapers, radio and television organizations as well as film companies. They will encourage a more regular exchange of news, articles, supplements and broadcasts as well as the exchange of editorial staff for better knowledge of respective practices. On the basis of reciprocity, they will improve the material and technical facilities provided for permanently or temporarily accredited television and radio reporters. Moreover, they will facilitate direct contacts among journalists as well as contacts within the framework of professional organizations.

They will decide without undue delay upon visa applications from journalists and re-examine within a reasonable time frame applications which have been refused. Moreover, journalists wishing to travel for personal reasons and not for the purpose of reporting shall enjoy the same treatment as other visitors from their country of origin.

They will grant permanent correspondents and members of their families living with them multiple entry and exit visas valid for one year.

The participating States will examine the possibility of granting, where necessary on the basis of bilateral arrangements, accreditation and related facilities to journalists from other participating States who are permanently accredited in third countries.

They will facilitate travel by journalists from other participating States within their territories, *inter alia* by taking concrete measures where necessary, to afford them opportunities to travel more extensively, with the exception of areas closed for security reasons. They will inform journalists in advance, whenever possible, if new areas are closed for security reasons.

They will further increase the possibilities and, when necessary, improve the conditions for journalists from other participating States to establish and maintain personal contacts and communication with their sources.

They will, as a rule, authorize radio and television journalists, at their request, to be accompanied by their own sound and film technicians and to use their own equipment.

Similarly, journalists may carry with them reference material, including personal notes and files, to be used strictly for their professional purposes*.

(...)

The participating States will, where necessary, facilitate the establishment and operation, in their capitals, of press centres or institutions performing the same functions, open to the national and foreign press with suitable working facilities for the latter.

They will also consider further ways and means to assist journalists from other participating States and thus to enable them to resolve practical problems they may encounter.

Co-operation and Exchanges in the Field of Culture

They will endeavour, by taking appropriate steps, to make the relevant information concerning possibilities offered by bilateral cultural agreements and programmes available to interested persons, institutions and non-governmental organizations, thus facilitating their effective implementation.

* In this context it is understood that import of printed matter may be subject to local regulations which will be applied with due regard to the journalists' need for adequate working material.

The participating States will further encourage wider dissemination of and access to books, films and other forms and means of cultural expression from other participating States, to this end improving by appropriate means, on bilateral and multilateral bases, the conditions for international commercial and non-commercial exchange of their cultural goods, *inter alia* by gradually lowering customs duties on these items.

The participating States will endeavour to encourage the translation, publication and dissemination of works in the sphere of literature and other fields of cultural activity from other participating States, especially those produced in less widely spoken languages, by facilitating co-operation between publishing houses, in particular through the exchange of lists of books which might be translated as well as of other relevant information.

They will contribute to the development of contacts, co-operation and joint projects among the participating States regarding the protection, preservation and recording of historical heritage and monuments and the relationship between man, environment and this heritage; they express their interest in the possibility of convening an inter-governmental conference on these matters within the framework of UNESCO.

The participating States will encourage their radio and television organizations to continue developing the presentation of the cultural and artistic achievements of other participating States on the basis of bilateral and multilateral arrangements between these organizations, providing *inter alia* for exchanges of information on productions, for the broadcasting of shows and programmes from other participating States, for co-productions, for the invitation of guest conductors and directors, as well as for the provision of mutual assistance to cultural film teams.

(...)

Co-operation and Exchanges in the Field of Education

The participating States will promote the establishment of governmental and non-governmental arrangements and agreements in education and science, to be carried out with the participation of educational or other competent institutions.

The participating States will contribute to the further improvement of exchanges of students, teachers and scholars and their access to each other's educational, cultural and scientific institutions, and also their access to open information material in accordance with the laws and regulations prevailing in each country. In this context, they will facilitate travel by scholars, teachers and students within the receiving State, the establishment by them of contacts with their colleagues, and will also encourage libraries, higher education establishments and similar institutions in their territories to make catalogues and lists of open archival material available to scholars, teachers and students from other participating States.

They will encourage a more regular exchange of information about scientific training programmes, courses and seminars for young scientists and facilitate a wider participa-

tion in these activities of young scientists from different participating States. They will call upon the appropriate national and international organizations and institutions to give support, where appropriate, to the realization of these training activities.

(...)

The participating States will favour widening the possibilities of teaching and studying less widely spread or studied European languages. They will, to this end, stimulate, within their competence, the organization of and attendance at summer university and other courses, the granting of scholarships for translators and the reinforcement of linguistic faculties including, in case of need, the provision of new facilities for studying these languages.

The participating States express their readiness to intensify the exchange, among them and within competent international organizations, of teaching materials, school textbooks, maps, bibliographies and other educational material, in order to promote better mutual knowledge and facilitate a fuller presentation of their respective countries.

Document of the Stockholm Conference on Confidence- and Security-Building Measures and Disarmament in Europe

Stockholm 1986

(...)

Refraining from the threat or use of force

(...)

(18) The participating States stress their commitment to the Final Act and the need for full implementation of all its provisions, which will further the process of improving security and developing co-operation in Europe, thereby contributing to international peace and security in the world as a whole.

(19) They emphasize their commitment to all the principles of the Declaration on Principles Guiding Relations between Participating States and declare their determination to respect and put them into practice irrespective of their political, economic or social systems as well as of their size, geographical location or level of economic development.

(20) All these ten principles are of primary significance and, accordingly, they will be equally and unreservedly applied, each of them being interpreted taking into account the others.

(21) Respect for and the application of these principles will enhance the development of friendly relations and co-operation among the participating States in all fields covered by the provisions of the Final Act.

(22) They reconfirm their commitment to the basic principle of the sovereign equality of States and stress that all States have equal rights and duties within the framework of international law.

(23) They reaffirm the universal significance of human rights and fundamental freedoms. Respect for and the effective exercise of these rights and freedoms are essen-

tial factors for international peace, justice and security, as well as for the development of friendly relations and co-operation among themselves as among all States, as set forth in the Declaration on Principles Guiding Relations between Participating States.

(24) They reaffirm that, in the broader context of world security, security in Europe is closely linked with security in the Mediterranean area as a whole; in this context, they confirm their intention to develop good neighbourly relations with all States in the region, with due regard to reciprocity, and in the spirit of the principles contained in the Declaration on Principles Guiding Relations between Participating States. so as to promote confidence and security and make peace prevail in the region in accordance with the provisions contained in the Mediterranean chapter of the Final Act.

(25) They emphasize the necessity to take resolute measures to prevent and to combat terrorism, including terrorism in international relations. They express their determination to take effective measures, both at the national level and through international co-operation, for the prevention and suppression of all acts of terrorism. They will take all appropriate measures in preventing their respective territories from being used for the preparation, organization or commission of terrorist activities. This also includes measures to prohibit on their territories illegal activities, including subversive activities, of persons, groups and organizations that instigate, organize or engage in the perpetration of acts of terrorism, including those directed against other States and their citizens.

Concluding Document of the Vienna Meeting (Third Follow-up Meeting to the Helsinki Conference)

Vienna 1989

(...)

Questions relating to Security in Europe

The participating States express their determination

- to build on the current positive developments in their relations in order to make detente a viable, comprehensive and genuine process, universal in scope;
- to assume their responsibility fully to implement the commitments contained in the Final Act and other CSCE documents;
- to intensify their efforts to seek solutions to problems burdening their relations and to strengthen safeguards for international peace and security;
- to promote co-operation and dialogue among them, to ensure the effective exercise of human rights and fundamental freedoms and to facilitate contacts and communication between people;
- to exert new efforts to make further progress to strengthen confidence and security and to promote disarmament.

Principles

(1) The participating States reaffirm their commitment to all ten principles of the Final Act's Declaration on Principles Guiding Relations between participating States and their determination to respect them and put them into practice. The participating States reaffirm that all these principles are of primary significance and, accordingly, will be equally and unreservedly applied, each of them being interpreted taking into account the others.

(2) They stress that respect for and full application of these principles as well as strict compliance with all CSCE commitments deriving from them are of great political

importance and essential for building confidence and security as well as for the development of their friendly relations and of their co-operation in all fields.

(3) In this context, they confirm that they will respect each other's right freely to choose and develop their political, social, economic and cultural systems as well as their right to determine their laws, regulations, practices and policies. In exercising these rights, they will ensure that their laws, regulations, practices and policies conform with their obligations under international law and are brought into harmony with the provisions of the Declaration on Principles and other CSCE commitments.

(4) They also confirm that, by virtue of the principle of equal rights and self-determination of peoples and in conformity with the relevant provisions of the Final Act, all peoples always have the right, in full freedom, to determine, when and as they wish, their internal and external political status, without external interference, and to pursue as they wish their political, economic, social and cultural development.

(...)

(8) The participating States unreservedly condemn, as criminal, all acts, methods and practices of terrorism, wherever and by whomever committed, including those which jeopardize friendly relations among States and their security, and agree that terrorism cannot be justified under any circumstances.

(9) They express their determination to work for the eradication of terrorism both bilaterally and through multilateral co-operation, particularly in such international fora as the United Nations, the International Civil Aviation Organization and the International Maritime Organization and in accordance with the relevant provisions of the Final Act and the Madrid Concluding Document.

(10) Convinced of the need to combine measures at a national level with reinforced international co-operation, the participating States express their intention

(10.1) - to pursue a policy of firmness in response to terrorist demands;

(10.2) - to reinforce and develop bilateral and multilateral co-operation among themselves in order to prevent and combat terrorism as well as to increase efficiency in existing co-operation at the bilateral level or in the framework of groups of States including, as appropriate, through the exchange of information;

(10.3.) - to prevent on their territories illegal activities of persons, groups or organizations that instigate, organize or engage in the perpetration of acts of terrorism or subversive or other activities directed towards the violent overthrow of the regime of another participating State;

(10.4) - to take effective measures for the prevention and suppression of acts of terrorism directed at diplomatic or consular representatives and against terrorism involving violations of the Vienna Conventions on Diplomatic and Consular Relations, in particular their provisions relating to diplomatic and consular privileges and immunities;

(10.5) - to ensure the extradition or prosecution of persons implicated in terrorist acts and to co-operate closely in cases of conflict of jurisdiction where several States are concerned, acting in both respects in accordance with the relevant international agreements;

(10.6) - to consider becoming parties, if they have not yet done so, to the relevant international conventions relating to the suppression of acts of terrorism;

(10.7) - to continue to work in the appropriate international bodies in order to improve and extend measures against terrorism and to ensure that the relevant agreements are accepted and acted upon by as many States as possible.

(11) They confirm that they will respect human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief, for all without distinction as to race, sex, language or religion. They also confirm the universal significance of human rights and fundamental freedoms, respect for which is an essential factor for the peace, justice and security necessary to ensure the development of friendly relations and cooperation among themselves, as among all States.

(12) They express their determination to guarantee the effective exercise of human rights and fundamental freedoms, all of which derive from the inherent dignity of the human person and are essential for his free and full development. They recognize that civil, political, economic, social, cultural and other rights and freedoms are all of paramount importance and must be fully realized by all appropriate means.

(13) In this context they will

(13.1) - develop their laws, regulations and policies in the field of civil, political, economic, social, cultural and other human rights and fundamental freedoms and put them into practice in order to guarantee the effective exercise of these rights and freedoms;

(13.2) - consider acceding to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Optional Protocol to the Covenant on Civil and Political Rights and other relevant international instruments, if they have not yet done so;

(13.3) - publish and disseminate the text of the Final Act, of the Madrid Concluding Document and of the present Document as well as those of any relevant international instruments in the field of human rights, in order to ensure the availability of these documents in their entirety, to make them known as widely as possible and to render them accessible to all individuals in their countries, in particular through public library systems;

(13.4) - effectively ensure the right of the individual to know and act upon his rights and duties in this field, and to that end publish and make accessible all laws, regulations and procedures relating to human rights and fundamental freedoms;

(13.5) - respect the right of their citizens to contribute actively, individually or in association with others, to the promotion and protection of human rights and fundamental freedoms;

(13.6) - encourage in schools and other educational institutions consideration of the promotion and protection of human rights and fundamental freedoms;

(13.7) - ensure human rights and fundamental freedoms to everyone within their territory and subject to their jurisdiction, without distinction of any kind such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status;

(13.8) - ensure that no individual exercising, expressing the intention to exercise or seeking to exercise these rights and freedoms or any member of his family, will as a consequence be discriminated against in any manner;

(13.9) - ensure that effective remedies as well as full information about them are available to those who claim that their human rights and fundamental freedoms have been violated; they will, *inter alia*, effectively apply the following remedies:

- the right of the individual to appeal to executive, legislative, judicial or administrative organs;
- the right to a fair and public hearing within a reasonable time before an independent and impartial tribunal, including the right to present legal arguments and to be represented by legal counsel of one's choice;
- the right to be promptly and officially informed of the decision taken on any appeal, including the legal grounds on which this decision was based. This information will be provided as a rule in writing and, in any event, in a way that will enable the individual to make effective use of further available remedies.

(14) The participating States recognize that the promotion of economic, social, cultural rights as well as of civil and political rights is of paramount importance for human dignity and for the attainment of the legitimate aspirations of every individual. They will therefore continue their efforts with a view to achieving progressively the full realization of economic, social and cultural rights by all appropriate means, including in particular by the adoption of legislative measures. In this context they will pay special attention to problems in the areas of employment, housing, social security, health, education and culture.

They will promote constant progress in the realization of all rights and freedoms within their countries, as well as in the development of relations among themselves and with other States, so that everyone actually enjoys to the full his economic, social and cultural rights as well as his civil and political rights.

(15) The participating States confirm their determination to ensure equal rights of men and women. Accordingly, they will take all measures necessary, including legislative

measures, to promote equally effective participation of men and women in political, economic, social and cultural life. They will consider the possibility of acceding to the Convention on the Elimination of All Forms of Discrimination Against Women, if they have not yet done so.

(16) In order to ensure the freedom of the individual to profess and practise religion or belief, the participating States will, *inter alia*,

(16.1) - take effective measures to prevent and eliminate discrimination against individuals or communities on the grounds of religion or belief in the recognition, exercise and enjoyment of human rights and fundamental freedoms in all fields of civil, political, economic, social and cultural life, and to ensure the effective equality between believers and non-believers;

(16.2) - foster a climate of mutual tolerance and respect between believers of different communities as well as between believers and non-believers;

(16.3) - grant upon their request to communities of believers, practising or prepared to practise their faith within the constitutional framework of their States, recognition of the status provided for them in their respective countries;

(16.4) - respect the right of these religious communities to

- establish and maintain freely accessible places of worship or assembly,
- organize themselves according to their own hierarchical and institutional structure,
- select, appoint and replace their personnel in accordance with their respective requirements and standards as well as with any freely accepted arrangement between them and their State,
- solicit and receive voluntary financial and other contributions;

(16.5) - engage in consultations with religious faiths, institutions and organizations in order to achieve a better understanding of the requirements of religious freedom;

(16.6) - respect the right of everyone to give and receive religious education in the language of his choice, whether individually or in association with others;

(16.7) - in this context respect, *inter alia*, the liberty of parents to ensure the religious and moral education of their children in conformity with their own convictions;

(16.8) - allow the training of religious personnel in appropriate institutions;

(16.9) - respect the right of individual believers and communities of believers to acquire, possess, and use sacred books, religious publications in the language of their choice and other articles and materials related to the practice of religion or belief,

(16.10) - allow religious faiths, institutions and organizations to produce, import and disseminate religious publications and materials;

(16.11) - favourably consider the interest of religious communities to participate in public dialogue, including through the mass media.

(17) The participating States recognize that the exercise of the above-mentioned rights relating to the freedom of religion or belief may be subject only to such limitations as are provided by law and consistent with their obligations under international law and with their international commitments. They will ensure in their laws and regulations and in their application the full and effective exercise of the freedom of thought, conscience, religion or belief.

(18) The participating States will exert sustained efforts to implement the provisions of the Final Act and of the Madrid Concluding Document pertaining to national minorities. They will take all the necessary legislative, administrative, judicial and other measures and apply the relevant international instruments by which they may be bound, to ensure the protection of human rights and fundamental freedoms of persons belonging to national minorities within their territory. They will refrain from any discrimination against such persons and will contribute to the realization of their legitimate interests and aspirations in the field of human rights and fundamental freedoms.

(19) They will protect and create conditions for the promotion of the ethnic, cultural, linguistic and religious identity of national minorities on their territory. They will respect the free exercise of rights by persons belonging to such minorities and ensure their full equality with others.

(20) The participating States will respect fully the right of everyone

- to freedom of movement and residence within the borders of each State, and
- to leave any country, including his own, and to return to his country.

(21) The participating States will ensure that the exercise of the above-mentioned rights will not be subject to any restrictions except those which are provided by law and are consistent with their obligations under international law, in particular the International Covenant on Civil and Political Rights, and with their international commitments, in particular the Universal Declaration of Human Rights. These restrictions have the character of exceptions. The participating States will ensure that these restrictions are not abused and are not applied in an arbitrary manner, but in such a way that the effective exercise of these rights is ensured.

(22) In this context they will allow all refugees who so desire to return in safety to their homes.

(23) The participating States will

(23.1) - ensure that no one will be subjected to arbitrary arrest, detention or exile;

(23.2) - ensure that all individuals in detention or incarceration will be treated with humanity and with respect for the inherent dignity of the human person;

(23.3) - observe the United Nations Standard Minimum Rules for the Treatment of Prisoners as well as the United Nations Code of Conduct for Law Enforcement Officials;

(23.4) - prohibit torture and other cruel, inhuman or degrading treatment or punishment and take effective legislative, administrative, judicial and other measures to prevent and punish such practices;

(23.5) - consider acceding to the Convention against Torture and other Cruel, inhuman or Degrading Treatment or Punishment, if they have not yet done so;

(23.6) - protect individuals from any psychiatric or other medical practices that violate human rights and fundamental freedoms and take effective measures to prevent and punish such practices.

(24) With regard to the question of capital punishment, the participating States note that capital punishment has been abolished in a number of them. In participating States where capital punishment has not been abolished, sentence of death may be imposed only for the most serious crimes in accordance with the law in force at the time of the commission of the crime and not contrary to their international commitments. This question will be kept under consideration. In this context, the participating States will co-operate within relevant international organizations.

(25) With the aim of developing mutual understanding and confidence, promoting friendly and good neighbourly relations, strengthening international peace, security and justice and improving the implementation of their CSCE commitments, the participating States will further develop co-operation and promote dialogue between them in all fields and at all levels on the basis of full equality. They agree that full respect for and application of the principles and the fulfilment of the other CSCE provisions will improve their relations and advance the development of their co-operation. They will refrain from any action inconsistent with the provisions of the Final Act and other CSCE documents and recognize that any such action would impair relations between them and hinder the development of co-operation among them.

(26) They confirm that governments, institutions, organizations and persons have a relevant and positive role to play in contributing to the achievement of the aims of their co-operation and to the full realization of the Final Act. To that end they will respect the right of persons to observe and promote the implementation of CSCE provisions and to associate with others for this purpose. They will facilitate direct contacts and communication among these persons, organizations and institutions within and between participating States and remove, where they exist, legal and administrative impediments inconsistent with the CSCE provisions. They will also take effective measures to facilitate access to information on the implementation of CSCE provisions and to facilitate the free expression of views on these matters.

(...)

Co-operation in the Field of Economics, of Science and Technology and of the Environment

(...)

Co-operation in other areas

(40) The participating States emphasize the need for effective implementation of the provisions of the Final Act and the Madrid Concluding Document relating to migrant workers and their families in Europe. They invite host countries and countries of origin to make efforts to improve further the economic, social, cultural and other conditions of life for migrant workers and their families legally residing in the host countries. They recommend that host countries and countries of origin should promote their bilateral co-operation in relevant fields with a view to facilitating the reintegration of migrant workers and their families returning to their country of origin.

(41) The participating States will, in accordance with their relevant commitments undertaken in the Final Act and the Madrid Concluding Document, consider favourably applications for family reunification as well as family contacts and visits involving migrant workers from other participating States legally residing in the host countries.

(42) The participating States will ensure that migrant workers from other participating States, and their families, can freely enjoy and maintain their national culture and have access to the culture of the host country.

(43) Aiming at ensuring effective equality of opportunity between the children of migrant workers and the children of their own nationals regarding access to all forms and levels of education, the participating States affirm their readiness to take measures needed for the better use and improvement of educational opportunities. Furthermore, they will encourage or facilitate, where reasonable demand exists, supplementary teaching in their mother tongue for the children of migrant workers.

(44) The participating States recognize that issues of migrant workers have their human dimension.

(45) The participating States acknowledge that the impact of economic and technological change is being acutely felt in the work place. They underline their readiness to encourage co-operation in the field of vocational training policy through increased exchange of information and experience, with the aim of enhancing the educational standards, professional knowledge, skills and adaptability of personnel involved in industry and commerce.

(46) The participating States recognize the importance of facilitating the integration of young people into professional life. They will therefore continue their efforts to ensure the necessary conditions for the education and vocational training of young people and

to promote youth employment opportunities in various sectors of the economy. They will continue their efforts to create conditions for developing the level of scientific and cultural knowledge of their citizens, especially young people, and for facilitating their access to achievements in the areas of natural and social sciences, as well as culture.

(...)

Co-operation in Humanitarian and other fields

The participating States,

Considering that co-operation in humanitarian and other fields is an essential factor for the development of their relations,

Agreeing that their co-operation in these fields should take place in full respect for the principles guiding relations between participating States as set forth in the Final Act as well as for the provisions in the Madrid Concluding Document and in the present Document pertaining to those principles,

Confirming that, in implementing the provisions concerning co-operation in humanitarian and other fields in the framework of their laws and regulations, they will ensure that those laws and regulations conform with their obligations under international law and are brought into harmony with their CSCE commitments,

Recognizing that the implementation of the relevant provisions of the Final Act and of the Madrid Concluding Document requires continuous and intensified efforts,

Have adopted and will implement the following:

Human Contacts

(1) In implementing the human contacts provisions of the Final Act, the Madrid Concluding Document and the present Document, they will fully respect their obligations under international law as referred to in the subchapter of the present Document devoted to principles, in particular that everyone shall be free to leave any country, including his own, and to return to his country, as well as their international commitments in this field.

(2) They will ensure that their policies concerning entry into their territories are fully consistent with the aims set out in the relevant provisions of the Final Act, the Madrid Concluding Document and the present Document.

(3) They will take the necessary steps to find solutions as expeditiously as possible, but in any case within six months, to all applications based on the human contacts provisions of the Final Act and the Madrid Concluding Document, outstanding at the conclusion of the Vienna Follow-up Meeting.

(4) Thereafter they will conduct regular reviews in order to ensure that all applications based on the human contacts provisions of the Final Act and of the other aforementioned CSCE documents are being dealt with in a manner consistent with those provisions.

(5) They will decide upon applications relating to family meetings in accordance with the Final Act and the other aforementioned CSCE documents in as short a time as possible and in normal practice within one month.

(6) In the same manner they will decide upon applications relating to family reunification or marriage between citizens of different States, in normal practice within three months.

(7) In dealing favourably with applications relating to family meetings, they will take due account of the wishes of the applicant, in particular on the timing and sufficiently long duration of such meetings, and on travelling together with other members of his family for joint family meetings.

(8) In dealing favourably with applications relating to family meetings, they will also allow visits to and from more distant relatives.

(9) In dealing favourably with applications relating to family reunification or marriage between citizens of different States, they will respect the wishes of the applicants on the country of destination ready to accept them.

(10) They will pay particular attention to the solution of problems involving the reunification of minor children with their parents. In this context and on the basis of the relevant provisions of the Final Act and of the other aforementioned CSCE documents, they will ensure

- that an application for this purpose submitted while the child is a minor will be dealt with favourably and expeditiously in order to effect the reunification without delay, and
- that adequate arrangements are made to protect the interests and welfare of the children concerned.

(11) They will consider the scope for gradually reducing and eventually eliminating any requirement which might exist for travellers to obtain local currency in excess of actual expenditure, giving priority to persons travelling for the purpose of family meetings. They will accord such persons the opportunity in practice to bring in or to take out with them personal possessions or gifts.

(12) They will pay immediate attention to applications for travel of an urgent humanitarian nature and deal with them favourably as follows:

- They will decide within three working days upon applications relating to visits to a seriously ill or dying family member, travel to attend the funeral of a family member

or travel by those who have a proven need of urgent medical treatment or who can be shown to be critically or terminally ill.

- They will decide as expeditiously as possible upon applications relating to travel by those who are seriously ill or by the elderly, and other travel of an urgent humanitarian nature.
- They will intensify efforts by their local, regional and central authorities concerned with the implementation of the above, and ensure that charges for giving priority treatment to such applications do not exceed costs actually incurred.

(13) In dealing with applications for travel for family meetings, family reunification or marriage between citizens of different States, they will ensure that acts or omissions by members of the applicant's family do not adversely affect the rights of the applicant as set forth in the relevant international instruments.

(14) They will ensure that all documents necessary for applications based on the human contacts provisions of the Final Act and of the other aforementioned CSCE documents are easily accessible to the applicant. The documents will remain valid throughout the application procedure. In the event of a renewed application the documents already submitted by the applicant in connection with previous applications will be taken into consideration.

(15) They will simplify practices and gradually reduce administrative requirements for applications based on the human contacts provisions of the Final Act and of the other aforementioned CSCE documents.

(16) They will ensure that, when applications based on the human contacts provisions of the Final Act and of the other aforementioned CSCE documents are refused for reasons specified in the relevant international instruments, the applicant is promptly provided in writing with an official notification of the grounds on which the decision was based. As a rule and in all cases where the applicant so requests, he will be given the necessary information about the procedure for making use of any effective administrative or judicial remedies against the decision available to him as envisaged in the above-mentioned international instruments. In cases where exit for permanent settlement abroad is involved, this information will be provided as part of the official notification foreseen above.

(17) If in this context an individual's application for travel abroad has been refused for reasons of national security, they will ensure that, within strictly warranted time limits, any restriction on that individual's travel is as short as possible and is not applied in an arbitrary manner. They will also ensure that the applicant can have the refusal reviewed within six months and, should the need arise, at regular intervals thereafter so that any changes in the circumstances surrounding the refusal, such as time elapsed since the applicant was last engaged in work or duties involving national security, are taken into account. Before individuals take up such work or duties they will be formally notified if and how this could affect applications they might submit for such travel.

(18) Within one year of the conclusion of the Vienna Follow-up Meeting they will publish and make easily accessible, where this has not already been done, their laws and statutory regulations concerning movement by individuals within their territory and travel between States.

(19) In dealing favourably with applications based on the human contacts provisions of the Final Act and of the other aforementioned CSCE documents, they will ensure that these are dealt with in good time in order, *inter alia*, to take due account of important family, personal or professional considerations significant for the applicant.

(20) They will deal favourably with applications for travel abroad without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, age or other status. They will ensure that any refusal does not affect applications submitted by other persons.

(21) They will further facilitate travel on an individual or collective basis for personal or professional reasons and for tourism, such as travel by delegations, groups and individuals. To this end they will reduce the time for the consideration of applications for such travel to a minimum.

(22) They will give serious consideration to proposals for concluding agreements on the issuing of multiple entry visas and the reciprocal easing of visa processing formalities, and consider possibilities for the reciprocal abolition of entry visas on the basis of agreements between them.

(23) They will consider adhering to the relevant multilateral instruments as well as concluding complementary or other bilateral agreements, if necessary, in order to improve arrangements for ensuring effective consular, legal and medical assistance for citizens of other participating States temporarily on their territory.

(24) They will take any necessary measures to ensure that citizens of other participating States temporarily on their territory for personal or professional reasons, *inter alia* for the purpose of participating in cultural, scientific and educational activities, are afforded appropriate personal safety, where this is not already the case.

(25) They will facilitate and encourage the establishment and maintenance of direct personal contacts between their citizens as well as between representatives of their institutions and organizations through travel between States and other means of communication.

(26) They will facilitate such contacts and co-operation among their peoples through such measures as direct sports exchanges on a local and regional level, the unimpeded establishment and implementation of town-twinning arrangements, as well as student and teacher exchanges.

(27) They will encourage the further development of direct contacts between young people, as well as between governmental and non-governmental youth and student

organizations and institutions; the conclusion between such organizations and institutions of bilateral and multilateral arrangements and programmes; and the holding on a bilateral and multilateral basis of educational, cultural and other events and activities by and for young people.

(28) They will make further efforts to facilitate travel and tourism by young people, *inter alia* by recommending to those of their railway authorities which are members of the International Union of Railways (UIC) that they expand the Inter-Rail system to cover all their European networks and by recommending to those of their railway authorities which are not members of the UIC that they consider establishing similar facilities.

(29) In accordance with the Universal Postal Convention and the International Telecommunication Convention, they will

- guarantee the freedom of transit of postal communication;
- ensure the rapid and unhindered delivery of correspondence, including personal mail and parcels;
- respect the privacy and integrity of postal and telephone communications; and
- ensure the conditions necessary for rapid and uninterrupted telephone calls, including the use of international direct dialling systems, where they exist, and their development.

(30) They will encourage direct personal contacts between the citizens of their States, *inter alia* by facilitating individual travel within their countries and by allowing foreigners to meet their citizens as well as, when invited to do so, to stay in private homes.

(31) They will ensure that the status of persons belonging to national minorities or regional cultures on their territories is equal to that of other citizens with regard to human contacts under the Final Act and the other aforementioned CSCE documents and that these persons can establish and maintain such contacts through travel and other means of communication, including contacts with citizens of other States with whom they share a common national origin or cultural heritage.

(32) They will allow believers, religious faiths and their representatives, in groups or on an individual basis, to establish and maintain direct personal contacts and communication with each other, in their own and other countries, *inter alia* through travel, pilgrimages and participation in assemblies and other religious events. In this context and commensurate with such contacts and events, those concerned will be allowed to acquire, receive and carry with them religious publications and objects related to the practice of their religion or belief.

(33) They heard accounts of the Meeting of Experts on Human Contacts held in Bern from 15 April to 26 May 1986. Noting that no conclusions had been agreed upon at the Meeting, they regarded both the frankness of the discussion and the greater degree of openness in the exchanges as welcome developments. In this respect they noted the

particular importance of the fact that proposals made at the Meeting had received further consideration at the Vienna Follow-up Meeting.

Information

(34) They will continue efforts to contribute to an ever wider knowledge and understanding of life in their States, thus promoting confidence between peoples.

They will make further efforts to facilitate the freer and wider dissemination of information of all kinds, to encourage co-operation in the field of information and to improve the working conditions for journalists.

In this connection and in accordance with the International Covenant on Civil and Political Rights, the Universal Declaration of Human Rights and their relevant international commitments concerning seeking, receiving and imparting information of all kinds, they will ensure that individuals can freely choose their sources of information. In this context they will

- ensure that radio services operating in accordance with the ITU Radio Regulations can be directly and normally received in their States; and
- allow individuals, institutions and organizations, while respecting intellectual property rights, including copyright, to obtain, possess, reproduce and distribute information material of all kinds.

To these ends they will remove any restrictions inconsistent with the above-mentioned obligations and commitments.

(35) They will take every opportunity offered by modern means of communication, including cable and satellites, to increase the freer and wider dissemination of information of all kinds. They will also encourage co-operation and exchanges between their relevant institutions, organizations and technical experts, and work towards the harmonization of technical standards and norms. They will bear in mind the effects of these modern means of communication on their mass media.

(36) They will ensure in practice that official information bulletins can be freely distributed on their territory by the diplomatic and other official missions and consular posts of the other participating States.

(37) They will encourage radio and television organizations, on the basis of arrangements between them, to broadcast live, especially in the organizing countries, programmes and discussions with participants from different States and to broadcast statements of and interviews with political and other personalities from the participating States.

(38) They will encourage radio and television organizations to report on different aspects of life in other participating States and to increase the number of telebridges between their countries.

(39) Recalling that the legitimate pursuit of journalists' professional activity will neither render them liable to expulsion nor otherwise penalize them, they will refrain from taking restrictive measures such as withdrawing a journalist's accreditation or expelling him because of the content of the reporting of the journalist or of his information media.

(40) They will ensure that, in pursuing this activity, journalists, including those representing media from other participating States, are free to seek access to and maintain contacts with public and private sources of information and that their need for professional confidentiality is respected.

(41) They will respect the copyright of journalists.

(42) On the basis of arrangements between them, where necessary, and for the purpose of regular reporting, they will grant accreditation, where it is required, and multiple entry visas to journalists from other participating States, regardless of their domicile. On this basis they will reduce to a maximum of two months the period for issuing both accreditation and multiple entry visas to journalists.

(43) They will facilitate the work of foreign journalists by providing relevant information, on request, on matters of practical concern, such as import regulations, taxation and accommodation.

(44) They will ensure that official press conferences and, as appropriate, other similar official press events are also open to foreign journalists, upon accreditation, where this is required.

(45) They will ensure in practice that persons belonging to national minorities or regional cultures on their territories can disseminate, have access to, and exchange information in their mother tongue.

(...)

Co-operation and exchanges in the field of culture

(47) They will promote and give full effect to their cultural co-operation, *inter alia* through the implementation of any relevant bilateral and multilateral agreements concluded among them in the various fields of culture.

(48) They will encourage non-governmental organizations interested in the field of culture to participate, together with State institutions, in the elaboration and implementation of these agreements and specific projects, as well as in the elaboration of practical measures concerning cultural exchange and co-operation.

(49) They will favour the establishment, by mutual agreement, of cultural institutes or centres of other participating States on their territory. Unhindered access by the public to such institutes or centres as well as their normal functioning will be assured.

(50) They will assure unhindered access by the public to cultural events organized on their territory by persons or institutions from other participating States and ensure that the organizers can use all means available in the host country to publicize such events.

(51) They will facilitate and encourage direct personal contacts in the field of culture, on both an individual and a collective basis, as well as contacts between cultural institutions, associations of creative and performing artists and other organizations in order to increase the opportunities for their citizens to acquaint themselves directly with the creative work in and from other participating States.

(52) They will ensure the unimpeded circulation of works of art and other cultural objects, subject only to those restrictions which are aimed at preserving their cultural heritage, are based on respect for intellectual and artistic property rights or derive from their international commitments on the circulation of cultural property.

(53) They will encourage co-operation between and joint artistic endeavours of persons from different participating States who are engaged in cultural activities; as appropriate, facilitate specific initiatives to this end by such persons, institutions and organizations and encourage the participation of young people in such initiatives. In this context they will encourage meetings and symposia, exhibitions, festivals and tours by ensembles or companies, and research and training programmes in which persons from the other participating States may also freely take part and make their contribution.

(54) The replacement of persons or groups invited to participate in a cultural activity will be exceptional and subject to prior agreement by the inviting party.

(55) They will encourage the holding of film weeks including, as appropriate, meetings of artists and experts as well as lectures on cinematographic art; facilitate and encourage direct contacts between film directors and producers with a view to co-producing films; and encourage co-operation in the protection of film material and the exchange of technical information and publications about the cinema.

(56) They will explore the scope for computerizing bibliographies and catalogues of cultural works and productions in a standard form and disseminating them.

(57) They will encourage museums and art galleries to develop direct contacts, *inter alia* with a view to organizing exhibitions, including loans of works of art, and exchanging catalogues.

(58) They will renew their efforts to give effect to the provisions of the Final Act and the Madrid Concluding Document relating to less widely spoken languages. They will also encourage initiatives aimed at increasing the number of translations of literature from and into these languages and improving their quality, in particular by the holding of workshops involving translators, authors and publishers, by the publication of dictionaries and, where appropriate, by the exchange of translators through scholarships.

(59) They will ensure that persons belonging to national minorities or regional cultures on their territories can maintain and develop their own culture in all its aspects, including language, literature and religion; and that they can preserve their cultural and historical monuments and objects.

(...)

(61) Taking duly into account the originality and diversity of their respective cultures, they will encourage efforts to explore common features and to foster greater awareness of their cultural heritage. Accordingly they will encourage initiatives which may contribute to a better knowledge of the cultural heritage of the other participating States in all its forms, including regional aspects and folk art.

(...)

Co-operation and exchanges in the field of education

(63) They will ensure access by all to the various types and levels of education without discrimination as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

(64) In order to encourage wider co-operation in science and education, they will facilitate unimpeded communication between universities and other institutions of higher education and research. They will also facilitate direct personal contacts, including contacts through travel, between scholars, scientists and other persons active in these fields.

(65) They will also ensure unimpeded access by scholars, teachers and students from the other participating States to open information material available in public archives, libraries, research institutes and similar bodies.

(66) They will facilitate exchanges of schoolchildren between their countries on the basis of bilateral arrangements, where necessary, including meeting and staying with families of the host country in their homes, with the aim of acquainting schoolchildren with life, traditions and education in other participating States.

(67) They will encourage their relevant government agencies or educational institutions to include, as appropriate, the Final Act as a whole in the curricula of schools and universities.

(68) They will ensure that persons belonging to national minorities or regional cultures on their territories can give and receive instruction on their own culture, including instruction through parental transmission of language, religion and cultural identity to their children.

(69) They will encourage their radio and television organizations to inform each other of the educational programmes they produce and to consider exchanging such programmes.

(70) They will encourage direct contacts and co-operation between relevant governmental institutions or organizations in the field of education and science.

(71) They will encourage further co-operation and contacts between specialized institutions and experts in the field of education and rehabilitation of handicapped children.

Human Dimension of the CSCE

The participating States,

Recalling the undertakings entered into in the Final Act and in other CSCE documents concerning respect for all human rights and fundamental freedoms, human contacts and other issues of a related humanitarian character,

Recognizing the need to improve the implementation of their CSCE commitments and their co-operation in these areas which are hereafter referred to as the human dimension of the CSCE,

Have, on the basis of the principles and provisions of the Final Act and of other relevant CSCE documents, decided:

1. to exchange information and respond to requests for information and to representations made to them by other participating States on questions relating to the human dimension of the CSCE. Such communications may be forwarded through diplomatic channels or be addressed to any agency designated for these purposes;
2. to hold bilateral meetings with other participating States that so request, in order to examine questions relating to the human dimension of the CSCE, including situations and specific cases, with a view to resolving them. The date and place of such meetings will be arranged by mutual agreement through diplomatic channels;
3. that any participating State which deems it necessary may bring situations and cases in the human dimension of the CSCE, including those which have been raised at the bilateral meetings described in paragraph 2, to the attention of other participating States through diplomatic channels;
4. that any participating State which deems it necessary may provide information on the exchanges of information and the responses to its requests for information and to representations (paragraph 1) and on the results of the bilateral meetings (paragraph 2), including information concerning situations and specific cases, at the meetings of the Conference on the Human Dimension as well as at the main CSCE Follow-up Meeting.

(...)

Report on the Meeting on the Protection of the Environment

Sofia 1989 (adopted Vienna 1990)

(...)

The participating States reaffirm their respect for the right of individuals, groups and organizations concerned with environmental issues to express freely their views, to associate with others, to peacefully assemble, as well as to obtain, publish and distribute information on these issues, without legal and administrative impediments inconsistent with the CSCE provisions. These individuals, groups and organizations have the right to participate in public debates on environmental issues, as well as to establish and maintain direct and independent contacts at national and international level.

Document of the Bonn Conference on Economic Co-operation in Europe

Bonn 1990

(...) the participating States,

Recognizing the relationship between political pluralism and market economies, and being committed to the principles concerning:

- Multiparty democracy based on free, periodic and genuine elections;
- The rule of law and equal protection under the law for all, based on respect for human rights and effective, accessible and just legal systems;
- Economic activity that accordingly upholds human dignity and is free from forced labour, discrimination against workers on grounds of race, sex, language, political opinion or religion, or denial of the rights of workers freely to establish or join independent trade unions,

Will endeavour to achieve or maintain the following:

(...)

- Policies that promote social justice and improve living and working conditions;

(...)

- Full recognition and protection of all types of property including private property, and the right of citizens to own and use them, as well as intellectual property rights;
- The right to prompt, just and effective compensation in the event private property is taken for public use;

Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE

Copenhagen 1990

(...)

The participating States welcome with great satisfaction the fundamental political changes that have occurred in Europe since the first Meeting of the Conference on the Human Dimension of the CSCE in Paris in 1989. They note that the CSCE process has contributed significantly to bringing about these changes and that these developments in turn have greatly advanced the implementation of the provisions of the Final Act and other CSCE documents.

They 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. They therefore welcome the commitment expressed by all participating States to the ideals of democracy and political pluralism as well as their common determination to build democratic societies based on free elections and the rule of law.

At the Copenhagen Meeting the participating States held a review of the implementation of their commitments in the field of the human dimension. They considered that the degree of compliance with the commitments contained in the relevant provisions of the CSCE documents had shown a fundamental improvement since the Paris Meeting. They also expressed the view, however, that further steps are required for the full realization of their commitments relating to the human dimension.

The participating States express their conviction that full respect for human rights and fundamental freedoms and the development of societies based on pluralistic democracy and the rule of law are prerequisites for progress in setting up the lasting order of peace, security, justice and co-operation that they seek to establish in Europe. They therefore reaffirm their commitment to implement fully all provisions of the Final Act and of the other CSCE documents relating to the human dimension and undertake to build on the progress they have made.

They recognize that co-operation among themselves, as well as the active involvement of persons, groups, organizations and institutions, will be essential to ensure continuing progress towards their shared objectives.

In order to strengthen respect for, and enjoyment of, human rights and fundamental freedoms, to develop human contacts and to resolve issues of a related humanitarian character, the participating States agree on the following:

I

(1) The participating States express their conviction that the protection and promotion of human rights and fundamental freedoms is one of the basic purposes of government, and reaffirm that the recognition of these rights and freedoms constitutes the foundation of freedom, justice and peace.

(2) They are determined to support and advance those principles of justice which form the basis of the rule of law. They consider that the rule of law does not mean merely a formal legality which assures regularity and consistency in the achievement and enforcement of democratic order, but justice based on the recognition and full acceptance of the supreme value of the human personality and guaranteed by institutions providing a framework for its fullest expression.

(3) They reaffirm that democracy is an inherent element of the rule of law. They recognize the importance of pluralism with regard to political organizations.

(4) They confirm that they will respect each other's right freely to choose and develop, in accordance with international human rights standards, their political, social, economic and cultural systems. In exercising this right, they will ensure that their laws, regulations, practices and policies conform with their obligations under international law and are brought into harmony with the provisions of the Declaration on Principles and other CSCE commitments.

(5) They solemnly declare that among those elements of justice which are essential to the full expression of the inherent dignity and of the equal and inalienable rights of all human beings are the following:

(5.1) - free elections that will be held at reasonable intervals by secret ballot or by equivalent free voting procedure, under conditions which ensure in practice the free expression of the opinion of the electors in the choice of their representatives;

(5.2) - a form of government that is representative in character, in which the executive is accountable to the elected legislature or the electorate;

(5.3) - the duty of the government and public authorities to comply with the constitution and to act in a manner consistent with law;

(5.4) - a clear separation between the State and political parties; in particular, political parties will not be merged with the State;

- (5.5) - the activity of the government and the administration as well as that of the judiciary will be exercised in accordance with the system established by law. Respect for that system must be ensured;
- (5.6) - military forces and the police will be under the control of, and accountable to, the civil authorities;
- (5.7) - human rights and fundamental freedoms will be guaranteed by law and in accordance with their obligations under international law;
- (5.8) - legislation, adopted at the end of a public procedure, and regulations will be published, that being the condition for their applicability. Those texts will be accessible to everyone;
- (5.9) - all persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law will prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground;
- (5.10) - everyone will have an effective means of redress against administrative decisions, so as to guarantee respect for fundamental rights and ensure legal integrity;
- (5.11) - administrative decisions against a person must be fully justifiable and must as a rule indicate the usual remedies available;
- (5.12) - the independence of judges and the impartial operation of the public judicial service will be ensured;
- (5.13) - the independence of legal practitioners will be recognized and protected, in particular as regards conditions for recruitment and practice;
- (5.14) - the rules relating to criminal procedure will contain a clear definition of powers in relation to prosecution and the measures preceding and accompanying prosecution;
- (5.15) - any person arrested or detained on a criminal charge will have the right, so that the lawfulness of his arrest or detention can be decided, to be brought promptly before a judge or other officer authorized by law to exercise this function;
- (5.16) - in the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone will be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law;
- (5.17) - any person prosecuted will have the right to defend himself in person or through prompt legal assistance of his own choosing or, if he does not have sufficient means to pay for legal assistance, to be given it free when the interests of justice so require;

(5.18) - no one will be charged with, tried for or convicted of any criminal offence unless the offence is provided for by a law which defines the elements of the offence with clarity and precision;

(5.19) - everyone will be presumed innocent until proved guilty according to law;

(5.20) - considering the important contribution of international instruments in the field of human rights to the rule of law at a national level, the participating States reaffirm that they will consider acceding to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and other relevant international instruments, if they have not yet done so;

(5.21) - in order to supplement domestic remedies and better to ensure that the participating States respect the international obligations they have undertaken, the participating States will consider acceding to a regional or global international convention concerning the protection of human rights, such as the European Convention on Human Rights or the Optional Protocol to the International Covenant on Civil and Political Rights, which provide for procedures of individual recourse to international bodies.

(6) The participating States declare that the will of the people, freely and fairly expressed through periodic and genuine elections, is the basis of the authority and legitimacy of all government. The participating States will accordingly respect the right of their citizens to take part in the governing of their country, either directly or through representatives freely chosen by them through fair electoral processes. They recognize their responsibility to defend and protect, in accordance with their laws, their international human rights obligations and their international commitments, the democratic order freely established through the will of the people against the activities of persons, groups or organizations that engage in or refuse to renounce terrorism or violence aimed at the overthrow of that order or of that of another participating State.

(7) To ensure that the will of the people serves as the basis of the authority of government, the participating States will

(7.1) - hold free elections at reasonable intervals, as established by law;

(7.2) - permit all seats in at least one chamber of the national legislature to be freely contested in a popular vote;

(7.3) - guarantee universal and equal suffrage to adult citizens;

(7.4) - ensure that votes are cast by secret ballot or by equivalent free voting procedure, and that they are counted and reported honestly with the official results made public;

(7.5) - respect the right of citizens to seek political or public office, individually or as representatives of political parties or organizations, without discrimination;

(7.6) - respect the right of individuals and groups to establish, in full freedom, their own political parties or other political organizations and provide such political parties and organizations with the necessary legal guarantees to enable them to compete with each other on a basis of equal treatment before the law and by the authorities;

(7.7) - ensure that law and public policy work to permit political campaigning to be conducted in a fair and free atmosphere in which neither administrative action, violence nor intimidation bars the parties and the candidates from freely presenting their views and qualifications, or prevents the voters from learning and discussing them or from casting their vote free of fear of retribution;

(7.8) - provide that no legal or administrative obstacle stands in the way of unimpeded access to the media on a non-discriminatory basis for all political groupings and individuals wishing to participate in the electoral process;

(7.9) - ensure that candidates who obtain the necessary number of votes required by law are duly installed in office and are permitted to remain in office until their term expires or is otherwise brought to an end in a manner that is regulated by law in conformity with democratic parliamentary and constitutional procedures.

(8) The participating States consider that the presence of observers, both foreign and domestic, can enhance the electoral process for States in which elections are taking place. They therefore invite observers from any other CSCE participating States and any appropriate private institutions and organizations who may wish to do so to observe the course of their national election proceedings, to the extent permitted by law. They will also endeavour to facilitate similar access for election proceedings held below the national level. Such observers will undertake not to interfere in the electoral proceedings.

II

(9) The participating States reaffirm that

(9.1) - everyone will have the right to freedom of expression including the right to communication. This right will include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. The exercise of this right may be subject only to such restrictions as are prescribed by law and are consistent with international standards. In particular, no limitation will be imposed on access to, and use of, means of reproducing documents of any kind, while respecting, however, rights relating to intellectual property, including copyright;

(9.2) - everyone will have the right of peaceful assembly and demonstration. Any restrictions which may be placed on the exercise of these rights will be prescribed by law and consistent with international standards;

(9.3) - the right of association will be guaranteed. The right to form and — subject to the general right of a trade union to determine its own membership — freely to join a trade

union will be guaranteed. These rights will exclude any prior control. Freedom of association for workers, including the freedom to strike, will be guaranteed, subject to limitations prescribed by law and consistent with international standards;

(9.4) - everyone will have the right to freedom of thought, conscience and religion. This right includes freedom to change one's religion or belief and freedom to manifest one's religion or belief, either alone or in community with others, in public or in private, through worship, teaching, practice and observance. The exercise of these rights may be subject only to such restrictions as are prescribed by law and are consistent with international standards;

(9.5) - they will respect the right of everyone to leave any country, including his own, and to return to his country, consistent with a State's international obligations and CSCE commitments. Restrictions on this right will have the character of very rare exceptions, will be considered necessary only if they respond to a specific public need, pursue a legitimate aim and are proportionate to that aim, and will not be abused or applied in an arbitrary manner;

(9.6) - everyone has the right peacefully to enjoy his property either on his own or in common with others. No one may be deprived of his property except in the public interest and subject to the conditions provided for by law and consistent with international commitments and obligations.

(10) In reaffirming their commitment to ensure effectively the rights of the individual to know and act upon human rights and fundamental freedoms, and to contribute actively, individually or in association with others, to their promotion and protection, the participating States express their commitment to

(10.1) - respect the right of everyone, individually or in association with others, to seek, receive and impart freely views and information on human rights and fundamental freedoms, including the rights to disseminate and publish such views and information;

(10.2) - respect the rights of everyone, individually or in association with others, to study and discuss the observance of human rights and fundamental freedoms and to develop and discuss ideas for improved protection of human rights and better means for ensuring compliance with international human rights standards;

(10.3) - ensure that individuals are permitted to exercise the right to association, including the right to form, join and participate effectively in non-governmental organizations which seek the promotion and protection of human rights and fundamental freedoms, including trade unions and human rights monitoring groups;

(10.4) - allow members of such groups and organizations to have unhindered access to and communication with similar bodies within and outside their countries and with international organizations, to engage in exchanges, contacts and co-operation with such groups and organizations and to solicit, receive and utilize for the purpose of pro-

moting and protecting human rights and fundamental freedoms voluntary financial contributions from national and international sources as provided for by law.

(11) The participating States further affirm that, where violations of human rights and fundamental freedoms are alleged to have occurred, the effective remedies available include

(11.1) - the right of the individual to seek and receive adequate legal assistance;

(11.2) - the right of the individual to seek and receive assistance from others in defending human rights and fundamental freedoms, and to assist others in defending human rights and fundamental freedoms;

(11.3) - the right of individuals or groups acting on their behalf to communicate with international bodies with competence to receive and consider information concerning allegations of human rights abuses.

(12) The participating States, wishing to ensure greater transparency in the implementation of the commitments undertaken in the Vienna Concluding Document under the heading of the human dimension of the CSCE, decide to accept as a confidence-building measure the presence of observers sent by participating States and representatives of non-governmental organizations and other interested persons at proceedings before courts as provided for in national legislation and international law; it is understood that proceedings may only be held in camera in the circumstances prescribed by law and consistent with obligations under international law and international commitments.

(13) The participating States decide to accord particular attention to the recognition of the rights of the child, his civil rights and his individual freedoms, his economic, social and cultural rights, and his right to special protection against all forms of violence and exploitation. They will consider acceding to the Convention on the Rights of the Child, if they have not yet done so, which was opened for signature by States on 26 January 1990. They will recognize in their domestic legislation the rights of the child as affirmed in the international agreements to which they are Parties.

(14) The participating States agree to encourage the creation, within their countries, of conditions for the training of students and trainees from other participating States, including persons taking vocational and technical courses. They also agree to promote travel by young people from their countries for the purpose of obtaining education in other participating States and to that end to encourage the conclusion, where appropriate, of bilateral and multilateral agreements between their relevant governmental institutions, organizations and educational establishments.

(15) The participating States will act in such a way as to facilitate the transfer of sentenced persons and encourage those participating States which are not Parties to the Convention on the Transfer of Sentenced Persons, signed at Strasbourg on 21 November 1983, to consider acceding to the Convention.

(16) The participating States

(16.1) - reaffirm their commitment to prohibit torture and other cruel, inhuman or degrading treatment or punishment, to take effective legislative, administrative, judicial and other measures to prevent and punish such practices, to protect individuals from any psychiatric or other medical practices that violate human rights and fundamental freedoms and to take effective measures to prevent and punish such practices;

(16.2) - intend, as a matter of urgency, to consider acceding to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, if they have not yet done so, and recognizing the competences of the Committee against Torture under articles 21 and 22 of the Convention and withdrawing reservations regarding the competence of the Committee under article 20;

(16.3) - stress that no exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture;

(16.4) - will ensure that education and information regarding the prohibition against torture are fully included in the training of law enforcement personnel, civil or military, medical personnel, public officials and other persons who may be involved in the custody, interrogation or treatment of any individual subjected to any form of arrest, detention or imprisonment;

(16.5) - will keep under systematic review interrogation rules, instructions, methods and practices as well as arrangements for the custody and treatment of persons subjected to any form of arrest, detention or imprisonment in any territory under their jurisdiction, with a view to preventing any cases of torture;

(16.6) - will take up with priority for consideration and for appropriate action, in accordance with the agreed measures and procedures for the effective implementation of the commitments relating to the human dimension of the CSCE, any cases of torture and other inhuman or degrading treatment or punishment made known to them through official channels or coming from any other reliable source of information;

(16.7) - will act upon the understanding that preserving and guaranteeing the life and security of any individual subjected to any form of torture and other inhuman or degrading treatment or punishment will be the sole criterion in determining the urgency and priorities to be accorded in taking appropriate remedial action; and, therefore, the consideration of any cases of torture and other inhuman or degrading treatment or punishment within the framework of any other international body or mechanism may not be invoked as a reason for refraining from consideration and appropriate action in accordance with the agreed measures and procedures for the effective implementation of the commitments relating to the human dimension of the CSCE.

(17) The participating States

(17.1) - recall the commitment undertaken in the Vienna Concluding Document to keep the question of capital punishment under consideration and to co-operate within relevant international organizations;

(17.2) - recall, in this context, the adoption by the General Assembly of the United Nations, on 15 December 1989, of the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty;

(17.3) - note the restrictions and safeguards regarding the use of the death penalty which have been adopted by the international community, in particular article 6 of the International Covenant on Civil and Political Rights;

(17.4) - note the provisions of the Sixth Protocol to the European Convention for the Protection of Human Rights and Fundamental Freedoms, concerning the abolition of the death penalty;

(17.5) - note recent measures taken by a number of participating States towards the abolition of capital punishment;

(17.6) - note the activities of several non-governmental organizations on the question of the death penalty;

(17.7) - will exchange information within the framework of the Conference on the Human Dimension on the question of the abolition of the death penalty and keep that question under consideration;

(17.8) - will make available to the public information regarding the use of the death penalty.

(18) The participating States

(18.1) - note that the United Nations Commission on Human Rights has recognized the right of everyone to have conscientious objections to military service;

(18.2) - note recent measures taken by a number of participating States to permit exemption from compulsory military service on the basis of conscientious objections;

(18.3) - note the activities of several non-governmental organizations on the question of conscientious objections to compulsory military service;

(18.4) - agree to consider introducing, where this has not yet been done, various forms of alternative service, which are compatible with the reasons for conscientious objection, such forms of alternative service being in principle of a non-combatant or civilian nature, in the public interest and of a non-punitive nature;

(18.5) - will make available to the public information on this issue;

(18.6) - will keep under consideration, within the framework of the Conference on the Human Dimension, the relevant questions related to the exemption from compulsory

military service, where it exists, of individuals on the basis of conscientious objections to armed service, and will exchange information on these questions.

(19) The participating States affirm that freer movement and contacts among their citizens are important in the context of the protection and promotion of human rights and fundamental freedoms. They will ensure that their policies concerning entry into their territories are fully consistent with the aims set out in the relevant provisions of the Final Act, the Madrid Concluding Document and the Vienna Concluding Document. While reaffirming their determination not to recede from the commitments contained in CSCE documents, they undertake to implement fully and improve present commitments in the field of human contacts, including on a bilateral and multilateral basis. In this context they will

(19.1) - strive to implement the procedures for entry into their territories, including the issuing of visas and passport and customs control, in good faith and without unjustified delay. Where necessary, they will shorten the waiting time for visa decisions, as well as simplify practices and reduce administrative requirements for visa applications;

(19.2) - ensure, in dealing with visa applications, that these are processed as expeditiously as possible in order, *inter alia*, to take due account of important family, personal or professional considerations, especially in cases of an urgent, humanitarian nature;

(19.3) - endeavour, where necessary, to reduce fees charged in connection with visa applications to the lowest possible level.

(20) The participating States concerned will consult and, where appropriate, cooperate in dealing with problems that might emerge as a result of the increased movement of persons.

(...)

(22) The participating States reaffirm that the protection and promotion of the rights of migrant workers have their human dimension. In this context, they

(22.1) - agree that the protection and promotion of the rights of migrant workers are the concern of all participating States and that as such they should be addressed within the CSCE process;

(22.2) - reaffirm their commitment to implement fully in their domestic legislation the rights of migrant workers provided for in international agreements to which they are parties;

(22.3) - consider that, in future international instruments concerning the rights of migrant workers, they should take into account the fact that this issue is of importance for all of them;

(22.4) - express their readiness to examine, at future CSCE meetings, the relevant aspects of the further promotion of the rights of migrant workers and their families.

(23) The participating States reaffirm their conviction expressed in the Vienna Concluding Document that the promotion of economic, social and cultural rights as well as of civil and political rights is of paramount importance for human dignity and for the attainment of the legitimate aspirations of every individual. They also reaffirm their commitment taken in the Document of the Bonn Conference on Economic Co-operation in Europe to the promotion of social justice and the improvement of living and working conditions. In the context of continuing their efforts with a view to achieving progressively the full realization of economic, social and cultural rights by all appropriate means, they will pay special attention to problems in the areas of employment, housing, social security, health, education and culture.

(24) The participating States will ensure that the exercise of all the human rights and fundamental freedoms set out above will not be subject to any restrictions except those which are provided by law and are consistent with their obligations under international law, in particular the International Covenant on Civil and Political Rights, and with their international commitments, in particular the Universal Declaration of Human Rights. These restrictions have the character of exceptions. The participating States will ensure that these restrictions are not abused and are not applied in an arbitrary manner, but in such a way that the effective exercise of these rights is ensured. Any restriction on rights and freedoms must, in a democratic society, relate to one of the objectives of the applicable law and be strictly proportionate to the aim of that law.

(25) The participating States confirm that any derogations from obligations relating to human rights and fundamental freedoms during a state of public emergency must remain strictly within the limits provided for by international law, in particular the relevant international instruments by which they are bound, especially with respect to rights from which there can be no derogation. They also reaffirm that

(25.1) - measures derogating from such obligations must be taken in strict conformity with the procedural requirements laid down in those instruments;

(25.2) - the imposition of a state of public emergency must be proclaimed officially, publicly, and in accordance with the provisions laid down by law;

(25.3) - measures derogating from obligations will be limited to the extent strictly required by the exigencies of the situation;

(25.4) - such measures will not discriminate solely on the grounds of race, colour, sex, language, religion, social origin or of belonging to a minority.

III

(26) The participating States recognize that vigorous democracy depends on the existence as an integral part of national life of democratic values and practices as well as an extensive range of democratic institutions. They will therefore encourage, facilitate and, where appropriate, support practical co-operative endeavours and the sharing of infor-

mation, ideas and expertise among themselves and by direct contacts and co-operation between individuals, groups and organizations in areas including the following:

- constitutional law, reform and development,
- electoral legislation, administration and observation,
- establishment and management of courts and legal systems,
- the development of an impartial and effective public service where recruitment and advancement are based on a merit system,
- law enforcement,
- local government and decentralization,
- access to information and protection of privacy,
- developing political parties and their role in pluralistic societies,
- free and independent trade unions,
- co-operative movements,
- developing other forms of free associations and public interest
- groups,
- journalism, independent media, and intellectual and cultural life,
- the teaching of democratic values, institutions and practices in educational institutions and the fostering of an atmosphere of free enquiry.

Such endeavours may cover the range of co-operation encompassed in the human dimension of the CSCE, including training, exchange of information, books and instructional materials, co-operative programmes and projects, academic and professional exchanges and conferences, scholarships, research grants, provision of expertise and advice, business and scientific contacts and programmes.

(27) The participating States will also facilitate the establishment and strengthening of independent national institutions in the area of human rights and the rule of law, which may also serve as focal points for co-ordination and collaboration between such institutions in the participating States. They propose that co-operation be encouraged between parliamentarians from participating States, including through existing inter-parliamentary associations and, *inter alia*, through joint commissions, television debates involving parliamentarians, meetings and round-table discussions. They will also encourage existing institutions, such as organizations within the United Nations system and the Council of Europe, to continue and expand the work they have begun in this area.

(28) The participating States recognize the important expertise of the Council of Europe in the field of human rights and fundamental freedoms and agree to consider further ways and means to enable the Council of Europe to make a contribution to the human dimension of the CSCE. They agree that the nature of this contribution could be examined further in a future CSCE forum.

(...)

IV

(30) The participating States recognize that the questions relating to national minorities can only be satisfactorily resolved in a democratic political framework based on the rule of law, with a functioning independent judiciary. This framework guarantees full respect for human rights and fundamental freedoms, equal rights and status for all citizens, the free expression of all their legitimate interests and aspirations, political pluralism, social tolerance and the implementation of legal rules that place effective restraints on the abuse of governmental power.

They also recognize the important role of non-governmental organizations, including political parties, trade unions, human rights organizations and religious groups, in the promotion of tolerance, cultural diversity and the resolution of questions relating to national minorities.

They further reaffirm that respect for the rights of persons belonging to national minorities as part of universally recognized human rights is an essential factor for peace, justice, stability and democracy in the participating States.

(31) Persons belonging to national minorities have the right to exercise fully and effectively their human rights and fundamental freedoms without any discrimination and in full equality before the law.

The participating States will adopt, where necessary, special measures for the purpose of ensuring to persons belonging to national minorities full equality with the other citizens in the exercise and enjoyment of human rights and fundamental freedoms.

(32) To belong to a national minority is a matter of a person's individual choice and no disadvantage may arise from the exercise of such choice.

Persons belonging to national minorities have the right freely to express, preserve and develop their ethnic, cultural, linguistic or religious identity and to maintain and develop their culture in all its aspects, free of any attempts at assimilation against their will. In particular, they have the right

(32.1) - to use freely their mother tongue in private as well as in public;

(32.2) - to establish and maintain their own educational, cultural and religious institutions, organizations or associations, which can seek voluntary financial and other contributions as well as public assistance, in conformity with national legislation;

(32.3) - to profess and practise their religion, including the acquisition, possession and use of religious materials, and to conduct religious educational activities in their mother tongue;

(32.4) - to establish and maintain unimpeded contacts among themselves within their country as well as contacts across frontiers with citizens of other States with whom they share a common ethnic or national origin, cultural heritage or religious beliefs;

(32.5) - to disseminate, have access to and exchange information in their mother tongue;

(32.6) - to establish and maintain organizations or associations within their country and to participate in international non-governmental organizations.

Persons belonging to national minorities can exercise and enjoy their rights individually as well as in community with other members of their group. No disadvantage may arise for a person belonging to a national minority on account of the exercise or non-exercise of any such rights.

(33) The participating States will protect the ethnic, cultural, linguistic and religious identity of national minorities on their territory and create conditions for the promotion of that identity. They will take the necessary measures to that effect after due consultations, including contacts with organizations or associations of such minorities, in accordance with the decision-making procedures of each State.

Any such measures will be in conformity with the principles of equality and non-discrimination with respect to the other citizens of the participating State concerned.

(34) The participating States will endeavour to ensure that persons belonging to national minorities, notwithstanding the need to learn the official language or languages of the State concerned, have adequate opportunities for instruction of their mother tongue or in their mother tongue, as well as, wherever possible and necessary, for its use before public authorities, in conformity with applicable national legislation.

In the context of the teaching of history and culture in educational establishments, they will also take account of the history and culture of national minorities.

(35) The participating States will respect the right of persons belonging to national minorities to effective participation in public affairs, including participation in the affairs relating to the protection and promotion of the identity of such minorities.

The participating States note the efforts undertaken to protect and create conditions for the promotion of the ethnic, cultural, linguistic and religious identity of certain national minorities by establishing, as one of the possible means to achieve these aims, appropriate local or autonomous administrations corresponding to the specific historical and territorial circumstances of such minorities and in accordance with the policies of the State concerned.

(36) The participating States recognize the particular importance of increasing constructive co-operation among themselves on questions relating to national minorities. Such co-operation seeks to promote mutual understanding and confidence, friendly and good-neighbourly relations, international peace, security and justice.

Every participating State will promote a climate of mutual respect, understanding, co-operation and solidarity among all persons living on its territory, without distinction as to ethnic or national origin or religion, and will encourage the solution of problems through dialogue based on the principles of the rule of law.

(37) None of these commitments may be interpreted as implying any right to engage in any activity or perform any action in contravention of the purposes and principles of the Charter of the United Nations, other obligations under international law or the provisions of the Final Act, including the principle of territorial integrity of States.

(38) The participating States, in their efforts to protect and promote the rights of persons belonging to national minorities, will fully respect their undertakings under existing human rights conventions and other relevant international instruments and consider adhering to the relevant conventions, if they have not yet done so, including those providing for a right of complaint by individuals.

(39) The participating States will co-operate closely in the competent international organizations to which they belong, including the United Nations and, as appropriate, the Council of Europe, bearing in mind their on-going work with respect to questions relating to national minorities.

They will consider convening a meeting of experts for a thorough discussion of the issue of national minorities.

(40) The participating States clearly and unequivocally condemn totalitarianism, racial and ethnic hatred, anti-semitism, xenophobia and discrimination against anyone as well as persecution on religious and ideological grounds. In this context, they also recognize the particular problems of Roma (gypsies).

They declare their firm intention to intensify the efforts to combat these phenomena in all their forms and therefore will

(40.1) - take effective measures, including the adoption, in conformity with their constitutional systems and their international obligations, of such laws as may be necessary, to provide protection against any acts that constitute incitement to violence against persons or groups based on national, racial, ethnic or religious discrimination, hostility or hatred, including anti-semitism;

(40.2) - commit themselves to take appropriate and proportionate measures to protect persons or groups who may be subject to threats or acts of discrimination, hostility or violence as a result of their racial, ethnic, cultural, linguistic or religious identity, and to protect their property;

(40.3) - take effective measures, in conformity with their constitutional systems, at the national, regional and local levels to promote understanding and tolerance, particularly in the fields of education, culture and information;

(40.4) - endeavour to ensure that the objectives of education include special attention to the problem of racial prejudice and hatred and to the development of respect for different civilizations and cultures;

(40.5) - recognize the right of the individual to effective remedies and endeavour to recognize, in conformity with national legislation, the right of interested persons and groups to initiate and support complaints against acts of discrimination, including racist and xenophobic acts;

(40.6) - consider adhering, if they have not yet done so, to the international instruments which address the problem of discrimination and ensure full compliance with the obligations therein, including those relating to the submission of periodic reports;

(40.7) - consider, also, accepting those international mechanisms which allow States and individuals to bring communications relating to discrimination before international bodies.

V

(41) The participating States reaffirm their commitment to the human dimension of the CSCE and emphasize its importance as an integral part of a balanced approach to security and co-operation in Europe. They agree that the Conference on the Human Dimension of the CSCE and the human dimension mechanism described in the section on the human dimension of the CSCE of the Vienna Concluding Document have demonstrated their value as methods of furthering their dialogue and co-operation and assisting in the resolution of relevant specific questions. They express their conviction that these should be continued and developed as part of an expanding CSCE process.

(42) The participating States recognize the need to enhance further the effectiveness of the procedures described in paragraphs 1 to 4 of the section on the human dimension of the CSCE of the Vienna Concluding Document and with this aim decide

(42.1) - to provide in as short a time as possible, but no later than four weeks, a written response to requests for information and to representations made to them in writing by other participating States under paragraph 1;

(42.2) - that the bilateral meetings, as contained in paragraph 2, will take place as soon as possible, as a rule within three weeks of the date of the request;

(42.3) - to refrain, in the course of a bilateral meeting held under paragraph 2, from raising situations and cases not connected with the subject of the meeting, unless both sides have agreed to do so.

(43) The participating States examined practical proposals for new measures aimed at improving the implementation of the commitments relating to the human dimension of the CSCE. In this regard, they considered proposals related to the sending of observers to examine situations and specific cases, the appointment of rapporteurs to investigate and suggest appropriate solutions, the setting up of a Committee on the Human Dimension of the CSCE, greater involvement of persons, organizations and institutions in the human dimension mechanism and further bilateral and multilateral efforts to promote the resolution of relevant issues.

They decide to continue to discuss thoroughly in subsequent relevant CSCE fora these and other proposals designed to strengthen the human dimension mechanism, and to consider adopting, in the context of the further development of the CSCE process, appropriate new measures. They agree that these measures should contribute to achieving further effective progress, enhance conflict prevention and confidence in the field of the human dimension of the CSCE.

(...)

Charter of Paris for a New Europe

Paris 1990

(...)

A New Era of Democracy, Peace and Unity

We, the Heads of State or Government of the States participating in the Conference on Security and Co-operation in Europe, have assembled in Paris at a time of profound change and historic expectations. The era of confrontation and division of Europe has ended. We declare that henceforth our relations will be founded on respect and co-operation.

Europe is liberating itself from the legacy of the past. The courage of men and women, the strength of the will of the peoples and the power of the ideas of the Helsinki Final Act have opened a new era of democracy, peace and unity in Europe.

Ours is a time for fulfilling the hopes and expectations our peoples have cherished for decades: steadfast commitment to democracy based on human rights and fundamental freedoms; prosperity through economic liberty and social justice; and equal security for all our countries.

The Ten Principles of the Final Act will guide us towards this ambitious future, just as they have lighted our way towards better relations for the past fifteen years. Full implementation of all CSCE commitments must form the basis for the initiatives we are now taking to enable our nations to live in accordance with their aspirations.

Human Rights, Democracy and Rule of Law

We undertake to build, consolidate and strengthen democracy as the only system of government of our nations. In this endeavour, we will abide by the following:

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. Respect for them is an essential safeguard against an over-mighty State. Their observance and full exercise are the foundation of freedom, justice and peace.

Democratic government is based on the will of the people, expressed regularly through free and fair elections. Democracy has as its foundation respect for the human person and the rule of law. Democracy is the best safeguard of freedom of expression, tolerance of all groups of society, and equality of opportunity for each person.

Democracy, with its representative and pluralist character, entails accountability to the electorate, the obligation of public authorities to comply with the law and justice administered impartially. No one will be above the law.

We affirm that, without discrimination,

- every individual has the right to freedom of thought, conscience and religion or belief, freedom of expression, freedom of association and peaceful assembly, freedom of movement;

no one will be:

- subject to arbitrary arrest or detention, subject to torture or other cruel, inhuman or degrading treatment or punishment;

everyone also has the right :

- to know and act upon his rights,
- to participate in free and fair elections,
- to fair and public trial if charged with an offence,
- to own property alone or in association and to exercise individual enterprise,
- to enjoy his economic, social and cultural rights.

We affirm that the ethnic, cultural, linguistic and religious identity of national minorities will be protected and that persons belonging to national minorities have the right freely to express, preserve and develop that identity without any discrimination and in full equality before the law.

We will ensure that everyone will enjoy recourse to effective remedies, national or international, against any violation of his rights.

Full respect for these precepts is the bedrock on which we will seek to construct the new Europe.

Our States will co-operate and support each other with the aim of making democratic gains irreversible.

Economic Liberty and Responsibility

Economic liberty, social justice and environmental responsibility are indispensable for prosperity.

The free will of the individual, exercised in democracy and protected by the rule of law, forms the necessary basis for successful economic and social development. We will promote economic activity which respects and upholds human dignity.

Freedom and political pluralism are necessary elements in our common objective of developing market economies towards sustainable economic growth, prosperity, social justice, expanding employment and efficient use of economic resources. The success of the transition to market economy by countries making efforts to this effect is important and in the interest of us all. It will enable us to share a higher level of prosperity which is our common objective. We will co-operate to this end.

Preservation of the environment is a shared responsibility of all our nations. While supporting national and regional efforts in this field, we must also look to the pressing need for joint action on a wider scale.

Friendly Relations among Participating States

(...)

To uphold and promote democracy, peace and unity in Europe, we solemnly pledge our full commitment to the Ten Principles of the Helsinki Final Act. We affirm the continuing validity of the ten Principles and our determination to put them into practice. All the principles apply equally and unreservedly, each of them being interpreted taking into account the others. They form the basis for our relations.

(...)

Our relations will rest on our common adherence to democratic values and to human rights and fundamental freedoms. We are convinced that in order to strengthen peace and security among our States, the advancement of democracy, and respect for and effective exercise of human rights, are indispensable. We reaffirm the equal rights of peoples and their right to self-determination in conformity with the Charter of the United Nations and with the relevant norms of international law, including those relating to territorial integrity of States.

(...)

Guidelines for the future

Proceeding from our firm commitment to the full implementation of all CSCE principles and provisions, we now resolve to give a new impetus to a balanced and comprehensive development of our co-operation in order to address the needs and aspirations of our peoples.

Human Dimension

We declare our respect for human rights and fundamental freedoms to be irrevocable. We will fully implement and build upon the provisions relating to the human dimension of the CSCE.

Proceeding from the Document of the Copenhagen Meeting of the Conference on the Human Dimension, we will cooperate to strengthen democratic institutions and to promote the application of the rule of law. To that end, we decide to convene a seminar of experts in Oslo from 4 to 15 November 1991.

Determined to foster the rich contribution of national minorities to the life of our societies, we undertake further to improve their situation. We reaffirm our deep conviction that friendly relations among our peoples, as well as peace, justice, stability and democracy, require that the ethnic, cultural, linguistic and religious identity of national minorities be protected and conditions for the promotion of that identity be created. We declare that questions related to national minorities can only be satisfactorily resolved in a democratic political framework. We further acknowledge that the rights of persons belonging to national minorities must be fully respected as part of universal human rights. Being aware of the urgent need for increased cooperation on, as well as better protection of, national minorities, we decide to convene a meeting of experts on national minorities to be held in Geneva from 1 to 19 July 1991.

We express our determination to combat all forms of racial and ethnic hatred, antisemitism, xenophobia and discrimination against anyone as well as persecution on religious and ideological grounds.

In accordance with our CSCE commitments, we stress that free movement and contacts among our citizens as well as the free flow of information and ideas are crucial for the maintenance and development of free societies and flourishing cultures. We welcome increased tourism and visits among our countries.

The human dimension mechanism has proved its usefulness, and we are consequently determined to expand it to include new procedures involving, *inter alia*, the services of experts or a roster of eminent persons experienced in human rights issues which could be raised under the mechanism. We shall provide, in the context of the mechanism, for individuals to be involved in the protection of their rights. Therefore, we undertake to develop further our commitments in this respect, in particular at the Moscow Meeting of the Conference on the Human Dimension, without prejudice to obligations under existing international instruments to which our States may be parties.

We recognize the important contribution of the Council of Europe to the promotion of human rights and the principles of democracy and the rule of law as well as to the development of cultural co-operation. We welcome moves by several participating States to join the Council of Europe and adhere to its European Convention on Human Rights. We welcome as well the readiness of the Council of Europe to make its experience available to the CSCE.

(...)

Security

(...)

We unreservedly condemn, as criminal, all acts, methods and practices of terrorism and express our determination to work for its eradication both bilaterally and through multilateral co-operation. We will also join together in combating illicit trafficking in drugs.

(...)

Culture

We recognize the essential contribution of our common European culture and our shared values in overcoming the division of the continent. Therefore, we underline our attachment to creative freedom and to the protection and promotion of our cultural and spiritual heritage, in all its richness and diversity.

In view of the recent changes in Europe, we stress the increased importance of the Cracow Symposium and we look forward to its consideration of guidelines for intensified co-operation in the field of culture. We invite the Council of Europe to contribute to this Symposium.

In order to promote greater familiarity amongst our peoples, we favour the establishment of cultural centres in cities of other participating States as well as increased co-operation in the audio-visual field and wider exchange in music, theatre, literature and the arts.

We resolve to make special efforts in our national policies to promote better understanding, in particular among young people, through cultural exchanges, co-operation in all fields of education and, more specifically, through teaching and training in the languages of other participating States. We intend to consider first results of this action at the Helsinki Follow-up Meeting in 1992.

Migrant Workers

We recognize that the issues of migrant workers and their families legally residing in host countries have economic, cultural and social aspects as well as their human dimension. We reaffirm that the protection and promotion of their rights, as well as the implementation of relevant international obligations, is our common concern.

(...)

Non-governmental Organizations

We recall the major role that non-governmental organizations, religious and other groups and individuals have played in the achievement of the objectives of the CSCE and will further facilitate their activities for the implementation of the CSCE commitments by the participating States. These organizations, groups and individuals must be involved in an appropriate way in the activities and new structures of the CSCE in order to fulfil their important tasks.

New structures and institutions of the CSCE Process

(...)

We decide to establish an Office for Free Elections in Warsaw to facilitate contacts and the exchange of information on elections within participating States.

(...)

Supplementary document to give effect to certain provisions contained in the Charter of Paris for a New Europe

Procedures and organizational modalities relating to certain provisions contained in the Charter of Paris for a New Europe, signed in Paris on 21 November 1990, are set out below.

I.

Institutional arrangements

(...)

G. The office for free elections

1. The function of the Office for Free Elections will be to facilitate contacts and the exchange of information on elections within participating States. The Office will thus foster the implementation of paragraphs 6, 7 and 8 of the Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE (...)

2. To this end, the Office will

- compile information, including information provided by the competent authorities of the participating States, on the dates, procedures and official results of scheduled national elections within participating States, as well as reports of election observations, and provide these on request to governments, parliaments and interested private organizations;

- serve to facilitate contact among governments, parliaments or private organizations wishing to observe elections and competent authorities of the States in which elections are to take place;
 - organize and serve as the venue for seminars or other meetings related to election procedures and democratic institutions at the request of the participating States.
3. The Office will take into account the work of and co-operate with other institutions active in this field.
 4. The Office will carry out other tasks assigned to it by the Council.
 5. The Office's personnel will be composed of
 - a Director, who will be responsible to the Council through the Committee of Senior Officials;
 - an Officer;
 - administrative and technical personnel, recruited by the Director of the Office.

Document of the Cracow Symposium on the Cultural Heritage of the CSCE Participating States

Cracow 1991

(...)

The participating States express their deeply held conviction that they share common values forged by history and based, *inter alia*, on respect for the individual, freedom of conscience, religion or belief, freedom of expression, recognition of the importance of spiritual and cultural values, commitment to the rule of law, tolerance and openness to dialogue with other cultures.

They take note of the interrelationship between cultural life and the well-being of their peoples, and the special importance that this has for democratic countries in transition towards a market economy. They encourage support, as already undertaken, and the on-going assistance to those countries in preserving and protecting their cultural heritage.

The participating States respect the irreplaceable uniqueness of all their cultures and will endeavour to promote continued cultural dialogue among themselves and with the rest of the world. They reaffirm their belief that respect for cultural diversity promotes understanding and tolerance among individuals and groups.

They consider that the regional aspects of culture should in themselves constitute a factor in the understanding between peoples.

Regional cultural diversity is an expression of the richness of the common cultural identity of the participating States. Its preservation and protection contribute to building a democratic, peaceful and united Europe.

Reaffirming their commitment to the full implementation of the provisions relating to the cultural dimension in the Helsinki Final Act and other CSCE documents, the participating States agree on the following:

I. Culture and Freedom

1. The participating States emphasize that respect for human rights and fundamental freedoms is essential to the full development of cultural creativity.
2. The State and the public authorities will refrain from infringing upon the freedom of artistic creation.
3. The participating States undertake to promote and protect the free and unhindered development of artistic creativity; they recognize the important role of the individual artist in society and will respect and protect the integrity of creative work.
4. They recognize the need for governments to strike a balance between their dual responsibility of acting in support of, and ensuring the freedom of, cultural activity.
5. They further acknowledge that, given the variety of cultural activity in the participating States, there are many ways in which governments might choose to respond effectively to concerns relating to the cultural heritage.
6. The participating States recall their respect for freedom of expression and, in connection with the exercise of that freedom in the artistic and cultural fields, state as follows:
 - 6.1 The publication of written works, the performance and broadcasting of musical, theatrical and audiovisual works, and the exhibition of pictorial or sculptural works will not be subject to restriction or interference by the State save such restrictions as are prescribed by domestic legislation and are fully consistent with international standards.
 - 6.2 They express their conviction that the existence, in the artistic and cultural fields, of a diversity of means of dissemination independent of the State, such as publishing houses, radio broadcasting, cinema and television enterprises, theatres and galleries, helps to ensure pluralism and the freedom of artistic and cultural expression.
7. The participating States recall their commitments to unhindered access to culture, and agree as follows:
 - 7.1 While duly respecting intellectual property rights, any person or independent organization has the right to own privately, use and reproduce all kinds of cultural materials, such as books, publications and audiovisual recordings, and the means of reproducing them.
8. The participating States are resolved to promote the mutual knowledge of their respective cultures. Accordingly, they will encourage co-operation and exchanges in all fields of culture and creative work.
9. The participating States are convinced of the enrichment which regional and local cultures, including those connected with national minorities, bring to cultural life.

II. Culture and Heritage

10. The participating States express their deeply-held conviction that the cultural heritage of each one of them constitutes an inalienable part of their civilization, their memory and their common history, to be transmitted to future generations.

11. The participating States take note of the definitions of archaeological property, of the cultural heritage and of the architectural heritage in the relevant international documents of the Council of Europe and UNESCO.

12. The complete and lasting documentation of sites, structures, cultural landscapes, objects and cultural systems, including historical, religious and cultural monuments, as they presently exist, is one of the most important legacies to the cultural heritage that can be provided for future generations.

13. The participating States also recognize as vital elements of their common cultural heritage, the heritage of those cultures which, because of language barriers, climate and geographical distance, limited population or turns of history and political circumstances, have not been widely accessible.

14. The participating states will endeavour to protect the cultural heritage, in compliance with relevant international agreements and with their domestic legislation.

15. The participating States will pay heed to the preservation, enhancement and restoration of the cultural heritage when drawing up cultural, environmental and regional and urban planning policies. They further note the importance of relating individual conservation projects to their authentic urban or rural environment, where appropriate and whenever possible.

16. The participating States recognize the importance of making their cultural heritage as widely accessible as possible. In doing so, they will pay particular attention to the needs of the handicapped.

16.1 They will endeavour to safeguard the heritage from damage which may be caused by management of and public access to it.

16.2 They will promote public awareness of the value of the heritage and the need to protect it.

16.3 They will seek, wherever possible, to facilitate access for researchers and scholars to relevant primary documents and archive materials.

17. The participating States note favourably the role of non-governmental associations in promoting awareness of the heritage and the need for its protection.

18. Partnerships among diverse groups at the local, regional and national level, from both the private and the public sector, are valuable for ensuring the effective and representative preservation of the cultural heritage. The preservation and interpretation of

the values and the cultural heritage of diverse groups will be enhanced with the involvement of those groups, which is conducive to the tolerance and respect for different cultures which are of paramount importance.

19. The participating States recognize the usefulness and importance of exchanging information on preserving the cultural heritage and acknowledge that the use of data banks, on a national and multilateral level, could make a useful contribution to this work.

III. Principal Areas of Preservation and Co-operation

20. The participating States will encourage training, at the initial and advanced levels, for the various professions and crafts involved in preserving and restoring the cultural heritage, as well as in administering it. They agree to keep one another informed of any important developments in this field and to co-operate with one another.

20.1 The dissemination of knowledge and skills, especially vanishing skills related to the cultural heritage, through training, the exchange of personnel, research and technical publication, is necessary to ensure continuity in cultural preservation. They therefore reaffirm their commitments to encourage bilateral and multilateral exchanges of trainees and specialists.

20.2 The participating States should invite the appropriate professional organizations to set up a national register of skilled craftspersons competent in the field of the protection and preservation of the cultural heritage, in order to facilitate contacts between such persons and the users of their services both nationally and internationally.

21. The participating States will exchange data on their cultural heritage policies, particularly regarding the methods, means and possibilities provided by new technologies.

22. The participating States will strive to share their knowledge and experience in the area of publishing and distribution of printed and audiovisual material.

22.1 With a view to increasing public awareness regarding the preservation of the cultural heritage, the participating States will make information available that will assist radio and television stations, as well as the print media, to promote information in this area.

23. They will endeavour to improve storage conditions for perishable cultural goods such as paper, film tapes and recorded sound materials, to establish national programmes for the preservation of the perishable cultural heritage and to set commonly accepted standards for all types of carriers of cultural products in order to safeguard the permanence of such items of culture.

24. The participating States will encourage the establishment of links between resource centres and data banks in cultural fields so as to facilitate the exchange of information between them.

25. With a view to a better understanding of the cultural values of the countries whose languages are less widely spoken, the participating States welcome the dissemination of knowledge about and of such languages, in particular through the translation and publication of literary works from these countries. The organization of international training courses for media and cultural personnel involved in promoting the understanding of less-spoken languages and less widely-known cultures should also be considered.
26. Acknowledging the important contribution of religious faiths, institutions and organizations to the cultural heritage, the participating States will co-operate closely with them regarding the preservation of the cultural heritage and pay due attention to monuments and objects of religious origin whose original communities no longer use them or no longer exist in the particular region.
27. Bearing in mind the important role that regional aspects of culture may play in linking people across national borders, the participating States will favour regional co-operation at the level of local and national authorities as well as non-governmental organizations with a view to fostering good-neighbourly relations.
28. The participating States will accord due attention to strengthening the heritage of popular culture of the past, including indigenous and vernacular cultures, and to encouraging a contemporary popular culture within the framework of their overall efforts for the preservation, study, protection and promotion of mutual awareness of their cultural heritage. The participating States note the importance of research into various forms of expression of past and present cultures - symbolic practices, technical objects and knowledge, folk art, languages – and the importance of doing what is necessary to highlight them.
29. The participating States will also pay attention to more recent contributions to the cultural heritage (art, including architectural works, of the 20th century).
30. The participating States will co-operate in preventing the illegal circulation of cultural objects, for example by considering adhering to the relevant international instruments.
31. The participating States will strive to preserve and protect those monuments and sites of remembrance, including most notably extermination camps, and the related archives, which are themselves testimonials to tragic experiences in their common past. Such steps need to be taken in order that those experiences may be remembered, may help to teach present and future generations of these events, and thus ensure that they are never repeated.
32. The interpretation of sensitive sites of remembrance can serve as a valuable means of promoting tolerance and understanding among people and will take into account social and cultural diversity.
33. The participating States recognize that, in defining priorities for preservation, it is important to take into account both the intrinsic value of the cultural heritage, its rel-

ative state of deterioration and its historic cultural content. To this effect they will, as appropriate, endeavour to promote the use of risk charts, the exchange of information and the organization of on-site workshops, ideal also for the involvement of younger generations.

34. The participating States bear in mind that the preservation of the status of monuments and sites related to their history and culture, wherever they are located, constitutes an integral part of the overall efforts within the CSCE for the preservation and protection of the common cultural heritage.

35. The participating States believe that taking concerted measures to protect the common cultural heritage from environmental damage is necessary. To this end they will consider establishing or joining networks for the collection of data and co-ordination of research. They will endeavour to co-ordinate policy decisions and undertake direct measures to reduce the impact of air pollution and other degradation on the common cultural heritage.

36. With a view to protecting cultural sites in urban environments, measures will be taken by the participating States to counteract the effects of pollution on the architectural complexes of threatened cities; to restore, preserve and revitalize historical urban centres; and to safeguard sites and protect them from damage due to the increasing flow of tourists.

37. The participating States note the importance of protecting the cultural landscape, particularly in villages and rural areas, from the danger inherent in changes in the pattern of economic activities and in the impact of pollution, with a special view to protecting dwellings and coherent ensembles of the everyday living environment.

38. In view of the contribution which natural history can make to our understanding of the world of today and its evolution in the future, the participating States will endeavour to foster the preservation and interpretation of natural history sites and collections.

39. The participating States note the importance of safeguarding public and private parks and historical gardens, as works of humanity and nature, due to their historical, botanical and social interest, including their decorative and architectural elements.

40. The participating States will endeavour to safeguard and protect the archaeological sites located on their territories, including sites located under water. They will bear this aspect in mind during regional development operations which are likely to be a threat to sites which have not yet been scientifically surveyed, excavated or restored.

41. They stress the need for co-ordination of the activities of international organizations and institutions, such as the Council of Europe and UNESCO, in order to contribute to the full development of cultural co-operation among the participating States. Bearing in mind the need to avoid duplication of effort, the participating States will co-operate closely within the competent international organizations to which they belong.

(...)

Report of the CSCE Meeting of Experts on National Minorities

Geneva 1991

(...)

In accordance with the relevant provisions of the Charter of Paris, the representatives of the participating States had a thorough discussion on the issues of national minorities and of the rights of persons belonging to them that reflected the diversity of situations and of the legal, historical, political and economic backgrounds. They had an exchange of views on practical experience with national minorities, in particular on national legislation, democratic institutions, international instruments and other possible forms of co-operation. Views were expressed on the implementation of the relevant CSCE commitments, and the representatives of the participating States also considered the scope for the improvement of relevant standards. They also considered new measures aimed at improving the implementation of the aforementioned commitments.

A number of proposals were submitted for consideration by the Meeting and, following their deliberations, the representatives of the participating States adopted this Report.

The text of the Report of the Geneva Meeting of Experts on National Minorities will be published in each participating State, which will disseminate it and make it known as widely as possible.

The representatives of the participating States note that the Council will take into account the summing up of the Meeting, in accordance with the Charter of Paris for a New Europe.

I.

Recognizing that their observance and full exercise of human rights and fundamental freedoms, including those of persons belonging to national minorities, are the foundation of the New Europe,

Reaffirming their deep conviction that friendly relations among their peoples, as well as peace, justice, stability and democracy, require that the ethnic, cultural, linguistic and

religious identity of national minorities be protected, and conditions for the promotion of that identity be created,

Convinced that, in States with national minorities, democracy requires that all persons, including those belonging to national minorities, enjoy full and effective equality of rights and fundamental freedoms and benefit from the rule of law and democratic institutions,

Aware of the diversity of situations and constitutional systems in their countries, and therefore recognizing that various approaches to the implementation of CSCE commitments regarding national minorities are appropriate,

Mindful of the importance of exerting efforts to address national minorities issues, particularly in areas where democratic institutions are being consolidated and questions relating to national minorities are of special concern,

Aware that national minorities form an integral part of the society of the States in which they live and that they are a factor of enrichment of each respective State and society,

Confirming the need to respect and implement fully and fairly their undertakings in the field of human rights and fundamental freedoms as set forth in the international instruments by which they may be bound,

Reaffirming their strong determination to respect and apply, to their full extent, all their commitments relating to national minorities and persons belonging to them in the Helsinki Final Act, the Madrid Concluding Document and the Vienna Concluding Document, the Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE, the Document of the Cracow Symposium on the Cultural Heritage as well as the Charter of Paris for a New Europe, the participating States present below the summary of their conclusions.

The representatives of the participating States took as the fundamental basis of their work the commitments undertaken by them with respect to national minorities as contained in the relevant adopted CSCE documents, in particular those in the Charter of Paris for a New Europe and the Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE, which they fully reaffirmed.

II.

The participating States stress the continued importance of a thorough review of implementation of their CSCE commitments relating to persons belonging to national minorities.

They emphasize that human rights and fundamental freedoms are the basis for the protection and promotion of rights of persons belonging to national minorities. They further recognize that questions relating to national minorities can only be satisfactorily resolved in a democratic political framework based on the rule of law, with a function-

ing independent judiciary. This framework guarantees full respect for human rights and fundamental freedoms, equal rights and status for all citizens, including persons belonging to national minorities, the free expression of all their legitimate interests and aspirations, political pluralism, social tolerance and the implementation of legal rules that place effective restraints on the abuse of governmental power.

Issues concerning national minorities, as well as compliance with international obligations and commitments concerning the rights of persons belonging to them, are matters of legitimate international concern and consequently do not constitute exclusively an internal affair of the respective State.

They note that not all ethnic, cultural, linguistic or religious differences necessarily lead to the creation of national minorities.

III.

Respecting the right of persons belonging to national minorities to effective participation in public affairs, the participating States consider that when issues relating to the situation of national minorities are discussed within their countries, they themselves should have the effective opportunity to be involved, in accordance with the decision-making procedures of each State. They further consider that appropriate democratic participation of persons belonging to national minorities or their representatives in decision-making or consultative bodies constitutes an important element of effective participation in public affairs.

They consider that special efforts must be made to resolve specific problems in a constructive manner and through dialogue by means of negotiations and consultations with a view to improving the situation of persons belonging to national minorities. They recognize that the promotion of dialogue between States, and between States and persons belonging to national minorities, will be most successful when there is a free flow of information and ideas between all parties. They encourage unilateral, bilateral and multilateral efforts by governments to explore avenues for enhancing the effectiveness of their implementation of CSCE commitments relating to national minorities.

The participating States further consider that respect for human rights and fundamental freedoms must be accorded on a non-discriminatory basis throughout society. In areas inhabited mainly by persons belonging to a national minority, the human rights and fundamental freedoms of persons belonging to that minority, of persons belonging to the majority population of the respective State, and of persons belonging to other national minorities residing in these areas will be equally protected.

They reconfirm that persons belonging to national minorities have the right freely to express, preserve and develop their ethnic, cultural, linguistic or religious identity and to maintain and develop their culture in all its aspects, free of any attempts at assimilation against their will.

They will permit the competent authorities to inform the Office for Free Elections of all scheduled public elections on their territories, including those held below national level. The participating States will consider favourably, to the extent permitted by law, the presence of observers at elections held below the national level, including in areas inhabited by national minorities, and will endeavour to facilitate their access.

IV.

The participating States will create conditions for persons belonging to national minorities to have equal opportunity to be effectively involved in the public life, economic activities, and building of their societies.

In accordance with paragraph 31 of the Copenhagen Document, the participating States will take the necessary measures to prevent discrimination against individuals, particularly in respect of employment, housing and education, on the grounds of belonging or not belonging to a national minority. In that context, they will make provision, if they have not yet done so, for effective recourse to redress for individuals who have experienced discriminatory treatment on the grounds of their belonging or not belonging to a national minority, including by making available to individual victims of discrimination a broad array of administrative and judicial remedies.

The participating States are convinced that the preservation of the values and of the cultural heritage of national minorities requires the involvement of persons belonging to such minorities and that tolerance and respect for different cultures are of paramount importance in this regard. Accordingly, they confirm the importance of refraining from hindering the production of cultural materials concerning national minorities, including by persons belonging to them.

The participating States affirm that persons belonging to a national minority will enjoy the same rights and have the same duties of citizenship as the rest of the population.

The participating States reconfirm the importance of adopting, where necessary, special measures for the purpose of ensuring to persons belonging to national minorities full equality with the other citizens in the exercise and enjoyment of human rights and fundamental freedoms. They further recall the need to take the necessary measures to protect the ethnic, cultural, linguistic and religious identity of national minorities on their territory and create conditions for the promotion of that identity; any such measures will be in conformity with the principles of equality and non-discrimination with respect to the other citizens of the participating State concerned.

They recognize that such measures, which take into account, *inter alia*, historical and territorial circumstances of national minorities, are particularly important in areas where democratic institutions are being consolidated and national minorities issues are of special concern.

Aware of the diversity and varying constitutional systems among them, which make no single approach necessarily generally applicable, the participating States note with

interest that positive results have been obtained by some of them in an appropriate democratic manner by, *inter alia*:

- advisory and decision-making bodies in which minorities are represented, in particular with regard to education, culture and religion;
- elected bodies and assemblies of national minority affairs;
- local and autonomous administration, as well as autonomy on a territorial basis, including the existence of consultative, legislative and executive bodies chosen through free and periodic elections;
- self-administration by a national minority of aspects concerning its identity in situations where autonomy on a territorial basis does not apply;
- decentralized or local forms of government;
- bilateral and multilateral agreements and other arrangements regarding national minorities;
- for persons belonging to national minorities, provision of adequate types and levels of education in their mother tongue with due regard to the number, geographic settlement patterns and cultural traditions of national minorities;
- funding the teaching of minority languages to the general public, as well as the inclusion of minority languages in teacher-training institutions, in particular in regions inhabited by persons belonging to national minorities;
- in cases where instruction in a particular subject is not provided in their territory in the minority language at all levels, taking the necessary measures to find means of recognizing diplomas issued abroad for a course of study completed in that language;
- creation of government research agencies to review legislation and disseminate information related to equal rights and non-discrimination;
- provision of financial and technical assistance to persons belonging to national minorities who so wish to exercise their right to establish and maintain their own educational, cultural and religious institutions, organizations and associations;
- governmental assistance for addressing local difficulties relating to discriminatory practices (e.g. a citizens relations service);
- encouragement of grassroots community relations efforts between minority communities, between majority and minority communities, and between neighbouring communities sharing borders, aimed at helping to prevent local tensions from arising and address conflicts peacefully should they arise; and

- encouragement of the establishment of permanent mixed commissions, either inter-State or regional, to facilitate continuing dialogue between the border regions concerned.

The participating States are of the view that these or other approaches, individually or in combination, could be helpful in improving the situation of national minorities on their territories.

V.

The participating States respect the right of persons belonging to national minorities to exercise and enjoy their rights alone or in community with others, to establish and maintain organizations and associations within their country, and to participate in international non-governmental organizations.

The participating States reaffirm, and will not hinder the exercise of, the right of persons belonging to national minorities to establish and maintain their own educational, cultural and religious institutions, organizations and associations.

In this regard, they recognize the major and vital role that individuals, non-governmental organizations, and religious and other groups play in fostering cross-cultural understanding and improving relations at all levels of society, as well as across international frontiers.

They believe that the first-hand observations and experience of such organizations, groups, and individuals can be of great value in promoting the implementation of CSCE commitments relating to persons belonging to national minorities. They therefore will encourage and not hinder the work of such organizations, groups and individuals and welcome their contributions in this area.

VI.

The participating States, concerned by the proliferation of acts of racial, ethnic and religious hatred, anti-semitism, xenophobia and discrimination, stress their determination to condemn, on a continuing basis, such acts against anyone.

In this context, they reaffirm their recognition of the particular problems of Roma (gypsies). They are ready to undertake effective measures in order to achieve full equality of opportunity between persons belonging to Roma ordinarily resident in their State and the rest of the resident population. They will also encourage research and studies regarding Roma and the particular problems they face.

They will take effective measures to promote tolerance, understanding, equality of opportunity and good relations between individuals of different origins within their country.

Further, the participating States will take effective measures, including the adoption, in conformity with their constitutional law and their international obligations, if they have not already done so, of laws that would prohibit acts that constitute incitement to violence based on national, racial, ethnic or religious discrimination, hostility or hatred, including anti-semitism, and policies to enforce such laws.

Moreover, in order to heighten public awareness of prejudice and hatred, to improve enforcement of laws against hate-related crime and otherwise to further efforts to address hatred and prejudice in society, they will make efforts to collect, publish on a regular basis, and make available to the public, data about crimes on their respective territories that are based on prejudice as to race, ethnic identity or religion, including the guidelines used for the collection of such data. These data should not contain any personal information.

They will consult and exchange views and information at the international level, including at future meetings of the CSCE, on crimes that manifest evidence of prejudice and hate.

VII.

Convinced that the protection of the rights of persons belonging to national minorities necessitates free flow of information and exchange of ideas, the participating States emphasize the importance of communication between persons belonging to national minorities without interference by public authorities and regardless of frontiers. The exercise of such rights may be subject only to such restrictions as are prescribed by law and are consistent with international standards. They reaffirm that no one belonging to a national minority, simply by virtue of belonging to such a minority, will be subject to penal or administrative sanctions for having had contacts within or outside his/her own country.

In access to the media, they will not discriminate against anyone based on ethnic, cultural, linguistic or religious grounds. They will make information available that will assist the electronic mass media in taking into account, in their programmes, the ethnic, cultural, linguistic and religious identity of national minorities.

They reaffirm that establishment and maintenance of unimpeded contacts among persons belonging to a national minority, as well as contacts across frontiers by persons belonging to a national minority with persons with whom they share a common ethnic or national origin, cultural heritage or religious belief, contributes to mutual understanding and promotes good-neighbourly relations.

They therefore encourage transfrontier co-operation arrangements on a national, regional and local level, *inter alia*, on local border crossings, the preservation of and visits to cultural and historical monuments and sites, tourism, the improvement of traffic, the economy, youth exchange, the protection of the environment and the establishment of regional commissions.

They will also encourage the creation of informal working arrangements (e.g. workshops, committees both within and between the participating States) where national minorities live, to discuss issues of, exchange experience on, and present proposals on, issues related to national minorities.

With a view to improving their information about the actual situation of national minorities, the participating States will, on a voluntary basis distribute, through the CSCE Secretariat, information to other participating States about the situation of national minorities in their respective territories, as well as statements of national policy in that respect.

The participating States will deposit with the CSCE Secretariat copies of the contributions made in the Plenary of the CSCE Meeting of Experts on National Minorities which they wish to be available to the public.

VIII.

The participating States welcome the positive contribution made by the representatives of the United Nations and the Council of Europe to the proceedings of the Geneva Meeting of Experts on National Minorities. They note that the work and activities of these organizations will be of continuing relevance to the CSCE's consideration of national minorities issues.

The participating States note that appropriate CSCE mechanisms may be of relevance in addressing questions relating to national minorities. Further, they recommend that the third Meeting of the Conference on the Human Dimension of the CSCE consider expanding the Human Dimension Mechanism. They will promote the involvement of individuals in the protection of their rights, including the rights of persons belonging to national minorities.

Finally, the representatives of the participating States request the Executive Secretary of the Meeting to transmit this Report to the third Meeting of the Conference on the Human Dimension of the CSCE.

(...)

Document of the Moscow Meeting of the Conference on the Human Dimension of the CSCE

Moscow 1991

(...)

The participating States renew their commitment to implement fully all the principles and provisions of the Final Act of the Conference on Security and Co-operation in Europe, of the Charter of Paris for a New Europe and of the other CSCE documents relating to the human dimension, including, in particular, the Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE, and are determined to achieve still further progress in the implementation of these provisions, as full respect for human rights and fundamental freedoms and the development of societies based on pluralistic democracy and the rule of law are prerequisites for a lasting order of peace, security, justice and co-operation in Europe.

In this context, the participating States underlined that, in accordance with the Final Act of the Conference on Security and Co-operation in Europe and the Charter of Paris for a New Europe, the equal rights of peoples and their right to self-determination are to be respected in conformity with the Charter of the United Nations and the relevant norms of international law, including those relating to territorial integrity of States.

At the Moscow Meeting views were expressed by the participating States on the implementation of their commitments in the field of the human dimension. They considered that the degree of compliance with the commitments contained in the relevant provisions of the CSCE documents had shown further substantial improvement since the Copenhagen Meeting. They also considered that, in spite of the significant progress made, serious threats to and violations of CSCE principles and provisions continue to exist and have a sobering effect on the assessment of the over all situation in Europe. In particular, they deplored acts of discrimination, hostility and violence against persons or groups on national, ethnic or religious grounds. The participating States therefore expressed the view that, for the full realization of their commitments relating to the human dimension, continued efforts are still required which should benefit substantially from the profound political changes that have occurred.

The participating States emphasize that issues relating to human rights, fundamental freedoms, democracy and the rule of law are of international concern, as respect for these rights and freedoms constitutes one of the foundations of the international order. They categorically and irrevocably declare that the commitments undertaken in the field of the human dimension of the CSCE are matters of direct and legitimate concern to all participating States and do not belong exclusively to the internal affairs of the State concerned. They express their determination to fulfil all of their human dimension commitments and to resolve by peaceful means any related issue, individually and collectively, on the basis of mutual respect and co-operation. In this context they recognize that the active involvement of persons, groups, organizations and institutions is essential to ensure continuing progress in this direction.

The participating States express their collective determination to further safeguard human rights and fundamental freedoms and to consolidate democratic advances in their territories. They also recognize a compelling need to increase the CSCE's effectiveness in addressing human rights concerns that arise in their territories at this time of profound change in Europe.

In order to strengthen and expand the human dimension mechanism described in the section on the human dimension of the CSCE in the Concluding Document of the Vienna Meeting and to build upon and deepen the commitments set forth in the Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE, the participating States adopt the following:

I

(1) The participating States emphasize that the human dimension mechanism described in paragraphs 1 to 4 of the section on the human dimension of the CSCE in the Vienna Concluding Document constitutes an essential achievement of the CSCE process, having demonstrated its value as a method of furthering respect for human rights, fundamental freedoms, democracy and the rule of law through dialogue and co-operation and assisting in the resolution of specific relevant questions. In order to improve further the implementation of the CSCE commitments in the human dimension, they decide to enhance the effectiveness of this mechanism and to strengthen and expand it as outlined in the following paragraphs.

(2) The participating States amend paragraphs 42.1 and 42.2 of the Document of the Copenhagen Meeting to the effect that they will provide in the shortest possible time, but no later than ten days, a written response to requests for information and to representations made to them in writing by other participating States under paragraph 1 of the human dimension mechanism. Bilateral meetings, as referred to in paragraph 2 of the human dimension mechanism, will take place as soon as possible, and as a rule within one week of the date of the request.

(3) A resource list comprising up to three experts appointed by each participating State will be established without delay at the CSCE Institution*. The experts will be eminent persons, preferably experienced in the field of the human dimension, from whom an impartial performance of their functions may be expected.

The experts will be appointed for a period of three to six years at the discretion of the appointing State, no expert serving more than two consecutive terms. Within four weeks after notification by the CSCE Institution of the appointment, any participating State may make reservations regarding no more than two experts to be appointed by another participating state. In such case, the appointing State may, within four weeks of being notified of such reservations, reconsider its decision and appoint another expert or experts; if it confirms the appointment originally intended, the expert concerned cannot take part in any procedure with respect to the State having made the reservation without the latter's express consent

The resource list will become operational as soon as 45 experts have been appointed.

(4) A participating State may invite the assistance of a CSCE mission, consisting of up to three experts, to address or contribute to the resolution of questions in its territory relating to the human dimension of the CSCE. In such case, the State will select the person or persons concerned from the resource list. The mission of experts will not include the participating State's own nationals or residents or any of the persons it appointed to the resource list or more than one national or resident of any particular State.

The inviting State will inform without delay the CSCE Institution when a mission of experts is established, which in turn will notify all participating States. The CSCE institutions will also, whenever necessary, provide appropriate support to such a mission.

(5) The purpose of a mission of experts is to facilitate resolution of a particular question or problem relating to the human dimension of the CSCE. Such mission may gather the information necessary for carrying out its tasks and, as appropriate, use its good offices and mediation services to promote dialogue and co-operation among interested parties. The State concerned will agree with the mission on the precise terms of reference and may thus assign any further functions to the mission of experts, *inter alia*, fact-finding and advisory services, in order to suggest ways and means of facilitating the observance of CSCE commitments.

(6) The inviting State will co-operate fully with the mission of experts and facilitate its work. It will grant the mission all the facilities necessary for the independent exercise of its functions. It will, *inter alia*, allow the mission, for the purpose of carrying out its tasks, to enter its territory without delay, to hold discussions and to travel freely therein, to meet freely with officials, non-governmental organizations and any group or person from whom it wishes to receive information. The mission may also receive information in confidence from any individual, group or organization on questions it is addressing. The members of such missions will respect the confidential nature of their task.

* The Council will take the decision on the institution.

The participating States will refrain from any action against persons, organizations or institutions on account of their contact with the mission of experts or of any publicly available information transmitted to it. The inviting State will comply with any request from a mission of experts to be accompanied by officials of that State if the mission considers this to be necessary to facilitate its work or guarantee its safety.

(7) The mission of experts will submit its observations to the inviting State as soon as possible, preferably within three weeks after the mission has been established. The inviting State will transmit the observations of the mission, together with a description of any action it has taken or intends to take upon it, to the other participating States via the CSCE Institution no later than three weeks after the submission of the observations.

These observations and any comments by the inviting State may be discussed by the Committee of Senior Officials, which may consider any possible follow-up action. The observations and comments will remain confidential until brought to the attention of the Senior Officials. Before the circulation of the observations and any comments, no other mission of experts may be appointed for the same issue.

(8) Furthermore, one or more participating States, having put into effect paragraphs 1 or 2 of the human dimension mechanism, may request that the CSCE Institution inquire of another participating State whether it would agree to invite a mission of experts to address a particular, clearly defined question on its territory relating to the human dimension of the CSCE. If the other participating State agrees to invite a mission of experts for the purpose indicated, the procedure set forth in paragraphs 4 to 7 will apply.

(9) If a participating State (a) has directed an enquiry under paragraph 8 to another participating State and that State has not established a mission of experts within a period of ten days after the enquiry has been made, or (b) judges that the issue in question has not been resolved as a result of a mission of experts, it may, with the support of at least five other participating States, initiate the establishment of a mission of up to three CSCE rapporteurs. Such a decision will be addressed to the CSCE Institution, which will notify without delay the State concerned as well as all the other participating States.

(10) The requesting State or States may appoint one person from the resource list to serve as a CSCE rapporteur. The requested State may, if it so chooses, appoint a further rapporteur from the resource list within six days after notification by the CSCE Institution of the appointment of the rapporteur. In such case the two designated rapporteurs, who will not be nationals or residents of, or persons appointed to the resource list by any of the States concerned, will by common agreement and without delay appoint a third rapporteur from the resource list. In case they fail to reach agreement within eight days, a third rapporteur who will not be a national or resident of, or a person appointed to the resource list by any of the States concerned, will be appointed from the resource list by the ranking official of the CSCE body designated by the Council. The provisions

of the second part of paragraph 4 and the whole of paragraph 6 also apply to a mission of rapporteurs.

(11) The CSCE rapporteur(s) will establish the facts, report on them and may give advice on possible solutions to the question raised. The report of the rapporteur(s), containing observations of facts, proposals or advice, will be submitted to the participating State or States concerned and, unless all the States concerned agree otherwise, to the CSCE Institution no later than three weeks after the last rapporteur has been appointed. The requested State will submit any observations on the report to the CSCE Institution, unless all the States concerned agree otherwise, no later than three weeks after the submission of the report.

The CSCE Institution will transmit the report, as well as any observations by the requested State or any other participating State, to all participating States without delay. The report may be placed on the agenda of the next regular meeting of the Committee of Senior Officials, which may decide on any possible follow-up action. The report will remain confidential until after that meeting of the Committee. Before the circulation of the report no other rapporteur may be appointed for the same issue.

(12) If a participating State considers that a particularly serious threat to the fulfilment of the provisions of the CSCE human dimension has arisen in another participating State, it may, with the support of at least nine other participating States, engage the procedure set forth in paragraph 10. The provisions of paragraph 11 will apply.

(13) Upon the request of any participating State the Committee of Senior Officials may decide to establish a mission of experts or of CSCE rapporteurs. In such case the Committee will also determine whether to apply the appropriate provisions of the preceding paragraphs.

(14) The participating State or States that have requested the establishment of a mission of experts or rapporteurs will cover the expenses of that mission. In case of the appointment of experts or rapporteurs pursuant to a decision of the Committee of Senior Officials, the expenses will be covered by the participating States in accordance with the usual scale of distribution of expenses. These procedures will be reviewed by the Helsinki Follow-up Meeting of the CSCE.

(15) Nothing in the foregoing will in any way affect the right of participating States to raise within the CSCE process any issue relating to the implementation of any CSCE commitment, including any commitment relating to the human dimension of the CSCE.

(16) In considering whether to invoke the procedures in paragraphs 9 and 10 or 12 regarding the case of an individual, participating States should pay due regard to whether that individual's case is already *sub judice* in an international judicial procedure.

Any reference to the Committee of Senior Officials in this document is subject to the decision of that Committee and the Council.

II

(17) The participating States

(17.1) - condemn unreservedly forces which seek to take power from a representative government of a participating State against the will of the people as expressed in free and fair elections and contrary to the justly established constitutional order;

(17.2) - will support vigorously, in accordance with the Charter of the United Nations, in case of overthrow or attempted overthrow of a legitimately elected government of a participating State by undemocratic means, the legitimate organs of that State upholding human rights, democracy and the rule of law, recognizing their common commitment to countering any attempt to curb these basic values;

(17.3) - recognize the need to make further peaceful efforts concerning human rights, democracy and the rule of law within the context of security and co-operation in Europe, individually and collectively, to make democratic advances irreversible and prevent any falling below the standards laid down in the principles and provisions of the Final Act, the Vienna Concluding Document, the Document of the Copenhagen Meeting, the Charter of Paris for a New Europe and the present document.

(18) The participating States recall their commitment to the rule of law in the Document of the Copenhagen Meeting and affirm their dedication to supporting and advancing those principles of justice which form the basis of the rule of law. In particular, they again reaffirm that democracy is an inherent element in the rule of law and that pluralism is important in regard to political organizations.

(18.1) Legislation will be formulated and adopted as the result of an open process reflecting the will of the people, either directly or through their elected representatives.

(18.2) Everyone will have an effective means of redress against administrative decisions, so as to guarantee respect for fundamental rights and ensure legal integrity.

(18.3) To the same end, there will be effective means of redress against administrative regulations for individuals affected thereby.

(18.4) The participating States will endeavour to provide for judicial review of such regulations and decisions.

(19) The participating States

(19.1) - will respect the internationally recognized standards that relate to the independence of judges and legal practitioners and the impartial operation of the public judicial service including, *inter alia*, the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights;

(19.2) - will, in implementing the relevant standards and commitments, ensure that the independence of the judiciary is guaranteed and enshrined in the constitution or the law of the country and is respected in practice, paying particular attention to the Basic Principles on the Independence of the Judiciary, which, *inter alia*, provide for

(i) prohibiting improper influence on judges;

(ii) preventing revision of judicial decisions by administrative authorities, except for the rights of the competent authorities to mitigate or commute sentences imposed by judges, in conformity with the law;

(iii) protecting the judiciary's freedom of expression and association, subject only to such restrictions as are consistent with its functions;

(iv) ensuring that judges are properly qualified, trained and selected on a non-discriminatory basis;

(v) guaranteeing tenure and appropriate conditions of service, including on the matter of promotion of judges, where applicable;

(vi) respecting conditions of immunity;

(vii) ensuring that the disciplining, suspension and removal of judges are determined according to law.

(20) For the promotion of the independence of the judiciary, the participating States will

(20.1) - recognize the important function national and international associations of judges and lawyers can perform in strengthening respect for the independence of their members and in providing education and training on the role of the judiciary and the legal profession in society;

(20.2) - promote and facilitate dialogue, exchanges and co-operation among national associations and other groups interested in ensuring respect for the independence of the judiciary and the protection of lawyers;

(20.3) - co-operate among themselves through, *inter alia*, dialogue, contacts and exchanges in order to identify where problem areas exist concerning the protection of the independence of judges and legal practitioners and to develop ways and means to address and resolve such problems;

(20.4) - co-operate on an ongoing basis in such areas as the education and training of judges and legal practitioners, as well as the preparation and enactment of legislation intended to strengthen respect for their independence and the impartial operation of the public judicial service.

(21) The participating States will

(21.1) - take all necessary measures to ensure that law enforcement personnel, when enforcing public order, will act in the public interest, respond to a specific need and pursue a legitimate aim, as well as use ways and means commensurate with the circumstances, which will not exceed the needs of enforcement;

(21.2) - ensure that law enforcement acts are subject to judicial control, that law enforcement personnel are held accountable for such acts, and that due compensation may be sought, according to domestic law, by the victims of acts found to be in violation of the above commitments.

(22) The participating States will take appropriate measures to ensure that education and information regarding the prohibition of excess force by law enforcement personnel as well as relevant international and domestic codes of conduct are included in the training of such personnel.

(23) The participating States will treat all persons deprived of their liberty with humanity and with respect for the inherent dignity of the human person and will respect the internationally recognized standards that relate to the administration of justice and the human rights of detainees.

(23.1) The participating States will ensure that

(i) no one will be deprived of his liberty except on such grounds and in accordance with such procedures as are established by law;

(ii) anyone who is arrested will be informed promptly in a language which he understands of the reason for his arrest, and will be informed of any charges against him;

(iii) any person who has been deprived of his liberty will be promptly informed about his rights according to domestic law;

(iv) any person arrested or detained will have the right to be brought promptly before a judge or other officer authorized by law to determine the lawfulness of his arrest or detention, and will be released without delay if it is unlawful;

(v) anyone charged with a criminal offence will have the right to defend himself in person or through legal assistance of his own choosing or, if he has not sufficient means to pay for legal assistance, to be given it free when the interests of justice so require;

(vi) any person arrested or detained will have the right, without undue delay, to notify or to require the competent authority to notify appropriate persons of his choice of his arrest, detention, imprisonment and whereabouts; any restriction in the exercise of this right will be prescribed by law and in accordance with international standards;

(vii) effective measures will be adopted, if this has not already been done, to provide that law enforcement bodies do not take undue advantage of the situation of a detained or imprisoned person for the purpose of compelling him to confess, or otherwise to incriminate himself, or to force him to testify against any other person;

(viii) the duration of any interrogation and the intervals between them will be recorded and certified, consistent with domestic law;

(ix) a detained person or his counsel will have the right to make a request or complaint regarding his treatment, in particular when torture or other cruel, inhuman or degrading treatment has been applied, to the authorities responsible for the administration of the place of detention and to higher authorities, and when necessary, to appropriate authorities vested with reviewing or remedial power;

(x) such request or complaint will be promptly dealt with and replied to without undue delay; if the request or complaint is rejected or in case of inordinate delay, the complainant will be entitled to bring it before a judicial or other authority; neither the detained or imprisoned person nor any complainant will suffer prejudice for making a request or complaint;

(xi) anyone who has been the victim of an unlawful arrest or detention will have a legally enforceable right to seek compensation.

(23.2) The participating States will

(i) endeavour to take measures, as necessary, to improve the conditions of individuals in detention or imprisonment;

(ii) pay particular attention to the question of alternatives to imprisonment.

(24) The participating States reconfirm the right to the protection of private and family life, domicile, correspondence and electronic communications. In order to avoid any improper or arbitrary intrusion by the State in the realm of the individual, which would be harmful to any democratic society, the exercise of this right will be subject only to such restrictions as are prescribed by law and are consistent with internationally recognized human rights standards. In particular, the participating States will ensure that searches and seizures of persons and private premises and property will take place only in accordance with standards that are judicially enforceable.

(25) The participating States will

(25.1) - ensure that their military and paramilitary forces, internal security and intelligence services, and the police are subject to the effective direction and control of the appropriate civil authorities;

(25.2) - maintain and, where necessary, strengthen executive control over the use of military and paramilitary forces as well as the activities of the internal security and intelligence services and the police;

(25.3) - take appropriate steps to create, wherever they do not already exist, and maintain effective arrangements for legislative supervision of all such forces, services and activities.

(26) The participating States reaffirm the right to freedom of expression, including the right to communication and the right of the media to collect, report and disseminate information, news and opinions. Any restriction in the exercise of this right will be prescribed by law and in accordance with international standards. They further recognize that independent media are essential to a free and open society and accountable systems of government and are of particular importance in safeguarding human rights and fundamental freedoms.

(26.1) They consider that the print and broadcast media in their territory should enjoy unrestricted access to foreign news and information services. The public will enjoy similar freedom to receive and impart information and ideas without interference by public authority regardless of frontiers, including through foreign publications and foreign broadcasts. Any restriction in the exercise of this right will be prescribed by law and in accordance with international standards.

(26.2) The participating States will not discriminate against independent media with respect to affording access to information, material and facilities.

(27) The participating States

(27.1) - express their intention to co-operate in the field of constitutional, administrative, commercial, civil and social welfare laws and their relevant areas, in order to develop, particularly in States where they do not yet exist, legal systems based on respect for human rights, the rule of law and democracy;

(27.2) - to this end, envisage the continuation and enhancement of bilateral and multi-lateral legal and administrative co-operation, *inter alia*, in the following fields:

- development of an efficient administrative system;
- assistance in formulating law and regulations;
- training of administrative and legal staff;
- exchange of legal works and periodicals.

(28) The participating States consider it important to protect human rights and fundamental freedoms during a state of public emergency, to take into account the relevant provisions of the Document of the Copenhagen Meeting, and to observe the international conventions to which they are parties.

(28.1) The participating States reaffirm that a state of public emergency is justified only by the most exceptional and grave circumstances, consistent with the State's international obligations and CSCE commitments. A state of public emergency may not be used to subvert the democratic constitutional order, nor aim at the destruction of internationally recognized human rights and fundamental freedoms. If recourse to force cannot be avoided, its use must be reasonable and limited as far as possible.

(28.2) A state of public emergency may be proclaimed only by a constitutionally lawful body, duly empowered to do so. In cases where the decision to impose a state of public emergency may be lawfully taken by the executive authorities, that decision should be subject to approval in the shortest possible time or to control by the legislature.

(28.3) The decision to impose a state of public emergency will be proclaimed officially, publicly, and in accordance with provisions laid down by law. The decision will, where possible, lay down territorial limits of a state of public emergency. The State concerned will make available to its citizens information, without delay, about which measures have been taken. The state of public emergency will be lifted as soon as possible and will not remain in force longer than strictly required by the exigencies of the situation.

(28.4) A de facto imposition or continuation of a state of public emergency not in accordance with provisions laid down by law is not permissible.

(28.5) The participating States will endeavour to ensure that the normal functioning of the legislative bodies will be guaranteed to the highest possible extent during a state of public emergency.

(28.6) The participating States confirm that any derogation from obligations relating to human rights and fundamental freedoms during a state of public emergency must remain strictly within the limits provided for by international law, in particular the relevant international instruments by which they are bound, especially with respect to rights from which there can be no derogation.

(28.7) The participating States will endeavour to refrain from making derogations from those obligations from which, according to international conventions to which they are parties, derogation is possible under a state of public emergency. Measures derogating from such obligations must be taken in strict conformity with the procedural requirements laid down in those instruments. Such measures will neither go further nor remain in force longer than strictly required by the exigencies of the situation; they are by nature exceptional and should be interpreted and applied with restraint. Such measures will not discriminate solely on the grounds of race, colour, sex, language, religion, social origin or of belonging to a minority.

(28.8) The participating States will endeavour to ensure that the legal guarantees necessary to uphold the rule of law will remain in force during a state of public emergency. They will endeavour to provide in their law for control over the regulations related to the state of public emergency, as well as the implementation of such regulations.

(28.9) The participating States will endeavour to maintain freedom of expression and freedom of information, consistent with their international obligations and commitments, with a view to enabling public discussion on the observance of human rights and fundamental freedoms as well as on the lifting of the state of public emergency. They will, in conformity with international standards regarding the freedom of expression, take no measures aimed at barring journalists from the legitimate exercise of their profession other than those strictly required by the exigencies of the situation.

(28.10) When a state of public emergency is declared or lifted in a participating State, the State concerned will immediately inform the CSCE Institution* of this decision, as well as of any derogation made from the State's international human rights obligations. The Institution will inform the other participating States without delay.

(29) The participating States, recognizing their common interest in promoting contacts and the exchange of information amongst Ombudsmen and other institutions entrusted with similar functions of investigating individual complaints of citizens against public authorities, note with appreciation an offer by Spain to host a meeting of Ombudsmen.

(30) The participating States suggest that the appropriate CSCE fora consider expanding the functions of the Office for Free Elections to enable it to assist in strengthening democratic institutions within the participating States.

(31) The participating States acknowledge the extensive experience and expertise of the Council of Europe in the field of human rights. They welcome its contribution to strengthening democracy in Europe, including its readiness to make its experience available to the CSCE.

III

(32) The participating States reaffirm their enduring commitment to the principles and provisions of the Final Act, the Vienna Concluding Document, and other relevant CSCE documents in which they undertook, *inter alia*, to respect human rights and fundamental freedoms and to ensure that they are guaranteed for all without distinction of any kind.

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

(34) The participating States will adopt, where appropriate, all feasible measures to protect journalists engaged in dangerous professional missions, particularly in cases of armed conflict, and will co-operate to that effect. These measures will include tracing mission journalists, ascertaining their fate, providing appropriate assistance and facilitating their return to their families.

(35) The participating States reaffirm that guaranteeing the freedom of artistic creation and preserving the cultural heritage form part of the human dimension of the CSCE. They consider that independent intellectual and cultural life is crucial for the maintenance of free societies and democratic institutions. They will implement their commit-

* The Council will take the decision on the institution.

ments in the cultural field, as laid down in the Document of the Cracow Symposium on the Cultural Heritage, and express the view that cultural issues, including cultural freedom, creativity and co-operation, should be further considered in the CSCE.

(36) The participating States recall their commitment in the Vienna Concluding Document to keep the question of capital punishment under consideration and reaffirm their undertakings in the Document of the Copenhagen Meeting to exchange information on the question of the abolition of the death penalty and to make available to the public information regarding the use of the death penalty.

(36.1) They note

(i) that the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty entered into force on 11 July 1991;

(ii) that a number of participating States have recently taken steps towards the abolition of capital punishment;

(iii) the activities of several non-governmental organizations concerning the question of the death penalty.

(37) The participating States confirm the provisions and commitments of all CSCE documents, in particular the Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE, concerning questions relating to national minorities and the rights of persons belonging to them, and the Report of the Geneva CSCE Meeting of Experts on National Minorities, and call for their full and early implementation. They believe that, in particular, the use of the new and expanded CSCE mechanisms and procedures will contribute to further protection and promotion of the rights of persons belonging to national minorities.

(38) The participating States recognize the need to ensure that the rights of migrant workers and their families lawfully residing in the participating States are respected and underline their right to express freely their ethnic, cultural, religious and linguistic characteristics. The exercise of such rights may be subject to such restrictions as are prescribed by law and are consistent with international standards.

(38.1) They condemn all acts of discrimination on the ground of race, colour and ethnic origin, intolerance and xenophobia against migrant workers. They will, in conformity with domestic law and international obligations, take effective measures to promote tolerance, understanding, equality of opportunity and respect for the fundamental human rights of migrant workers and adopt, if they have not already done so, measures that would prohibit acts that constitute incitement to violence based on national, racial, ethnic or religious discrimination, hostility or hatred.

(38.2) They will adopt appropriate measures that would enable migrant workers to participate in the life of the society of the participating States.

(38.3) They note that issues which concern the human dimension of migrant workers residing on their territory could, as any other issue of the human dimension, be raised under the human dimension mechanism.

(38.4) They recommend that the CSCE in its future work on the human dimension consider appropriate means to hold focused discussions on all issues regarding migrant workers, including, *inter alia*, familiarization with the language and social life of the country concerned.

(39) The participating States will

(39.1) - increase their preparedness and co-operate fully to enable humanitarian relief operations to be undertaken speedily and effectively;

(39.2) - take all necessary steps to facilitate speedy and unhindered access to the affected areas for such relief operations;

(39.3) - make the necessary arrangements for those relief operations to be carried out.

(40) The participating States recognize that full and true equality between men and women is a fundamental aspect of a just and democratic society based on the rule of law. They recognize that the full development of society and the welfare of all its members require equal opportunity for full and equal participation of men and women. In this context they will

(40.1) - ensure that all CSCE commitments relating to the protection and promotion of human rights and fundamental freedoms are applied fully and without discrimination with regard to sex;

(40.2) - comply with the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), if they are parties, and, if they have not already done so, consider ratifying or acceding to this Convention; States that have ratified or acceded to this Convention with reservations will consider withdrawing them;

(40.3) - effectively implement the obligations in international instruments to which they are parties and take appropriate measures to implement the United Nations Nairobi Forward-looking Strategies for the Advancement of Women (FLS);

(40.4) - affirm that it is their goal to achieve not only *de jure* but *de facto* equality of opportunity between men and women and to promote effective measures to that end;

(40.5) - establish or strengthen national machinery, as appropriate, for the advancement of women in order to ensure that programmes and policies are assessed for their impact on women;

(40.6) - encourage measures effectively to ensure full economic opportunity for women, including non-discriminatory employment policies and practices, equal access to education and training, and measures to facilitate combining employment with family

responsibilities for female and male workers; and will seek to ensure that any structural adjustment policies or programmes do not have an adversely discriminatory effect on women;

(40.7) - seek to eliminate all forms of violence against women, and all forms of traffic in women and exploitation of prostitution of women including by ensuring adequate legal prohibitions against such acts and other appropriate measures;

(40.8) - encourage and promote equal opportunity for full participation by women in all aspects of political and public life, in decision-making processes and in international co-operation in general;

(40.9) - recognize the vital role women and women's organizations play in national and international efforts to promote and enhance women's rights by providing, *inter alia*, direct services and support to women and encouraging a meaningful partnership between governments and these organizations for the purpose of advancing equality for women;

(40.10) - recognize the rich contribution of women to all aspects of political, cultural, social and economic life and promote a broad understanding of these contributions, including those made in the informal and unpaid sectors;

(40.11) - take measures to encourage that information regarding women and women's rights under international and domestic law is easily accessible;

(40.12) - develop educational policies, consistent with their constitutional systems, to support the participation of women in all areas of study and work, including non-traditional areas, and encourage and promote a greater understanding of issues relating to equality between men and women;

(40.13) - ensure the collection and analysis of data to assess adequately, monitor and improve the situation of women; these data should not contain any personal information.

(41) The participating States decide

(41.1) - to ensure protection of the human rights of persons with disabilities;

(41.2) - to take steps to ensure the equal opportunity of such persons to participate fully in the life of their society;

(41.3) - to promote the appropriate participation of such persons in decision-making in fields concerning them;

(41.4) - to encourage services and training of social workers for the vocational and social rehabilitation of persons with disabilities;

(41.5) - to encourage favourable conditions for the access of persons with disabilities to public buildings and services, housing, transport, and cultural and recreational activities.

(42) The participating States

(42.1) - affirm that human rights education is fundamental and that it is therefore essential that their citizens are educated on human rights and fundamental freedoms and the commitment to respect such rights and freedoms in domestic legislation and international instruments to which they may be parties;

(42.2) - recognize that effective human rights education contributes to combating intolerance, religious, racial and ethnic prejudice and hatred, including against Roma, xenophobia and anti-semitism;

(42.3) - will encourage their competent authorities responsible for education programmes to design effective human rights related curricula and courses for students at all levels, particularly students of law, administration and social sciences as well as those attending military, police and public service schools;

(42.4) - will make information on all CSCE human dimension provisions available to their educators;

(42.5) - will encourage organizations and educational establishments to co-operate in drawing up and exchanging human rights programmes at the national as well as the international level;

(42.6) - will seek to ensure that activities undertaken with a view to promoting human rights education in the broader sense take into account experience, programmes and forms of co-operation within existing international governmental and non-governmental bodies, such as the United Nations and the Council of Europe.

(43) The participating States will recognize as NGOs those which declare themselves as such, according to existing national procedures, and will facilitate the ability of such organizations to conduct their national activities freely on their territories; to that effect they will

(43.1) - endeavour to seek ways of further strengthening modalities for contacts and exchanges of views between NGOs and relevant national authorities and governmental institutions;

(43.2) - endeavour to facilitate visits to their countries by NGOs from within any of the participating States in order to observe human dimension conditions;

(43.3) - welcome NGO activities, including, *inter alia*, observing compliance with CSCE commitments in the field of the human dimension;

(43.4) - allow NGOs, in view of their important function within the human dimension of the CSCE, to convey their views to their own governments and the governments of all the other participating States during the future work of the CSCE on the human dimension.

(43.5) During the future work of the CSCE on the human dimension, NGOs will have the opportunity to distribute written contributions on specific issues of the human dimension of the CSCE to all delegations.

(43.6) The CSCE Secretariat will, within the framework of the resources at its disposal, respond favourably to requests by NGOs for non-restricted documents of the CSCE.

(43.7) Guidelines for the participation of NGOs in the future work of the CSCE on the human dimension might, *inter alia*, include the following:

(i) NGOs should be allotted common space at such meeting sites or in their immediate vicinity for their use as well as reasonable access, at their own expense, to technical facilities, including photocopying machines, telephones and fax machines;

(ii) NGOs should be informed and briefed on openness and access procedures in a timely manner;

(iii) delegations to CSCE meetings should be further encouraged to include or invite NGO members.

The participating States recommend that the Helsinki Follow-up Meeting consider establishing such guidelines.

(...)

Prague Document on Further Development of CSCE Institutions and Structures (Second Meeting of the Council of Ministers)

Prague 1992

(...)

III

Human dimension

6. The Ministers agreed that monitoring and promoting progress in the human dimension remains a key function of the CSCE.
7. Issues related to the human dimension will therefore be considered by the Council or the Committee of Senior Officials whenever necessary.
8. In addition, meetings of a short duration may also be decided upon by the Committee of Senior Officials to address clearly defined issues. Results of such meetings will be submitted to the Council through the Committee of Senior Officials for consideration or decisions as required.
9. In order to extend practical co-operation among participating States in the human dimension, the Ministers decided to give additional functions to the Office for Free Elections which will henceforth be called the Office for Democratic Institutions and Human Rights.
10. Under the general guidance of the CSO, the Office should, *inter alia*:
 - organize a short CSCE meeting at the seat of the Office for Democratic Institutions and Human Rights to address implementation of CSCE human dimension commitments every year in which a follow-up meeting does not take place. The Helsinki Follow-up Meeting will work out the organizational modalities for such meetings;

- serve as an institutional framework for sharing and exchanging information on available technical assistance, expertise, and national and international programmes aimed at assisting the new democracies in their institution-building;
- facilitate contacts between those offering such resources and those wishing to make use of them;
- develop co-operation with the Council of Europe in order to make use of its database of such resources and services;
- establish contacts with non-governmental organizations active in the field of democratic institution-building, with a view to enabling interested participating States to make use of their extensive resources and expertise;
- facilitate co-operation in training and education in disciplines relevant to democratic institutions;
- organize meetings and seminars among all participating States on subjects related to the building and revitalization of democratic institutions, such as a short seminar on free media and, at an appropriate time, one on migration. These meetings and seminars will be held in Warsaw unless otherwise decided.

11. In order to avoid duplication of work specially in the fields enumerated above, the Ministers directed the Office to work closely with other institutions active in the field of democratic institution-building and human rights, particularly the Council of Europe and the European Commission for Democracy through Law.

12. The CSO will on an annual basis examine the need for meetings and seminars on the human dimension and democratic institutions and will establish a work programme.

13. The Ministers requested the Helsinki Follow-up Meeting to further specify the task of the Warsaw Office and to decide how the human dimension activities of the CSCE may be further carried forward.

14. The Office for Democratic Institutions and Human Rights is designated as the CSCE institution charged with the tasks in connection with expert and rapporteur missions according to the Document of the Moscow Meeting of the Conference on the Human Dimension of the CSCE.

15. The Office for Democratic Institutions and Human Rights will be connected to the CSCE communications network.

IV

Safeguarding human rights, democracy and the rule of law

16. The Council decided, in order to develop further the CSCE's capability to safeguard human rights, democracy and the rule of law through peaceful means, that appropriate

action may be taken by the Council or the Committee of Senior Officials, if necessary in the absence of the consent of the State concerned, in cases of clear, gross and uncorrected violations of relevant CSCE commitments. Such actions would consist of political declarations or other political steps to apply outside the territory of the State concerned. This decision is without prejudice to existing CSCE mechanisms.

17. The Council requested the Helsinki Follow-up Meeting to consider further modalities in applying this decision.

VIII

Non-Governmental Organizations

42. The Council requests the Helsinki Follow-up Meeting to strengthen relations between the

CSCE and non-governmental organizations, in order to increase the role of non-governmental organizations in implementing CSCE goals and commitments. In particular, the Follow-up Meeting will develop opportunities and procedures for meaningful non-governmental organization involvement in the CSCE and possibilities for non-governmental organizations to communicate with CSCE structures and institutions, recalling *inter alia* the texts on non-governmental organizations agreed by the Sofia and Moscow Meetings and by the Oslo Seminar.

(...)

Helsinki Document: The Challenges of Change (Summit of Heads of State or Government)

Helsinki 1992

Helsinki Summit Declaration

Promises and Problems of Change

(...)

6. We welcome the commitment of all participating States to our shared values. Respect for human rights and fundamental freedoms, including the rights of persons belonging to national minorities, democracy, the rule of law, economic liberty, social justice and environmental responsibility are our common aims. They are immutable. Adherence to our commitments provides the basis for participation and co-operation in the CSCE and a cornerstone for further development of our societies.

7. We reaffirm the validity of the guiding principles and common values of the Helsinki Final Act and the Charter of Paris, embodying responsibilities of States towards each other and of governments towards their people. These are the collective conscience of our community. We recognize our accountability to each other for complying with them. We underline the democratic rights of citizens to demand from their governments respect for these values and standards.

8. We emphasize that the commitments undertaken in the field of the human dimension of the CSCE are matters of direct and legitimate concern to all participating States and do not belong exclusively to the internal affairs of the State concerned. The protection and promotion of the human rights and fundamental freedoms and the strengthening of democratic institutions continue to be a vital basis for our comprehensive security.

(...)

12. This is a time of promise but also a time of instability and insecurity. Economic decline, social tension, aggressive nationalism, intolerance, xenophobia and ethnic conflicts threaten stability in the CSCE area. Gross violations of CSCE commitments in the

field of human rights and fundamental freedoms, including those related to national minorities, pose a special threat to the peaceful development of society, in particular in new democracies.

There is still much work to be done in building democratic and pluralistic societies, where diversity is fully protected and respected in practice. Consequently, we reject racial, ethnic and religious discrimination in any form. Freedom and tolerance must be taught and practised.

(...)

14. In times of conflict the fulfilment of basic human needs is most at risk. We will exert every effort to ensure that they are met and that humanitarian commitments are respected. We will strive to relieve suffering by humanitarian cease-fires and to facilitate the delivery of assistance under international supervision, including its safe passage. We recognize that the refugee problems resulting from these conflicts require the co-operation of all of us. We express our support for and solidarity with those countries which bear the brunt of the refugee problems resulting from these conflicts. In this context we recognize the need for co-operation and concerted action.

(...)

We are further developing our possibilities for peaceful settlement of disputes.

21. Our approach is based on our comprehensive concept of security as initiated in the Final Act. This concept relates the maintenance of peace to the respect for human rights and fundamental freedoms. It links economic and environmental solidarity and co-operation with peaceful inter-State relations. This is equally valid in managing change as it was necessary in mitigating confrontation.

(...)

26. We restate our unreserved condemnation of all acts, methods and practices of terrorism. We are determined to enhance our co-operation to eliminate this threat to security, democracy and human rights. To this end, we will take measures to prevent in our territories criminal activities that support acts of terrorism in other States. We will encourage exchange of information concerning terrorist activities. We will seek further effective avenues for co-operation as appropriate. We will also take the necessary steps at a national level to fulfil our international obligations in this field.

27. Illicit trafficking in drugs represents a danger to the stability of our societies and democratic institutions. We will act together to strengthen all forms of bilateral and multilateral co-operation in the fight against illicit trafficking in drugs and other forms of international organized crime.

Helsinki Decisions

I. Strengthening CSCE Institutions and Structures

(...)

Assistance to the Chairman-in-Office

(...)

Personal representatives

(22) When dealing with a crisis or a conflict, the Chairman-in-Office may, on his/her own responsibility, designate a personal representative with a clear and precise mandate in order to provide support. The Chairman-in-Office will inform the CSO of the intention to appoint a personal representative and of the mandate. In reports to the Council/CSO, the Chairman-in-Office will include information on the activities of the personal representative as well as any observations or advice submitted by the latter.

High Commissioner on National Minorities

(23) The Council will appoint a High Commissioner on National Minorities. The High Commissioner provides “early warning” and, as appropriate, “early action” at the earliest possible stage in regard to tensions involving national minority issues that have the potential to develop into a conflict within the CSCE area, affecting peace, stability, or relations between participating States. The High Commissioner will draw upon the facilities of the Office for Democratic Institutions and Human Rights (ODIHR) in Warsaw.

(...)

Implementation reviews

(26) Thorough review of the implementation of CSCE commitments will continue to play a prominent role in CSCE activities, thus enhancing co-operation among participating States.

(27) Reviews of implementation will be held regularly at review conferences as well as at special meetings convened for this purpose at the ODIHR and the CPC, and when the CSO convenes as the Economic Forum as provided for in the relevant CSCE documents.

(28) These reviews of implementation will be of a co-operative nature, comprehensive in scope and at the same time able to address specific issues.

(29) The participating States will be invited to offer contributions on their implementation experience, with particular reference to difficulties encountered, and to provide their views of implementation throughout the CSCE area. Participating States are encouraged to circulate descriptions of contributions in advance of the meeting.

(30) Reviews should offer the opportunity to identify action which may be required to address problems. Meetings at which reviews of implementation take place may draw to the attention of the CSO any suggestions for measures to improve implementation which they deem advisable.

(...)

II. CSCE High Commissioner on National Minorities

(1) The participating States decide to establish a High Commissioner on National Minorities.

Mandate

(2) The High Commissioner will act under the aegis of the CSO and will thus be an instrument of conflict prevention at the earliest possible stage.

(3) The High Commissioner will provide “early warning” and, as appropriate, “early action” at the earliest possible stage in regard to tensions involving national minority issues which have not yet developed beyond an early warning stage, but, in the judgement of the High Commissioner, have the potential to develop into a conflict within the CSCE area, affecting peace, stability or relations between participating States, requiring the attention of and action by the Council or the CSO.

(4) Within the mandate, based on CSCE principles and commitments, the High Commissioner will work in confidence and will act independently of all parties directly involved in the tensions.

(5a) The High Commissioner will consider national minority issues occurring in the State of which the High Commissioner is a national or a resident, or involving a national minority to which the High Commissioner belongs, only if all parties directly involved agree, including the State concerned.

(5b) The High Commissioner will not consider national minority issues in situations involving organized acts of terrorism.

(5c) Nor will the High Commissioner consider violations of CSCE commitments with regard to an individual person belonging to a national minority.

(6) In considering a situation, the High Commissioner will take fully into account the availability of democratic means and international instruments to respond to it, and their utilization by the parties involved.

(7) When a particular national minority issue has been brought to the attention of the CSO, the involvement of the High Commissioner will require a request and a specific mandate from the CSO.

Profile, appointment, support

(8) The High Commissioner will be an eminent international personality with long-standing relevant experience from whom an impartial performance of the function may be expected.

(9) The High Commissioner will be appointed by the Council by consensus upon the recommendation of the CSO for a period of three years, which may be extended for one further term of three years only.

(10) The High Commissioner will draw upon the facilities of the ODIHR in Warsaw, and in particular upon the information relevant to all aspects of national minority questions available at the ODIHR.

Early warning

(11) The High Commissioner will:

(11a) collect and receive information regarding national minority issues from sources described below (see Supplement paragraphs (23)-(25));

(11b) assess at the earliest possible stage the role of the parties directly concerned, the nature of the tensions and recent developments therein and, where possible, the potential consequences for peace and stability within the CSCE area;

(11c) to this end, be able to pay a visit, in accordance with paragraph (17) and Supplement paragraphs (27)-(30), to any participating State and communicate in person, subject to the provisions of paragraph (25), with parties directly concerned to obtain first-hand information about the situation of national minorities.

(12) The High Commissioner may during a visit to a participating State, while obtaining first-hand information from all parties directly involved, discuss the questions with the parties, and where appropriate promote dialogue, confidence and co-operation between them.

Provision of early warning

(13) If, on the basis of exchanges of communications and contacts with relevant parties, the High Commissioner concludes that there is a prima facie risk of potential conflict (as set out in paragraph (3)) he/she may issue an early warning, which will be communicated promptly by the Chairman-in-Office to the CSO.

(14) The Chairman-in-Office will include this early warning in the agenda for the next meeting of the CSO. If a State believes that such an early warning merits prompt consultation, it may initiate the procedure set out in Annex 2 of the Summary of Conclusions of the Berlin Meeting of the Council ("Emergency Mechanism").

(15) The High Commissioner will explain to the CSO the reasons for issuing the early warning.

Early action

(16) The High Commissioner may recommend that he/she be authorized to enter into further contact and closer consultations with the parties concerned with a view to possible solutions, according to a mandate to be decided by the CSO. The CSO may decide accordingly.

Accountability

(17) The High Commissioner will consult the Chairman-in-Office prior to a departure for a participating State to address a tension involving national minorities. The Chairman-in-Office will consult, in confidence, the participating State(s) concerned and may consult more widely.

(18) After a visit to a participating State, the High Commissioner will provide strictly confidential reports to the Chairman-in-Office on the findings and progress of the High Commissioner's involvement in a particular question.

(19) After termination of the involvement of the High Commissioner in a particular issue, the High Commissioner will report to the Chairman-in-Office on the findings, results and conclusions. Within a period of one month, the Chairman-in-Office will consult, in confidence, on the findings, results and conclusions the participating State(s) concerned and may consult more widely. Thereafter the report, together with possible comments, will be transmitted to the CSO.

(20) Should the High Commissioner conclude that the situation is escalating into a conflict, or if the High Commissioner deems that the scope for action by the High Commissioner is exhausted, the High Commissioner shall, through the Chairman-in-Office, so inform the CSO.

(21) Should the CSO become involved in a particular issue, the High Commissioner will provide information and, on request, advice to the CSO, or to any other institution or organization which the CSO may invite, in accordance with the provisions of Chapter III of this document, to take action with regard to the tensions or conflict.

(22) The High Commissioner, if so requested by the CSO and with due regard to the requirement of confidentiality in his/her mandate, will provide information about his/her activities at CSCE implementation meetings on Human Dimension issues.

Supplement

Sources of information about national minority issues

(23) The High Commissioner may:

(23a) collect and receive information regarding the situation of national minorities and the role of parties involved therein from any source, including the media and non-governmental organizations with the exception referred to in paragraph (25);

(23b) receive specific reports from parties directly involved regarding developments concerning national minority issues. These may include reports on violations of CSCE commitments with respect to national minorities as well as other violations in the context of national minority issues.

(24) Such specific reports to the High Commissioner should meet the following requirements:

- they should be in writing, addressed to the High Commissioner as such and signed with full names and addresses;
- they should contain a factual account of the developments which are relevant to the situation of persons belonging to national minorities and the role of the parties involved therein, and which have taken place recently, in principle not more than 12 months previously. The reports should contain information which can be sufficiently substantiated.

(25) The High Commissioner will not communicate with and will not acknowledge communications from any person or organization which practises or publicly condones terrorism or violence.

Parties directly concerned

(26) Parties directly concerned in tensions who can provide specific reports to the High Commissioner and with whom the High Commissioner will seek to communicate in person during a visit to a participating State are the following:

(26a) governments of participating States, including, if appropriate, regional and local authorities in areas in which national minorities reside;

(26b) representatives of associations, non-governmental organizations, religious and other groups of national minorities directly concerned and in the area of tension, which are authorized by the persons belonging to those national minorities to represent them. Conditions for travel by the High Commissioner

(27) Prior to an intended visit, the High Commissioner will submit to the participating State concerned specific information regarding the intended purpose of that visit. Within two weeks the State(s) concerned will consult with the High Commissioner on the objectives of the visit, which may include the promotion of dialogue, confidence and co-operation between the parties. After entry the State concerned will facilitate free travel and communication of the High Commissioner subject to the provisions of paragraph (25) above.

(28) If the State concerned does not allow the High Commissioner to enter the country and to travel and communicate freely, the High Commissioner will so inform the CSO.

(29) In the course of such a visit, subject to the provision of paragraph (25) the High Commissioner may consult the parties involved, and may receive information in confi-

dence from any individual, group or organization directly concerned on questions the High Commissioner is addressing. The High Commissioner will respect the confidential nature of the information.

(30) The participating States will refrain from taking any action against persons, organizations or institutions on account of their contact with the High Commissioner.

High Commissioner and involvement of experts

(31) The High Commissioner may decide to request assistance from not more than three experts with relevant expertise in specific matters on which brief, specialized investigation and advice are required.

(32) If the High Commissioner decides to call on experts, the High Commissioner will set a clearly defined mandate and time-frame for the activities of the experts.

(33) Experts will only visit a participating State at the same time as the High Commissioner. Their mandate will be an integral part of the mandate of the High Commissioner and the same conditions for travel will apply.

(34) The advice and recommendations requested from the experts will be submitted in confidence to the High Commissioner, who will be responsible for the activities and for the reports of the experts and who will decide whether and in what form the advice and recommendations will be communicated to the parties concerned. They will be non-binding. If the High Commissioner decides to make the advice and recommendations available, the State(s) concerned will be given the opportunity to comment.

(35) The experts will be selected by the High Commissioner with the assistance of the ODIHR from the resource list established at the ODIHR as laid down in the Document of the Moscow Meeting.

(36) The experts will not include nationals or residents of the participating State concerned, or any person appointed by the State concerned, or any expert against whom the participating State has previously entered reservations. The experts will not include the participating State's own nationals or residents or any of the persons it appointed to the resource list, or more than one national or resident of any particular State.

Budget

(37) A separate budget will be determined at the ODIHR, which will provide, as appropriate, logistical support for travel and communication. The budget will be funded by the participating States according to the established CSCE scale of distribution. Details will be worked out by the Financial Committee and approved by the CSO.

IV. Relations with International Organizations, Relations with Non-Participating States, Role of Non-Governmental Organizations (NGOs)

(1) The new tasks before the CSCE require clearer relations and closer contacts with international organizations, in particular with the United Nations, and non-participat-

ing States. The CSCE remains at the same time a process whose activities go far beyond formal relations among governments to involve citizens and societies of the participating States. Successful efforts to build a lasting peaceful and democratic order and to manage the process of change require more structured and substantive input from groups, individuals, States and organizations outside the CSCE process.

To this end, the participating States have decided as follows:

Relations with international organizations

(2) The participating States, reaffirming their commitments to the Charter of the United Nations as subscribed to by them, declare their understanding that the CSCE is a regional arrangement in the sense of Chapter VIII of the Charter of the United Nations and as such provides an important link between European and global security. The rights and responsibilities of the United Nations Security Council remain unaffected in their entirety.

(3) Recalling the relevant decisions of the Prague Document, the participating States will improve contact and practical co-operation with appropriate international organizations.

(4) They may accordingly agree to invite presentations by those international organizations and institutions mentioned in the Prague Document and others, as appropriate.

(5) Those organizations, institutions and others as agreed may be invited to attend CSCE meetings and seminars as guests of honour with appropriate name-plates.

(6) They will make full use of the information exchange under paragraph 44 of the Prague Document.

Relations with non-participating Mediterranean States

(7) Recalling the provisions of the Final Act and other CSCE relevant documents and consistent with established practice, the non-participating Mediterranean States will continue to be invited to contribute to CSCE activities.

(8) Measures to widen the scope of co-operation with non-participating Mediterranean States are set forth in Chapter X.

Relations with non-participating States

(9) In accordance with paragraph 45 of the Prague Document, the participating States intend to deepen their co-operation and develop a substantial relationship with non-participating States, such as Japan, which display an interest in the CSCE, share its principles and objectives, and are actively engaged in European co-operation through relevant organizations.

(10) To this end, Japan will be invited to attend CSCE meetings, including those of Heads of State and Government, the CSCE Council, the Committee of Senior Officials

and other appropriate CSCE bodies which consider specific topics of expanded consultation and co-operation.

(11) Representatives of Japan may contribute to such meetings, without participating in the preparation and adoption of decisions, on subjects in which Japan has a direct interest and/or wishes to co-operate actively with the CSCE.

Increasing openness of CSCE activities, promoting understanding of the CSCE, expanding the role of NGOs

(12) The participating States will increase the openness of the CSCE institutions and structures and ensure wide dissemination of information on the CSCE.

(13) To this end:

- the Chairman-in-Office assisted by the CSCE Secretariat will arrange briefings on the political consultation process;
- the CSCE institutions will, within existing budgets, provide information to the public and organize public briefings on their activities;
- the Secretariat will facilitate the flow of information to and contacts with the media, bearing in mind that CSCE policy issues remain the responsibility of participating States.

(14) The participating States will provide opportunities for the increased involvement of non-governmental organizations in CSCE activities.

(15) They will, accordingly:

- apply to all CSCE meetings the guidelines previously agreed for NGO access to certain CSCE meetings;
- make open to NGOs all plenary meetings of review conferences, ODIHR seminars, workshops and meetings, the CSO when meeting as the Economic Forum, and human rights implementation meetings, as well as other expert meetings. In addition each meeting may decide to open some other sessions to attendance by NGOs;
- instruct Directors of CSCE institutions and Executive Secretaries of CSCE meetings to designate an “NGO liaison person” from among their staff;
- designate, as appropriate, one member of their Foreign Ministries and a member of their delegations to CSCE meetings to be responsible for NGO liaison;
- promote contacts and exchanges of views between NGOs and relevant national authorities and governmental institutions between CSCE meetings;
- facilitate during CSCE meetings informal discussion meetings between representatives of participating States and of NGOs;

- encourage written presentations by NGOs to CSCE institutions and meetings, titles of which may be kept and provided to the participating States upon request;
- provide encouragement to NGOs organizing seminars on CSCE-related issues;
- notify NGOs through the CSCE institutions of the dates of future CSCE meetings, together with an indication, when possible, of the subjects to be addressed, as well as, upon request, the activations of CSCE mechanisms which have been made known to all participating States.

(16) The above provisions will not be applied to persons or organizations which resort to the use of violence or publicly condone terrorism or the use of violence.

(17) The participating States will use all appropriate means to disseminate as widely as possible within their societies knowledge of the CSCE, its principles, commitments and activities.

(18) The concept of a CSCE Prize will be considered.

VI. The Human Dimension

(1) The participating States conducted a useful review of implementation of CSCE commitments in the Human Dimension. They based their discussion on the new community of values established among them, as set forth by the Charter of Paris for a New Europe and developed by the new standards created within the CSCE in recent years. They noted major progress in complying with Human Dimension commitments, but recognized developments of serious concern and thus the need for further improvement.

(2) The participating States express their strong determination to ensure full respect for human rights and fundamental freedoms, to abide by the rule of law, to promote the principles of democracy and, in this regard, to build, strengthen and protect democratic institutions, as well as to promote tolerance throughout society. To these ends, they will broaden the operational framework of the CSCE, including by further enhancing the ODIHR, so that information, ideas, and concerns can be exchanged in a more concrete and meaningful way, including as an early warning of tension and potential conflict. In doing so, they will focus their attention on topics in the Human Dimension of particular importance. They will therefore keep the strengthening of the Human Dimension under constant consideration, especially in a time of change.

(3) In this regard, the participating States adopt the following:

Framework for monitoring compliance with CSCE commitments and for promoting co-operation in the human dimension

(4) In order to strengthen and monitor compliance with CSCE commitments as well as to promote progress in the Human Dimension, the participating States agree to enhance the framework of their co-operation and to this end decide the following:

Enhanced role of the ODIHR

(5) Under the general guidance of the CSO and in addition to its existing tasks as set out in the Charter of Paris for a New Europe and in the Prague Document on Further Development of CSCE Institutions and Structures, the ODIHR will, as the main institution of the Human Dimension:

(5a) assist the monitoring of implementation of commitments in the Human Dimension by:

- serving as a venue for bilateral meetings under paragraph 2 and as a channel for information under paragraph 3 of the Human Dimension Mechanism as set out in the Vienna Concluding Document;
- receiving any comments from States visited by CSCE missions of relevance to the Human Dimension other than those under the Human Dimension Mechanism; it will transmit the report of those missions as well as eventual comments to all participating States with a view to discussion at the next implementation meeting or review conference;
- participating in or undertaking missions when instructed by the Council or the CSO;

(5b) act as a clearing-house for information on:

- a state of public emergency according to paragraph 28.10 of the Document of the Moscow Meeting of the Conference on the Human Dimension;
- resource lists, and assistance, e.g. in the field of censuses or on democracy at a local and regional level, and the holding of national seminars on such issues;

(5c) assist other activities in the field of the Human Dimension, including the building of democratic institutions by:

- fulfilling the tasks as defined in the “Programme of co-ordinated support to recently admitted participating States”;
- arranging “Seminars on the democratic process” at the request of participating States. The same procedural provisions as set out in the “Programme of co-ordinated support for recently admitted participating States” will also apply to these seminars;
- contributing, within the resources at its disposal, to the preparation of seminars at the request of one or more participating States;

- providing, as appropriate, facilities to the High Commissioner on National Minorities;
- communicating, as appropriate, with relevant international and non-governmental organizations;
- consulting and co-operating with relevant bodies of the Council of Europe and those associated with it, and examining how they can contribute, as appropriate, to the ODIHR's activities. The ODIHR will also, at the request of participating States, supply them with information about programmes within the framework of the Council of Europe which are open to all participating States.

(6) The activities on Human Dimension issues undertaken by the ODIHR may, *inter alia*, contribute to early warning in the prevention of conflicts.

Human Dimension Mechanism

(7) In order to align the Human Dimension Mechanism with present CSCE structures and institutions the participating States decide that:

Any participating State which deems it necessary may provide information on situations and cases which have been the subject of requests under paragraphs 1 or 2 of the chapter entitled the "Human Dimension of the CSCE" of the Vienna Concluding Document or on the results of those procedures, to the participating States through the ODIHR — which can equally serve as a venue for bilateral meetings under paragraph 2 — or diplomatic channels. Such information may be discussed at Meetings of the CSO, at implementation meetings on Human Dimension issues and review conferences.

(8) Procedures concerning the covering of expenses of expert and rapporteur missions of the Human Dimension Mechanism may be considered by the next review conference in the light of experience gained.

Implementation

Implementation meetings on Human Dimension Issues

(9) Every year in which a review conference does not take place, the ODIHR will organize a three-week meeting at expert-level of all participating States at its seat to review implementation of CSCE Human Dimension commitments. The meeting will perform the following tasks:

(9a) a thorough exchange of views on the implementation of Human Dimension commitments, including discussion on the information provided in accordance with paragraph 4 of the Human Dimension Mechanism and on the Human Dimension aspects of the reports of CSCE missions, as well as the consideration of ways and means of improving implementation;

(9b) an evaluation of the procedures for monitoring compliance with commitments.

(10) The implementation meeting may draw to the attention of the CSO measures to improve implementation which it deems necessary.

(11) The implementation meeting will not produce a negotiated document.

(12) Written contributions and information material will be of a non-restricted or restricted character as indicated by the submitting State.

(13) Implementation meetings will be organized to meet in formal and informal sessions. All formal sessions will be open. In addition, the participating States may decide, on a case-by-case basis, to open informal sessions.

(14) The Council of Europe, the European Commission for Democracy through Law and the European Bank for Reconstruction and Development (EBRD), as well as other relevant international organizations and institutions will be encouraged by the implementation meeting to attend and make contributions.

(15) Non-governmental organizations having relevant experience in the field of the Human Dimension are invited to make written presentations to the implementation meeting, e.g. through the ODIHR, and may be invited by the implementation meeting, on the basis of their written presentations, to address specific questions orally as appropriate.

(16) During two half days in the course of the implementation meeting no formal session will be scheduled in order to provide better opportunities for possible contacts with NGOs. To this purpose, a hall at the meeting site will be placed at the disposal of NGOs.

CSCE Human Dimension seminars

(17) Under the general guidance of the CSO, the ODIHR will organize CSCE Human Dimension seminars which will address specific questions of particular relevance to the Human Dimension and of current political concern. The CSO will establish an annual work programme including the titles and dates of such seminars. The agenda and modalities of each seminar will be approved by the CSO at the latest three months before the seminar. In doing so, the CSO will take into account views expressed by the ODIHR. Unless otherwise decided, seminars will be held at the seat of the ODIHR and will not exceed one week. The work programme will take into account work by relevant international organizations and institutions.

(18) These seminars will be organized in an open and flexible manner. Relevant international organizations and institutions may be invited to attend and to make contributions. So may NGOs with relevant experience. Independent experts attending the seminar as members of national delegations will also be free to speak in their own capacity.

(19) CSCE seminars will be organized to meet in formal and informal sessions. All formal sessions will be open. In addition, the participating States may decide, on a case-by-case basis, to open informal sessions.

- (20) CSCE seminars will not produce a negotiated document or follow-up programmes.
- (21) Contributions by independent experts will be of a non-restricted character.
- (...)

Enhanced commitments and co-operation in the Human Dimension

National minorities

The participating States

(23) Reaffirm in the strongest terms their determination to implement in a prompt and faithful manner all their CSCE commitments, including those contained in the Vienna Concluding Document, the Copenhagen Document and the Geneva Report, regarding questions relating to national minorities and rights of persons belonging to them;

(24) Will intensify in this context their efforts to ensure the free exercise by persons belonging to national minorities, individually or in community with others, of their human rights and fundamental freedoms, including the right to participate fully, in accordance with the democratic decision-making procedures of each State, in the political, economic, social and cultural life of their countries including through democratic participation in decision-making and consultative bodies at the national, regional and local level, *inter alia*, through political parties and associations;

(25) Will continue through unilateral, bilateral and multilateral efforts to explore further avenues for more effective implementation of their relevant CSCE commitments, including those related to the protection and the creation of conditions for the promotion of the ethnic, cultural, linguistic and religious identity of national minorities;

(26) Will address national minority issues in a constructive manner, by peaceful means and through dialogue among all parties concerned on the basis of CSCE principles and commitments;

(27) Will refrain from resettling and condemn all attempts, by the threat or use of force, to resettle persons with the aim of changing the ethnic composition of areas within their territories;

Indigenous populations

The participating States

(29) Noting that persons belonging to indigenous populations may have special problems in exercising their rights, agree that their CSCE commitments regarding human rights and fundamental freedoms apply fully and without discrimination to such persons.

Tolerance and non-discrimination

The participating States

(30) Express their concern over recent and flagrant manifestations of intolerance, discrimination, aggressive nationalism, xenophobia, anti-semitism and racism and stress the vital role of tolerance, understanding and co-operation in the achievement and preservation of stable democratic societies;

(...)

(32) Will consider adhering to the International Convention on the Elimination of All Forms of Racial Discrimination, if they have not already done so;

(33) Will consider taking appropriate measures within their constitutional framework and in conformity with their international obligations to assure to everyone on their territory protection against discrimination on racial, ethnic and religious grounds, as well as to protect all individuals, including foreigners, against acts of violence, including on any of these grounds. Moreover, they will make full use of their domestic legal processes, including enforcement of existing laws in this regard;

(34) Will consider developing programmes to create the conditions for promoting non-discrimination and cross-cultural understanding which will focus on human rights education, grass-roots action, cross-cultural training and research;

(35) Reaffirm, in this context, the need to develop appropriate programmes addressing problems of their respective nationals belonging to Roma and other groups traditionally identified as Gypsies and to create conditions for them to have equal opportunities to participate fully in the life of society, and will consider how to co-operate to this end.

Migrant workers

The participating States

(36) Restate that human rights and fundamental freedoms are universal, that they are also enjoyed by migrant workers wherever they live and stress the importance of implementing all CSCE commitments on migrant workers and their families lawfully residing in the participating States;

(37) Will encourage the creation of conditions to foster greater harmony in relations between migrant workers and the rest of the society of the participating State in which they lawfully reside. To this end, they will seek to offer, *inter alia*, measures to facilitate the familiarization of migrant workers and their families with the languages and social life of the respective participating State in which they lawfully reside so as to enable them to participate in the life of the society of the host country;

(38) Will, in accordance with their domestic policies, laws and international obligations seek, as appropriate, to create the conditions for promoting equality of oppor-

tunity in respect of working conditions, education, social security and health services, housing, access to trade unions as well as cultural rights for lawfully residing and working migrant workers.

Refugees and displaced persons

The participating States

- (39) Express their concern over the problem of refugees and displaced persons;
- (40) Emphasize the importance of preventing situations that may result in mass flows of refugees and displaced persons and stress the need to identify and address the root causes of displacement and involuntary migration;
- (41) Recognize the need for international co-operation in dealing with mass flows of refugees and displaced persons;
- (42) Recognize that displacement is often a result of violations of CSCE commitments, including those relating to the Human Dimension;
- (43) Reaffirm the importance of existing international standards and instruments related to the protection of and assistance to refugees and will consider acceding to the Convention relating to the Status of Refugees and the Protocol, if they have not already done so;
- (44) Recognize the importance of the United Nations High Commissioner for Refugees and the International Committee of the Red Cross, as well as of non-governmental organizations involved in relief work, for the protection of and assistance to refugees and displaced persons;
- (45) Welcome and support unilateral, bilateral and multilateral efforts to ensure protection of and assistance to refugees and displaced persons with the aim of finding durable solutions;
- (...)

International humanitarian law

The participating States

- (47) Recall that international humanitarian law is based upon the inherent dignity of the human person;
- (48) Will in all circumstances respect and ensure respect for international humanitarian law including the protection of the civilian population;
- (49) Recall that those who violate international humanitarian law are held personally accountable;

(50) Acknowledge the essential role of the International Committee of the Red Cross in promoting the implementation and development of international humanitarian law, including the Geneva Conventions and their relevant Protocols;

(51) Reaffirm their commitment to extend full support to the International Committee of the Red Cross, as well as to the Red Cross and Red Crescent Societies, and to the United Nations organizations, particularly in times of armed conflict, respect their protective emblems, prevent the misuse of these emblems and, as appropriate, exert all efforts to ensure access to the areas concerned;

(52) Commit themselves to fulfilling their obligation to teach and disseminate information about their obligations under international humanitarian law.

Democracy at a local and regional level

The participating States

(53) Will endeavour, in order to strengthen democratic participation and institution building and in developing co-operation among them, to share their respective experience on the functioning of democracy at a local and regional level, and welcome against this background the Council of Europe information and education network in this field;

(54) Will facilitate contacts and encourage various forms of co-operation between bodies at a local and regional level.

Nationality

The participating States

(55) Recognize that everyone has the right to a nationality and that no one should be deprived of his/her nationality arbitrarily;

(56) Underline that all aspects of nationality will be governed by the process of law. They will, as appropriate, take measures, consistent with their constitutional framework not to increase statelessness;

(57) Will continue within the CSCE the discussion on these issues.

Capital punishment

The participating States

(58) Confirm their commitments in the Copenhagen and Moscow Documents concerning the question of capital punishment.

Free media

The participating States

(59) Direct the ODIHR to organize a CSCE Human Dimension Seminar on Free Media, to be held in 1993. The goal of the Seminar will be to encourage the discussion, demonstration, establishment of contacts and exchange of information between governmental representatives and media practitioners.

Education

The participating States

(60) Would welcome, in view of the importance of education as to the dissemination of the ideas of democracy, human rights and democratic institutions, especially in a period of change, the organization to this end of a seminar entitled "Education: Structures, Policies and Strategies" by the Council of Europe, open to all participating States.

Compilation of Human Dimension commitments

The participating States

(61) Welcome the drawing up of compilations of existing CSCE Human Dimension commitments in order to promote greater understanding for the implementation of these commitments.

Domestic implementation guidelines

The participating States

(62) Will promote, where appropriate, the drawing up of guidelines to assist the effective implementation of domestic legislation on human rights issues related to CSCE commitments.

(...)

Document of the Third Meeting of the CSCE Council of Ministers

Stockholm 1992

Summary of Conclusions of the Stockholm Council Meeting

Shaping a New Europe — the Role of the CSCE

(...)

The Ministers expressed their continuing commitment to use the CSCE to consolidate human rights, democracy, the rule of law and economic freedom as the foundation for peace, security and stability and to prevent, manage and solve conflicts in the CSCE area.

The Ministers condemned the extended use of force in Europe which has bred ever more violence and hatred. They strongly rejected continuing flagrant violations of human rights. They committed themselves to act to counter the growing manifestations of racism, anti-semitism and all forms of intolerance in the CSCE area.

(...)

Important aspects of the CSCE strategy include:

(...)

- Emphasizing the CSCE's ability to provide early warning through the appointment of a High Commissioner on National Minorities who will enjoy the full political support of all participating States;
- Active use of missions and representatives as part of preventive diplomacy to promote dialogue, stability and provide for early warning;
- Effective use of missions and representatives in crisis areas as part of a strategy of consultation, negotiation and concerted action to limit conflicts before they become violent;

- Co-operating, as appropriate, with international organizations and with individual participating States to ensure that the broad spectrum of CSCE mechanisms and procedures, including peacekeeping, can be applied;
- Increased efforts at treating the root causes of conflicts by applying all aspects of the human dimension of the CSCE and by involving non-governmental organizations and individual citizens more directly in the work of the CSCE;
- Making all governments accountable to each other for their behaviour towards their citizens and towards neighbouring States and holding individuals personally accountable for war crimes and acts in violation of international humanitarian law;

(...)

Decisions

(...)

2. The CSCE as a Community of Values

The CSCE's comprehensive concept of security relates peace, security and prosperity directly to the observance of human rights and democratic freedoms. Many of the present problems are linked to the failure to observe CSCE commitments and principles.

The human dimension mechanisms of the CSCE are being used increasingly as a major foundation for the CSCE's efforts at early warning and conflict prevention. Their further elaboration and utilization will strengthen considerably the CSCE's ability to pursue the root causes of tensions and to refine its mechanisms for early warning on potentially dangerous situations.

The Ministers welcomed the strengthened role of the Office for Democratic Institutions and Human Rights and the appointment of the High Commissioner on National Minorities as especially useful steps towards integrating the human dimension more fully into the political consultations and concerted action of the participating States (...) They expressed the hope that newly-admitted participating States would make particular use of the opportunities provided by these institutions.

Compliance with CSCE commitments is of fundamental importance. Monitoring of compliance provides governments of participating States with crucial information on which they can formulate policy (...)

The Ministers expressed their profound concern at the recent manifestations of aggressive nationalism, xenophobia, anti-semitism, racism and other violations of human rights. Violations of international humanitarian law and CSCE principles and commitments, such as "ethnic cleansing", or mass deportation, endangered the maintenance of peace, security and democracy and will not be tolerated. They were convinced that

increased attention should be paid by the CSCE, and in particular by the Committee of Senior Officials and the High Commissioner on National Minorities, to these threats to human rights and fundamental freedoms. The CSO will report on this issue to the Council of Ministers at its next Meeting, when the Council will consider developments.

The Ministers also stressed the important role the Human Dimension of the CSCE should play in longer-term conflict prevention. They underlined the need for positive action aimed at fostering understanding, tolerance and national and local preventive action. They emphasized the importance of direct contact between experts, governmental and non-governmental, through the series of Human Dimension seminars successfully begun by the CSCE Seminar on Tolerance (...)

The increasing problem of refugees and displaced persons is an issue of major concern to all participating States, particularly in conflicts where the fulfilment of basic human needs is most at risk. The Ministers deplored the plight of civil populations most affected in such conflicts and called on all participating States to contribute to a concerted effort to share the common burden. All Governments are accountable to each other for their behaviour towards their citizens and towards their neighbours. Individuals are to be held personally accountable for war crimes and acts in violation of international humanitarian law.

(...)

3. High Commissioner on National Minorities

The Council appointed Mr. Max van der Stoep as CSCE High Commissioner on National Minorities (HCNM) to strengthen the CSCE's capacity for early warning and preventive diplomacy. The High Commissioner will act within the mandate laid down in the Helsinki Document. The Ministers expressed their support for the High Commissioner and their readiness to co-operate with him in the execution of his complex but crucial task of identifying and containing at the earliest possible stage tensions involving national minority issues which have the potential to develop into a conflict within the CSCE area.

The Ministers encouraged the High Commissioner to analyse carefully potential areas of tension, to visit any participating State and to undertake wide-ranging discussions at all levels with parties directly involved in the issues. In this context, the High Commissioner may discuss the questions with the parties and, where appropriate, promote dialogue, confidence and co-operation between them at all levels, to enhance political solutions in line with CSCE principles and commitments.

The Ministers undertook to provide the High Commissioner with relevant information at their disposal on national minority issues, fully respecting the independence of the High Commissioner in accordance with the mandate.

(...)

Document of the Fourth Meeting of the CSCE Council of Ministers

Rome 1993

CSCE and the New Europe - Our Security is indivisible

(...)

The Ministers expressed deep concern that threats to peace and stability proliferate and that crises, widespread violence and open confrontations persist. They strongly condemned the increasing violations of human rights and humanitarian law and the attempt of countries to acquire territories by the use of force. The increasing flow of refugees and appalling human suffering caused by armed conflicts must be urgently alleviated. The Ministers reiterated the personal accountability of those responsible for crimes against humanity.

Despite these events, there is encouraging progress in human rights, democracy and the rule of law in several parts of the CSCE area. The Ministers expressed satisfaction with the spread of free elections and development of democratic institutions registered in many participating States. The Ministers intended to ensure that the CSCE provided appropriate support for these efforts.

(...)

The Ministers stressed the need to make wider use of CSCE capabilities in early warnings and preventive diplomacy and to further integrate the human dimension in this endeavour. They commended the contribution of the High Commissioner on National Minorities to the development of these capabilities.

The Ministers furthermore welcomed an increased role of the Office for Democratic Institutions and Human Rights in the human dimension, as well as the contributions of the CSCE missions in the field of conflict prevention and crisis management. The goal of further efforts should be to improve abilities to address potential crises at an early stage.

(...)

To give substance and direction to their commitments, the Ministers have agreed on an action programme to be implemented through the decisions which they have adopted today.

These decisions, *inter alia*, address the following issues:

(...)

(c) The role of the High Commissioner for National Minorities will be enhanced.

(d) The human dimension will be further integrated into the CSCE political consultation process: the ODIHR will be reinforced.

(...)

(j) The role of the CSCE in combating aggressive nationalism, racism, chauvinism, xenophobia and anti-semitism will be strengthened.

Decisions of the Rome Council Meeting

(...)

III. High Commissioner on National Minorities

Bearing in mind the close interrelationship between questions relating to national minorities and conflict prevention, the Ministers encouraged the High Commissioner on National Minorities (HCNM) to pursue his activities under his Mandate. They recognized the HCNM as an innovative and effective asset in early warning and preventive diplomacy. The Ministers stressed the importance of participating States co-operating fully with the High Commissioner and supporting follow-up and implementation of his recommendations. They welcomed the decision by the CSO to increase the resources available to the HCNM.

IV. The Human Dimension

1. The Ministers reiterated that human dimension issues are fundamental to the comprehensive security concept of the CSCE. They noted that adherence to human dimension commitments remains to be consolidated in large parts of the CSCE area, and expressed particular concern that civilians continue to be the victims of atrocities in ongoing conflicts in the CSCE area. Concerned by the root causes of tension stemming from historical prejudices, the Ministers called for efforts, *inter alia*, through education, to promote tolerance and consciousness of belonging to a system of common values. The Ministers stressed that implementation of human dimension commitments must be a focus of attention in the CSCE's conflict prevention efforts.

2. To this end the Ministers decided to strengthen the instruments of conflict prevention and early warning which are available within the human dimension of the CSCE. They emphasized the need in this context for enhanced co-operation and co-ordination

with relevant international organizations such as the Council of Europe, as well as with non-governmental organizations.

The following decisions were taken:

3. The political consultation process and CSCE missions

- In order to further political consideration and action under the human dimension, the decision-making bodies of the CSCE will consider human dimension issues on a regular basis as an integral part of deliberations relating to European security. Resources and information will be made available by the ODIHR in support of such consideration.
- Further emphasis will be given to human dimension issues in mandates of CSCE missions as well as in the follow-up of mission reports. To this end the ODIHR will be given an enhanced role in the preparation of CSCE missions, *inter alia*, in providing information and advice to missions in accordance with its expertise.
- In the context of conflict prevention and crisis management, the issue of mass migration, namely displaced persons and refugees, will be addressed, as appropriate, by the CSO and the Permanent Committee of the CSCE, taking into account the role of other relevant international bodies.

4. Office for Democratic Institutions and Human Rights

The Ministers decided to strengthen the ODIHR's functions and operations. *Inter alia*, the ODIHR will enhance its activities under its mandate in the following areas:

- the building of an expanded database of experts in fields relevant to the human dimension. Participating States and non-governmental organizations are requested to inform the ODIHR of experts available in fields relevant to the human dimension;
- enhancement of its role in comprehensive election monitoring;
- strengthened co-operation with relevant international organizations in order to coordinate activities and identify possible areas of joint endeavour;
- receiving information provided by NGOs having relevant experience in the human dimension field;
- serving as a point of contact for information provided by participating States in accordance with CSCE commitments;
- disseminating general information on the human dimension, and international humanitarian law.

The Ministers determined that in order to fulfil its new tasks, the ODIHR should be granted additional resources. They requested the CSO to consider the financial and administrative implications of strengthening the ODIHR as outlined above.

5. Streamlining the Moscow Mechanism

Recognizing the Moscow Mechanism as a significant inter-governmental instrument for follow-up within the human dimension, the Ministers agreed to develop its effectiveness and promote its use, by expanding the resource list and shortening time-frames under the mechanism. Also the Permanent Committee of the CSCE will be empowered to trigger the mechanism as well as to take follow-up action based on rapporteur's reports. To this end it was decided to modify the mechanism in accordance with annex A.

6. Building on the work of the Implementation Meeting on Human Dimension Issues and the Human Dimension Seminars

- The Ministers attached significance to the outcome of the first Implementation Meeting on Human Dimension Issues, as well as the human dimension seminars conducted. The results of the Implementation Meeting of Human Dimension Issues were welcomed and the CSO and the Permanent Committee of the CSCE were tasked to consider relevant follow-up to them.
- Enhanced follow-up by the political bodies of the CSCE based on summaries of meetings and seminars in the human dimension will be sought. The ODIHR, in consultation with interested participating States, is invited to present further proposals for appropriate follow-up action resulting from human dimension seminars to forthcoming CSO or Permanent Committee meetings.
- The Ministers expressed their appreciation of the work carried out at the Seminar on Free Media to stimulate editorially independent broadcast media and a free press. They reiterated their commitment to safeguard freedom of expression, a basic human right, and stressed the necessity of independent media for a free and open society. To this end the Ministers decided that better use should be made of the CSCE human dimension instruments to promote open and diverse media, including exploring the possibility of utilizing CSCE missions.

(...)

VIII. Integration of recently admitted Participating States

(...)

2. The Ministers underlined the importance of the Human Dimension in the further integration of the recently admitted participating States. While many of these States are in a difficult period of political and economic transition, the Ministers expressed their expectation that the recently admitted participating States would do their utmost to ensure the implementation in their countries of all CSCE principles and commitments, also in times of crisis. They commended the role played by the ODIHR in helping to build democratic institutions in the recently admitted participating States. They requested the ODIHR to intensify its efforts to identify and implement co-operation

projects with these States within the framework of the Programme or Co-ordinated Support. They noted also the important contribution made by the Human Dimension seminars organized by the ODIHR to increased understanding of the problems arising from the process of integration. They agreed on the importance of making full use of the experience gained at these seminars.

(...)

X. Declaration on Aggressive Nationalism, Racism, Chauvinism, Xenophobia and Anti-Semitism

1. Recalling their decisions taken at the Stockholm Council Meeting, the Ministers noted with deep concern the growing manifestations of aggressive nationalism, such as territorial expansionism, as well as racism, chauvinism, xenophobia and anti-semitism. These run directly counter to the principles and commitments of the CSCE.

2. The Ministers also noted that these phenomena can lead to violence, secessionism by the use of force and ethnic strife, and in their worst instances to the barbaric practices of mass deportation, ethnic cleansing and violence against innocent civilians.

3. 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.

4. The Ministers focused attention on the need for urgent action to enforce the strict observance of the norms of international humanitarian law, including the prosecution and punishment of those guilty of war crimes and other crimes against humanity.

5. The Ministers agreed that the CSCE must play an important role in these efforts. The clear standards of behaviour reflected in CSCE commitments include active support for the equal rights of all individuals in accordance with international law and for the protection of national minorities.

6. The Ministers decided to keep this issue high on the agenda of the CSCE and therefore decided:

- to task the Permanent Committee to study possible follow-up actions;
- to invite the High Commissioner on National Minorities, in light of his mandate, to pay particular attention to all aspects of aggressive nationalism, racism, chauvinism, xenophobia and anti-semitism;
- to request the ODIHR to pay special attention to these phenomena and to apply resources as necessary on addressing these problems.

(...)

Annex A

The procedures in paragraphs 3, 7, 11, 13 and 14 of the 1991 Document of the Moscow Meeting of the Conference on the Human Dimension of the CSCE are modified to read as follows (all changes have been underlined):

(3) A resource list comprising up to six experts appointed by each participating State will be established without delay at the CSCE Institution. The experts will be eminent persons, including where possible experts with experience related to national minority issues, preferably experienced in the field of the human dimension, from whom an impartial performance of their functions may be expected.

The experts will be appointed for a period of three to six years at the discretion of the appointing State, no expert serving more than two consecutive terms. Within four weeks after notification by the CSCE Institution of the appointment, any participating State may make reservations regarding no more than two experts to be appointed by another participating State. In such case, the appointing State may, within four weeks of being notified of such reservations, reconsider its decision and appoint another expert or experts; if it confirms the appointment originally intended, the expert concerned cannot take part in any procedure with respect to the State having made the reservation without the latter's express consent.

The resource list will become operational as soon as 45 experts have been appointed.

(7) The mission of experts will submit its observations to the inviting State as soon as possible, preferably within three weeks after the mission has been established. The inviting State will transmit the observations of the mission, together with a description of any action it has taken or intends to take upon it, to the other participating States via the CSCE Institution no later than two weeks after the submission of the observations.

These observations and any comments by the inviting State may be discussed by the Committee of Senior Officials, which may consider any possible follow-up action. The observations and comments will remain confidential until brought to the attention of the Senior Officials. Before the circulation of the observations and any comments, no other mission of experts may be appointed for the same issue.

(11) The CSCE rapporteur(s) will establish the facts, report on them and may give advice on possible solutions to the question raised. The report of the rapporteur(s), containing observations of facts, proposals or advice, will be submitted to the participating State or States concerned and, unless all the States concerned agree otherwise, to the CSCE Institution no later than two weeks after the last rapporteur has been appointed. The requested State will submit any observations on the report to the CSCE Institution, unless all the States concerned agree otherwise, no later than two weeks after the submission of the report.

The CSCE Institution will transmit the report, as well as any observations by the requested State or any other participating State, to all participating States without delay.

The report will be placed on the agenda of the next regular meeting of the Committee of Senior Officials or of the Permanent Committee of the CSCE, which may decide on any possible follow-up action. The report will remain confidential until after that meeting of the Committee. Before the circulation of the report no other rapporteur may be appointed for the same issue.

(13) Upon the request of any participating State the Committee of Senior Officials or the Permanent Committee of the CSCE may decide to establish a mission of experts or of CSCE rapporteurs. In such case the Committee will also determine whether to apply the appropriate provisions of the preceding paragraphs.

(14) The participating State or States that have requested the establishment of a mission of experts or rapporteurs will cover the expenses of that mission. In case of the appointment of experts or rapporteurs pursuant to a decision of the Committee of Senior Officials or of the Permanent Committee of the CSCE, the expenses will be covered by the participating States in accordance with the usual scale of distribution of expenses. These procedures will be reviewed by the Helsinki Follow-up Meeting of the CSCE.

Budapest Document: Towards a Genuine Partnership in a New Era

(Summit of Heads of State or Government)

Budapest 1994

Budapest Summit Declaration

(...)

7. (...) The CSCE's democratic values are fundamental to our goal of a community of nations with no divisions, old or new, in which the sovereign equality and the independence of all States are fully respected, there are no spheres of influence and the human rights and fundamental freedoms of all individuals, regardless of race, colour, sex, language, religion, social origin or of belonging to a minority, are vigorously protected.

(...)

14. We confirm the significance of the Human Dimension in all the activities of the CSCE. Respect for human rights and fundamental freedoms, democracy and the rule of law is an essential component of security and co-operation in the CSCE region. It must remain a primary goal of CSCE action. Periodic reviews of implementation of our commitments, fundamental throughout the CSCE, are critical in the Human Dimension. The enhanced capabilities of the Office for Democratic Institutions and Human Rights will continue to assist participating States, in particular those in transition. We underline the importance of human contacts in overcoming the legacy of old divisions.

(...)

Budapest Decisions

I. Strengthening the CSCE

1. The new era of security and co-operation in Europe has led to a fundamental change in the CSCE and to a dramatic growth in its role in shaping our common security area. To reflect this the CSCE will henceforth be known as the Organization for Security and Co-operation in Europe (OSCE). The change in name will be effective on 1 January

1995. As of this date, all references to the CSCE will henceforth be considered as references to the OSCE.

(...)

3. The Heads of State or Government have directed that the future role and functions of the CSCE will include the following:

(...)

5. - to ensure full implementation of all CSCE commitments;

(...)

11. - to develop further CSCE work in the field of human rights and fundamental freedoms, and other areas of the human dimension;

(...)

14. To accomplish these objectives, the CSCE will function as follows:

15. The next Meeting of Heads of State or Government will take place in 1996 in Lisbon preceded by a preparatory meeting. The Summit will decide on the frequency of future Summit meetings.

16. The Ministerial Council (formerly the CSCE Council) as the central decision-making and governing body of the CSCE will meet, as a rule, towards the end of every term of chairmanship at the level of Foreign Ministers.

17. The Senior Council (replacing the Committee of Senior Officials) will meet in Prague twice a year, at the minimum. An additional meeting will be held before the Ministerial Council Meeting. The Senior Council will discuss and set forth policy and broad budgetary guidelines. The participating States are encouraged to be represented at the level of political directors or at a corresponding level. The Senior Council will also be convened as the Economic Forum.

18. The Permanent Council (formerly the Permanent Committee) will be the regular body for political consultation and decision-making. It can also be convened for emergency purposes. It will meet in Vienna and be composed of the permanent representatives of the participating States.

19. Overall responsibility for executive action will remain with the Chairman-in-Office (CIO). The CIO will continue to take full advantage of his/her mandate, *inter alia*, by dispatching personal representatives. The CIO will be assisted by the Troika. The term of chairmanship will normally last one calendar year.

20. The Secretary General will continue to take full advantage of his/her mandate and in support of the CIO will be more actively involved in all aspects of the management of the CSCE. He/she participates in Troika ministerial meetings.

21. The continuation of the activities of the High Commissioner on National Minorities will be supported and his/her resources will be enhanced. The participating States will increase their efforts to implement his/her recommendations.

22. The work of CSCE missions will be given political support and follow-up from the Permanent Council. In order to ensure the fulfilment of their tasks, the necessary human and financial resources will be committed by the participating States.

23. The CSCE Office for Democratic Institutions and Human Rights will be strengthened in playing an important role in CSCE activities.

24. The CIO will continue to maintain close contacts and an active dialogue with the Parliamentary Assembly (PA). The CIO will draw the recommendations of the PA to the attention of the Permanent Council and inform the PA on the activities of the CSCE.

25. The current mode of review of implementation of all CSCE commitments will be maintained. The review meeting before each Summit will be held in Vienna.

(...)

IV. Code of Conduct on Politico-Military Aspects of Security

Preamble

The participating States of the Conference on Security and Co-operation in Europe (CSCE),

Recognizing the need to enhance security co-operation, including through the further encouragement of norms of responsible and co-operative behaviour in the field of security,

Confirming that nothing in this Code diminishes the validity and applicability of the purposes and principles of the Charter of the United Nations or of other provisions of international law,

Reaffirming the undiminished validity of the guiding principles and common values of the Helsinki Final Act, the Charter of Paris and the Helsinki Document 1992, embodying responsibilities

of States towards each other and of governments towards their people, as well as the validity of other CSCE commitments,

Have adopted the following Code of Conduct on politico-military aspects of security:

I

1. The participating States emphasize that the full respect for all CSCE principles embodied in the Helsinki Final Act and the implementation in good faith of all commitments undertaken in the CSCE are of fundamental importance for stability and

security, and consequently constitute a matter of direct and legitimate concern to all of them.

2. The participating States confirm the continuing validity of their comprehensive concept of security, as initiated in the Final Act, which relates the maintenance of peace to the respect for human rights and fundamental freedoms. It links economic and environmental co-operation with peaceful inter-State relations.

(...)

//

6. The participating States will not support terrorist acts in any way and will take appropriate measures to prevent and combat terrorism in all its forms. They will co-operate fully in combating the threat of terrorist activities through implementation of international instruments and commitments they agree upon in this respect. They will, in particular, take steps to fulfil the requirements of international agreements by which they are bound to prosecute or extradite terrorists.

(...)

VI

17. The participating States commit themselves to co-operate, including through development of sound economic and environmental conditions, to counter tensions that may lead to conflict. The sources of such tensions include violations of human rights and fundamental freedoms and of other commitments in the human dimension; manifestations of aggressive nationalism, racism, chauvinism, xenophobia and anti-semitism also endanger peace and security.

18. The participating States stress the importance both of early identification of potential conflicts and of their joint efforts in the field of conflict prevention, crisis management and peaceful settlement of disputes.

19. In the event of armed conflict, they will seek to facilitate the effective cessation of hostilities and seek to create conditions favourable to the political solution of the conflict. They will co-operate in support of humanitarian assistance to alleviate suffering among the civilian population, including facilitating the movement of personnel and resources dedicated to such tasks.

VII

20. The participating States consider the democratic political control of military, paramilitary and internal security forces as well as of intelligence services and the police to be an indispensable element of stability and security. They will further the integration of their armed forces with civil society as an important expression of democracy.

21. Each participating State will at all times provide for and maintain effective guidance to and control of its military, paramilitary and security forces by constitutionally established authorities vested with democratic legitimacy. Each participating State will pro-

vide controls to ensure that such authorities fulfil their constitutional and legal responsibilities. They will clearly define the roles and missions of such forces and their obligation to act solely within the constitutional framework.

22. Each participating State will provide for its legislative approval of defence expenditures. Each participating State will, with due regard to national security requirements, exercise restraint in its military expenditures and provide for transparency and public access to information related to the armed forces.

23. Each participating State, while providing for the individual service member's exercise of his or her civil rights, will ensure that its armed forces as such are politically neutral.

24. Each participating State will provide and maintain measures to guard against accidental or unauthorized use of military means.

25. The participating States will not tolerate or support forces that are not accountable to or controlled by their constitutionally established authorities. If a participating State is unable to exercise its authority over such forces, it may seek consultations within the CSCE to consider steps to be taken.

26. Each participating State will ensure that in accordance with its international commitments its paramilitary forces refrain from the acquisition of combat mission capabilities in excess of those for which they were established.

27. Each participating State will ensure that the recruitment or call-up of personnel for service in its military, paramilitary and security forces is consistent with its obligations and commitments in respect of human rights and fundamental freedoms.

28. The participating States will reflect in their laws or other relevant documents the rights and duties of armed forces personnel. They will consider introducing exemptions from or alternatives to military service.

29. The participating States will make widely available in their respective countries the international humanitarian law of war. They will reflect, in accordance with national practice, their commitments in this field in their military training programmes and regulations.

30. Each participating State will instruct its armed forces personnel in international humanitarian law, rules, conventions and commitments governing armed conflict and will ensure that such personnel are aware that they are individually accountable under national and international law for their actions.

31. The participating States will ensure that armed forces personnel vested with command authority exercise it in accordance with relevant national as well as international law and are made aware that they can be held individually accountable under those laws for the unlawful exercise of such authority and that orders contrary to national and

international law must not be given. The responsibility of superiors does not exempt subordinates from any of their individual responsibilities.

32. Each participating State will ensure that military, paramilitary and security forces personnel will be able to enjoy and exercise their human rights and fundamental freedoms as reflected in CSCE documents and international law, in conformity with relevant constitutional and legal provisions and with the requirements of service.

33. Each participating State will provide appropriate legal and administrative procedures to protect the rights of all its forces personnel.

VIII

34. Each participating State will ensure that its armed forces are, in peace and in war, commanded, manned, trained and equipped in ways that are consistent with the provisions of international law and its respective obligations and commitments related to the use of armed forces in armed conflict, including as applicable the Hague Conventions of 1907 and 1954, the Geneva Conventions of 1949 and the 1977 Protocols Additional thereto, as well as the 1980 Convention on the Use of Certain Conventional Weapons.

35. Each participating State will ensure that its defence policy and doctrine are consistent with international law related to the use of armed forces, including in armed conflict, and the relevant commitments of this Code.

36. Each participating State will ensure that any decision to assign its armed forces to internal security missions is arrived at in conformity with constitutional procedures. Such decisions will prescribe the armed forces' missions, ensuring that they will be performed under the effective control of constitutionally established authorities and subject to the rule of law. If recourse to force cannot be avoided in performing internal security missions, each participating State will ensure that its use must be commensurate with the needs for enforcement. The armed forces will take due care to avoid injury to civilians or their property.

37. The participating States will not use armed forces to limit the peaceful and lawful exercise of their human and civil rights by persons as individuals or as representatives of groups nor to deprive them of their national, religious, cultural, linguistic or ethnic identity.

IX

38. Each participating State is responsible for implementation of this Code. If requested, a participating State will provide appropriate clarification regarding its implementation of the Code. Appropriate CSCE bodies, mechanisms and procedures will be used to assess, review and improve if necessary the implementation of this Code.

X

39. The provisions adopted in this Code of Conduct are politically binding. Accordingly, this Code is not eligible for registration under Article 102 of the Charter of the United Nations. This Code will come into effect on 1 January 1995.

40. Nothing in this Code alters the nature and content of the commitments undertaken in other CSCE documents.

41. The participating States will seek to ensure that their relevant internal documents and procedures or, where appropriate, legal instruments reflect the commitments made in this Code.

42. The text of the Code will be published in each participating State, which will disseminate it and make it known as widely as possible.

VIII. The Human Dimension***Introduction***

1. In their review of implementation of CSCE commitments in the human dimension, the participating States based their discussion on the community of values established among them, which is reflected in the high standards created within the CSCE. During the discussion, it was noted that major progress had been made in compliance with human dimension commitments. The participating States acknowledged, however, that there was a serious deterioration in some areas and a need for action against the continuing violations of human rights and manifestations of aggressive nationalism, such as territorial expansionism, as well as racism, chauvinism, xenophobia and anti-semitism, which continue to cause human suffering.

2. Human rights and fundamental freedoms, the rule of law and democratic institutions are the foundations of peace and security, representing a crucial contribution to conflict prevention, within a comprehensive concept of security. The protection of human rights, including the rights of persons belonging to national minorities, is an essential foundation of democratic civil society. Neglect of these rights has, in severe cases, contributed to extremism, regional instability and conflict. The participating States confirmed that issues of implementation of CSCE commitments are of legitimate and common concern to all participating States, and that the raising of these problems in the cooperative and result-oriented spirit of the CSCE was therefore a positive exercise. They undertook to encourage implementation of CSCE commitments through enhanced dialogue, implementation reviews and mechanisms. They will broaden the operational framework of the CSCE, in particular by enhancing the Office for Democratic Institutions and Human Rights (ODIHR), increasing its involvement in the work of the Permanent Council and mission activity, and furthering co-operation with international organizations and institutions active in human dimension areas.

3. The participation of non-governmental organizations (NGOs) was a welcome addition to the implementation review. In their statements, these organizations contrib-

uted ideas and raised issues of concern for participating States to take into consideration. They also informed the participating States of their activities, such as in the area of conflict prevention and resolution. The experience of the Budapest Review Conference invites further consideration with regard to promoting within the CSCE the dialogue between governments and NGOs of the participating States, in addition to State-to-State dialogue.

4. Reaffirming their commitments in the human dimension, the participating States, while considering it essential to concentrate their efforts on the implementation of existing CSCE commitments, decide to enhance the framework of their co-operation and to this end adopt the following:

Enhancing Compliance with CSCE Commitments and Promoting Co-operation and Dialogue in the Human Dimension

Enhancing implementation

5. Building on the implementation review structures in the Helsinki Document 1992 and to improve human dimension implementation, the participating States will use the Permanent Council for an enhanced dialogue on the human dimension and for possible action in cases of non-implementation. To this end, the participating States decide that human dimension issues will be regularly dealt with by the Permanent Council. They will draw more widely on the possibilities offered by the Moscow Mechanism for examining or promoting the solution of questions relating to the human dimension on their territory.

6. They encourage the Chairman-in-Office to inform the Permanent Council of serious cases of alleged non-implementation of human dimension commitments, including on the basis of information from the ODIHR, reports and recommendations of the High Commissioner on National Minorities (HCNM), or reports of the head of a CSCE mission and information from the State concerned.

7. The participating States reconfirm their appreciation for the HCNM, who has, fully in line with his mandate, been able to focus on, and to successfully address a number of national minority issues, taking also into account specific situations of participating States and of parties directly concerned. They encourage the HCNM to continue his present activities, and support him on taking up new and further ones, including those related to his recommendations. They will increase their efforts to implement these recommendations.

Role of the ODIHR

8. The ODIHR, as the main institution of the human dimension, in consultation with the Chairman-in-Office, will, acting in an advisory capacity, participate in discussions of the Senior Council and the Permanent Council, by reporting at regular intervals on its activities and providing information on implementation issues. It will provide supporting material for the annual review of implementation and, where necessary, clarify

or supplement information received. Acting in close consultation with the Chairman-in-Office, the Director of the ODIHR may propose further action.

9. The participating States recognize the need for enhanced co-operation through the ODIHR with other international organizations and institutions active in the human dimension, including among others the United Nations High Commissioner for Human Rights, for the exchange of information, including reports, and for further developing of future-oriented activities, such as outlined in the present document.

10. The participating States decide to

- enhance the CSCE's co-operation with other international organizations and institutions, in particular UNHCR and IOM, with a view to contributing to UNHCR's preparation of a regional conference to address the problems of refugees, displaced persons, other forms of involuntary displacement and returnees in the countries of the Commonwealth of Independent States (CIS) and other interested neighbouring States, by establishing, after consultation in the informal Financial Committee, a temporary position, financed by voluntary contributions for a migration expert;
- task the ODIHR to act as a clearing-house for the exchange of information on media issues in the region, and encourage governments, journalists and NGOs to provide the ODIHR with information on the situation of the media.

11. The ODIHR will be consulted on a CSCE mission's mandate before adoption and will contribute to the follow-up of mission reports as decided by the Permanent Council. The ODIHR's knowledge of experts on the human dimension should be used to help to staff CSCE missions. These missions will also designate a mission member to liaise with the ODIHR and with NGOs on human dimension issues.

12. The ODIHR will play an enhanced role in election monitoring, before, during and after elections. In this context, the ODIHR should assess the conditions for the free and independent functioning of the media.

The participating States request that co-ordination between the various organizations monitoring elections be improved, and task the ODIHR to consult all relevant organizations in order to develop a framework for co-ordination in this field.

In order to enhance election monitoring preparations and procedures, the ODIHR will also devise a handbook for election monitors and set up a rolling calendar for upcoming elections.

13. The provisions mentioned in the human dimension chapter of this document do not in any way constitute a change in the mandate of either the ODIHR or the HCNM.

ODIHR seminars

14. The number of large-scale human dimension seminars will as a rule be reduced to two per year. They will focus on topics which are of the broadest interest. There will be

more emphasis on regional seminars. Where appropriate they will form part of the Programme of Co-ordinated Support. These seminars should seek full participation from States in the region in which they are held. The ODIHR is requested to present to the Permanent Council a report on how to increase the effectiveness of human dimension seminars. Whilst these seminars will not produce a negotiated document, particular attention should be given to improving follow-up.

15. A large number of possible subjects for seminars, both large-scale and regional, was suggested during the Review Conference. The Executive Secretariat kept a list, which will be passed on to the Permanent Council. In conformity with the relevant provisions of the Helsinki Document 1992, the Permanent Council will establish an annual work programme including the titles, dates and venues of such seminars, taking into account the advice of the ODIHR and the HCNM.

16. The participating States welcomed the offer of Romania to host an International Seminar on Tolerance in Bucharest under the auspices of the ODIHR and the Council of Europe, in co-operation with UNESCO, in the context of the 1995 International Year of Tolerance.

Role of NGOs

17. The participating States and CSCE institutions will provide opportunities for increased involvement of NGOs in CSCE activities as foreseen in Chapter IV of the Helsinki Document 1992. They will search for ways in which the CSCE can best make use of the work and information provided by NGOs. The Secretary General is requested to make a study on how participation of NGOs can be further enhanced.

Commitments and Co-operation

Rule of law

18. The participating States emphasize that all action by public authorities must be consistent with the rule of law, thus guaranteeing legal security for the individual.

They also emphasize the need for protection of human rights defenders and look forward to the completion and adoption, in the framework of the United Nations, of the draft declaration on the "Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms".

Capital punishment

19. The participating States reconfirm their commitments in the Copenhagen and Moscow Documents concerning the question of capital punishment.

Prevention of torture

20. The participating States strongly condemn all forms of torture as one of the most flagrant violations of human rights and human dignity. They commit themselves to strive for its elimination. They recognize the importance in this respect of international norms as laid down in international treaties on human rights, in particular the United Nations Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment and the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. They also recognize the importance of national legislation aimed at eradicating torture. They commit themselves to inquire into all alleged cases of torture and to prosecute offenders. They also commit themselves to include in their educational and training programmes for law enforcement and police forces specific provisions with a view to eradicating torture. They consider that an exchange of information on this problem is an essential prerequisite. The participating States should have the possibility to obtain such information. The CSCE should in this context also draw on the experience of the Special Rapporteur on Torture and other Cruelly Inhuman or Degrading Treatment or Punishment established by the Commission on Human Rights of the United Nations and make use of information provided by NGOs.

National minorities

21. The participating States confirm their determination consistently to advance the implementation of the provisions of the Final Act and all other CSCE documents relating to the protection of the rights of persons belonging to national minorities. They commend the work of the HCNM in this field.

22. The participating States welcome the international efforts to improve protection of the rights of persons belonging to national minorities. They take note of the adoption, within the Council of Europe, of a Framework Convention on the Protection of National Minorities, which builds upon CSCE standards in this context. They stressed that the Convention is also open — by invitation — to signature by States which are not members of the Council of Europe and they may consider examining the possibility of becoming parties to this Convention.

Roma and Sinti

23. The participating States decide to appoint within the ODIHR a contact point for Roma and Sinti (Gypsies) issues. The ODIHR will be tasked to:

- act as a clearing-house for the exchange of information on Roma and Sinti (Gypsies) issues, including information on the implementation of commitments pertaining to Roma and Sinti (Gypsies);
- facilitate contacts on Roma and Sinti (Gypsies) issues between participating States, international organizations and institutions and NGOs;

- maintain and develop contacts on these issues between CSCE institutions and other international organizations and institutions.

To fulfil these tasks, the ODIHR will make full use of existing resources. In this context they welcome the announcement made by some Roma and Sinti (Gypsies) organizations of their intention to make voluntary contributions.

24. The participating States welcome the activities related to Roma and Sinti (Gypsies) issues in other international organizations and institutions, in particular those undertaken in the Council of Europe.

Tolerance and non-discrimination

25. The participating States condemn manifestations of intolerance, and especially of aggressive nationalism, racism, chauvinism, xenophobia and anti-semitism, and will continue to promote effective measures aimed at their eradication. They request the ODIHR to continue to pay special attention to these phenomena, collecting information on their various manifestations in participating States. They will seek to strengthen or adopt appropriate legislation to this end and take the necessary measures to ensure that existing legislation is effectively implemented, in a way that would deter manifestations of these phenomena. They also stress that action to combat these phenomena should be seen as an integral part of integration policy and education. They condemn all crimes committed in the pursuit of so-called “ethnic cleansing” and will continue to give their effective support to the International War Crimes Tribunal for the former Yugoslavia in The Hague.

26. They commend the Council of Europe’s plan of action on racism, xenophobia, anti-semitism and intolerance. In following up the Rome Council’s Declaration, CSCE institutions will explore possibilities for joint work with the Council of Europe, as well as the United Nations and other international organizations.

27. Reaffirming their commitment to ensure freedom of conscience and religion and to foster a climate of mutual tolerance and respect between believers of different communities as well as between believers and non-believers, they expressed their concern about the exploitation of religion for aggressive nationalist ends.

Migrant workers

28. The participating States reconfirm that human rights are universal and indivisible. They recognized that the protection and promotion of the rights of migrant workers have their human dimension. They underline the right of migrant workers to express freely their ethnic, cultural, religious and linguistic characteristics. The exercise of such rights may be subject to such restrictions as are prescribed by law and consistent with international standards.

29. They decided that appropriate measures should be taken to better prevent racist attacks and other manifestations of violent intolerance against migrant workers and their families.

30. They reconfirm their condemnation of all acts of discrimination on the ground of race, colour and ethnic origin, intolerance and xenophobia against migrant workers. They will, in conformity with domestic law and international obligations, continue to take effective measures to this end.

31. They will continue to promote the integration of migrant workers in the societies in which they are lawfully residing. They recognize that a successful process of integration also depends on its active pursuit by the migrants themselves and decided therefore to encourage them in this regard.

Migration

32. The participating States express their concern at mass migratory movements in the CSCE region, including millions of refugees and displaced persons, due mainly to war, armed conflict, civil strife and grave human rights violations. Taking into account the Rome Council Decisions 1993, they decide to expand their co-operation with appropriate international bodies in this respect.

They take note of efforts undertaken by UNHCR to prepare a regional conference to address the problems of refugees, displaced persons, other forms of involuntary displacement and returnees in the countries of the CIS and other interested neighbouring States.

International humanitarian law

33. The participating States deeply deplore the series of flagrant violations of international humanitarian law that occurred in the CSCE region in recent years and reaffirm their commitment to respect and ensure respect for general international humanitarian law and in particular for their obligations under the relevant international instruments, including the 1949 Geneva Conventions and their additional protocols, to which they are a party.

34. They emphasize the potential significance of a declaration on minimum humanitarian standards applicable in all situations and declare their willingness to actively participate in its preparation in the framework of the United Nations. They commit themselves to ensure adequate information and training within their military services with regard to the provisions of international humanitarian law and consider that relevant information should be made available.

35. They highly value the developing co-operation between the CSCE and the International Committee of the Red Cross (ICRC), in particular in the case of CSCE missions, and welcome the readiness of the ICRC to develop this co-operation and commit themselves to further extend support to the ICRC, in particular by strengthening contacts already established between CSCE missions and the ICRC's delegations in the field.

Freedom of expression/Free media

36. The participating States reaffirm that freedom of expression is a fundamental human right and a basic component of a democratic society. In this respect, independent and pluralistic media are essential to a free and open society and accountable systems of government. They take as their guiding principle that they will safeguard this right.

37. They condemn all attacks on and harassment of journalists and will endeavour to hold those directly responsible for such attacks and harassment accountable.

38. They further note that fomenting hatred and ethnic tension through the media, especially by governments, can serve as an early warning of conflict.

Freedom of movement/Human contacts/Cultural heritage

39. The participating States will further encourage and facilitate human contacts, cultural and educational exchanges and co-operate in accordance with CSCE provisions. They will continue to implement their commitments in the cultural field, as laid down in the Document of the Cracow Symposium on the Cultural Heritage of the CSCE Participating States and other relevant CSCE documents. They will encourage public and private efforts aimed at the preservation of the cultural heritage in their States.

40. They will encourage administrative authorities dealing with citizens of other States to fully implement the CSCE commitments concerning travel and will refrain from degrading treatment and other outrages against personal dignity. They will also consider the need for elaborating a document compiling relevant CSCE provisions.

41. The Permanent Council will explore the possibility of holding informal meetings on the issues mentioned in the two preceding paragraphs.

Programme of Co-ordinated Support

42. The participating States, taking into account the progress achieved through the implementation of the Programme of Co-ordinated Support during the past two years under the co-ordination of the ODIHR, have decided that this programme should continue. The ODIHR and the Secretary General will continue to arrange meetings and seminars on CSCE-related matters to enable interested States to fulfil their CSCE commitments more easily. The participating States will continue to include representatives of these States in government-sponsored internships, study and training programmes so that levels of experience, knowledge and expertise can be raised.

43. They agreed that the ability of the ODIHR to provide in-depth expertise on human dimension issues under the Programme of Co-ordinated Support should be further developed. In order to respond to requests for advice by newly independent States concerned on all aspects of democratization, they decided that using experts-at-large within the framework of the Programme of Co-ordinated Support would be a useful enhancement of the ODIHR's role.

Lisbon Document

(Summit of Heads of State or Government)

Lisbon 1996

Lisbon Summit Declaration

(...)

3. We reaffirm the OSCE principles as set forth in the Helsinki Final Act and other OSCE commitments. We believe that observance of all these principles and implementation of all commitments need to be improved and constantly reviewed. We recognize that serious risks and challenges, such as those to our security and sovereignty, continue to be of major concern. We are committed to address them.

4. Respect for human rights remains fundamental to our concept of democracy and to the democratization process enshrined in the Charter of Paris. We are determined to consolidate the democratic gains of the changes that have occurred since 1989 and peacefully manage their further development in the OSCE region. We will co-operate in strengthening democratic institutions.

9. The OSCE's comprehensive approach to security requires improvement in the implementation of all commitments in the human dimension, in particular with respect to human rights and fundamental freedoms. This will further anchor the common values of a free and democratic society in all participating States, which is an essential foundation for our common security. Among the acute problems within the human dimension, the continuing violations of human rights, such as involuntary migration, and the lack of full democratization, threats to independent media, electoral fraud, manifestations of aggressive nationalism, racism, chauvinism, xenophobia and anti-Semitism, continue to endanger stability in the OSCE region. We are committed to continuing to address these problems.

10. Against the background of recent refugee tragedies in the OSCE region and taking into account the issue of forced migration, we again condemn and pledge to refrain from any policy of "ethnic cleansing" or mass expulsion. Our States will facilitate the return, in safety and in dignity, of refugees and internally displaced persons, according to international standards. Their reintegration into their places of origin must be pur-

sued without discrimination. We commend the work of the ODIHR Migration Advisor and express support for his continuing activities to follow up on the Programme of Action agreed at the May 1996 Regional Conference to address the problems of refugees, displaced persons, other forms of involuntary displacement and returnees in the relevant States.

11. Freedom of the press and media are among the basic prerequisites for truly democratic and civil societies. In the Helsinki Final Act, we have pledged ourselves to respect this principle. There is a need to strengthen the implementation of OSCE commitments in the field of the media, taking into account, as appropriate, the work of other international organizations. We therefore task the Permanent Council to consider ways to increase the focus on implementation of OSCE commitments in the field of the media, as well as to elaborate a mandate for the appointment of an OSCE representative on freedom of the media to be submitted not later than to the 1997 Ministerial Council.

(...)

Lisbon Declaration on a Common and Comprehensive Security Model for Europe for the Twenty-First Century

1. We, the Heads of State or Government of the States participating in the OSCE and meeting in Lisbon, believe that history has offered us an unprecedented opportunity. Freedom, democracy and co-operation among our nations and peoples are now the foundation for our common security. We are determined to learn from the tragedies of the past and to translate our vision of a co-operative future into reality by creating a common security space free of dividing lines in which all States are equal partners.

2. We face serious challenges, but we face them together. They concern the security and sovereignty of States as well as the stability of our societies. Human rights are not fully respected in all OSCE States.

Ethnic tension, aggressive nationalism, violations of the rights of persons belonging to national minorities, as well as serious difficulties of economic transition, can threaten stability and may also spread to other States. Terrorism, organized crime, drug and arms trafficking, uncontrolled migration and environmental damage are of increasing concern to the entire OSCE community.

3. Drawing strength from our diversity, we shall meet these challenges together, through the OSCE and in partnership with other international organizations. Our approach is one of co-operative security based on democracy, respect for human rights, fundamental freedoms and the rule of law, market economy and social justice. It excludes any quest for domination. It implies mutual confidence and the peaceful settlement of disputes.

(...)

5. We recognize that, within the OSCE, States are accountable to their citizens and responsible to each other for their implementation of OSCE commitments.

6. We jointly commit ourselves:

- to act in solidarity to promote full implementation of the principles and commitments of the OSCE enshrined in the Helsinki Final Act, the Charter of Paris and other CSCE/OSCE documents;

(...)

10. (...) our task now is to enhance our co-operation for the future. To this end:

- We encourage bilateral or regional initiatives aimed at developing relations of good neighbourliness and co-operation. In this context, the OSCE could explore a menu of confidence- and security-building measures in support of regional security processes. We shall continue to follow the implementation of the Pact on Stability in Europe. Regional round tables can be a useful means of preventive diplomacy.
- As an important contribution to security we reaffirm our determination to fully respect and implement all our commitments relating to the rights of persons belonging to national minorities. We reaffirm our will to co-operate fully with the High Commissioner on National Minorities. We are ready to respond to a request by any participating State seeking solutions to minority issues on its territory.

(...)

Document of the Sixth Meeting of the Ministerial Council

Copenhagen 1997

II. Decisions of the Copenhagen Ministerial Council Meeting

(...)

Decision on the Appointment of the OSCE Representative on Freedom of the Media

The Ministerial Council,

In accordance with Permanent Council Decision No. 193, and taking into account the recommendation of the Chairman-in-Office,

- Decides to appoint Mr. Freimut Duve as OSCE Representative on Freedom of the Media for a period of three years, with effect from 1 January 1998.

Annex

Permanent Council Decision No. 193

5 November 1997

Mandate of the OSCE Representative on Freedom of the Media

1. The participating States reaffirm the principles and commitments they have adhered to in the field of free media. They recall in particular that freedom of expression is a fundamental and internationally recognized human right and a basic component of a democratic society and that free, independent and pluralistic media are essential to a free and open society and accountable systems of government. Bearing in mind the principles and commitments they have subscribed to within the OSCE, and fully committed to the implementation of paragraph 11 of the Lisbon Summit Declaration, the participating States decide to establish, under the aegis of the Permanent Council, an OSCE Representative on Freedom of the Media. The objective is to strengthen the implementation of relevant OSCE principles and commitments as well as to improve the effec-

tiveness of concerted action by the participating States based on their common values. The participating States confirm that they will co-operate fully with the OSCE Representative on Freedom of the Media. He or she will assist the participating States, in a spirit of co-operation, in their continuing commitment to the furthering of free, independent and pluralistic media.

2. Based on OSCE principles and commitments, the OSCE Representative on Freedom of the Media will observe relevant media developments in all participating States and will, on this basis, and in close co-ordination with the Chairman-in-Office, advocate and promote full compliance with OSCE principles and commitments regarding freedom of expression and free media. In this respect he or she will assume an early-warning function. He or she will address serious problems caused by, *inter alia*, obstruction of media activities and unfavourable working conditions for journalists. He or she will closely co-operate with the participating States, the Permanent Council, the Office for Democratic Institutions and Human Rights (ODIHR), the High Commissioner on National Minorities and, where appropriate, other OSCE bodies, as well as with national and international media associations.

3. The OSCE Representative on Freedom of the Media will concentrate, as outlined in this paragraph, on rapid response to serious non-compliance with OSCE principles and commitments by participating States in respect of freedom of expression and free media. In the case of an allegation of serious non-compliance therewith, the OSCE Representative on Freedom of the Media will seek direct contacts, in an appropriate manner, with the participating State and with other parties concerned, assess the facts, assist the participating State, and contribute to the resolution of the issue. He or she will keep the Chairman-in-Office informed about his or her activities and report to the Permanent Council on their results, and on his or her observations and recommendations.

4. The OSCE Representative on Freedom of the Media does not exercise a juridical function, nor can his or her involvement in any way prejudge national or international legal proceedings concerning alleged human rights violations. Equally, national or international proceedings concerning alleged human rights violations will not necessarily preclude the performance of his or her tasks as outlined in this mandate.

5. The OSCE Representative on Freedom of the Media may collect and receive information on the situation of the media from all bona fide sources. He or she will in particular draw on information and assessments provided by the ODIHR. The OSCE Representative on Freedom of the Media will support the ODIHR in assessing conditions for the functioning of free, independent and pluralistic media before, during and after elections.

6. The OSCE Representative on Freedom of the Media may at all times collect and receive from participating States and other interested parties (e.g. from organizations or institutions, from media and their representatives, and from relevant NGOs) requests, suggestions and comments related to strengthening and further developing compliance with relevant OSCE principles and commitments, including alleged serious instances

of intolerance by participating States which utilize media in violation of the principles referred to in the Budapest Document, Chapter VIII, paragraph 25, and in the Decisions of the Rome Council Meeting, Chapter X. He or she may forward requests, suggestions and comments to the Permanent Council, recommending further action where appropriate.

7. The OSCE Representative on Freedom of the Media will also routinely consult with the Chairman-in-Office and report on a regular basis to the Permanent Council. He or she may be invited to the Permanent Council to present reports, within this mandate, on specific matters related to freedom of expression and free, independent and pluralistic media. He or she will report annually to the Implementation Meeting on Human Dimension Issues or to the OSCE Review Meeting on the status of the implementation of OSCE principles and commitments in respect of freedom of expression and free media in OSCE participating States.

8. The OSCE Representative on Freedom of the Media will not communicate with and will not acknowledge communications from any person or organization which practises or publicly condones terrorism or violence.

9. The OSCE Representative on Freedom of the Media will be an eminent international personality with long-standing relevant experience from whom an impartial performance of the function would be expected. In the performance of his or her duty the OSCE Representative on Freedom of the Media will be guided by his or her independent and objective assessment regarding the specific paragraphs composing this mandate.

10. The OSCE Representative on Freedom of the Media will consider serious cases arising in the context of this mandate and occurring in the participating State of which he or she is a national or resident if all the parties directly involved agree, including the participating State concerned. In the absence of such agreement, the matter will be referred to the Chairman-in-Office, who may appoint a Special Representative to address this particular case.

11. The OSCE Representative on Freedom of the Media will co-operate, on the basis of regular contacts, with relevant international organizations, including the United Nations and its specialized agencies and the Council of Europe, with a view to enhancing co-ordination and avoiding duplication

12. The OSCE Representative on Freedom of the Media will be appointed in accordance with OSCE procedures by the Ministerial Council upon the recommendation of the Chairman-in-Office after consultation with the participating States. He or she will serve for a period of three years which may be extended under the same procedure for one further term of three years.

13. The OSCE Representative on Freedom of the Media will be established and staffed in accordance with this mandate and with OSCE Staff Regulations. The OSCE Representative on Freedom of the Media, and his or her Office, will be funded by the par-

ticipating States through the OSCE budget according to OSCE financial regulations. Details will be worked out by the informal Financial Committee and approved by the Permanent Council.

14. The Office of the OSCE Representative on Freedom of the Media will be located in Vienna.

Document of the Seventh Meeting of the Ministerial Council

Oslo 1998

III. Decisions of the Oslo Ministerial Council Meeting

(...)

Decision on Enhancement of the OSCE's Operational Capabilities regarding Roma and Sinti Issues

The Ministerial Council,

Bearing in mind the existing OSCE commitments regarding Roma and Sinti, and

Recalling the decision taken by the Budapest Summit to appoint within the ODIHR a

Contact Point for Roma and Sinti (Gypsies) Issues,

1. Decides to enhance the capability of the OSCE regarding those issues by strengthening the existing ODIHR Contact Point for Roma and Sinti Issues. Among its priorities will be:

- to enhance the OSCE's interaction with the governments of the participating States, with representatives of Roma and Sinti communities, as well as with international organizations, initiatives and NGOs relevant to Roma and Sinti issues, and in particular to secure further mutual reinforcement of co-operation with the Co-ordinator for Roma in the Council of Europe with a view to avoiding duplication of effort, including the establishment of regular consultations with those organizations, initiatives and NGOs in order to develop synergies and common approaches designed to facilitate full integration of Roma and Sinti communities into the societies they live in, while preserving their identity;
- to enhance co-operation among OSCE institutions and mission/field presences with respect to Roma and Sinti, if applicable;

- to develop, on the basis of input from participating States, the OSCE institutions, and in particular the HCNM, Roma and Sinti communities, NGOs, and international organizations and other institutions and initiatives, a work programme which should include, *inter alia*, seminars, workshops and clearing houses;
 - to collect information from the participating States on legislative and other measures related to the situation of Roma and Sinti with a view to making it available to the OSCE community, as well as to other interested international organizations, and to elaborating additional reports on the situation of Roma and Sinti in the OSCE area.
2. Further decides that the Contact Point should deal solely with matters concerning Roma and Sinti.
 3. Tasks the Permanent Council with devising appropriate ways to ensure adequate resources to implement this decision.

Istanbul Document

(Summit of Heads of State or Government)

Istanbul 1999

Istanbul Summit Declaration

(...)

2. (...) We reiterate unreservedly our commitment to respect human rights and fundamental freedoms and to abstain from any form of discrimination. We also reiterate our respect for international humanitarian law. We pledge our commitment to intensify efforts to prevent conflicts in the OSCE area, and when they occur to resolve them peacefully. We will work closely with other international organizations and institutions on the basis of the Platform for Co-operative Security, which we adopted as a part of our Charter.

(...)

6. (...) We underline the importance of respect for the rule of law and of vigorous efforts to fight organised crime and corruption, which constitute a great threat to economic reform and prosperity. We remain committed to the return of refugees and internally displaced persons, in particular minority return.

7. (...) We look forward to faster progress towards the return of refugees and displaced persons and the implementation of relevant international standards, particularly those related to equal treatment without regard to ethnicity, freedom of the media, and free and fair elections (...)

26. With a large number of elections ahead of us, we are committed to these being free and fair, and in accordance with OSCE principles and commitments. This is the only way in which there can be a stable basis for democratic development. We appreciate the role of the ODIHR in assisting countries to develop electoral legislation in keeping with OSCE principles and commitments, and we agree to follow up promptly ODIHR's election assessments and recommendations. We value the work of the ODIHR and the OSCE Parliamentary Assembly — before, during and after elections — which further contributes to the democratic process. We are committed to secure the full right of

persons belonging to minorities to vote and to facilitate the right of refugees to participate in elections held in their countries of origin. We pledge to ensure fair competition among candidates as well as parties, including through their access to the media and respect for the right of assembly.

27. We commit ourselves to ensuring the freedom of the media as a basic condition for pluralistic and democratic societies. We are deeply concerned about the exploitation of media in areas of conflict to foment hatred and ethnic tension and the use of legal restrictions and harassment to deprive citizens of free media. We underline the need to secure freedom of expression, which is an essential element of political discourse in any democracy. We support the Office of the Representative on Freedom of the Media in its efforts to promote free and independent media.

28. In the year of the 10th anniversary of the adoption of the Convention on the Rights of the Child, and putting the OSCE's Copenhagen commitments into practice, we commit ourselves to actively promote children's rights and interests, especially in conflict and post-conflict situations. We will regularly address the rights of children in the work of the OSCE (...) We will pay particular attention to the physical and psychological well-being of children involved in or affected by armed conflict.

(...)

30. We reaffirm our commitment to ensure that laws and policies fully respect the rights of persons belonging to national minorities, in particular in relation to issues affecting cultural identity. Specifically, we emphasize the requirement that laws and policies regarding the educational, linguistic and participatory rights of persons belonging to national minorities conform to applicable international standards and conventions. We also support the adoption and full implementation of comprehensive anti-discrimination legislation to promote full equality of opportunities for all. We commend the essential work of the High Commissioner on National Minorities. We reaffirm that we will increase our efforts to implement the recommendations of the High Commissioner on National Minorities.

31. We deplore violence and other manifestations of racism and discrimination against minorities, including the Roma and Sinti. We commit ourselves to ensure that laws and policies fully respect the rights of Roma and Sinti and, where necessary, to promote anti-discrimination legislation to this effect. We underline the importance of careful attention to the problems of the social exclusion of Roma and Sinti. These issues are primarily a responsibility of the participating States concerned. We emphasize the important role that the ODIHR Contact Point for Roma and Sinti issues can play in providing support. A further helpful step might be the elaboration by the Contact Point of an action plan of targeted activities, drawn up in co-operation with the High Commissioner on National Minorities and others active in this field, notably the Council of Europe.

32. In line with our commitment to ensure full equality between women and men, we look forward to an early approval and implementation of an OSCE gender action plan.

(...)

37. We have in the Charter reaffirmed our commitment to the rule of law and stressed the need to combat corruption. We task the Permanent Council to examine how best to contribute to efforts to combat corruption, taking into account efforts of other organizations such as the Organization for Economic Co-operation and Development, Council of Europe and the United Nations. The results of this work will be reported to the 2000 Ministerial Meeting.

(...)

Charter for European Security

(...)

I. Our Common Challenges

2. The last decade of the twentieth century has brought great achievements in the OSCE area, co-operation has replaced previous confrontation, but the danger of conflicts between States has not been eliminated. We have put Europe's old divisions behind us, but new risks and challenges have emerged. Since we signed the Charter of Paris it has become more obvious that threats to our security can stem from conflicts within States as well as from conflicts between States. We have experienced conflicts which have often resulted from flagrant violations of OSCE norms and principles. We have witnessed atrocities of a kind we had thought were relegated to the past. In this decade it has become clear that all such conflicts can represent a threat to the security of all OSCE participating States.

3. We are determined to learn from the dangers of confrontation and division between States as well as from tragedies of the last decade. Security and peace must be enhanced through an approach which combines two basic elements, we must build confidence among people within States and strengthen co-operation between States. Therefore, we will strengthen existing instruments and develop new ones to provide assistance and advice. We will reinforce our efforts to ensure full respect for human rights and fundamental freedoms, including the rights of persons belonging to national minorities. In parallel, we will strengthen our capacity to enhance confidence and security between States. We are determined to develop the means at our disposal to settle peacefully disputes between them.

4. International terrorism, violent extremism, organized crime and drug trafficking represent growing challenges to security. Whatever its motives, terrorism in all its forms and manifestations is unacceptable. We will enhance our efforts to prevent the preparation and financing of any act of terrorism on our territories and deny terrorists safe havens. The excessive and destabilizing accumulation and uncontrolled spread of small arms and light weapons represent a threat to peace and security. We are committed to strengthening our protection against these new risks and challenges; strong democratic institutions and the rule of law are the foundation for this protection. We are also

determined to co-operate more actively and closely with each other to meet these challenges.

5. Acute economic problems and environmental degradation may have serious implications for our security. Co-operation in the fields of economy, science and technology and the environment will be of critical importance. We will strengthen our responses to such threats through continued economic and environmental reforms, by stable and transparent frameworks for economic activity and by promoting market economies, while paying due attention to economic and social rights. We applaud the unprecedented process of economic transformation taking place in many participating States. We encourage them to continue this reform process, which will contribute to security and prosperity in the entire OSCE area. We will step up our efforts across all dimensions of the OSCE to combat corruption and to promote the rule of law.

6. We confirm that security in areas nearby, in particular in the Mediterranean area as well as areas in direct proximity to participating States, such as those of Central Asia, is of increasing importance to the OSCE. We recognize that instability in these areas creates challenges that directly affect the security and prosperity of OSCE States.

II. Our Common Foundations

7. We reaffirm our full adherence to the Charter of the United Nations, and to the Helsinki Final Act, the Charter of Paris and all other OSCE documents to which we have agreed. These documents represent our common commitments and are the foundation for our work. They have helped us to bring about an end to the old confrontation in Europe and to foster a new era of democracy, peace and solidarity throughout the OSCE area. They established clear standards for participating States' treatment of each other and of all individuals within their territories. All OSCE commitments, without exception, apply equally to each participating State. Their implementation in good faith is essential for relations between States, between governments and their peoples, as well as between the organizations of which they are members. Participating States are accountable to their citizens and responsible to each other for their implementation of their OSCE commitments. We regard these commitments as our common achievement and therefore consider them to be matters of immediate and legitimate concern to all participating States.

(...)

9. We will build our relations in conformity with the concept of common and comprehensive security, guided by equal partnership, solidarity and transparency. The security of each participating State is inseparably linked to that of all others. We will address the human, economic, political and military dimensions of security as an integral whole.

(...)

III. Our Common Response

(...)

Solidarity and Partnership

14. Peace and security in our region is best guaranteed by the willingness and ability of each participating State to uphold democracy, the rule of law and respect for human rights. We individually confirm our willingness to comply fully with our commitments. We also have a joint responsibility to uphold OSCE principles. We are therefore determined to co-operate within the OSCE and with its institutions and representatives and stand ready to use OSCE instruments, tools and mechanisms. We will co-operate in a spirit of solidarity and partnership in a continuing review of implementation. Today we commit ourselves to joint measures based on co-operation, both in the OSCE and through those organizations of which we are members, in order to offer assistance to participating States to enhance their compliance with OSCE principles and commitments. We will strengthen existing co-operative instruments and develop new ones in order to respond efficiently to requests for assistance from participating States. We will explore ways to further increase the effectiveness of the Organization to deal with cases of clear, gross and continuing violations of those principles and commitments.

(...)

Our Institutions

17. The Parliamentary Assembly has developed into one of the most important OSCE institutions continuously providing new ideas and proposals. We welcome this increasing role, particularly in the field of democratic development and election monitoring. We call on the Parliamentary Assembly to develop its activities further as a key component in our efforts to promote democracy, prosperity and increased confidence within and between participating States.

18. The Office for Democratic Institutions and Human Rights (ODIHR), the High Commissioner on National Minorities (HCNM) and the Representative on Freedom of the Media are essential instruments in ensuring respect for human rights, democracy and the rule of law. The OSCE Secretariat provides vital assistance to the Chairman-in-Office and to the activities of our Organization, especially in the field. We will also strengthen further the operational capacities of the OSCE Secretariat to enable it to face the expansion of our activities and to ensure that field operations function effectively and in accordance with the mandates and guidance given to them.

(...)

The Human Dimension

19. We reaffirm that respect for human rights and fundamental freedoms, democracy and the rule of law is at the core of the OSCE's comprehensive concept of security. We commit ourselves to counter such threats to security as violations of human rights and

fundamental freedoms, including the freedom of thought, conscience, religion or belief and manifestations of intolerance, aggressive nationalism, racism, chauvinism, xenophobia and anti-semitism.

The protection and promotion of the rights of persons belonging to national minorities are essential factors for democracy, peace, justice and stability within, and between, participating States. In this respect we reaffirm our commitments, in particular under the relevant provisions of the Copenhagen 1990 Human Dimension Document, and recall the Report of the Geneva 1991 Meeting of Experts on National Minorities. Full respect for human rights, including the rights of persons belonging to national minorities, besides being an end in itself, may not undermine, but strengthen territorial integrity and sovereignty.

Various concepts of autonomy as well as other approaches outlined in the above-mentioned documents, which are in line with OSCE principles, constitute ways to preserve and promote the ethnic, cultural, linguistic and religious identity of national minorities within an existing State. We condemn violence against any minority. We pledge to take measures to promote tolerance and to build pluralistic societies where all, regardless of their ethnic origin, enjoy full equality of opportunity. We emphasize that questions relating to national minorities can only be satisfactorily resolved in a democratic political framework based on the rule of law.

We reaffirm our recognition that everyone has the right to a nationality and that no one should be deprived of his or her nationality arbitrarily. We commit ourselves to continue our efforts to ensure that everyone can exercise this right. We also commit ourselves to further the international protection of stateless persons.

20. 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.

21. We are committed to eradicating torture and cruel, inhumane or degrading treatment or punishment throughout the OSCE area. To this end, we will promote legislation to provide procedural and substantive safeguards and remedies to combat these practices. We will assist victims and co-operate with relevant international organizations and non-governmental organizations, as appropriate.

22. We reject any policy of ethnic cleansing or mass expulsion. We reaffirm our commitment to respect the right to seek asylum and to ensure the international protection of refugees as set out in the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol, as well as to facilitate the voluntary return of refugees and internally displaced persons in dignity and safety. We will pursue without discrimination the reintegration of refugees and internally displaced persons in their places of origin.

In order to enhance the protection of civilians in times of conflict, we will seek ways of reinforcing the application of international humanitarian law.

23. The full and equal exercise by women of their human rights is essential to achieve a more peaceful, prosperous and democratic OSCE area. We are committed to making equality between men and women an integral part of our policies, both at the level of our States and within the Organization.

24. We will undertake measures to eliminate all forms of discrimination against women, and to end violence against women and children as well as sexual exploitation and all forms of trafficking in human beings. In order to prevent such crimes we will, among other means, promote the adoption or strengthening of legislation to hold accountable persons responsible for these acts and strengthen the protection of victims. We will also develop and implement measures to promote the rights and interests of children in armed conflict and post-conflict situations, including refugees and internally displaced children. We will look at ways of preventing forced or compulsory recruitment for use in armed conflict of persons under 18 years of age.

25. We reaffirm our obligation to conduct free and fair elections in accordance with OSCE commitments, in particular the Copenhagen Document 1990. We recognize the assistance the ODIHR can provide to participating States in developing and implementing electoral legislation. In line with these commitments, we will invite observers to our elections from other participating States, the ODIHR, the OSCE Parliamentary Assembly and appropriate institutions and organizations that wish to observe our election proceedings. We agree to follow up promptly the ODIHR's election assessment and recommendations.

26. We reaffirm the importance of independent media and the free flow of information as well as the public's access to information. We commit ourselves to take all necessary steps to ensure the basic conditions for free and independent media and unimpeded transborder and intra-State flow of information, which we consider to be an essential component of any democratic, free and open society.

27. Non-governmental organizations (NGOs) can perform a vital role in the promotion of human rights, democracy and the rule of law. They are an integral component of a strong civil society. We pledge ourselves to enhance the ability of NGOs to make their full contribution to the further development of civil society and respect for human rights and fundamental freedoms.

(...)

Rule of Law and Fight against Corruption

33. We reaffirm our commitment to the rule of law. We recognize that corruption poses a great threat to the OSCE's shared values. It generates instability and reaches into many aspects of the security, economic and human dimensions. Participating States pledge to strengthen their efforts to combat corruption and the conditions that foster it, and to

promote a positive framework for good government practices and public integrity. They will make better use of existing international instruments and assist each other in their fight against corruption. As part of its work to promote the rule of law, the OSCE will work with NGOs that are committed to a strong public and business consensus against corrupt practices.

IV. Our Common Instruments

Enhancing our Dialogue

(...)

36. Reflecting our spirit of solidarity and partnership, we will also enhance our political dialogue in order to offer assistance to participating States, thereby ensuring compliance with OSCE commitments. To encourage this dialogue, we have decided, in accordance with established rules and practices, to make increased use of OSCE instruments, including:

(...)

- Organizing training programmes aimed at improving standards and practices, *inter alia*, within the fields of human rights, democratization and the rule of law;
- Addressing matters regarding compliance with OSCE commitments at OSCE review meetings and conferences as well as in the Economic Forum;

(...)

OSCE Field Operations

(...)

38. The development of OSCE field operations represents a major transformation of the Organization that has enabled the OSCE to play a more prominent role in promoting peace, security and compliance with OSCE commitments. Based on the experience we have acquired, we will develop and strengthen this instrument further in order to carry out tasks according to their respective mandates, which may, *inter alia*, include the following:

(...)

- Observing compliance with OSCE commitments and providing advice or recommendations for improved compliance;
- Assisting in the organization and monitoring of elections;
- Providing support for the primacy of law and democratic institutions and for the maintenance and restoration of law and order;

(...)

- Providing support in the rehabilitation and reconstruction of various aspects of society.

(...)

Police-related Activities

44. We will work to enhance the OSCE's role in civilian police-related activities as an integral part of the Organization's efforts in conflict prevention, crisis management and post-conflict rehabilitation. Such activities may comprise:

- Police monitoring, including with the aim of preventing police from carrying out such activities as discrimination based on religious and ethnic identity;
- Police training, which could, *inter alia*, include the following tasks:
 - Improving the operational and tactical capabilities of local police services and reforming paramilitary forces;
 - Providing new and modern policing skills, such as community policing, and anti-drug, anti-corruption and anti-terrorist capacities;
 - Creating a police service with a multi-ethnic and/or multi-religious composition that can enjoy the confidence of the entire population;
 - Promoting respect for human rights and fundamental freedoms in general.

(...)

45. We shall also promote the development of independent judicial systems that play a key role in providing remedies for human rights violations as well as providing advice and assistance for prison system reforms. The OSCE will also work with other international organizations in the creation of political and legal frameworks within which the police can perform its tasks in accordance with democratic principles and the rule of law.

Peacekeeping

46. We remain committed to reinforcing the OSCE's key role in maintaining peace and stability throughout our area. The OSCE's most effective contributions to regional security have been in areas such as field operations, post-conflict rehabilitation, democratization, and human rights and election monitoring. We have decided to explore options for a potentially greater and wider role for the OSCE in peacekeeping. Reaffirming our rights and obligations under the Charter of the United Nations, and on the basis of our existing decisions, we confirm that the OSCE can, on a case-by-case basis and by consensus, decide to play a role in peacekeeping, including a leading role when participating States judge it to be the most effective and appropriate organization. In this regard,

it could also decide to provide the mandate covering peacekeeping by others and seek the support of participating States as well as other organizations to provide resources and expertise. In accordance with the Platform for Co-operative Security, it could also provide a co-ordinating framework for such efforts.

(...)

VI. Conclusion

51. This Charter will benefit the security of all participating States by enhancing and strengthening the OSCE as we enter the twenty-first century. Today we have decided to develop its existing instruments and to create new tools. We will use them fully to promote a free, democratic and secure OSCE area (...)

Document of the Eighth Meeting of the Ministerial Council

Vienna 2000

Decisions of the Vienna Ministerial Council Meeting

Decision on Enhancing the OSCE'S Efforts to Combat Trafficking in Human Beings

The Ministerial Council,

Bearing in mind the Charter for European Security, which commits participating States “to undertake measures to eliminate all forms of discrimination against women, and to end violence against women and children as well as sexual exploitation and all forms of trafficking in human beings” and to “promote the adoption or strengthening of legislation to hold accountable persons responsible for these acts and strengthening the protection of victims”,

Recalling the OSCE commitments on combating the traffic in human beings contained in the Moscow Document of 1991,

Recognizing that trafficking in human beings is an increasing problem and convinced of the necessity for the OSCE to enhance its efforts to combat trafficking in human beings throughout the OSCE region, including in conflict and post-conflict situations, and to contribute to national, regional and international anti-trafficking efforts in defence of human rights and the fight against transnational organized crime,

1. Reaffirms that trafficking in human beings is an abhorrent human rights abuse and a serious crime that demands a more comprehensive and co-ordinated response from participating States and the international community, as well as a more coherent and co-operative approach among countries, in particular those of origin, transit and destination;
2. Welcomes the adoption, by the United Nations General Assembly, of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organ-

ized Crime as well as the definition of trafficking in persons contained therein and calls upon all participating States to sign and ratify the United Nations Protocol as well as the Optional Protocol to the Convention on the Rights of the Child, on the Sale of Children, Child Prostitution and Child Pornography;

3. Recognizes the primary responsibility of participating States in combating trafficking based on an integrated and co-ordinated approach which includes prevention of trafficking, protection of victims and prosecution of traffickers and their accomplices;

4. Stresses the role of national parliaments in the enactment, among others, of laws necessary to combat trafficking in human beings and welcomes articles 106 and 107 of the Parliamentary Assembly's Bucharest Declaration on trafficking in persons;

5. Agrees to strengthen the activities of the OSCE to combat trafficking and emphasizes the need for intensified co-operation between different OSCE institutions as well as between the OSCE and other international organizations, such as relevant United Nations agencies, the International Organization for Migration, the Council of Europe, the European Union and Interpol;

6. Supports the work of the Stability Pact Task Force on Trafficking in Human Beings and calls in particular for the governments of the region concerned to play an active role in the Task Force;

7. Calls on OSCE institutions, in particular the ODIHR, and field operations, to develop and implement anti-trafficking programmes and to promote co-ordinated efforts in the areas of prevention, prosecution and protection, in co-operation with non-governmental organizations as well as international organizations and other relevant institutions;

8. Undertakes to raise awareness, including with assistance from the ODIHR, non-governmental organizations and other relevant institutions, through, where necessary, establishing training programmes among public officials, including law enforcement, judiciary, consular and immigration officials, about all aspects of trafficking;

9. Commits to take necessary measures, including by adopting and implementing legislation, to criminalize trafficking in human beings, including appropriate penalties, with a view to ensuring effective law enforcement response and prosecution. Such legislation should take into account a human rights approach to the problem of trafficking, and include provision for the protection of the human rights of victims, ensuring that victims of trafficking do not face prosecution solely because they have been trafficked;

10. Will consider adopting legislative or other appropriate measures, such as shelters, which permit victims of trafficking in persons to remain in their territories, temporarily or permanently, in appropriate cases; and establishing appropriate repatriation processes for the victims of trafficking, with due regard to their safety, including the provision of documents; and developing policies concerning the provision of economic and social benefits to victims as well as their rehabilitation and reintegration in society;

11. Encourages the nomination, where appropriate, of governmental representatives on trafficking to co-ordinate national activities and to ensure regional and international co-operation and to make this contact information available to other participating States;
12. Recognizes that OSCE field operations, within the legal framework of the host countries, can have a valuable role to play in the fight against trafficking, including by regular monitoring and reporting and assisting State authorities through, *inter alia*, promoting dialogue and acting as a bridge between governments and non-governmental organizations; and institutions, in resolving individual trafficking cases; and calls on field operations to strengthen co-operation among themselves;
13. Calls on the OSCE Secretariat, in co-operation with the ODIHR, to intensify anti-trafficking training in its induction programmes for OSCE field personnel in order to enhance their capacity to monitor, report and respond to the problem of trafficking through regular OSCE activities; and to raise awareness within OSCE institutions and among OSCE personnel of the problems of trafficking; these training programmes should also be made available to participating States and other international organizations;
14. Welcomes the further development of the OSCE Secretariat's Code of Conduct for OSCE Mission Members to include provisions on trafficking in human beings and other human rights abuses, looks forward to its speedy implementation by all OSCE structures and institutions, requests heads of OSCE field operations to take appropriate measures if members of their staff use trafficking victims, and encourages all other international bodies, where appropriate, to adopt similar standards and practices.

Document of the Ninth Meeting of the Ministerial Council

Bucharest 2001

Bucharest Ministerial Declaration

(...)

2. We resolutely condemn all acts of terrorism. Terrorism, whatever its motivation or origin, has no justification. No cause can justify the purposeful targeting of innocent people. In the fight against terrorism, there is no neutrality.

3. Reflecting the OSCE's solidarity, the Ministerial Council has adopted today a decision and Action Plan on Terrorism. We reiterate that the struggle against terrorism is not a war against religions or peoples. We reaffirm our commitment to protecting human rights and fundamental freedoms.

4. We are determined to protect our citizens from new challenges to their security while safeguarding the rule of law, individual liberties, and the right to equal justice under law. Organized crime, illicit traffic in drugs and arms, and trafficking in human beings, affect the security, economy and social structure of all participating States. The Ministerial Council supports enhanced efforts and greater international co-operation to combat these challenges, and urges participating States who have not yet done so to become parties to the United Nations Convention Against Transnational Organized Crime and its Protocols.

(...)

12. We also renew our commitment to relations founded on sovereign equality, mutual respect, co-operation, and support for democracy. We are determined to build our relations in conformity with the concept of common and comprehensive security, guided by equal partnership, solidarity and transparency. We remain committed to an OSCE community from Vancouver to Vladivostok, whole, free, and at peace, that responds through concerted efforts to challenges to peace and stability.

II. Decision on Combating Terrorism and the Bucharest Plan of Action for Combating Terrorism

The 55 participating States of the OSCE stand united against terrorism, a scourge of our times.

The OSCE participating States resolutely condemn the barbaric acts of terrorism that were committed against the United States on 11 September 2001. They represented an attack on the whole of the international community, and on people of every faith and culture. These heinous deeds, as well as other terrorist acts in all forms and manifestations, committed no matter when, where or by whom, are a threat to international and regional peace, security and stability. There must be no safe haven for those perpetrating, financing, harbouring or otherwise supporting those responsible for such criminal acts. Terrorism, whatever its motivation or origin, has no justification.

The OSCE participating States will not yield to terrorist threats, but will combat them by all means in accordance with their international commitments. This will require a long and sustained effort, but they take strength from their broad coalition, reaching from Vancouver to Vladivostok. They will defend freedom and protect their citizens against acts of terrorism, fully respecting international law and human rights. They firmly reject identification of terrorism with any nationality or religion and reconfirm the norms, principles and values of the OSCE.

The OSCE participating States pledge to reinforce and develop bilateral and multilateral co-operation within the OSCE, with the United Nations and with other international and regional organizations, in order to combat terrorism in all its forms and manifestations, wherever and by whomever committed. As a regional arrangement under Chapter VIII of the Charter of the United Nations, the OSCE is determined to contribute to the fulfilment of international obligations as enshrined, *inter alia*, in United Nations Security Council resolution 1373 (2001), and will act in conformity with the purposes and principles of the Charter of the United Nations. The OSCE participating States pledge to become parties to all 12 United Nations conventions and protocols related to terrorism as soon as possible. They call for a speedy finalization of negotiations for a Comprehensive United Nations Convention on International Terrorism.

The OSCE participating States have come together in political solidarity to take joint action. They look forward to the substantive contribution that the Bishkek International Conference on Enhancing Security and Stability in Central Asia, to be held on 13 and 14 December 2001, can render to global anti-terrorism efforts, and will support, also through technical assistance, the Central Asian partners, on their request, in countering external threats related to terrorism.

To that end, the OSCE Ministerial Council adopts The Bucharest Plan of Action for Combating Terrorism, annexed to this Decision.

Annex

The Bucharest Plan of Action for Combating Terrorism

I. Goal of the Action Plan

1. Terrorism is a threat to international peace and security, in the OSCE area as elsewhere. The OSCE stands ready to make its contribution to the fight against terrorism in close co-operation with other organizations and fora. This contribution will be consistent with the Platform for Co-operative Security and will benefit from interaction between global and regional anti-terrorism efforts under the aegis of the United Nations. The OSCE participating States commit their political will, resources and practical means to the implementation of their obligations under existing international terrorism conventions and pledge themselves to intensify national, bilateral and multilateral efforts to combat terrorism.

2. In contribution to the world-wide efforts to combat terrorism, the OSCE will seek to add value on the basis of the specifics of the Organization, its strengths and comparative advantages: its comprehensive security concept linking the politico-military, human and economic dimensions; its broad membership; its experience in the field; and its expertise in early warning, conflict prevention, crisis management, post-conflict rehabilitation and building democratic institutions. In addition, many effective counter-terrorism measures fall into areas in which the OSCE is already active and proficient, such as police training and monitoring, legislative and judicial reform, and border monitoring.

3. The aim of the Action Plan is to establish a framework for comprehensive OSCE action to be taken by participating States and the Organization as a whole to combat terrorism, fully respecting international law, including the international law of human rights and other relevant norms of international law. The Action Plan seeks to expand existing activities that contribute to combating terrorism, facilitate interaction between States and, where appropriate, identify new instruments for action. The Action Plan, which recognizes that the fight against terrorism requires sustained efforts, will identify activities to be implemented immediately as well as over the medium and long term.

II. International legal obligations and political commitments

4. United Nations conventions and United Nations Security Council resolutions (UNSCR) constitute the global legal framework for the fight against terrorism. UNSCR 1269 (1999), 1368, 1373 and 1377 (2001), along with the 12 relevant United Nations conventions and protocols on anti-terrorism issues, provide the basis for this framework and include a number of specific elements of combating terrorism. In addition, a range of OSCE documents, including Summit declarations from Helsinki to Istanbul, spell out the OSCE's commitment to fight terrorism, in accordance with the Charter of the United Nations. The widest and most comprehensive participation in and implementation of existing instruments and commitments to combat terrorism by the participating States must be pursued and ensured.

5. Participating States: Pledge themselves to apply efforts to become parties to all 12 United Nations conventions and protocols relating to terrorism, by 31 December, 2002, if possible, recognizing the important role that parliamentarians may play in ratification and other anti-terrorism legislative processes. States are encouraged to inform the Permanent Council of steps taken in this regard. Will participate constructively in the ongoing negotiations at the United Nations on a Comprehensive Convention against International Terrorism and an International Convention for the Suppression of Acts of Nuclear Terrorism, with a view to their early and successful conclusion.

6. Office for Democratic Institutions and Human Rights (ODIHR): Will, on formal request by interested participating States and where appropriate, offer technical assistance/advice on legislative drafting necessary for the ratification of international instruments, in close co-operation with other organizations, including the United Nations Office for Drug Control and Crime Prevention (UNODCCP).

7. Participating States: Will consider how the OSCE may draw upon best practices and lessons learned from other relevant groups, organizations, institutions and fora in areas such as police and judicial co-operation; prevention and suppression of the financing of terrorism; denial of other means of support; border controls including visa and document security; and access by law enforcement authorities to information.

8. The participating States will also use the Forum for Security Co-operation (FSC) to strengthen their efforts in combating terrorism through full and timely implementation of all relevant measures agreed by the OSCE. To this end they will enhance implementation of existing politico-military commitments and agreements, in particular the Code of Conduct on Politico-Military Aspects of Security and the Document on Small Arms and Light Weapons (SALW).

The FSC will examine the relevance of its other documents to the fight against terrorism, and will assess whether there is a need to develop additional norms and measures. The Security Dialogue may serve as a suitable basis for regular consultations on these issues within the FSC.

The participating States will submit responses to the Code of Conduct Questionnaire that provide further transparency on international, regional and national commitments in combating terrorism, especially relevant United Nations conventions and resolutions. The FSC will consider ways to fully implement the Document on SALW, *inter alia*, Section V on early warning, conflict prevention, crisis management, and post-conflict rehabilitation. The FSC will examine the possibility of enhancing transparency on national marking systems, exports and imports, and national stockpile management and security procedures, primarily by reviewing the information thus exchanged and developing best practice guides. The follow-up conference on the Code of Conduct and the SALW workshop, both of which will take place in 2002, could further enhance the application of these documents in combating terrorism.

III. Preventive action against terrorism in the OSCE area

9. No circumstance or cause can justify acts of terrorism. At the same time, there are various social, economic, political and other factors, including violent separatism and extremism, which engender conditions in which terrorist organizations are able to recruit and win support. The OSCE's comprehensive approach to security provides comparative advantages in combating terrorism by identifying and addressing these factors through all relevant OSCE instruments and structures.

10. Institution building, strengthening the rule of law and state authorities: ODIHR: Will continue and increase efforts to promote and assist in building democratic institutions at the request of States, *inter alia* by helping to strengthen administrative capacity, local and central government and parliamentary structures, the judiciary, ombudsman institutions and civil society. Will facilitate exchanges of best practices and experience between participating States in this regard. Will continue to develop projects to solidify democratic institutions, civil society and good governance.

11. Promoting human rights, tolerance and multi-culturalism: Participating States/ Permanent Council/ODIHR/High Commissioner on National Minorities (HCNM)/ Representative on Freedom of the Media: Will promote and enhance tolerance, co-existence and harmonious relations between ethnic, religious, linguistic and other groups as well as constructive co-operation among participating States in this regard. Will provide early warning of and appropriate responses to violence, intolerance, extremism and discrimination against these groups and, at the same time, promote their respect for the rule of law, democratic values and individual freedoms. Will work to ensure that persons belonging to national minorities have the right freely to express, preserve and develop their ethnic, cultural, linguistic or religious identity.

12. Representative on Freedom of the Media: Will consider developing projects aimed at supporting tolerance towards people of other convictions and beliefs through the use of the media. Will promote measures aimed at preventing and fighting aggressive nationalism, racism, chauvinism, xenophobia and anti-Semitism in the media. Will continue to encourage pluralistic debate and increased media attention to promoting tolerance of ethnic, religious, linguistic and cultural diversity and will, in this context, promote broad public access to media as well as monitor hate speech.

13. Addressing negative socio-economic factors: Participating States/Secretariat: Will aim to identify economic and environmental issues that undermine security, such as poor governance; corruption; illegal economic activity; high unemployment; widespread poverty and large disparities; demographic factors; and unsustainable use of natural resources; and will seek to counter such factors with the assistance, on their request, of the Office of the Co-ordinator of OSCE Economic and Environmental Activities (OCEEA), acting, among other things, as a catalyst for action and co-operation.

14. Preventing violent conflict and promoting peaceful settlement of disputes: Drawing on all its capacities, the OSCE will continue and intensify work aimed at early

warning and appropriate response, conflict prevention, crisis management and post-conflict rehabilitation; will strengthen its ability to settle conflicts; will increase efforts to find lasting solutions to unresolved conflicts, including through promotion of the rule of law and crime prevention in such conflict zones through increased co-operation with the United Nations, the European Union and other international organizations; and will further develop its rapid deployment capability (REACT) in crisis situations.

15. Addressing the issue of protracted displacement: Participating States/ODIHR/HCNM/Representative on Freedom of the Media: Will explore strengthened OSCE potential for contributing to durable solutions, supporting and closely co-operating with other relevant organizations, primarily the Office of the United Nations High Commissioner for Refugees. Will closely monitor situations of protracted displacement.

16. Strengthening national anti-terrorism legislation: Participating States: Will commit themselves to implementing all the obligations they have assumed under relevant conventions and protocols relating to terrorism as well as the United Nations Convention against Transnational Organized Crime and its additional protocols, sharing information and methods in this regard and considering ways and means of co-operation in implementation at bilateral, OSCE-wide and sub-regional meetings.

17. OSCE Parliamentary Assembly: Will continue its efforts to promote dialogue among OSCE parliamentarians with a view to strengthening legislation essential in combating terrorism.

18. ODIHR: Will, on request by interested participating States and where appropriate, offer technical assistance/advice on the implementation of international anti-terrorism conventions and protocols as well as on the compliance of this legislation with international standards, in accordance with Permanent Council decisions, and will seek co-operation with other organizations, especially the UNODCCP, to this end. Will consider facilitating contacts between national experts to promote exchange of information and best practices on counter-terrorism legislation.

19. Supporting law enforcement and fighting organized crime: Participating States: Noting the close connection between terrorism and transnational organized crime, illicit trafficking in drugs, money laundering and illicit arms trafficking, will take the necessary steps to prevent in their territory illegal activities of persons, groups or organizations that instigate, finance, organize, facilitate or engage in perpetration of acts of terrorism or other illegal activities directed at the violent overthrow of the political regime of another participating State. Will afford one another the greatest measure of assistance in providing information in connection with criminal investigations or criminal extradition proceedings relating to terrorist acts, in accordance with their domestic law and international obligations.

20. Permanent Council: Will consider arranging regular meetings of law enforcement officials of participating States and, where applicable, of OSCE experts with relevant experience in the field to exchange best practices and ways of improving co-operation.

21. Secretariat: Will assist participating States, on their request, through measures to combat trafficking in human beings, drugs and small arms and light weapons, in accordance with relevant Permanent Council decisions, and will undertake efforts to assist in facilitating increased border monitoring, where appropriate. Will further assist participating States, on the request and with their agreement, through provision of advice and assistance on restructuring and/or reconstruction of police services; monitoring and training of existing police services, including human rights training; and capacity building, including support for integrated or multi-ethnic police services. Will, to this end, reinforce its existing police-related activities in conflict prevention, crisis management and post-conflict rehabilitation.

22. ODIHR: Will provide continued advice to participating States, at their request, on strengthening domestic legal frameworks and institutions that uphold the rule of law, such as law enforcement agencies, the judiciary and the prosecuting authorities, bar associations and defence attorneys. Will expand its efforts to combat trafficking in human beings and to support victims of trafficking. Will, where appropriate, support prison reform and improvements in criminal procedure.

23. Representative on Freedom of the Media: Will co-operate in supporting, on request, the drafting of legislation on the prevention of the abuse of information technology for terrorist purposes, ensuring that such laws are consistent with commitments regarding freedom of expression and the free flow of information.

24. **Suppressing the financing of terrorism:** Participating States: Will, within the framework of the United Nations Convention on the Suppression of Financing of Terrorism and UNSCR 1373 (2001), take action to prevent and suppress the financing of terrorism, criminalize the wilful provision or collection of funds for terrorist purposes, and freeze terrorist assets also bearing in mind UNSCR 1267 (1999). Will, in accordance with their domestic legislation and obligations under international law, provide early response to requests for information by another participating State and relevant international organizations.

25. Participating States/Secretariat: Will, in the realm of the Economic and Environmental activities for 2002, also consider ways of combating economic factors which may facilitate the emergence of terrorism, economic consequences of terrorism as well as financial support for terrorists. Will consider how the OSCE may contribute, within the framework of its work on transparency and the fight against corruption, to the wider international effort to combat terrorism. Will consider taking on a catalytic role in providing targeted projects for the training of the personnel of domestic financial institutions in counter-terrorism areas, *inter alia* on monitoring of financial flows and on prevention of money laundering. Participating States will participate constructively in the forthcoming negotiations at the United Nations on a global instrument against corruption, with a view to their early and successful conclusion.

26. **Preventing movement of terrorists:** Participating States: Will prevent the movement of terrorist individuals or groups through effective border controls and controls on

issuance of identity papers and travel documents, as well as through measures for ensuring the security of identity papers and travel documents and preventing their counterfeiting, forgery and fraudulent use. Will apply such control measures fully respecting their obligations under international refugee and human rights law. Will, through the proper application of the exclusion clauses contained in the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol, ensure that asylum is not granted to persons who have participated in terrorist acts. Will provide for the timely detention and prosecution or extradition of persons charged with terrorist acts, in accordance with their obligations under international and national law.

IV. Action under the Platform for Co-operative Security - Co-operation with other organizations

27. The United Nations is the framework for the global fight against terrorism. Close cooperation and co-ordination between all relevant actors must be secured. The OSCE can take on a co-ordinating role for inter- and intra-regional initiatives. The OSCE reaches out through close contacts to non-governmental organizations (NGOs), civil society and parliamentarians, creating an ever-closer network for the international coalition against terrorism.

28. Participating States/Secretariat: Will strengthen co-operation and information exchanges, both formally and informally, with other relevant groups, organizations, and institutions involved in combating terrorism. Will strengthen co-operation with the European Union on analysis and early warning and reinforce synergy with the Stability Pact for South Eastern Europe and the Central European Initiative in areas relevant to combating terrorism. Will promote dialogue within the OSCE area on issues relating to new threats and challenges. Will broaden dialogue with partners outside the OSCE area, such as the Mediterranean Partners for Co-operation and Partners for Co-operation in Asia, the Shanghai Co-operation Organization, the Conference on Interaction and Confidence-Building Measures in Asia, the Organization of the Islamic Conference, the Arab League, the African Union, and those States bordering on the OSCE area to exchange best practices and lessons learned in counter-terrorism efforts for application within the OSCE area.

V. Follow-up

29. The “Bishkek International Conference on Enhancing Security and Stability in Central Asia: Strengthening Comprehensive Efforts to Counter Terrorism”, to be held on 13 and 14 December 2001 in Bishkek, will be a first opportunity to:

- discuss among a broad range of participants, on the basis of the present Action Plan, concrete experiences and best practices in combating international terrorism and
- due to the specific security challenges to which this region is exposed, apply relevant provisions of this Action Plan for practical support to participating States in Central Asia, including financial and technical assistance in concrete areas of their interest.

30. The Secretary General will, by 27 December 2001, report to the United Nations Counter Terrorism Committee on action on combating terrorism taken by the OSCE, and will thereafter inform the United Nations as appropriate. In addition, he will regularly inform the Permanent Council about OSCE activities under this Plan of Action. He will prepare a report for submission to the next OSCE Ministerial Council/Summit on activities of OSCE bodies in the anti-terrorism field, and thereafter as requested by the Permanent Council. 31. Each OSCE body called upon to take action under this Plan will prepare, for submission to the Permanent Council, a “road map” for implementation of these tasks, including a timetable, resource implications, and indication of activities requiring further Permanent Council decisions.

On the basis of information provided by other OSCE bodies, the Secretariat will prepare an indicative assessment of the administrative and financial implications of this Plan of Action, including the possible need for establishing an anti-terrorism unit or focal point within the Secretariat, and make recommendations for the approval by the Permanent Council of necessary resources within the 2002 budget. The Permanent Council, acting, *inter alia*, through the Chairman-in-Office and assisted by the Secretariat, will monitor the implementation of this Action Plan. It will further identify sources for assistance in implementing counter-terrorism measures, including expert teams, and possible additional tasking by the Permanent Council of OSCE field presences in close co-operation and agreement with host governments.

(...)

V. Decisions of the Bucharest Ministerial Council Meeting

Decision No. 5

The Ministerial Council,

Reaffirming its concern about manifestations of aggressive nationalism, racism, chauvinism, xenophobia, anti-semitism and violent extremism, wherever they may occur,

Reiterating its determination to implement all OSCE commitments on taking measures in this regard,

Calls on participating States to promote tolerance and non-discrimination also through awareness raising campaigns and education;

Calls on OSCE institutions, particularly the ODIHR, the High Commissioner on National Minorities, and the Representative on Freedom of the Media, to pay increased attention to manifestations of aggressive nationalism, racism, chauvinism, xenophobia, anti-semitism and violent extremism, to countering intolerance and discrimination on the ground of racial or ethnic origin, religious, political or other opinion and to fostering respect for rule of law, democratic values, human rights and fundamental freedoms, including freedom of expression, thought, conscience, religion or belief;

Tasks the Permanent Council to consider developing further measures in this regard.

Decision No. 6

The Ministerial Council,

Reiterating its commitment to combat all forms of trafficking in human beings, which affects all participating States,

Affirming its commitment to developing co-operation and interaction among participating States on anti-trafficking measures and related crimes,

Calls on participating States to sign and ratify the United Nations Convention against Transnational Organized Crime, and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children;

Welcomes the successful completion of the OSCE's Code of Conduct and Anti-Trafficking Guidelines and their dissemination to the OSCE staff;

Reaffirms its support for the work of the ODIHR, field operations and Stability Pact Task Force on combating trafficking in Human Beings;

Encourages information exchange with a view to strengthening investigation, law enforcement and crime prevention;

Calls on participating States to accelerate taking the necessary measures to fulfil their Vienna ministerial commitments which include prevention of trafficking, protection of victims and prosecution of traffickers and their accomplices.

Decision No. 7

The Ministerial Council,

Noting the conclusions of the Bucharest Conference on Equal Opportunities for Roma and Sinti,

Expressing its support for the work of the Contact Point on Roma and Sinti Issues and its commitment to strengthening the Contact Point,

Tasks the ODIHR to elaborate an Action Plan of targeted activities as mandated by the Istanbul Summit, as one of the ways the ability of the Contact Point can be strengthened to assist participating States in fulfilling their commitments to improve the situation of Roma and Sinti, and to submit it to the Permanent Council;

Encourages the Contact Point on Roma and Sinti Issues to continue its work in close co-operation with participating States, Council of Europe and other relevant organizations and to inform the Permanent Council of these matters.

Decision No. 8

The Ministerial Council,

Recognizing that equality of women and men is essential to sustainable democracy and stability in the OSCE region,

Convinced of women's potential to contribute to conflict prevention, reconciliation and peace-building processes,

Confirming the commitment to protect and promote the rights of women and being aware of the vulnerability of women especially in conflict and post-conflict situations,

Determined to combat all forms of violence against women, including domestic violence,

Recognizing the need for rehabilitation centres for women affected by violence, Welcoming the fact that during this year the OSCE has given more attention to the problem of violence against women, which affects all OSCE participating States,

Calls for the implementation of the Action Plan on Gender Issues;

Tasks the Permanent Council to consider how the OSCE can contribute to preventing violence against women.

Decision No. 9

Police-Related Activities

The Ministerial Council,

Reaffirming the understanding at the Istanbul Summit that new risks and challenges to security have arisen globally and in the OSCE area, and that these new challenges - international terrorism, violent extremism, organized crime and drug trafficking as well as the excessive and destabilizing accumulation and uncontrolled spread of small arms and light weapons - represent growing challenges to security;

Reaffirming the Istanbul commitment to co-operate more actively and closely with each other to meet these challenges, and to strengthen protection against these new risks and challenges;

Noting the commitment at Istanbul to meet common challenges, and the understanding that strong democratic institutions and the rule of law are the foundation for protection against these new risks and challenges;

Affirming that effective policing is essential to uphold the rule of law and to defend democratic institutions;

Also affirming that greater co-operation between and among participating States in police-related activities can contribute to meeting these new risks and challenges;

Recalling the undertaking by OSCE participating States at the Istanbul Summit to expand the ability to carry out police-related activities in order to assist in maintaining the primacy of law;

Recalling also the commitments contained in Articles 44 and 45 of the Istanbul Charter for European Security to enhance the OSCE's role in civilian police-related activities as an integral part of the Organization's efforts in conflict prevention, crisis management and post-conflict rehabilitation;

Recalling as well the Istanbul commitment to promote the development of independent judicial systems that play a key role in providing remedies for human rights violations as well as providing advice and assistance for prison system reforms, and to work with other international organizations in the creation of political and legal frameworks within which the police can perform its tasks in accordance with democratic principles and the rule of law;

Pursuant to the Decision of the Ministerial Council of 28 November 2000 on police-related activities, and taking note of the discussion at the meeting of police experts held in Vienna on 28 and 29 June 2001;

Noting the Decision of the Ministerial Council of 4 December 2001 on combating terrorism, and the pledge therein of all OSCE participating States to reinforce and develop bilateral and multilateral co-operation within the OSCE, with the United Nations and with other international and regional organizations, in order to combat terrorism in all its forms and manifestations, wherever and by whomever committed, in accordance with their international commitments;

Also acknowledging the role of law enforcement in furthering the Decision of the Ministerial Council of 28 November 2000 on enhancing the OSCE's efforts to combat trafficking in human beings, and in implementing the Forum for Security Co-operation Decision of 24 November 2000 on the OSCE Document on Small Arms and Light Weapons;

And noting the increase in requests from participating States to the OSCE for assistance in police-related activities, and the recent expansion of the Organization's efforts to monitor police activities and to provide police training, including in multi-ethnic and/or multi-religious police services, in crisis or post-conflict situations;

1. Agrees that in developing plans for OSCE police-related activities in meeting new security challenges and in enhancing OSCE police-related activities directed to conflict prevention, crisis management and post-conflict rehabilitation, the OSCE will:

- strive to ensure continuity in institution building and functional transition from and disengagement of international assistance;
- explore and build on the role of police training, particularly integrated police training, in creating police services that can enjoy the confidence of the entire population, and as a confidence-building measure; and,
- examine the options and conditions for an OSCE role in law enforcement.

2. Decides to reinforce the OSCE's existing police-related activities in conflict prevention, crisis management and post-conflict rehabilitation including, at the request of participating States and with their agreement, through provision of advice and assistance on restructuring and/or reconstruction of police services; monitoring and training of existing police services, including training regarding human rights and fundamental freedoms; and capacity building, including support for integrated or multi-ethnic police services, where appropriate.

3. Decides to increase and promote co-operation among participating States in countering new security challenges, including by:

- at the request of participating States and with their agreement, and, as necessary in accordance with current OSCE procedures, on the decision of the Permanent Council, providing and co-ordinating OSCE police training, including at the subregional level, with a view to:

- improving operational and tactical policing capacities;
- enhancing key policing skills, including respect for human rights and fundamental freedoms, and, as appropriate, dealing with the criminal aspects of illegal migration; and,
- increasing community policing, anti-drug, anti-corruption and anti-terrorist capacities; and,

- at the request of participating States and with their agreement:

- providing advice or arranging for the provision of expert advice on requirements for effective policing (needs assessments) and how to meet them, including by facilitating or identifying funding to implement such advice from the OSCE; from its participating States through extra-budgetary funding; or from other relevant international or regional organizations; and,
- encouraging where appropriate the exchange of information among and between participating States regarding lessons learned and best policing practices in countering these new security challenges.

4. In support of the above activities and undertakings, in accordance with the Platform for Co-operative Security, the OSCE will:

- convene as appropriate and preferably annually meetings of police experts from OSCE participating States, and representatives of other relevant specialized international and regional organizations;
- ensure that OSCE activities in police-related issues are conducted in co-ordination with other relevant actors and organizations, including reviewing and if possible enhancing compatibility with subregional, regional and international efforts, with a

view to maximizing efficiency and benefit to the Organization, the host participating State, and to avoiding gaps, duplication or overlapping of competencies; and,

- promote the capabilities and capacities of the Organization in designing, conducting and managing effective OSCE police training, monitoring and capacity building, including through the development of links to other relevant organizations and national agencies as well as the principal humanitarian aid agencies.

5. In keeping with the above undertakings, participating States commit to:

- enhance co-operation on police-related issues between and among themselves in order to address new risks and challenges to their security, both bilaterally and multilaterally, and, where appropriate, through increased contacts between relevant bodies; and,
- share OSCE expertise and lessons learned in police-related activities with other relevant international organizations of which they are members with a view to more effective international action to address these new risks and challenges to security.

6. The Permanent Council will review annually OSCE police-related activities, on the basis of an annual report on OSCE police-related activities from the Secretary General, with a view, *inter alia*, to considering how these activities might best contribute to addressing challenges to security, and to decide appropriate follow-up action in accordance with OSCE procedures.

Document of the Tenth Meeting of the Ministerial Council

Porto 2002

I. Porto Ministerial Declaration

Responding to Change

1. We, the Ministers for Foreign Affairs of the participating States of the Organization for Security and Co-operation in Europe, have met in Porto and reaffirmed our determination to work together to protect our peoples from existing and emerging threats to security. The evolving political, security and economic environment creates new challenges for the OSCE. As we advance in the new century, we see these challenges more clearly and the OSCE's unique contribution to an international community in which all nations and individuals can feel secure becomes ever more valuable. We have a historic opportunity to consolidate lasting peace, prosperity and democracy throughout a Europe which is becoming ever more united.

2. We reaffirm our commitment to promote security and co-operation throughout an OSCE area with no dividing lines, by building mutual confidence and working together to resolve security issues in a spirit of transparency and partnership. Our efforts will be complemented by those of other international organizations and institutions with which we will co-operate closely, on the basis of the Platform for Co-operative Security.

3. At the same time, our Organization must develop new responses to the changing nature of the threats to our security, embracing and enhancing all three dimensions of our comprehensive approach. Our efforts to promote peace and stability must go hand in hand with our determination to ensure full respect for human rights, fundamental freedoms and the rule of law, and to reinforce the conditions essential for sustainable development in all our States.

4. Terrorism, as recent terrorist acts like the hostage-taking in Moscow demonstrate, remains a threat to individual and global security. The Charter on Preventing and Combating Terrorism which we have adopted today sets out the principles of our common approach to terrorism. Last year, in Bucharest, following the events of 11 September, we

adopted a Plan of Action for Combating Terrorism, and today we have decided to further intensify our efforts to implement it.

5. In order to ensure that the OSCE can effectively respond to present and future demands, we have concluded that it should continue to develop during 2003 a strategy to address threats to security and stability in the twenty-first century. The OSCE Annual Security Review Conference, on which we have decided today, will provide a framework for enhancing security dialogue and for reviewing security work undertaken by the OSCE and its participating States. We have also decided to review the OSCE role in peacekeeping operations, with a view to assessing the OSCE's capacity and identifying options for its involvement in this field.

6. Good policing can make a major contribution to security and stability. We confirm that the OSCE should continue to develop its capacity to assist participating States wishing to strengthen their policing skills and we encourage participating States to provide the necessary resources.

(...)

8. The Human Dimension remains at the core of the activities of the Organization. The new modalities for the OSCE Human Dimension Implementation meetings adopted this year will further enhance the effectiveness of the work of the Organization and its institutions. We have agreed to revise and update the OSCE Plan of Activities to Combat Trafficking in Human Beings. The promotion of tolerance and non-discrimination, on which we have adopted a separate decision, is a high priority. We have also adopted a decision on election commitments and we will co-operate further in this field.

9. We recognize the significant contribution of our institutions and field operations, through their dedicated staff, in putting into practice the goals and principles of our Organization, in co-operation with host States. We task the Permanent Council to consider, as appropriate, ways of further improving the functioning and effectiveness of field operations.

II. OSCE Charter on Preventing and Combating Terrorism

The OSCE participating States, firmly committed to the joint fight against terrorism,

1. Condemn in the strongest terms terrorism in all its forms and manifestations, committed no matter when, where or by whom and reiterate that no circumstance or motive can justify acts of or support for terrorism;
2. Firmly reject identification of terrorism with any nationality or religion and reaffirm that action against terrorism is not aimed against any religion, nation or people;
3. Recognize that terrorism requires a co-ordinated and comprehensive response and that acts of international terrorism, as stated in the United Nations Security Council

resolution 1373 (2001), constitute a threat to international and regional peace and security;

4. Declare that acts, methods and practices of terrorism, as well as knowingly providing assistance to, acquiescing in, financing, planning and inciting such acts, are contrary to the purposes and principles of the United Nations and the OSCE;

5. Consider of utmost importance to complement the ongoing implementation of OSCE commitments on terrorism with a reaffirmation of the fundamental and timeless principles on which OSCE action has been undertaken and will continue to be based in the future, and to which participating States fully subscribe;

6. Reaffirm their commitment to take the measures needed to protect human rights and fundamental freedoms, especially the right to life, of everyone within their jurisdiction against terrorist acts;

7. Undertake to implement effective and resolute measures against terrorism and to conduct all counter-terrorism measures and co-operation in accordance with the rule of law, the United Nations Charter and the relevant provisions of international law, international standards of human rights and, where applicable, international humanitarian law;

8. Reaffirm that every State is obliged to refrain from harbouring terrorists, organizing, instigating, providing active or passive support or assistance to, or otherwise sponsoring terrorist acts in another State, or acquiescing in organized activities within its territory directed towards the commission of such acts;

9. Will co-operate to ensure that any person who wilfully participates in financing, planning, preparing or perpetrating terrorist acts, or in supporting such acts, is brought to justice and, to that end, will afford one another the greatest measure of assistance in providing information in connection with criminal investigations or criminal extradition proceedings relating to terrorist acts, in accordance with their domestic law and international obligations;

10. Will take appropriate steps to ensure that asylum is not granted to any person who has planned, facilitated or participated in terrorist acts, in conformity with relevant provisions of national and international law, and through the proper application of the exclusion clauses contained in the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol;

11. Recognize that the relevant United Nations conventions and protocols, and United Nations Security Council resolutions, in particular United Nations Security Council resolution 1373 (2001), constitute the primary international legal framework for the fight against terrorism;

12. Recognize the importance of the work developed by the United Nations Security Council Counter-Terrorism Committee and reaffirm the obligation and willingness of participating States and the OSCE to co-operate with this Committee;
13. Recall the OSCE's role as a regional arrangement under Chapter VIII of the United Nations Charter, and its obligations in this context to contribute to the global fight against terrorism;
14. Recall their Decision on Combating Terrorism and its Plan of Action for Combating Terrorism, adopted at the Ninth Meeting of the OSCE Ministerial Council in Bucharest and reaffirm the commitments contained therein;
15. Take note with satisfaction of the Declaration and the Programme of Action adopted at the Bishkek International Conference on Enhancing Security and Stability in Central Asia: Strengthening Comprehensive Efforts to Counter Terrorism, held on 13 and 14 December 2001;
16. Reiterate the commitment undertaken in the framework of the Charter for European Security, including the Platform for Co-operative Security, adopted at the Istanbul Summit, to co-operate more actively and closely with each other and with other international organizations to meet threats and challenges to security;
17. Underscore that the prevention of and fight against terrorism must be built upon a concept of common and comprehensive security and enduring approach, and commit to using the three dimensions and all the bodies and institutions of the OSCE to assist participating States, at their request, in preventing and combating terrorism in all its forms;
18. Undertake to fulfil their obligation, in accordance with the United Nations conventions, protocols and Security Council resolutions, as well as other international commitments, to ensure that terrorist acts and activities that support such acts, including the financing of terrorism, are established as serious criminal offences in domestic laws;
19. Will work together to prevent, suppress, investigate and prosecute terrorist acts, including through increased co-operation and full implementation of the relevant international conventions and protocols relating to terrorism;
20. Are convinced of the need to address conditions that may foster and sustain terrorism, in particular by fully respecting democracy and the rule of law, by allowing all citizens to participate fully in political life, by preventing discrimination and encouraging intercultural and inter-religious dialogue in their societies, by engaging civil society in finding common political settlement for conflicts, by promoting human rights and tolerance and by combating poverty;

21. Acknowledge the positive role the media can play in promoting tolerance and understanding among religions, beliefs, cultures and peoples, as well as for raising awareness of the threat of terrorism;

22. Commit themselves to combat hate speech and to take the necessary measures to prevent the abuse of the media and information technology for terrorist purposes, ensuring that such measures are consistent with domestic and international law and OSCE commitments;

23. Will prevent the movement of terrorist individuals or groups through effective border controls and controls relating to the issuance of identity papers and travel documents;

24. Recognize the need to complement international co-operation by taking all necessary measures to prevent and suppress, in their territories through all lawful means, assistance to, and the financing and preparation of, any acts of terrorism, and to criminalize the wilful provision or collection of funds for terrorist purposes, in the framework of their obligations under the International Convention for the Suppression of the Financing of Terrorism and relevant Security Council resolutions;

25. Reaffirm their commitment to fulfil their international obligations, as set out in United Nations Security Council resolutions 1373 (2001) and 1390 (2002), and in particular to freeze the assets of those designated by the Committee established pursuant to United Nations Security Council resolution 1267 (1999);

26. Note with concern the links between terrorism and transnational organized crime, money laundering, trafficking in human beings, drugs and arms, and in this regard emphasize the need to enhance co-ordination and to develop co-operative approaches at all levels in order to strengthen their response to these serious threats and challenges to security and stability;

27. Declare their determination to use in good faith all relevant instruments available within the politico-military dimension of the OSCE, as represented by the Forum for Security Co-operation, and emphasize the importance of fully implementing these instruments in particular, the Code of Conduct on Politico-Military Aspects of Security and the OSCE Document on Small Arms and Light Weapons;

28. Reaffirm that arms control, disarmament and non-proliferation remain indispensable elements of co-operative security between States; that they can also make an essential contribution by reducing the risk of terrorists gaining access to weapons and materials of mass destruction and their means of delivery;

Express determination to combat the risk posed by the illicit spread of and access to conventional weapons, including small arms and light weapons;

Will make every effort to minimize those dangers through national efforts and through strengthening and enhancing the existing multilateral instruments in the fields of arms

control, disarmament and non-proliferation including the OSCE Principles Governing Non-Proliferation and to support their effective implementation and, where applicable, universalization.

III. Declaration on Trafficking in Human Beings

I.

We, the members of the Ministerial Council of the OSCE, declare that trafficking in human beings represents a dangerous threat to security in the OSCE area and beyond.

We declare that trafficking in human beings and other modern forms of slavery constitute an abhorrent violation of the dignity and rights of human beings.

We recognize that trafficking in human beings represents a serious and rapidly expanding area of transnational organized crime, generating huge profits for criminal networks that may also be associated with criminal acts such as trafficking in drugs and arms, as well as smuggling of migrants.

We recall and reaffirm our full adherence to the OSCE's commitments to combating trafficking in human beings, as reflected in the Moscow Document of 1991, the Charter for European Security adopted in Istanbul in 1999, Ministerial Council Decision No. 1 adopted in Vienna in 2000, Permanent Council Decision No. 426 and Ministerial Council Decision No. 6 adopted in Bucharest in 2001, and declare our determination to strengthen co-operation in addressing trafficking in human beings in countries of origin, transit and destination.

We reaffirm our determination to combat all forms of trafficking in human beings and call on States that have not done so to consider ratifying or acceding to the United Nations Convention Against Transnational Organized Crime and to its supplementary Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, and to take into account the definition of trafficking in human beings given in the said Protocol.

We declare that ratification and full implementation of both these instruments would enhance the international and national legal framework and enforcement capacities for combating trafficking in human beings. We strongly encourage States to consider concurrent ratification and full implementation of the Protocol Against the Smuggling of Migrants by Land, Sea and Air, also supplementing the above-mentioned Convention.

We reaffirm our support for the ODIHR's Anti-Trafficking and Gender Issues units and favour an increased involvement of the ODIHR's Contact Point for Roma and Sinti Issues. We also reaffirm our support for OSCE field operations and the OSCE Secretariat, especially the OSCE Adviser on Gender Issues. We commend them for their comprehensive approach and for facilitating national efforts in prevention of trafficking in human beings, prosecution of its perpetrators and protection and assistance to victims.

We also support the work of the Stability Pact Task Force on Trafficking in Human Beings under the auspices of the OSCE. We commend its role as a driving force for the promotion of regional co-operation and the development of relevant initiatives.

II.

We recognize the need to address root causes of trafficking and to reduce the economic and social inequalities and disadvantages, which also provoke illegal migration, and which may be exploited by organized criminal networks for their profit. We also recognize the need to fight corruption, which facilitates the operation of such networks. We recommend that the Office of the Co-ordinator of OSCE Economic and Environmental Activities play an increased role in addressing all economic aspects of trafficking in human beings.

We recognize that, in countries of destination, demand for the activities of persons trafficked for the purposes of sexual exploitation, forced labour, slavery or other practices similar to slavery is an integral factor in trafficking in human beings. We urge countries of destination to take measures to effectively address such a demand as a key element in their strategy for effectively preventing and combating trafficking in human beings, and to exercise zero tolerance towards sexual exploitation, slavery and all forms of exploitation of forced labour, irrespective of its nature.

We are deeply concerned about reports of involvement by some mission members of international organizations in activities related to trafficking in human beings, particularly in post-conflict countries. We reiterate the importance of Permanent Council Decision No. 426, of 12 July 2001, on trafficking in human beings and encourage the adoption and implementation of relevant measures such as the OSCE Code of Conduct for Mission Members. We will not tolerate international staff members being involved in any illegal activities, inciting this criminal trade or behaving in contravention of this Code of Conduct. We commit ourselves to take all practicable measures to ensure the accountability of international staff members to their respective national, and when appropriate local, authorities for such activities.

We express our concern about the increase in trafficking in minors and, recognizing the special needs of children, we support more research and exchange of information on trafficking in children and, with due regard to the best interest of the child as the primary consideration in all actions concerning children, call for the elaboration of special measures to protect trafficked minors from further exploitation, mindful of their psychological and physical well-being.

We will strive for adequate measures to prevent trafficking in human beings in our countries, taking the form, *inter alia*, of target-oriented awareness raising campaigns and education in countries of origin and transit, directed in particular towards youth and other vulnerable groups, and will seek to develop appropriate campaigns in countries of destination, to organize training for relevant officials and government employ-

ees in the areas of law enforcement, border control, criminal justice and social services, and to recommend full co-operation with NGOs in this field.

We will strive to render assistance and protection to the victims of trafficking, especially women and children, and to this end, when appropriate, to establish effective and inclusive national referral mechanisms, ensuring that victims of trafficking do not face prosecution solely because they have been trafficked. The dignity and human rights of victims must be respected at all times. We will consider adopting appropriate measures, such as shelters, and establishing appropriate repatriation processes for the victims of trafficking, with due regard to their safety, including the provision of documents; and developing policies concerning the provision of economic and social benefits to victims, as well as their rehabilitation and reintegration in society.

We recognize that intensified co-operation among relevant actors in countries of origin, transit and destination plays a critical role in the return programmes for victims of trafficking and facilitates their reintegration. Therefore, we encourage all organizations providing assistance to victims, including NGOs, to further develop such co-operation.

We will consider adopting legislative or other measures that permit victims of trafficking to remain in our territory, temporarily or permanently, in appropriate cases, and giving consideration to humanitarian and compassionate factors.

We call on participating States to enhance international co-operation in combating transnational organized crime, including criminal acts such as trafficking in drugs and arms, as well as smuggling of migrants. Such co-operation should include international law enforcement bodies, such as Europol and Interpol, as well as the Southeast European Co-operative Initiative (SECI), with a view to investigating and prosecuting those responsible for trafficking in human beings in accordance with domestic law and, where applicable, international obligations. In this regard, we ask that the Senior Police Adviser should devote increased attention to the fight against trafficking in human beings.

We reiterate the need for national strategies in order to unite efforts directed towards combating trafficking in human beings and to enhance co-ordination among national, international and regional organizations in this field. This need could be met through measures such as appointing inter-ministerial bodies and national co-ordinators or, as appropriate, other relevant bodies or mechanisms.

III.

We agree to intensify co-operation, based on a multidimensional approach, among the relevant OSCE structures and institutions, as well as among the OSCE and other relevant international organizations and actors, including the United Nations and its specialized agencies, the Council of Europe, the European Union and the International Organization for Migration, and task the Permanent Council with examining how better to assure such a co-operation with a view to combating trafficking in human beings.

We task the Permanent Council, through the informal Working Group on Gender Equality and Anti-Trafficking in Human Beings, with revising the Proposed OSCE Action Plan 2000 for Activities to Combat Trafficking in Human Beings and to elaborate a new draft for further appropriate action by 25 July 2003.

We task the Chairmanship-in-Office and the Permanent Council with using existing OSCE bodies and fora to exchange information, review commitments and share best practices on combating trafficking in human beings, as well as with promoting regular participation by experts representing relevant national institutions and bodies, as well as representatives of partner international organizations and NGOs.

(...)

V. Decisions of the Porto Ministerial Council Meeting

Decision No. 1

Implementing the OSCE Commitments and Activities on Combating Terrorism

The Ministerial Council,

Notes the Secretary General's comprehensive report on the actions of OSCE bodies and institutions to combat terrorism, including implementation of the Bucharest Plan of Action for Combating Terrorism and the Bishkek Programme of Action;

Decides that all OSCE participating States, bodies and institutions shall continue on an urgent basis to implement and ensure the effectiveness of their Bucharest commitments;

Reaffirms the commitment of all participating States to become parties as soon as possible to all 12 United Nations conventions and protocols related to terrorism and welcomes the steps undertaken by participating States that have already completed these procedures;

Commit themselves to work towards the successful conclusion of negotiations on new universal instruments in this field, presently under way within the United Nations and confirms their readiness to consider, in co-ordination with the United Nations Security Council Counter-Terrorism Committee, requests for technical assistance and capacity building with a view to advancing the ratification and implementation of United Nations and other relevant instruments on terrorism;

Recognizing the danger posed by weapons of mass destruction in the hands of terrorists, urges all States to co-operate on negotiations underway at the United Nations on an International Convention for the Suppression of Acts of Nuclear Terrorism, and at the International Atomic Energy Agency on a protocol to the United Nations Convention on the Physical Protection of Nuclear Material;

Welcomes the activities undertaken by the Forum for Security Co-operation, as reported by its Chairperson, in line with its Road Map and urges the Forum for Security Co-operation to continue to be seized with the matter of combating terrorism within its mandate and competencies;

Encourages the Co-ordinator for OSCE Economic and Environmental Activities to continue to pursue programmes in co-operation and co-ordination with the United Nations Office on Drugs and Crime to support participating States. efforts to strengthen their ability to prevent and suppress terrorist financing;

Welcomes the decision in July 2002 (PC.DEC/487) that all participating States will complete the Financial Action Task Force (FATF) self-assessments on compliance with the Eight Special Recommendations on Terrorist Financing and notes with approval the OSCE's 88 per cent response rate to date. Commits to take steps towards speedy implementation of the Financial Action Task Force's Eight Special Recommendations on terrorist financing;

Recalls the Personal Representative of the Chairman-in-Office for Preventing and Combating Terrorism's recommendation that the OSCE pursue activities *inter alia* in policing, border security, anti-trafficking and suppressing terrorist financing. Requests that interested donors consider providing the necessary resources to implement OSCE projects for combating terrorism;

Decides that the OSCE participating States, bodies and institutions will intensify their efforts and their collective commitment to combat terrorism and the conditions that may foster and sustain it by exploiting its strengths and comparative advantages: its comprehensive approach to security; its expertise in early-warning, conflict prevention, crisis management and post-conflict rehabilitation; its wide ranging repertoire of proven confidence- and security-building measures and its expertise in capacity building.

Decision No. 2

Development of an OSCE Strategy to Address Threats to Security and Stability in the Twenty-First Century

The Ministerial Council,

Guided by the Bucharest Ministerial Declaration (2001) and, in particular, paragraph 8 on the development of an OSCE strategy to address threats to security and stability in the twenty-first century,

Recalling OSCE documents and decisions, including the Charter for European Security adopted at the Istanbul Summit, which identify risks and challenges to security, and reaffirming the commitment of the participating States to co-operate in a spirit of solidarity in countering them on the basis of the United Nations Charter, norms and principles of international law and commitments taken upon within the OSCE,

Bearing in mind the need to further the concept of the common comprehensive and indivisible security, based on sovereign equality and solidarity of the States,

Reconfirming the importance of the OSCE role in setting up effective co-operative mechanisms to address threats to security and stability in the Euro-Atlantic area and in broadening to this end the dialogue within the OSCE as well as its co-operation and partnership with other international, regional and subregional organizations and institutions on the basis of the Platform for Co-operative Security,

Committed to reinforcing the effectiveness of security-related activities across all three dimensions of the OSCE in line with developing European and global processes,

Taking into account the discussions initiated by the Portuguese Chairmanship on developing a future OSCE Strategy and the contributions of the participating States,

Has decided as follows:

- To task the Permanent Council to continue its work to develop, during the year of 2003, a comprehensive OSCE Strategy to address threats to security and stability in the twenty-first century and to request the Forum for Security Co-operation to make its own contribution to this work, within its competencies and mandate.

This Strategy will, *inter alia*:

- Identify threats to our common security and stability and analyse their changing nature and main causes;
- Address the role of the OSCE bodies, institutions and field operations and their co-ordinated approach to countering threats to security and stability;
- Set out how the OSCE can prevent or counter threats to security and stability and contribute to relevant international efforts. It should in particular:
- Adapt or supplement, where necessary, the existing instruments and mechanisms of co-operation within the OSCE;
- Establish enhanced forms of co-operation with other organizations and institutions in this area;
- Improve the OSCE's response to participating States. needs in capacity building relevant to countering threats to security and stability, taking into account the interests of all participating States.

In this context the participating States will use the OSCE Annual Security Review Conference, *inter alia*, to review the implementation of this Strategy.

The Ministerial Council also decides:

- That the work on the Strategy will be carried out in a special working group of the Permanent Council in close co-operation with the Forum for Security Co-operation and in accordance with the Bucharest Ministerial Decision No. 3 on Fostering the Role of the OSCE as a Forum for Political Dialogue. The progress on the work will be reviewed, when necessary, at the special meetings of the Permanent Council and the Forum for Security Co-operation, including their joint meetings.

Decision No. 3

Annual Security Review Conference

The Ministerial Council,

Restating the OSCE's concept of common, comprehensive, and indivisible security,

Acknowledging the requirement to reinforce the effectiveness of security activities across all three dimensions of the OSCE,

Reaffirming the OSCE's role as a primary organization for the peaceful settlement of disputes within its region and as a key instrument for early warning, conflict prevention, crisis management and post-conflict rehabilitation, as well as its nature as an inclusive and comprehensive organization for consultation, decision-making and co-operation in its region,

Taking into account the Bucharest Plan of Action for Combating Terrorism and the Bishkek Programme of Action, the OSCE Charter on Preventing and Combating Terrorism, as well as the Charter for European Security adopted at the Istanbul Summit and ongoing work to elaborate an OSCE strategy to address threats to security and stability in the twenty-first century,

Emphasizing the increased importance of international co-operation and political dialogue among participating States and with other international, regional and subregional organizations in response to threats to our common security,

Mindful of the danger conflicts in various regions in the OSCE area pose to all participating States,

Recalling the Bucharest Ministerial Decision No. 3 on Fostering the Role of the OSCE as a Forum for Political Dialogue,

Acknowledging the role of the Forum for Security Co-operation as the OSCE body for, *inter alia*, negotiation of arms control, disarmament and confidence- and security-building and for the assessment of the implementation of agreed measures,

Considering the role of the annual Economic Forum and its preparatory and follow-up seminars for reviewing OSCE activities in the economic and environmental dimension of security,

Taking into account the role of the Human Dimension Implementation Meetings, Review Conferences, the Supplementary Human Dimension Meetings and the annual Human Dimension Seminar for reviewing the implementation of commitments in the human dimension of security,

Stressing the need to strike a proper balance among the three dimensions of the OSCE,

Determined to complement and not to duplicate or replace the activities of other OSCE bodies and institutions, including the Annual Implementation Assessment Meeting,

Decides to establish an Annual Security Review Conference, with the following purpose and modalities:

I. Purpose

To provide a framework for enhancing security dialogue and for reviewing security work undertaken by the OSCE and its participating States, *inter alia*:

- Implementation of an OSCE strategy to address threats to security and stability in the twenty-first century;
- Implementation of OSCE commitments in combating terrorism;
- Politico-military aspects of security;
- Implementation of OSCE decisions and activities in the area of early warning, conflict prevention, crisis management, and post-conflict rehabilitation;
- The security-related activities in OSCE institutions and field operations;
- OSCE police-related activities;
- Other security-related issues, including regional issues, which are dealt with by the OSCE.

The Conference may also provide an opportunity to exchange views on issues related to arms control and confidence- and security-building measures, including the CFE and Open Skies treaties.

In addition, the Conference should also promote the exchange of information and co-operation with relevant international and regional organizations and institutions.

II. Modalities

The Security Review Conference will meet annually, in Vienna unless otherwise decided. The meeting will last for 2 to 3 days, and will be held before the summer recess. Delegations of participating States will be encouraged to be reinforced at senior level from capitals.

The Conference will be chaired by a representative of the Chairmanship-in-office, with Forum for Security Co-operation involvement as appropriate.

The date, agenda and meeting-specific modalities of the Conference will be annually decided by the Permanent Council, taking into account the recommendation of the Forum for Security Co-operation.

The Conference can formulate recommendations to be provided to the Permanent Council and, as appropriate, to the Forum for Security Co-operation, for further consideration.

The contribution of the Forum for Security Co-operation to this Conference will be made in accordance with its procedures, mandate and competences.

Relevant officials of OSCE bodies and institutions shall be invited by the Permanent Council to report to the Conference on their security-related activities and areas for further action.

Relevant international and regional organizations and institutions will be invited to participate as determined by the Permanent Council.

The OSCE established rules of procedure shall apply in the Annual Security Review Conference.

Decision No. 6

Tolerance and Non-Discrimination

The Ministerial Council,

Recalling the principles of human rights and the inherent dignity of the human being, freedom of thought, conscience, religion or belief that underpin the general provisions of the OSCE human dimension commitments,

Recalling the Charter for European Security, Istanbul Summit 1999, which reaffirms full adherence to the Charter of the United Nations, and to the Helsinki Final Act, the Charter of Paris and all other OSCE documents,

Recalling Decision No. 5 by the Ministerial Council at its Ninth Meeting in Bucharest reaffirming its concern about manifestation of aggressive nationalism, racism, chauvinism, xenophobia, anti-Semitism and violent extremism, wherever they may occur,

Reiterating that democracy and protection of human rights and fundamental freedoms are essential safeguards of tolerance and non-discrimination and constitute important factors for stability, security, co-operation and peaceful development throughout the entire OSCE region, and that conversely tolerance and non-discrimination are important elements in the promotion of human rights,

Reaffirming the internationally recognized prohibition of discrimination, without adverse distinction of any kind, such as race, colour, sex, language, religion or belief, political or other opinion, national or social origin, property, birth or other status,

Recalling the continuing work of the OSCE structures and institutions in the field of promoting human rights, tolerance, non-discrimination and multiculturalism, in particular by the human dimension meetings and activities, projects and programmes including those of participating States,

Stressing the positive role of multicultural and inter-religious dialogue in creating better understanding among nations and peoples,

Noting that promoting tolerance and non-discrimination can also contribute to eliminating the basis for hate speech and aggressive nationalism, racism, chauvinism, xenophobia, anti-Semitism and violent extremism,

Recognizing the responsibility of participating States for promoting tolerance and non-discrimination,

1.(a) Condemns in strongest terms all manifestations of aggressive nationalism, racism, chauvinism, xenophobia, anti-Semitism and violent extremism, as well as hate speech and occurrences of discrimination based on religion or belief;

(b) Undertakes to further promote multicultural, interethnic and inter-religious dialogue in which governments and civil society will be encouraged to participate actively;

(c) Also undertakes to further promote the rights of persons belonging to national minorities;

2. Decides to intensify efforts to maintain and strengthen tolerance and non-discrimination, with the assistance of OSCE institutions and in co-operation with relevant international organizations and civil society, by such means as the exchanges of information and best practice;

3. Calls on participating States, which have not yet done so, to consider ratifying the international instruments, which address the problem of discrimination and calls for full compliance with the obligations assumed therein;

4. Commits to take appropriate measures, in conformity with respective constitutional systems, at national, regional and local levels to promote tolerance and non-discrimination as well as to counter prejudices and misrepresentation, particularly in the field of education, culture and information;

5. Condemns, in particular, discrimination on religious grounds and undertakes to endeavour to prevent and protect against attacks directed at any religious group, whether on persons or on places of worship or religious objects;

6. Condemns in particular the recent increase in anti-Semitic incidents in the OSCE area, recognizing the role that the existence of anti-Semitism has played throughout history as a major threat to freedom;

7. Also condemns the recent increase in acts of discrimination and violence against Muslims in the OSCE area and rejects firmly the identification of terrorism and extremism with a particular religion or culture;

8. Decides to take strong public positions against hate speech and other manifestations of aggressive nationalism, racism, chauvinism, xenophobia, anti-Semitism and violent extremism, as well as occurrences of discrimination based on religion or belief;

9. Calls on relevant authorities of participating States to investigate promptly and impartially acts of violence, especially where there are reasonable grounds to suspect that they were motivated by aggressive nationalism, racism, chauvinism, xenophobia, anti-Semitism and violent extremism, as well as attacks motivated by hatred against a particular religion or belief, and to prosecute those responsible in accordance with domestic law and consistent with relevant international standards of human rights;

10. Tasks the Permanent Council to consider further enhancement of the Contact Point on Roma and Sinti Issues in the Office for Democratic Institutions and Human Rights (ODIHR);

11. Urges the convening of separately designated human dimension events on issues addressed in this decision, including on the topics of anti-Semitism, discrimination and racism and xenophobia;

12. Tasks the Chairmanship-in-Office and the Permanent Council in close co-operation with the ODIHR, the High Commissioner on National Minorities and the Representative on Freedom of the Media to ensure an effective follow-up of the present decision, through increased use of tools already available to the OSCE, including the annual human dimension meetings and seminars.

Decision No. 7

Election Commitments

The Ministerial Council,

Recalling the provisions of the 1990 Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE,

Noting that additional commitments, reflected in the 1996 Lisbon Summit Declaration, the 1999 Istanbul Summit Declaration and the 2001 Bucharest Ministerial Declaration, have supplemented those provisions,

Reaffirming the determination to implement these commitments,

Acknowledging that democratic elections can be conducted under a variety of electoral systems,

Recognizing the ODIHR's expertise in assisting participating States in the implementation of election-related commitments,

Taking into account PC Decision No. 509, on international standards and commitments: a practical guide to democratic elections best practice,

Calls upon participating States to strengthen their response to the ODIHR's recommendations following election observations,

Tasks the Permanent Council to consider the need to elaborate additional commitments on elections, in the spirit of enhanced co-operation with other international organizations, as well as among participating States, and to report to the next Ministerial Council meeting.

Document of the Eleventh Meeting of the Ministerial Council

Maastricht 2003

I. OSCE Strategy to Address Threats to Security and Stability in the Twenty-First Century

1. The evolving security environment in the early twenty-first century creates new challenges for all, including for the OSCE. The OSCE will meet such challenges on the basis of important strengths, namely its broad membership, from North America to Europe and parts of Asia, and its multidimensional concept of common, comprehensive, co-operative and indivisible security. The Organization remains committed to a free, democratic and more integrated OSCE area without dividing lines.

2. Respect for and compliance with international law and the principles of the Charter of the United Nations remain central to efforts to prevent and combat threats to stability and security. The United Nations Security Council bears primary responsibility for the maintenance of international peace and security and continues to play a crucial role in contributing to security and stability in the OSCE region. Compliance with OSCE norms, principles and commitments, from the Helsinki Final Act onwards, is an integral part of this framework. This Strategy aims to contribute to a more cohesive and effective international system for responding to global threats and challenges.

Threats to security and stability in the twenty-first century

3. The OSCE was instrumental in paving the way for security and stability across the OSCE region towards the end of the twentieth century, and has contributed to important democratic transformation in the OSCE area. Co-operation has now replaced previous confrontation. Threats to security and stability in the OSCE region are today more likely to arise as negative, destabilizing consequences of developments that cut across the politico-military, economic and environmental and human dimensions, than from any major armed conflict. At the same time, unresolved conflicts still exist in the OSCE area that continue to be of deep concern. The search for negotiated solutions to these must remain an urgent matter.

4. Respect for human rights and fundamental freedoms, democracy and the rule of law is at the core of the OSCE's comprehensive concept of security. Strong democratic institutions and the rule of law play an important role in preventing threats from arising. Weak governance, and a failure by States to secure adequate and functioning democratic institutions that can promote stability, may in themselves constitute a breeding ground for a range of threats. Equally, systematic violations of human rights and fundamental freedoms, including the rights of persons belonging to national minorities, can give rise to a wide range of potential threats.

5. Socio-economic and environmental factors may affect security and stability as well. Globalization, liberalization and technological change offer new opportunities for trade, growth and development, but have not benefited all participating States equally, thus contributing in some cases to deepening economic disparities between as well as within States. The outcome of globalization depends on policy choices adopted by governments and international institutions and on the responses of the private sector and civil society. Environmental degradation is also of growing concern. Demographic factors and widespread degradation of health are other potential challenges to security.

6. Lack of openness and transparency in politico-military matters can have serious negative consequences. Failure to comply in a full and timely manner with existing arms control, disarmament, non-proliferation and confidence- and security-building agreements and instruments may further affect common security significantly.

7. Threats may also arise from the actions of terrorists and other criminal groups. Terrorist acts in recent years have fully borne out the growing challenge of such threats and the priority that must be given to preventing and combating them. Furthermore, threats often do not arise from within a single State, but are transnational in character. They affect the security of all States in the OSCE area and the stability of our societies. At the same time, the OSCE region is increasingly exposed to threats originating outside it, and developments within our own region may similarly have consequences for adjacent areas.

8. Against this background, it is clear that the OSCE's comprehensive approach to security, covering the politico-military, economic and environmental and human dimensions retains its full validity and should be maintained and further strengthened. Our analysis of the pattern of threats has highlighted a range of issues within this framework on which we need to focus particular attention as part of our efforts to reinforce our response.

9. Threats emerging from inter-State and intra-State conflicts remain the broadest category of threat to participating States and to individuals. Such conflicts, wherever they take place, may also pose a risk to neighbouring areas and may give rise to instability and other types of threats, such as terrorism, proliferation of weapons of mass destruction, excessive and destabilizing accumulation and uncontrolled spread of small arms and light weapons (SALW), human rights violations, mass expulsion, deterioration of the socio-economic situation, and illegal migration. Non-compliance with interna-

tional law and with OSCE norms and principles, as well as a range of factors within the politico-military, economic and environmental and human dimensions lie behind the immediate causes of violent conflict.

10. Terrorism is one of the most important causes of instability in the current security environment. It seeks to undermine the very values that unite the participating States in the OSCE area. Terrorism will remain a key challenge to peace and stability and to State power, particularly through its ability to use asymmetric methods to bypass traditional security and defence systems. There is no justification for terrorism whatsoever. At the same time, terrorism requires a global approach, addressing its manifestations as well as the social, economic and political context in which it occurs.

11. Globalization and technological advances have increased the scope and extent of the threat that organized crime constitutes. Moreover, organized crime often runs parallel with terrorism, regarding both actors and methods. Smuggling of migrants and trafficking in human beings, illicit traffic in narcotic drugs, in small arms and light weapons as well as in sensitive materials and technologies, are other criminal activities that may pose a threat to stability and security, both inside and outside the OSCE area. Open borders and free movement of persons and goods are beneficial to international co-operation, but also present growing challenges, including illegal migration.

12. Practices related to discrimination and intolerance both threaten the security of individuals and may give rise to wider-scale conflict and violence. They can have their root in issues such as ethnic and religious tensions, aggressive nationalism, chauvinism and xenophobia, and may also stem from racism, anti-Semitism and violent extremism, as well as lack of respect for the rights of persons belonging to national minorities.

13. The mobility of migrant populations and the emergence of societies with many coexisting cultures in all parts of the OSCE region present growing opportunities as well as challenges. Failure to integrate societies and failure also by everyone who resides in them to respect the rights of all can undermine stability.

14. Deepening economic and social disparities, lack of rule of law, weak governance in public and corporate spheres, corruption, widespread poverty and high unemployment are among the economic factors, which threaten stability and security. They can provide a breeding ground for other major threats. Environmental degradation, unsustainable use of natural resources, mismanagement of wastes and pollution affect ecological systems and have a substantial negative impact on the health, welfare, stability and security of States. Ecological disasters may also have such effects. Problems of governance connected to these factors have a direct undermining effect and at the same time reduce the capacity to ensure sustainable economic and social development as well as to effectively address economic and environmental challenges and threats to security and stability.

15. Many of the threats of a politico-military nature, including those addressed by existing OSCE documents, such as destabilizing accumulations of conventional weap-

onry, illicit transfers of arms, and the proliferation of weapons of mass destruction, remain of great concern to the OSCE participating States. Among the threats that have either changed in nature or impact or are new altogether, armed threats posed by terrorists and other criminal groups require particular attention. Equally, attention should be given to potential challenges stemming from the changing character of armed conflicts.

16. In a changing security environment, threats are evolving, and not all threats will be foreseeable. The OSCE framework for permanent political dialogue, and in particular the Annual Security Review Conference (ASRC), will help to identify, analyse and react to new threats as they emerge.

The OSCE response

17. The OSCE response will be multidimensional and will not occur in a vacuum. The Organization will build on its unique strengths, expertise and capabilities and provide an effective framework for co-operation with other international actors in order to address threats in a co-ordinated and complementary way, which avoids duplication and maintains focus. The Charter for European Security and its Platform for Co-operative Security was adopted in Istanbul in 1999 in order to strengthen security and stability in the region and improve operational capabilities in a transformation of the OSCE to meet unprecedented challenges. It remains fully valid.

18. The prime responsibility for providing security for their citizens lies with individual participating States. The participating States are accountable to their citizens and responsible to each other for implementation of their OSCE commitments. The OSCE stands ready to offer assistance and advice as well as to foster co-operation between participating States towards this end. Co-operation between participating States in the spirit of solidarity, partnership and transparency is basic to security in the OSCE area and should reflect mutual interest and respect. Each participating State has an equal right to security.

19. The OSCE is a forum for political and security dialogue, for setting consensually based, politically binding norms and principles and for promoting their implementation. The Permanent Council and the Forum for Security Co-operation, within its competencies and mandate, are central to this role. It will be further strengthened and the process of political consultation and transparency within the Organization enhanced. The dialogue and the norms and standards that underpin it are directed towards preventing threats from arising. They also encourage the development of democratic institutions and of inclusive societies, able to deal more effectively and co-operatively with emerging threats.

20. The OSCE will continue to be an active player across its region, using its institutions — the Office for Democratic Institutions and Human Rights (ODIHR), the High Commissioner on National Minorities (HCNM), and the Representative on Freedom of the Media (RFM) — its field operations and its Secretariat to the full. They are impor-

tant instruments in assisting all participating States to implement their commitments, including respect for human rights, democracy and the rule of law. In all relevant activities, possibilities for strengthening co-operation with the Parliamentary Assembly, and through it, national parliaments will be actively pursued.

21. Recognizing the significant contributions of the institutions and field operations in putting into practice the goals and principles of the Organization, the OSCE is considering ways of further improving the functioning and effectiveness of field operations and developing new tools if necessary.

22. The overall capacity of OSCE to identify, analyse and take co-ordinated action in response to threats needs to be further consolidated. More attention should be paid to the early warning functions in the Secretariat, institutions and field operations, and follow-up to early warning should be strengthened. Special mechanisms for early warning and peaceful settlement of conflicts as well as the tool of rapid expert assistance and co-operation teams, REACT, continue to be at the disposal of the OSCE. The early warning and conflict prevention activities of the OSCE Parliamentary Assembly represent a valuable contribution to these efforts.

23. As threats originating or evolving in adjacent regions are of increasing importance, the OSCE will intensify its co-operation with its Mediterranean and Asian Partners for Co-operation, by early identification of areas of common interest and concern and possibilities for further co-ordinated action. We will encourage them to voluntarily implement the principles and commitments of the OSCE and will co-operate with them in this as appropriate. As a first step towards increased dialogue, we will invite all our Partners for Co-operation to participate on a more frequent basis as observers in Permanent Council and Forum for Security Co-operation meetings. The OSCE will also consider ways in which OSCE norms, principles, commitments and values could be shared with other regions, in particular neighbouring areas. Contacts with organizations in those areas will be further developed.

(...)

27. Conflict prevention and post-conflict rehabilitation involve substantial efforts by the Organization in close co-operation with participating States in order to promote and assist in building democratic institutions and the rule of law, *inter alia*, by supporting capacity building and helping to strengthen authorities at all levels and parliamentary structures, independent judiciaries and free civil societies and media.

Addressing terrorism and threats arising from other criminal activities

Terrorism

28. UN conventions and protocols as well as UN Security Council resolutions constitute the global legal framework for combating terrorism. In support of this, the OSCE has through decisions in 2001 and 2002 established a structure for comprehensive action by participating States and the Organization to address, as a main priority, the

threat of terrorism, its manifestations and conditions that may foster and sustain it. An operational part of this framework is the Action against Terrorism Unit in the OSCE Secretariat.

29. OSCE counter-terrorism activities focus, *inter alia*, on border security and management, policing, the combating of trafficking and suppression of terrorist financing. Special attention will be given to capacity building and other assistance in the sphere of counter-terrorism. The important challenge of implementing effective measures against terrorism in full accordance with the rule of law and international law, including human rights law, is also addressed. Such measures include denying safe havens to terrorists and eliminating conditions in which terrorists may recruit and gain support. They also aim at preventing terrorists from increasing their capabilities, including by preventing terrorists from gaining access to SALW and other conventional weapons as well as WMD and associated technologies. Close interaction with other relevant international organizations and bodies, in particular the UN Security Council Counter-Terrorism Committee (UN CTC) and the UN Office on Drugs and Crimes (UNODC), is sought through joint meetings, contacts at all levels and specific programmes and projects.

30. The OSCE has also decided to establish a Counter-Terrorism Network to promote the strengthening of co-ordination of counter-terrorism measures and information sharing between OSCE participating States and to support and supplement the work of the UN CTC in implementing Security Council resolution 1373.

Threats arising from other criminal activities

31. The OSCE will step up its work to combat organized crime. Regular meetings of police experts from OSCE participating States and representatives of other relevant specialized international and regional organizations would constitute an important contribution in this respect. In particular, the OSCE will further increase its attention to the growing threat of trafficking. An OSCE Action Plan on Trafficking in Human Beings has been adopted. The OSCE Document on SALW remains a key instrument for combating trafficking in and proliferation of SALW in all its aspects. Its implementation will be further strengthened. The OSCE will continue the collaborative efforts already underway with the UNODC to address the issue of illicit traffic in narcotic drugs. An effective and comprehensive international approach to dealing with this issue needs to be developed.

32. The Strategic Police Matters Unit was set up to improve the capacity of participating States to address threats posed by criminal activity and to assist them in upholding the rule of law. The aim is to enhance key policing skills, including respect for human rights and fundamental freedoms. The OSCE will, at the request of participating States, increase its focus on assistance to authorities, including at the local level, on fighting crime and criminal networks and will define and develop core competencies for police activities such as training and capacity-building activities.

33. The OSCE will intensify its efforts to address such issues as smuggling of migrants and illegal migration.

34. A comprehensive and multidisciplinary approach is required to effectively prevent and combat corruption in all its forms. The OSCE, in close co-ordination with the UNODC and other relevant international organizations and financial institutions, will contribute to reducing corruption across the OSCE region.

35. Threats of terrorism and organized crime are often interlinked, and synergetic approaches to deal with them will be further explored. Cross-border movement of persons, resources and weapons as well as trafficking for the purpose of financing and providing logistic support play an increasing role for terrorist activities. The OSCE is committed to addressing these problems and to strengthening its capacities to promote open and secure borders, *inter alia*, through the elaboration of an OSCE Border Security and Management Concept in order to enhance capacity building and mutually beneficial inter-State co-operation.

Addressing threats related to discrimination and intolerance

36. Discrimination and intolerance are among the factors that can provoke conflicts, which undermine security and stability. Based on its human dimension commitments, the OSCE strives to promote conditions throughout its region in which all can fully enjoy their human rights and fundamental freedoms under the protection of effective democratic institutions, due judicial process and the rule of law. This includes secure environments and institutions for peaceful debate and expression of interests by all individuals and groups of society. Civil society has an important role to play in this regard, and the OSCE will continue to support and help strengthen civil society organizations.

37. The participating States, the OSCE bodies and institutions, the Secretariat and many OSCE field operations are engaged in activities directed against threats related to discrimination and intolerance, including those deriving from religious and ethnic tensions combined with violent extremism. They also perform a significant early warning function. The annual Human Dimension Implementation Meeting and other events within the human dimension provide opportunities to discuss threats related to discrimination and intolerance and to make recommendations on possible actions to address these threats. While fully respecting freedom of expression, the OSCE will strive to combat hate crime which can be fuelled by racist, xenophobic and anti-Semitic propaganda on the Internet.

38. The participating States and OSCE bodies and institutions are committed to stepping up their efforts to counter threats arising from discrimination and intolerance. Harmonious relations between ethnic, religious, linguistic and other groups and the rights of persons belonging to national minorities will be actively promoted, as will equal opportunities for women and men. Violence, intolerance, extremism and discrimination against these groups, including migrant workers, asylum seekers and

other immigrants, must be counteracted and persons responsible for such actions held accountable. At the same time, the respect of persons belonging to such groups for the rule of law, democratic values and individual freedoms is essential.

39. In this context, the OSCE recognizes the particular difficulties faced by Roma and Sinti and the need to undertake effective measures in order to eradicate discrimination against them and to achieve equality of opportunity, consistent with OSCE commitments. Therefore, the OSCE has adopted an Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area.

40. The OSCE's efforts will in particular be targeted at the younger generation in order to build up their understanding of the need for tolerance and the importance of reconciliation and peaceful coexistence. Their outlook and perspective on the future are key. Where appropriate, the OSCE will therefore take on a stronger role in the field of education. An area such as human rights education would deserve particular attention.

41. Full use will be made of ODIHR's monitoring capacity, and operational co-operation with other monitoring bodies in such areas as data collection, information sharing and joint analysis will be promoted in order to have the fullest picture of developments. This will enable the OSCE to efficiently target work towards areas of highest priority.

(...)

Co-operation with other international organizations and institutions

52. No single State or organization can, on its own, meet the challenges facing us today. Co-ordination of the efforts of all relevant organizations is therefore essential. The OSCE's interaction with other organizations and institutions is based on the Platform for Co-operative Security. In it, participating States have pledged themselves to seek to develop political and operational coherence among all the bodies dealing with security, both in responding to specific threats and in formulating responses to new threats and challenges. In an evolving security situation, more needs to be done to attain that basic goal, drawing upon the strengths and advantages of each organization.

53. Our co-operation with other organizations and institutions currently encompasses political dialogue, co-ordination, and structured co-operation on thematic or regional issues across the OSCE region, based on common values and objectives. It is important to intensify interaction at both the political and the working levels. Co-operation and co-ordination on practical matters and projects should be strengthened, both at headquarters and in the field. Contacts between envoys and special representatives should be encouraged, as should the development of shared strategies and joint fact-finding.

54. The OSCE seeks to expand its relations with all organizations and institutions that are concerned with the promotion of comprehensive security within the OSCE area, and has established regular patterns of consultation at both the technical and the political levels with a number of them, *inter alia*, the UN, EU, NATO and the Council of Europe. The OSCE needs to remain flexible in order to be able to co-operate with dif-

ferent organizations as their capabilities and focus may change over time, with developments in perceptions of threat and organizational capacities.

55. As a regional arrangement under Chapter VIII of the United Nations Charter, the OSCE is a forum for co-operation with sub-regional organizations in its area. It will continue to organize information-sharing and co-ordination meetings on specific topics with these organizations and institutions. Practical measures aimed at sharing relevant OSCE experience with other regional organizations should also continue. The OSCE will be ready to consider supporting initiatives and plans elaborated in other forums to improve co-operation in combating threats, as it has done in giving support to the implementation of UN conventions against terrorism.

56. The OSCE has developed strong substantive interaction with non-governmental organizations whose contributions to the overall efforts of the Organization remain significant. This interaction should be further strengthened.

57. Such co-operation on issues across the whole spectrum of threats covered by the Strategy should be enhanced. More effort should be devoted to enhancing the functioning of the Platform for Co-operative Security in order to meet common threats more effectively and efficiently. To accomplish this, it will be proposed to establish a new ad-hoc consultative mechanism, in consultation with other international organizations and institutions, as part of the overall effort to jointly analyse and cope with threats. The OSCE offers this tool as a flexible framework for consultation by initiating contacts with relevant organizations and institutions as a specific threat arises or intensifies. More regular information-sharing meetings with interested organizations and institutions and the establishment of contact points would be other ways of further intensifying co-operation.

Conclusion

58. In this Strategy, we have identified a number of threats to our common security and stability. We have given strategic directions to our activities aimed at preventing and combating these threats. The Permanent Council and the Forum for Security Co-operation together with the institutions, field operations and Secretariat are tasked to contribute to the implementation of and follow-up to the Strategy within their competencies and mandates. An efficient and effective response will require a cohesive and co-ordinated approach by all OSCE bodies and institutions. The Chairmanship-in-Office will be responsible on behalf of the Ministerial Council and the Permanent Council for the co-ordination of, and consultations on, the implementation of the Strategy. The ASRC will provide a regular opportunity to review the Strategy and its implementation and to identify and analyse threats and challenges as they emerge. Equally, it will be an occasion to initiate development of additional OSCE response measures and of the Strategy itself as necessary. Our response also needs to be integrated with those of other organizations and institutions. We will focus on areas and issues where the OSCE can make a real difference. We seek the contribution of a strengthened OSCE to meet

the threats and challenges facing the whole OSCE area, and to improve human security, thereby making a difference in the life of the individual — the aim of all our efforts.

II. OSCE Strategy Document for the Economic and Environmental Dimension

(...)

1.6 Deepening economic and social disparities, lack of the rule of law, weak governance, corruption, widespread poverty and high unemployment are among the factors that contribute to global threats such as terrorism, violent extremism, transnational organized crime, and also to illegal economic activities, including money-laundering, trafficking of all kinds, and illegal migration. Inter-State and intra-State conflicts, in their turn, impede regional economic co-operation and development and undermine the security, *inter alia*, of communications and energy transport routes.

(...)

2. Our response and action

(...)

2.2 Strengthening good governance

2.2.1 Good public and corporate governance and strong institutions are essential foundations for a sound economy, which can attract investments, and thereby enable States to reduce poverty and inequality, to increase social integration and opportunities for all and to protect the environment. Good governance at all levels contributes to prosperity, stability and security. Peace, good international relations, the security and stability of the State and the security and safety of the individual within the State, based on the rule of law and respect for human rights, are crucial for the creation of the climate of confidence which is essential to ensure positive economic and social development.

2.2.2 Good governance is of critical importance for all the participating States, and we are agreed to work on a national basis, with the support of relevant international institutions, to strengthen good governance in all its aspects and to develop methods of co-operation to assist each other in achieving it.

2.2.3 Achieving good governance requires a comprehensive and long-term strategic approach, so that successes in one area are not undermined by weaknesses in others. We will co-operate in the development of our strategies for good governance and will share experience regarding best practices.

Promoting transparency and combating corruption

2.2.4 Transparency in public affairs is an essential condition for the accountability of States and for the active participation of civil society in economic processes. Transparency increases the predictability of, and confidence in an economy that is functioning on the basis of adequate legislation and with full respect for the rule of law. Free

and pluralistic media which enjoy maximum editorial independence from political and financial pressure have an important role to play in ensuring such transparency.

2.2.5 We will make our governments more transparent by further developing processes and institutions for providing timely information, including reliable statistics, about issues of public interest in the economic and environmental fields to the media, the business community, civil society and citizens, with a view to promoting a well-informed and responsive dialogue. This is essential for decision-making which is responsive to changing conditions and to the needs and wishes of the population.

2.2.6. Transparency is also important for the exposure and prosecution of all forms of corruption, which undermines our economies and our societies. In addition to transparency, the fight against corruption requires the adoption by the participating States of a comprehensive and long-term anti-corruption strategy.

2.2.7 We agree to make the elimination of all forms of corruption a priority. We will consider accession to, encourage ratification of, and support full implementation of, international conventions and other instruments in the field of combating corruption, in particular those developed by the Council of Europe and the Organisation for Economic Co-operation and Development (OECD). We welcome the adoption of the UN Convention against corruption and look forward to its early signature, ratification and entry into force.

Improving the management of public resources

2.2.8 Another component of good governance is the effective management of public resources by strong and well-functioning institutions, a professional and effective civil service and sound budgetary processes. Good management of public resources, including revenue collection, budget formation and execution and public procurement, is particularly important in order to provide the best possible public and social services. We will seek to provide a solid financial basis for our public administration systems and to further strengthen their effectiveness and efficiency at all levels.

(...)

Social conditions

2.2.13 Good governance and sustainable development imply policies and systems that promote social partnership and cohesion. We will work for improved access for all to basic social benefits, such as affordable health services, pensions and education, and for adequate levels of protection of socially vulnerable groups, and the prevention of social exclusion.

2.2.14 We are determined to take measures to improve social conditions, including by identifying and targeting vulnerable groups in society, providing adequate and effective safety nets, strengthening health services, increasing employment opportunities and implementing rehabilitation programmes.

(...)

2.3 Ensuring sustainable development

2.3.3 We support the efforts of the participating States to implement policies of poverty reduction and sustainable development, including the national poverty reduction programmes in countries with economies in transition. We will encourage the provision of the necessary advice and assistance by international organizations and institutions having the relevant expertise and resources.

IV. Decisions of the Ministerial Council

Decision No. 2/03

Combating Trafficking in Human Beings

The Ministerial Council,

Reaffirming the commitments that participating States have adhered to in the field of combating trafficking in human beings, especially the 2000 Vienna Ministerial Council Decision No. 1, the 2001 Bucharest Ministerial Council Decision No. 6, and the 2002 Porto Ministerial Declaration,

Recalling furthermore Permanent Council Decision No. 557 of 24 July 2003 on the adoption of the OSCE Action Plan to Combat Trafficking in Human Beings, which provides participating States with a comprehensive toolkit to combat trafficking in human beings through a multidimensional approach, covering protection of victims, prevention of trafficking in human beings, and prosecution of those who facilitate or commit the crime,

With the goal of enhancing the OSCE's efforts in fighting trafficking in human beings,

1. Decides to endorse the OSCE Action Plan to Combat Trafficking in Human Beings as annexed to this Decision; and
2. Establishes, under the aegis of the Permanent Council, an OSCE mechanism to provide assistance to participating States to combat trafficking in human beings. The mechanism will consist of two parts, complementing the activities of each other: a Special Representative appointed by the Chairmanship-in-Office, and a special unit in the OSCE Secretariat,

The mechanism is set up to:

- (a) Assist OSCE participating States in the implementation of commitments and full usage of recommendations proposed by the OSCE Action Plan to Combat Trafficking in Human Beings;
- (b) Ensure co-ordination of OSCE efforts in combating trafficking in human beings across all three dimensions of the OSCE;

- (c) Strengthen co-ordination among the relevant authorities of the participating States and between the OSCE and other relevant organizations;
- (d) Raise the public and political profile of the combat against trafficking in human beings;
- (e) Operate in the whole OSCE area and as appropriate, assist the participating States, in a spirit of co-operation and following consultations with the respective authorities of the relevant participating States in aiming at the implementation of their commitments in combating human trafficking;
- (f) Provide and facilitate advice and technical assistance in the field of legislation as well as policy development, together, as necessary, with other OSCE structures engaged in this field;
- (g) Be ready to offer advice to senior level authorities representing the legislative, judicial, and executive branches in participating States and discuss with them the implementation of the OSCE Action Plan to Combat Trafficking in Human Beings and commitments in the field of combating trafficking in human beings. In specific cases calling for special attention, seek direct contacts, in an appropriate manner with the participating State concerned and discuss the provisions of advice and concrete assistance, if needed;
- (h) Co-operate with National Rapporteurs or other national mechanisms established by participating States for co-ordinating and monitoring the anti-trafficking activities of State institutions. It will also co-operate with relevant Non-Governmental Organizations of the participating States. Furthermore, it will assume responsibility within the OSCE for hosting and facilitating meetings for the exchange of information and experience between national co-ordinators, representatives designated by participating States, or experts on combating trafficking in human beings;
- (i) Closely co-operate and co-ordinate with the Office for Democratic Institutions and Human Rights (ODIHR) and other OSCE Institutions, the Secretary General, relevant structures of the Secretariat including the Office of the Co-ordinator for OSCE Economic and Environmental Activities (OCEEA), the Strategic Police Matters Unit (SPMU), the Senior Gender Adviser, as well as, where appropriate, the OSCE field operations. The mechanism will draw on the expertise within these OSCE structures, and will see that duplication is avoided. Participate when appropriate in the work of the Informal Working Group on Gender Equality and Anti-Trafficking in Human Beings;
- (j) Co-operate and co-ordinate with relevant international actors such as the United Nations Office on Drugs and Crime, the United Nations High Commissioner for Refugees, the United Nations High Commissioner for Human Rights, the United Nations Children's Fund, the International Labour Organization, as well as the International Organization for Migration, the International Centre for Migration Policy Development, the European Union, the Council of Europe, the Stability Pact Task Force on

Trafficking in Human Beings, the Council of Baltic Sea States, the Southeast European Co-operative Initiative, Interpol and Europol;

3. Affirms that the Special Representative will be politically accountable to, and will report regularly and when appropriate to the Permanent Council. It will function in accordance with Decision No. 8 of the Tenth Meeting of the Ministerial Council in Porto;

4. Calls on the Chairmanship-in-Office to appoint as Special Representative a prominent personality with relevant expertise, according to OSCE procedures, following consultations with participating States through the Preparatory Committee on his or her mandate. In order to ensure continuity for the Special Representative to carry out his or her responsibilities initially for at least the duration of two successive Chairmanships, the Chairmanship-in-Office will consult with the next incoming Chairmanship-in-Office on this appointment, and the next incoming Chairmanship-in-Office will, within its prerogative, undertake to prolong the Special Representative's duties for the duration of that Chairmanship-in-Office, in accordance with Decision No. 8 of the Tenth Ministerial Council Meeting in Porto;

5. Tasks the Permanent Council to establish the above-mentioned special unit, as a part of the OSCE Secretariat, with contracted or seconded staff. The Special Representative will have the capacity of the special unit at his or her full disposal in order to effectively implement the above-mentioned tasks;

6. Agrees that both parts of the mechanism will be funded by the participating States through the OSCE Unified Budget in accordance with existing procedures. The ACMF will elaborate, in consultation with the Chairmanship-in-Office and the Secretary General, administrative and funding modalities for the mechanism and submit its recommendations to the Permanent Council for approval in time for their inclusion into the OSCE 2004 Unified Budget.

Annex to Decision No. 2/03

OSCE Action Plan to Combat Trafficking in Human Beings

I. Objectives and purposes of the Action Plan

1. The Action Plan intends to provide participating States with a comprehensive toolkit to help them implement their commitments to combating THB. It aims to provide participating States with a follow-up mechanism, which will also promote co-ordination between individual participating States, both within the OSCE structures and with other international organizations. The Action Plan adopts a multidimensional approach to combating trafficking in human beings. It addresses the problem comprehensively, covering protection of victims, the prevention of THB and the prosecution of those who facilitate or commit the crime. It provides recommendations as to how participating States and relevant OSCE institutions, bodies and field operations may best deal with

political, economic, legal, law enforcement, educational and other aspects of the problem.

2. The Action Plan is further intended to assist participating States in employing these tools by drawing upon existing regional experience gained through the implementation of such concrete initiatives and measures as those undertaken by the Stability Pact Task Force on Trafficking in Human Beings in South Eastern Europe.

3. A comprehensive approach to trafficking in human beings requires a focus on bringing to justice those responsible for this crime, and on carrying out effective measures to prevent it, while maintaining a humanitarian and compassionate approach in rendering assistance to its victims.

II. Definition of trafficking in human beings

The Action Plan is based on the following definition contained in Article 3 of the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime:

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

The OSCE Ministerial Council in its Decision No. 6 (2001) called on participating States to sign and ratify the United Nations Convention against Transnational Organized Crime, and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children.

III. Investigation, law enforcement and prosecution

Commitments of participating States related to investigation, law enforcement and prosecution have been undertaken in the Ministerial Declaration on Trafficking in Human Beings adopted in Porto in 2002, the Bucharest Plan of Action for Combating Terrorism of 2001, the Ministerial Decision No. 6 adopted in Bucharest in 2001, and the Ministerial Decision on Enhancing the OSCE's Efforts to Combat Trafficking in Human Beings adopted in Vienna in 2000. In these documents the participating States also agreed on the role of the OSCE in this field.

Recommended action at the national level

1. Criminalization

1.1 Adopting such legislative and other measures as may be necessary to establish as criminal offences the conduct set forth in Article 3 of the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

1.2 Adopting such legislative and other measures as may be necessary to establish as criminal offences:

- Attempting to commit this criminal offence;
- Participating as an accomplice in this criminal offence;
- Organizing or directing other persons to commit this criminal offence.

1.3 Adopting such measures as may be necessary to establish the liability of legal persons for trafficking offences in addition to the liability of natural persons. Subject to the legal principles of the participating State, the liability of legal persons may be criminal, civil and/or administrative.

1.4 Making legislative provisions for effective and proportionate criminal penalties, including imprisonment, that take into account the serious nature of this crime. Where appropriate, legislation should provide for additional penalties to be applied to persons found guilty of trafficking in aggravating circumstances, such as in the case of offences involving trafficking in children or offences committed by or involving the complicity of State officials.

1.5 Considering legislative provisions for confiscation of the instruments and proceeds of trafficking and related offences, specifying, where not inconsistent with national legislation, that the confiscated proceeds of trafficking will be used for the benefit of victims of trafficking. Giving consideration to the establishment of a compensation fund for victims of trafficking and the use of the confiscated assets to help finance such a fund.

1.6 Ensuring that trafficking, its constitutive acts and related offences constitute extraditable offences under national law and extradition treaties.

1.7 Adopting such legislative and other measures to establish as criminal offences acts of active or passive corruption of public officials, as referred to in Articles 8 and 9 of the United Nations Convention against Transnational Organized Crime.

1.8 Ensuring that victims of trafficking are not subject to criminal proceedings solely as a direct result of them having been trafficked.

2. Law enforcement response

2.1 Fully implementing anti-trafficking and related measures set out in legislation.

2.2 Establishing special anti-trafficking units — comprising both women and men — with advanced training in investigating offences involving sexual assault or involving children, in order to promote competence, professionalism and integrity.

2.3 Building capacity in the anti-corruption field.

2.4 Developing community-policing programmes: raising levels of trust between the police and the public in order, *inter alia*, to contribute to the acquisition of information relating to trafficking and to increase the willingness of victims to report offences.

2.5 Enhancing co-operation between law enforcement investigating bodies in order to establish the possibly criminal, trafficking-related origins of suspicious assets.

2.6 Providing not only the resources and training for developing intelligence-led policing for the management and analysis of crime and criminal information, but also the other advanced skills and equipment necessary for law enforcement bodies to carry out their anti-trafficking tasks.

2.7 Encouraging investigators and prosecutors to carry out investigations and prosecutions without relying solely and exclusively on witness testimony. Exploring alternative investigative strategies to preclude the need for victims to be required to testify in court.

2.8 Taking practicable measures to ensure that OSCE mission members who are behaving in breach of the OSCE Code of Conduct for Mission Members and other regulations face prescribed sanctions, including, as appropriate, disciplinary and criminal proceedings.

2.9 Targeting corruption of local law enforcement as a matter of priority, and ensuring that appropriate disciplinary and criminal proceedings are undertaken against law enforcement authorities found to be engaged in corrupt practices related to trafficking in human beings.

3. Law enforcement co-operation and information exchange between participating States

3.1 Co-operating closely with one another and consistent with their respective domestic legal and administrative systems, to enhance the effectiveness of law enforcement action in combating the offences covered by this Action Plan. Promoting similar co-operation and co-ordination between law enforcement agencies within States.

3.2 Adopting, in particular, effective measures

- To enhance and where necessary to establish channels of communication between participating States;
- To co-operate on inquiries regarding offences covered by this Action Plan;

- To provide, when appropriate, items or evidence necessary for analytical or investigative purposes;
- To facilitate effective co-ordination between their competent authorities, agencies and services and to promote the exchange of personnel and other experts, including, subject to bilateral agreements or arrangements between the participating States concerned, the posting of liaison officers;
- To exchange information on specific means and methods used by organized criminal groups, including, where applicable, routes and conveyances and the use of false identities, altered or forged documents or other means of concealing their activities;
- To co-ordinate administrative and other measures considered appropriate for the early identification of the offences covered by this Action Plan.

3.3 Concluding agreements on bilateral and multilateral law enforcement co-operation to facilitate exchange of information.

3.4 Undertaking efforts to develop common standards for the collection of statistical data.

4. Assistance and protection of witnesses and victims in the criminal justice system

4.1 Taking appropriate measures within participating States' means, including legislative ones, to provide effective protection from potential retaliation or intimidation for witnesses in criminal proceedings who give testimony concerning offences covered by this Action Plan and, as appropriate, for their relatives and other persons close to them.

4.2 Sensitizing law enforcement authorities and officials to their responsibility for ensuring the safety and immediate well-being of victims of THB.

4.3 Ensuring data protection and the victim's right to privacy, also in the course of data collection and analysis.

4.4 Facilitating the victim's participation as a witness in the investigation and court hearings or other criminal proceedings by providing him/her with the possibility of relocation as a form of witness protection.

4.5 Providing legal counselling for victims when they are in the process of deciding whether or not to testify in court.

4.6 Permitting NGOs to support victims in court hearings, if it is not inconsistent with national legislation.

5. Training

5.1 Providing or improving training for border officials, law enforcement officials, judges, prosecutors, immigration and other relevant officials in all aspects of trafficking in persons.

5.2 Giving, in such training programs, consideration to human rights and child- and gender-sensitive issues, and encouraging co-operation with non-governmental organizations, other relevant organizations and other elements of civil society.

6. Border measures

6.1 Considering taking measures that permit, in accordance with its domestic law, the denial of entry, the revocation of visas or possibly the temporary detention of persons implicated in committing offences as defined by the legislation in force.

6.2 Considering strengthening co-operation among border control agencies by, *inter alia*, establishing and maintaining direct channels of communication.

7. Security and control of documents

7.1 Taking such measures as may be necessary, within available means, to ensure that travel or identity documents issued by or on behalf of participating States are of such quality that they cannot easily be misused, readily falsified or unlawfully altered, replicated or issued.

8. Legitimacy and validity of documents

8.1 At the request of another participating State and in accordance with its domestic law, verifying within a reasonable time the legitimacy and validity of travel or identity documents issued or purporting to have been issued in its name, where there are reasonable grounds to suspect their usage for trafficking in persons.

Action for OSCE Institutions and Bodies

9. Legislative review and reform

9.1 The ODIHR, and where appropriate the field operations, will continue to promote and support legislative review and reform efforts in compliance with international standards.

9.2 The OSCE will further develop co-operation with other relevant partners and organizations.

10. Law enforcement response

10.1 The OSCE Strategic Police Matters Unit will further promote the concept of community policing.

10.2 The Strategic Police Matters Unit and the Office of the OSCE Co-ordinator of Economic and Environmental Activities (OCEEA) will facilitate the exchange of information between participating States on best practices to be used by relevant investigating units to check the possibly criminal and trafficking-related origin of suspicious assets.

10.3 The OCEEA will further work together with the United Nations Office on Drugs and Crime Global Programme against Money Laundering and use its good offices to promote the organization of workshops on tackling money-laundering in interested participating States.

10.4 As part of its assistance in the development of National Referral Mechanisms the ODIHR will continue to promote and encourage co-operation between law enforcement and civil society.

11. Disciplinary response

11.1 The Office of Internal Oversight is requested to maintain data on investigations into offences related to trafficking in human beings by mission members and all subsequent related actions taken thereon. The Secretary General is requested to report regularly to the Permanent Council on measures taken to implement regulations in cases of breaches of the Code of Conduct while respecting the privacy of alleged perpetrators.

12. Training

12.1 The ODIHR and the OSCE Strategic Police Matters Unit will continue to develop training materials targeted at law enforcement authorities on trafficking and sex crimes investigation, consult with the International Law Enforcement Academy (ILEA) in Budapest regarding possibilities for incorporating this training into ILEA programs, identify law enforcement trainers to conduct training, and facilitate funding training sessions for law enforcement authorities in OSCE participating States.

12.2 While international partners such as the International Centre for Migration Policy Development and the International Organization for Migration provide basic police training on how to respond to allegations of trafficking, and others such as the United Nations Development Programme provide advanced training, additional training needs to be provided on dealing with particular aspects of sexual crime, e.g. sexual abuse of children. The OSCE Strategic Police Matters Unit will provide such training in co-operation with the United Nations Children's Fund and other relevant organizations.

13. Security and control of documents

13.1 The relevant OSCE bodies, in particular the Anti-Terrorism Unit, will continue to facilitate workshops focusing on detecting documents used for illegal purposes in relation to trafficking in human beings, detecting false travel documents being used for entry of trafficked persons, and improving non-technical means of detection, such as interview techniques. In addition, workshops will focus on means of protecting freedom of movement of persons across the border, within the restrictions that are consistent with relevant OSCE commitments.

IV. Prevention of trafficking in human beings

Commitments of participating States related to prevention have been undertaken in the Ministerial Declaration on Trafficking in Human Beings adopted in Porto in 2002,

the OSCE Permanent Council Decision No. 426 of 2001, the Ministerial Decision on Enhancing the OSCE's Efforts to Combat Trafficking in Human Beings adopted in Vienna in 2000, the OSCE Action Plan for Gender Issues approved by the Permanent Council in 2000, the Charter for European Security adopted in Istanbul in 1999, the Document of the Moscow Meeting of the Conference on the Human Dimension of the CSCE adopted in Moscow in 1991, the Final Act of the Conference on Security and Co-operation in Europe adopted in Helsinki in 1975. In the above-mentioned documents the participating States also agreed on the role of the OSCE in this field.

Recommended action at the national level

1. Data collection and research

1.1 Collecting separate data related to women, men and children victims of trafficking, and improving research into and analysis of subjects such as the character and scale of THB and the trafficking and exploitation mechanisms deployed by the organized criminal groups, in order to develop effective and well-targeted prevention measures on trafficking in human beings. Promoting more research and exchange of information on trafficking in children.

1.2 Identifying the most vulnerable segments of the population and developing specially designed awareness-raising campaigns for them.

1.3 Conducting more far-reaching analysis of the root causes of THB, its demand and supply factors, its networks and its economic consequences, and its link with illegal migration.

2. Border measures

2.1 Without prejudice to international commitments in relation to the free movement of people, strengthening, to the extent possible, border controls as may be necessary to prevent and detect THB.

2.2 Adopting legislative or other appropriate measures to prevent, as far as possible, means of transport operated by commercial carriers from being used in committing offences, as defined by the provisions against trafficking.

2.3 Where appropriate, and without prejudice to applicable international conventions, obliging commercial carriers, including any transportation company or the owner or operator of any means of transport, to ascertain that all passengers are in possession of valid travel documents. In accordance with domestic law, taking the necessary measures to provide for sanctions in case of violation.

3. Economic and social policies aimed at addressing root causes of THB

3.1 In countries of origin:

- Considering as priority goals: the fostering of social-economic and political stability, and the reduction both of migration caused by deep poverty and of supply factors of trafficking. Policies followed in pursuit of these goals should also promote both economic development and social inclusion;
- Improving children's access to educational and vocational opportunities and increasing the level of school attendance, in particular by girls and minority groups;
- Enhancing job opportunities for women by facilitating business opportunities for small and medium-sized enterprises (SMEs). Organizing SMEs training courses, and targeting them particularly at high-risk groups.

3.2 In countries of destination:

- Implementing measures to reduce "the invisibility of exploitation". A multi-agency programme of monitoring, administrative controls and intelligence gathering on the labour markets, and, where applicable, on the sex industry, will contribute greatly to this objective;
- Considering the liberalization by governments of their labour markets with a view to increasing employment opportunities for workers with a wide range of skills levels;
- Addressing the problem of unprotected, informal and often illegal labour, with a view to seeking a balance between the demand for inexpensive labour and the possibilities of regular migration;
- Tackling underground economic activities which undermine economies and enhance trafficking.

3.3 Whether in countries of origin or countries of destination:

- Taking measures to raise levels of social protection and to create employment opportunities for all;
- Taking appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of gender equality, the right to equal pay for equal work and the right to equality in employment opportunities;
- Addressing all forms of discrimination against minorities;
- Developing programmes that offer livelihood options and include basic education, literacy, communication and other skills, and reduce barriers to entrepreneurship;
- Encouraging gender sensitization and education on equal and respectful relationships between the sexes, thus preventing violence against women;
- Ensuring that policies are in place which allow women equal access to and control over economic and financial resources;

- Promoting flexible financing and access to credit, including micro-credit with low interest;
- Promoting good governance and transparency in economic transactions;
- Adopting or strengthening legislative, educational, social, cultural or other measures, and, where applicable, penal legislation, including through bilateral and multilateral co-operation, to discourage the demand that fosters all forms of exploitation of persons, especially women and children, and that leads to trafficking.

4. Awareness-raising

4.1 Undertaking, in co-operation with civil society and NGOs, information campaigns to generate public awareness about trafficking in its various forms, including the methods employed by traffickers and the risks to victims.

4.2 Increasing awareness about trafficking among immigration authorities and consular and diplomatic personnel so that they use this knowledge in their daily contacts with potential victims.

4.3 Encouraging national embassies to disseminate information on relevant national legislation such as family law, labour law and immigration law as is of interest to potential migrants, including through NGOs.

4.4 Increasing awareness of other relevant target groups, including policy makers, law enforcement officers, and other relevant professionals such as medical, social services and employment officials, and in the private sector, to THB, to enhance their readiness to address it adequately and to strengthen their institutional capacity to counter it.

4.5 Encouraging the consular and visa sections of the diplomatic missions to use printed and other materials in their work with at-risk individuals.

4.6 Raising awareness of the media. The perception of the problem of trafficking in human beings brought forward by the media should include a clear explanation of the phenomenon and a realistic portrayal of the victims. To maximize public knowledge and awareness, anti-trafficking campaigns should be conducted with media professionals.

4.7 Targeting awareness-raising campaigns also at the most vulnerable groups, including persons belonging to national minorities, children, migrants and internally displaced persons (IDPs).

4.8 Extending awareness-raising campaigns to smaller towns and villages whose populations may be at particular risk.

4.9 Working in schools and universities as well as directly with families to reach young people and to raise their awareness about trafficking.

4.10 Addressing, also through the media, the need to reduce the demand for the activities of persons trafficked for sexual exploitation, forced labour, slavery or other practices similar to slavery and, in this connection, promoting zero tolerance towards all forms of trafficking.

4.11 Establishing well-publicized telephone “hotlines” in the countries of origin, transit and destination, which should serve three purposes: to act as an independent source of advice and guidance to potential victims who may be considering job opportunities or other offers to go abroad, to act as a first point of contact providing access to a referral mechanism for victims of THB, and, furthermore, to facilitate the anonymous reporting of cases or suspected cases of THB.

5. Legislative measures

5.1 Adopting or reviewing laws, administrative controls and procedures relating to the licensing and operation of sectors of business that, according to intelligence, may be involved in trafficking, such as employment, tourist, au pair, adoption or mail-order bride agencies, as well as hotels and escort services.

5.2 Ensuring that measures adopted for the purpose of preventing and combating trafficking in persons do not have an adverse impact on the rights and dignity of persons, including their freedom of movement.

Action for OSCE Institutions and Bodies

6. Data collection and research

6.1 Enhancing data collection and research on trafficking in persons, particularly on trafficking in children, by building on past research and engaging in exchanges with the United Nations Children’s Fund and other relevant actors.

6.2 Tasking ODIHR’s Contact Point on Roma and Sinti with continuing to gather data regarding trafficking in human beings, especially children, and its effects on Roma and Sinti communities.

7. Addressing root causes of THB

7.1 The OCEEA will support the promotion and the development of national public information resource centres to allow individuals to check the legitimacy of businesses, particularly those advocating employment abroad, while avoiding overlap with existing Chambers of Commerce facilities or other business registration offices. The OCEEA can function as an intermediary, collecting examples of best practices on easily accessible legitimacy checks and distributing them to interested participating States and/or OSCE field operations.

7.2 The OCEEA will continue to promote SMEs training and to target it in particular at high-risk groups, including by assisting in the development of legislation to reduce barriers to the establishment of SMEs.

7.3 The OCEEA should develop programmes to tackle economic factors that increase the vulnerability of women and minorities to trafficking, including discrimination in the workplace and lack of access to credit.

8. Awareness-raising

8.1 The ODIHR and, where appropriate, field operations will continue to contribute to research efforts as well as promoting and carrying out awareness-raising initiatives in co-operation with relevant partners throughout the OSCE region.

8.2 The Press and Public Information Section will help to raise media awareness of OSCE activities in the field of trafficking. The ODIHR will enhance training activities with regard to the responsibility of the media for dealing with the topic of trafficking in a sensitive manner and without reinforcing negative stereotypes. Training will stress the complexity of the trafficking phenomenon and the need for a comprehensive response.

8.3 In order to ensure that staff of OSCE field operations do not engage in or in any way knowingly facilitate trafficking in human beings, and to fulfil the norms contained in part 4 of the OSCE Code of Conduct which is an integral part of the Staff Regulations, the Secretary General will draft comprehensive staff instructions for review by the Permanent Council no later than 15 November 2003.

8.4 The OSCE Training Co-ordinator, the Senior Adviser on Gender Issues and the Senior Security Co-ordinator will continue to use the induction course to develop and implement staff training on gender issues, trafficking in human beings and on relevant regulations and guidelines, in co-operation with the ODIHR, and to organize special workshops in the field. Heads of field operations will ensure that attendance at such training courses will be compulsory for all staff.

8.5 The OCEEA will help to mobilize and strengthen the private sector's efforts to combat trafficking in human beings by raising awareness, and by identifying and disseminating best practices, such as self-regulation, policy guidelines and codes of conduct.

V. Protection and assistance

The OSCE commitments related to protection and assistance to the victims of trafficking in human beings have been undertaken in the Ministerial Declaration on Trafficking in Human Beings adopted in Porto in 2002, the Ministerial Decision No. 6 adopted in Bucharest in 2001, the Ministerial Decision No. 1 adopted in Vienna in 2000, the Charter for European Security adopted in Istanbul in 1999.

Recommended action at the national level

1. Data collection and research

1.1 Collecting data through the exchange and analysis of best practices and other information regarding effective protection of and assistance to victims of trafficking in the OSCE participating States.

2. Legislative measures

2.1 Considering the need for adopting legislation which will provide the legal basis for rendering assistance and protection to victims of THB, especially during pre-trial investigations and in court proceedings.

2.2 Ratifying, or acceding to, and fully implementing the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

3. National Referral Mechanisms (NRM)*

3.1 Establishing National Referral Mechanisms by creating a co-operative framework within which participating States fulfil their obligations to protect and promote the human rights of the victims of THB in co-ordination and strategic partnership with civil society and other actors working in this field.

3.2 Providing guidance to facilitate the accurate identification and appropriate treatment of the victims of THB, in ways which respect the views and dignity of the persons concerned.

3.3 Combining the efforts of law-enforcement bodies, including specially established anti-trafficking units and police at local level, officials of migration and border services, social protection units, medical institutions, as well as NGOs and other civil society institutions as the most relevant actors to be involved in NRM activities.

3.4 Establishing appropriate mechanisms to harmonize victim assistance with investigative and prosecutorial efforts.

3.5 Drawing special attention to the need for enhanced co-operation between the police and NGOs in identifying, informing and protecting victims of THB.

3.6 Linking the activities of NRMs with those of inter-ministerial bodies, national coordinators, NGOs and other relevant national institutions to form a cross-sectoral and multidisciplinary team capable of developing and monitoring the implementation of anti-trafficking policies.

4. Shelters

4.1 Establishing shelters, run by governmental bodies, NGOs, or other institutions of civil society to meet the needs of trafficked persons; these shelters are to provide safety,

* The ODIHR's [*National Referral Mechanisms: A Practical Handbook*] may serve as a useful source of advice and information regarding the role of NRMs in rendering assistance and protection to victims of THB).

access to independent advice and counselling in a language known by the victim, first-hand medical assistance, and an opportunity for reflection delay after the experienced trauma. Shelters may be established on the basis of already existing facilities such as crisis centres for women.

4.2 Providing access to shelters for all victims of trafficking, regardless of their readiness to co-operate with authorities in investigations.

4.3 Giving special attention to ensuring security for personnel of such shelters, confidentiality of information obtained, and safety and privacy for victims of THB.

4.4 Using shelters to provide the kind of training opportunities for victims of THB which will facilitate their future reintegration, employment and independence, as well as improving their competitive capabilities after the experienced trauma.

5. Provision of documents

5.1 Ensuring provision of documents, if necessary, as a first step to clarifying the victim's identity and status in countries of destination, thus making it possible to proceed with options of assistance in appropriate cases, such as repatriation, preferably voluntary, provision of a temporary or permanent residence permit, and/or legalization of employment.

5.2 Enhancing co-operation amongst law enforcement bodies in the countries of origin, transit and destination, and responsible officials of all institutions involved in the restoration of rights of victims of THB, including the personnel of embassies and consulates of participating States in order to facilitate the speedy verification of personal data and the avoidance of undue or unreasonable delay.

5.3 Informing identified victims of THB of their right to access to diplomatic and consular representatives of their country of nationality.

6. Provision of social assistance

6.1 Developing social assistance and integration programmes, including legal counselling in a language known by the victim, medical and psychological assistance and access to health care, to be made available either in shelters or other relevant institutions.

6.2 Considering, where not inconsistent with national legislation, legal measures to allow confiscated assets to be used to supplement government funding for programmes that address the needs of victims of THB and to compensate the victims in accordance with the gravity of the crime committed against them.

7. Repatriation, rehabilitation and reintegration

7.1 Assisting the victims of THB in — preferably — voluntary repatriation to the country of origin with due regard for their safety and that of their families, and without undue or unreasonable delay.

7.2 Ensuring due process in all return and removal proceedings, taking into account a humanitarian and compassionate approach.

7.3 Considering contributing to the rehabilitation and social reintegration of victims of THB by providing them with social and economic benefits.

7.4 Raising media awareness of the need to safeguard privacy by avoiding public disclosure of the identity of victims of THB, or publication of confidential information inimical to victims' security or to the cause of justice in criminal proceedings.

8. Provision of a reflection delay and temporary or permanent residence permits

8.1 Considering the introduction of a reflection delay to give the victim due time to decide whether or not to act as a witness.

8.2 Considering on a case-by-case basis, if appropriate, the provision of temporary or permanent residence permits, taking into account such factors as potential dangers to victims' safety.

8.3 Considering, if appropriate, the provision of work permits to victims during their stay in the receiving country.

9. Ensuring the right to apply for asylum

9.1 Ensuring that anti-trafficking laws, policies, programmes and interventions do not affect the right of all persons, including victims of THB, to seek and enjoy asylum from persecution in accordance with international refugee law, in particular through effective application of the principle of *non-refoulement*.

10. Protection of children

10.1 Ensuring that the special needs of children and the best interests of the child are fully taken into account when deciding upon appropriate housing, education and care. In appropriate cases, if there is no direct threat to the safety of the child, providing the children with access to the State educational system.

10.2 Deciding on the repatriation of a child victim of THB only after having taken account of all the circumstances of the specific case and if there is a family or special institution in the country of origin to ensure the child's safety, protection, rehabilitation and reintegration.

10.3 Considering the provisions outlined in the United Nations High Commissioner for Refugees Guidelines for the Protection of Unaccompanied Minors when elaborating policies targeted at this risk group, and in particular for those who are not in possession of identification documents.

10.4 Using bilateral and/or regional agreements on fundamental principles of good reception of unaccompanied children in order to combine efforts targeted at the protection of children.

10.5 Ratifying or acceding to, and fully implementing, the Optional Protocol to the Convention on the Rights of the Child, on the Sale of Children, Child Prostitution and Child Pornography.

Action for OSCE Institutions and Bodies

11. National Referral Mechanism

11.1 Enhancing the activities of the OSCE, especially the ODIHR, in assisting participating States, upon their request, in establishing the NRM.

11.2 Tasking the OSCE Strategic Police Matters Unit, together with the ODIHR, with the further development of guidelines or a manual on the identification of suspected victims and of evidence of THB, in order to assist participating States, as appropriate.

12. Reintegration

12.1 The OCEEA will facilitate contacts between public and private actors with a view to encouraging the business community to offer job opportunities to victims of trafficking.

13. Protection of children

13.1 The OSCE as a whole shall give special attention to the issue of trafficking in children and to recognizing the vulnerability of unaccompanied children. Efforts should be made to develop co-operation with specialized international agencies, especially the United Nations Children's Fund and relevant international NGOs, on expert meetings, research and the development of guidelines promoting the best interest of the child.

14. Training

14.1 Tasking the OSCE Training Co-ordinator, the Senior Adviser on Gender Issues and the Senior Security Co-ordinator in co-operation with the ODIHR with developing information material on how to assist victims of trafficking, especially children, in response to requests either from individuals or governmental and non-governmental bodies, and with providing relevant training for OSCE mission members. The material might also be disseminated to military personnel, peacekeepers and other international staff in the field.

14.2 Tasking the ODIHR with the collection and dissemination of information on measures, training programmes and materials already in place in OSCE participating States.

15. Legislative measures

15.1 In co-ordination with the United Nations Office on Drugs and Crime, the Council of Europe and other relevant actors, the ODIHR will continue to assist participating States, upon their request, in bringing their national legislation into compliance with international norms and standards, particularly by promoting a humanitarian and compassionate approach to the victims of THB.

VI. Follow-up and co-ordinating mechanisms

Besides monitoring the implementation of the OSCE commitments by participating States through existing OSCE mechanisms, including the annual Human Dimension Implementation Meeting, Review Conferences and relevant human dimension events, The Permanent Council recommends the following actions at the national level:

1. To consider appointing National Rapporteurs or other mechanisms for monitoring the anti-trafficking activities of State institutions and the implementation of national legislation requirements;
2. To consider establishing Anti-Trafficking Commissions (task forces) or similar bodies responsible for co-ordinating activities within a country among State agencies and NGOs, and for elaborating measures to prevent THB, to punish perpetrators of THB and to protect its victims;
3. To improve co-operation between State institutions and national NGOs active in rendering protection and assistance to the victims of THB, combating violence against women and children, promoting gender equality and raising awareness in human rights issues;

Furthermore, the Permanent Council:

4. Tasks the Chairmanship with conducting discussions on follow-up to this Action Plan, including augmenting current structures and examining the need for a new mechanism, with a view to enhancing the OSCE's efforts in fighting trafficking in human beings by raising its political profile and giving it a prominent role on the issue, as well as better co-ordinating work among the three dimensions of the OSCE;
5. Tasks the OSCE relevant structures with hosting and facilitating annual meetings in Vienna of national co-ordinators, representatives or experts on combating trafficking, to monitor the process of the implementation of the OSCE Action Plan. This will provide them with a chance to build networks, exchange information, and outline priorities for co-operation;
6. Urges the pursuit of close interaction between the OSCE Secretariat, its institutions and its field operations, to assist participating States, where appropriate, in implementing the current Action Plan;
7. Tasks the ODIHR with rendering necessary technical assistance to participating States, when appropriate, in developing National Anti-Trafficking Plans of Action,

including legislative and other assistance measures aimed at effective prevention and combating trafficking and protection of victims;

8. Tasks OSCE institutions and bodies with engaging in more extensive regular exchange of information, data collection and research with relevant international organizations;

9. Tasks the ODIHR with the further development of its clearing-house function for the exchange of information, contacts, materials and good practices and with the enhancement of its project activities.

Decision No. 3/03

Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area

The Ministerial Council,

Committed to respect of human rights and fundamental freedoms for all, without adverse distinction of any kind, such as race, colour, sex, language, religion or belief, political or other opinion, national or social origin, property, birth or other status,

Supporting the adoption and implementation of comprehensive anti-discrimination legislation to promote full equality of opportunities for all,

Recognizing the particular difficulties faced by Roma and Sinti people and the need to undertake effective measures in order to eradicate discrimination against them and to bring about equality of opportunities, consistent with OSCE commitments,

Recognizing that progress has been achieved in national legislation and in programmes for action and that substantial efforts have been undertaken by the participating States to this end,

Aware at the same time that resolute action is still required to improve the situation of the Roma and Sinti population across the OSCE region,

Noting the rich cultural, linguistic and historical diversity among Roma and Sinti people within the OSCE area, as well as the diversity of national structures and traditions in the OSCE area,

Noting the outcome of important recent governmental and non-governmental conferences and initiatives on Roma and Sinti in Europe, including, *inter alia*, the launching of a Decade of Roma Inclusion and the possible creation of a European Forum for Roma and Travellers,

Convinced that Roma and Sinti populations should have an ever-increasing degree of ownership of the policies focusing on them,

Decides to endorse the Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area, adopted by the Permanent Council in its Decision No. 566 on 27 November 2003, and annexed to this Decision.

Annex to Decision No. 3/03

Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area

I. Scope and objectives

1. The Action Plan is intended to reinforce the efforts of the participating States and relevant OSCE institutions and structures aimed at ensuring that Roma and Sinti people are able to play a full and equal part in our societies, and at eradicating discrimination against them.

2. The Action Plan relies on the framework of international and regional human rights law, existing OSCE commitments and examples of best practices from countries throughout Europe, where these are in place, and aims at fostering such practices elsewhere. The special measures foreseen by the Action Plan with a view to improving the situation of Roma and Sinti people are based on the International Convention on the Elimination of All Forms of Racial Discrimination*.

3. Both the participating States and OSCE institutions are called upon to implement the Action Plan. Roma and Sinti communities in the participating States are invited to draw upon and contribute actively to the implementation of the Action Plan's provisions.

II. General context: for Roma, with Roma

4. Each national policy or implementation strategy should: (1) respond to the real problems, needs and priorities of Roma and Sinti communities; (2) be comprehensive; (3) introduce a balanced and sustainable approach to combining human rights goals with social policies; and (4) maximize Roma ownership of the policies that affect them. At the same time, national policies or implementation strategies should be adapted and implemented according to the specific needs of Roma and Sinti populations in particular situations in participating States. Implementation strategies should also include mechanisms to ensure that national policies are implemented at the local level.

5. The guiding principle in the efforts of participating States and relevant OSCE institutions should be that each policy and implementation strategy should be elaborated and implemented with the active participation of Roma and Sinti communities. It is essential to ensure real participation by Roma and Sinti people in all the decisions that affect their lives. Roma and Sinti people should work alongside local, national and international authorities in the development of these strategies. Equally, Roma communities should be equal partners and should share the responsibility for the betterment of their welfare.

* 1 Article I, paragraph 4 reads: "Special measures taken for the sole purpose of securing adequate advancement of certain racial or ethnic groups or individuals requiring such protection as may be necessary in order to ensure such groups or individuals equal enjoyment or exercise of human rights and fundamental freedoms shall not be deemed racial discrimination, provided, however, that such measures do not, as a consequence, lead to the maintenance of separate rights for different racial groups and that they shall not be continued after the objectives for which they were taken have been achieved."

6. The particular situation of Roma and Sinti women should be taken into account in the design and implementation of all policies and programmes. Where consultative and other mechanisms exist to facilitate Roma and Sinti people's participation in such policy-making processes, women should be able to participate on an equal basis with men. Roma women's issues should be systematically mainstreamed in all relevant policies designed for the population as a whole.

III. Combating racism and discrimination

In order to counter prejudice against Roma and Sinti and to effectively elaborate and implement policies to combat discrimination and racial violence, the following actions are recommended:

Legislation and law enforcement

Recommended action by participating States:

7. Consider ratifying the relevant international treaties as soon as possible, if they have not already done so, *inter alia*, the International Convention on the Elimination of All Forms of Racial Discrimination.

8. Adopt and implement effective anti-discrimination legislation to combat racial and ethnic discrimination in all fields, including, *inter alia*, access to housing, citizenship and residence, education, employment, health and social services. Involve Roma and Sinti representatives in the design, implementation and evaluation processes.

9. The anti-discrimination legislation should ensure:

- Prohibition of both direct and indirect racial discrimination;
- Imposition of effective, proportionate and dissuasive sanctions for discriminatory acts or practices;
- Imposition of heavier sentences for racially motivated crimes by both private individuals and public officials;
- Equal access to effective remedies (judicial, administrative, conciliation or mediation procedures).

10. It should be ensured that national legislation prohibits all kinds of discriminatory acts and that all cases of suspected discrimination are thoroughly and objectively investigated.

11. Create, where appropriate, specialized institutions to ensure the implementation of such legislation, as well as domestic mechanisms to monitor and report regularly and with transparency on the progress achieved in its implementation. Encourage participation of Roma and Sinti representatives in such bodies, whose work should be accessible to the public.

12. Develop, where necessary, comprehensive national strategies or action plans to improve the situation of Roma and Sinti people, which include specific measures to tackle discrimination in all fields of life.

13. Assess on a regular basis, especially at the local level, the results of these strategies and involve Roma and Sinti communities in the evaluation process.

14. Endeavour, by encouraging a genuine dialogue or consultations or through other appropriate means, to improve the relations between Roma and Sinti people and other inhabitants, with a view to promoting tolerance and overcoming prejudices and negative stereotypes on both sides.

15. Document, consistent with national and international standards on the protection of data, all types and relevant cases of discrimination in order to better assess the situation and respond to the needs of Roma and Sinti people.

16. Ensure the vigorous and effective investigation of acts of violence against Roma and Sinti people, especially where there are reasonable grounds to suspect that they were racially motivated, and prosecute those responsible in accordance with domestic law and consistent with relevant standards of human rights.

17. Ensure no impunity for perpetrators of discriminatory or violent acts, *inter alia*, by taking prompt and effective investigative and punitive action on the part of the police.

18. Facilitate access to justice for Roma and Sinti people through measures such as legal aid and the provision of information in the Romani language.

19. Take into account in all measures and programmes, the situation of Roma and Sinti women, who are often victims of discrimination on the basis of both ethnicity and sex. Recommended action by OSCE institutions and structures:

20. The ODIHR and, where appropriate, other OSCE institutions and structures, including OSCE field operations, will assist participating States, at their request, in developing anti-discrimination legislation, as well as in establishing anti-discrimination bodies.

21. The HCNM, within its mandate, will continue to follow the development of anti-discrimination legislation and provide advice and assistance to the participating States in this respect, as appropriate.

22. Upon request, the ODIHR will provide advice on how a participating State's existing mechanisms, such as ombudsman offices, commissions for combating discrimination, police disciplinary commissions, and other relevant bodies can alleviate tensions between Roma and Sinti and non-Roma communities.

23. The ODIHR/Contact Point for Roma and Sinti Issues (CPRSI) will promote better relations between Roma and Sinti non-governmental organizations (NGOs) and the participating States.

24. The ODIHR-CPRSI will serve as a clearing house on initiatives undertaken by participating States and facilitate exchanges of information on best practices.

25. The ODIHR-CPRSI will, in close co-operation with participating States, Roma and Sinti communities, and where possible with other international organizations, and in full respect of the laws on the protection of personal data, collect documentation for the purpose of developing more precisely targeted policies.

Police

Recommended action by participating States:

26. Develop policies that promote awareness among law-enforcement institutions regarding the situation of Roma and Sinti people and that counter prejudice and negative stereotypes.

27. Develop training programmes to prevent excessive use of force and to promote awareness of and respect for human rights.

28. Develop policies: (1) to improve relations between Roma and Sinti communities and the police, so as to prevent police abuse and violence against Roma and Sinti people; and (2) to improve trust and confidence in the police among Roma and Sinti people.

29. Develop policies and procedures to ensure an effective police response to racially motivated violence against Roma and Sinti people.

30. Assess the gap between international standards on police and currently existing national practices in consultation with national police forces, NGOs and representatives of Roma and Sinti communities.

31. Elaborate, where appropriate, and in close partnership with international organizations and Roma NGOs, policy statements, codes of conduct, practical guidance manuals and training programmes.

32. Encourage Roma and Sinti people to work in law-enforcement institutions as a sustainable means of promoting tolerance and diversity.

Recommended action by OSCE institutions and structures:

33. The Strategic Police Matters Unit in the Secretariat and the ODIHR will assist participating States in developing programmes and confidence-building measures — such as community policing — to improve the relations between Roma and Sinti people and the police, particularly at the local level.

34. The ODIHR-CPRSI and the Strategic Police Matters Unit will, within their respective mandates, produce a compilation of police “best practices” in the OSCE region with respect to policing and Roma and Sinti communities.

35. The HCNM, the ODIHR-CPRSI and the Strategic Police Matters Unit will assist the participating States in developing codes of conduct to prevent racial profiling and improve interethnic relations.

Mass Media

Recommended action by participating States:

36. Launch information and awareness-raising campaigns with a view to countering prejudices and negative stereotypes of Roma and Sinti people.

37. In order to foster freedom of expression, encourage training of Roma and Sinti journalists and their employment in media outlets with a view to facilitating wider access to the media for Roma and Sinti people.

38. Encourage the media to show positive aspects and present a balanced portrayal of Roma life, refrain from stereotyping Roma and Sinti people and avoid inciting tension between various ethnic groups. Organize round tables between media representatives and Roma and Sinti representatives to promote this objective.

Recommended action by OSCE institutions and structures:

39. In co-operation with the ODIHR as well as relevant international organizations, the Representative on Freedom of the Media (RFOM) should consider how the OSCE could contribute to the establishment of a European Roma Radio which would broadcast throughout Europe. The ODIHR and the RFOM should organize public debates, anti-discrimination campaigns and joint training programmes with and for the media.

40. The RFOM should consider facilitating training seminars for Roma journalists.

41. The ODIHR-CPRSI and the RFOM will organize round tables with journalists on the image that Roma and Sinti communities have in society.

42. The HCNM will continue to elaborate and disseminate guidelines for policy-makers on the use of the State broadcast media in multicultural communities, aimed, *inter alia*, at encouraging support for minority broadcasters, including Roma and Sinti broadcasters, and improving their access to the media.

IV. Addressing socio-economic issues

Action is required to ensure that Roma and Sinti people enjoy social and economic rights on a par with others. Measures at the grass-roots level, particularly those originating from Roma groups themselves, are particularly needed in order to promote the integration of Roma and Sinti people into social and economic life and to combat their isolation and poverty. The OSCE and its participating States should continue to facilitate such integration.

Housing and living conditions

Recommended action by participating States:

43. Put in place mechanisms and institutional procedures to clarify property rights, resolve questions of ownership and regularize the legal status of Roma and Sinti people living in circumstances of unsettled legality (e.g., Roma neighbourhoods lacking land rights or which are not included in the urban plans of the main locality; families and houses without legal residence status in settlements where the people have been living *de facto* for decades).

44. Involve Roma and Sinti people in the design of housing policies, as well as in the construction, rehabilitation and/or maintenance of public housing projects meant to benefit them. Ensure that housing projects do not foster ethnic and/or racial segregation.

45. Consider the possibility of guaranteeing loans to participating States that may be available from international organizations and financial institutions for low-income housing projects.

46. Promote the option of co-operative housing schemes for Roma communities and provide appropriate training for the maintenance of such facilities.

Recommended action by OSCE institutions and structures:

47. The ODIHR-CPRSI and the Office of the Co-ordinator of OSCE Economic and Environmental Activities (OCEEA) are encouraged to play a larger role in facilitating the provision of information about and access to resources made available by foreign donors for specific projects, particularly those generated by Roma and Sinti groups, addressing the social and economic development of Roma and Sinti communities. Unemployment and economic problems

Recommended action by participating States:

48. Promote increased representation of qualified Roma and Sinti people in public employment.

49. Develop training programmes to prepare under-represented groups such as Roma and Sinti for employment in local public administration and other areas, and develop policies to encourage employment of the graduates of these programmes as civil servants.

50. Reassess the impact of subsidized employment programmes, paying particular attention to their educational components, to ensure that these will aim to increase the competitiveness of Roma and Sinti people on the labour market.

51. Develop policies and programmes, including vocational training, to improve the marketable skills and employability of Roma and Sinti people, particularly young people and women.

52. Adopt social policies that strengthen incentives to seek employment, as a sustainable way to avoid dependency on social benefits.

Recommended action by OSCE institutions and structures:

53. At the request of participating States, the OCEEA, together with relevant international organizations, will contribute to developing approaches designed to overcome obstacles and discrimination that prevent Roma and Sinti people from fulfilling their potential in the economic sphere.

54. At the request of participating States, the ODIHR-CPRSI and the OCEEA will support development of the employability and entrepreneurial skills of Roma and Sinti people through the establishment of training and retraining programmes in participating States. Successful practices, particularly relating to the development of entrepreneurial skills and small and medium-sized enterprises (SMEs) (e.g., the Youth Entrepreneurship Seminars programme) could be adapted to the needs of Roma and Sinti people. The OCEEA could also facilitate economic and social insertion by acting as a catalyst for support by partner organizations and financial institutions of micro-credit programmes, in the form of small loans for the establishment of small-scale businesses.

55. The OCEEA, working in close contact and in co-operation with other international organizations, so as to avoid overlapping, can assist governments in assessing the impact of economic policies and processes on Roma and Sinti communities (by developing policy performance/assessment indicators).

56. The ODIHR-CPRSI and the OCEEA will draw upon the research developed by UNDP and other agencies to assess the needs of Roma and Sinti people with a view to fostering policies that take into account the extent and nature of their specific needs in each participating State.

57. In co-ordination with relevant international organizations (in particular UNDP and the World Bank), the ODIHR-CPRSI and the OCEEA will examine ways to stimulate better access by Roma and Sinti people to regular training programmes. Workshops or round-table discussions tailored to the needs of Roma and Sinti people can be organized, with a view to informing and educating community members regarding the economic and social rights of individuals and entrepreneurs.

Health care

Recommended action by participating States:

58. Ensure that Roma and Sinti people have access to health care services on a non-discriminatory basis.

59. Promote awareness about the specific needs of the Roma and Sinti population amongst health care personnel.

60. Address the high incidence of disease and malnutrition among Roma communities.

61. Encourage access by Roma and Sinti populations to general public health services at an early stage by:

(a) Informing Roma and Sinti people about the availability of such services and telling them how to take advantage of them;

(b) Strengthening the confidence of Roma and Sinti people towards public health care providers, including through: punishing incidents of direct or indirect discrimination experienced by Roma and Sinti; training health care workers to understand relevant aspects of Roma culture; and supporting mediators who can play an important role in bridging the gap between Roma communities and public health care service providers.

62. Pay special attention to the health of women and girls, *inter alia*, by:

(a) Promoting and/or developing programmes aimed at providing information on health care (including nutrition, neonatal care and domestic violence, etc.);

(b) Improving access to gynaecological health care, including prenatal, delivery and postnatal health care services, *inter alia*, through the provision of information and training.

63. Pay special attention to the health of Roma and Sinti children through the provision of appropriate paediatric care, including preventive measures such as offering vaccinations in Roma settlements.

Recommended action by OSCE institutions and structures:

64. In co-operation with other international organizations and NGOs, the ODIHR will draw upon existing research data to identify socio-economic, political and cultural factors that have an impact on the health status of particular Roma and Sinti populations, and will advise participating States regarding public health programmes which would respond to needs identified.

65. The ODIHR-CPRSI and, where appropriate, other OSCE institutions and structures, including OSCE field operations, will assist participating States in launching educational initiatives to help Roma and Sinti people make full use of regular health services. They will, *inter alia*, collect, produce and disseminate relevant information on good practices.

66. The ODIHR-CPRSI will pay special attention to ensuring that Roma and Sinti people have access to programmes aimed at prevention and/or treatment of drug abuse and addiction and AIDS and related diseases.

V. Improving access to education

Education is a prerequisite to the participation of Roma and Sinti people in the political, social and economic life of their respective countries on a footing of equality with others. Strong immediate measures in this field, particularly those that foster school attendance and combat illiteracy, should be assigned the highest priority both by decision-makers and by Roma and Sinti communities. Educational policies should aim to

integrate Roma and Sinti people into mainstream education by providing full and equal access at all levels, while remaining sensitive to cultural differences.

Recommended action by participating States:

67. Ensure that national legislation includes adequate provisions banning racial segregation and discrimination in education and provides effective remedies for violations of such legislation.

68. Consult Roma and Sinti representatives when designing educational policies affecting them.

69. Actively promote equal opportunities in the field of education for Roma and Sinti children, particularly by providing them with language-related or other assistance.

70. Take special measures to enhance the quality and effectiveness of education for Roma and Sinti children. Encourage increased representation of Roma and Sinti people among school teachers.

71. Include Roma history and culture in educational texts, with particular consideration given to the experience of Roma and Sinti people during the Holocaust.

72. Consider measures to ensure the respect, protection and promotion of the Romani language and its teaching, and of Roma culture as an integral part of the Roma and Sinti cultural heritage.

73. Develop and implement comprehensive school desegregation programmes aiming at: (1) discontinuing the practice of systematically routing Roma children to special schools or classes (e.g., schools for mentally disabled persons, schools and classes exclusively designed for Roma and Sinti children); and (2) transferring Roma children from special schools to mainstream schools.

74. Allocate financial resources for the transfer of the Roma children to mainstream education and for the development of school support programmes to ease the transition to mainstream education.

75. Facilitate Roma children's access to mainstream education by taking measures such as:

(a) Taking measures to eradicate manifestations of prejudice against Roma and Sinti people in schools;

(b) Training of educators regarding multicultural education and ways of dealing with ethnically mixed classes;

(c) Developing strategies to gain wider community support for the desegregation of schools;

(d) Providing support to bridge the gap between Roma and Sinti children and other pupils, including through pre-school programmes designed to prepare Roma and Sinti children for primary school;

(e) Providing support to increase the number of mediators/trainers and teachers from within the Roma communities.

76. Develop and implement anti-racist curricula for schools, and anti-racism campaigns for the media.

77. Develop policies that address the full range of factors which contribute to low-school attendance by Roma and Sinti children. This includes, *inter alia*, ensuring that Roma and Sinti families have the necessary documentation for registration as any other inhabitants.

78. Consider elaborating social support programmes for low-income Roma families with school-aged children.

79. Promote regular school attendance by Roma and Sinti children, *inter alia*, through the involvement of family and social mediators, the promotion of awareness by Roma and Sinti parents and elders of their responsibility to facilitate children's school attendance and, in particular, equal access to education for girls.

80. Pay special attention to providing Roma and Sinti girls with equal opportunities for educational and social inclusion and develop programmes to counter their particularly high drop-out rate.

81. Consider developing appropriate programmes for those who have not completed primary school or are illiterate.

82. Develop, where necessary, scholarship programmes for Roma students and encourage their increased participation in existing scholarship programmes.

83. Encourage computer literacy among Roma and Sinti people through the setting up of information web-sites.

84. Evaluate periodically the effectiveness of educational policies.

Recommended action by OSCE institutions and structures:

85. The HCNM will encourage participating States to comply with their commitments to provide free and equal access to public education to all members of society, and will encourage them to take steps to improve the situation of Roma and Sinti people in this respect.

86. The HCNM will continue to provide guidance on educational models, curriculum content and the teaching of, or in, the mother tongue, including the Romani language.

VI. Enhancing participation in public and political life

Roma and Sinti people face special challenges in their efforts to participate in the public — and particularly the political — life of their respective countries. Low levels of education and, in certain cases, discrimination against them contribute substantially to the under-representation of Roma and Sinti people at all levels of government. Roma and Sinti people have an equal right to participate in public affairs. This includes the rights to vote, stand for election, participate in public affairs and form political parties without discrimination. Efforts made in recent years to foster Roma political participation should be encouraged, particularly those originating from the Roma groups themselves.

Recommended action by participating States:

87. Participating States must be proactive in ensuring that Roma and Sinti people, like any other inhabitants, have all the necessary documents, including birth certificates, identity documents and health insurance certificates. In resolving problems related to the lack of basic documents, participating States are strongly advised to work in partnership with Roma and Sinti civil organizations.

88. Participating States are encouraged to take into account the following basic conditions for ensuring effective participation by Roma and Sinti people in public and political life:

— Early involvement:

Any initiative relating to Roma and Sinti people should involve them at the earliest stages in the development, implementation and evaluation phases;

— Inclusiveness:

Roma and Sinti people should be included in formal consultative processes, and the effectiveness of mechanisms established for their participation in shaping major policy initiatives should be ensured by involving them in a broadly representative process;

— Transparency:

Programmes and proposals should be circulated sufficiently in advance of decision-making deadlines to allow for meaningful analysis and input from representatives of Roma and Sinti communities;

— Meaningful participation by Roma and Sinti people at all levels of government:

Participation by Roma and Sinti people in local government is essential for the effective implementation of policies affecting them;

— Ownership:

Roma and Sinti people play an essential and irreplaceable role in ensuring that the right to participate in the political process is observed in practice.

89. Elected officials should establish close working relations with Roma and Sinti communities.

90. Establish mechanisms to ensure equal, direct and open communication between Roma and Sinti representatives and government authorities, including advisory and consultative bodies.

91. Facilitate interaction between political leaders at the local and national levels and diverse Roma groups.

92. Organize election-awareness campaigns so as to increase participation of the Roma electorate in elections.

93. Ensure that Roma voters can make free and informed choices in elections.

94. Take measures to guarantee the equal voting rights of women, including by enforcing prohibitions on so-called “family voting”.

95. Encourage Roma and Sinti people to engage more actively in public service, including, where necessary, through the introduction of special measures to promote their participation in the civil service.

96. Encourage the representation of Roma and Sinti people in elected and appointed office at all levels of government.

97. Empower and integrate Roma and Sinti individuals into decision-making processes of States and localities as elected representatives of their communities and as citizens of their respective countries.

98. Promote Roma women’s participation in public and political life; Roma women should be able to participate on an equal basis with men in consultative and other mechanisms designed to increase access to all areas of public and political life.

Recommended action by OSCE institutions and structures:

99. The ODIHR and, where appropriate, other OSCE institutions and structures, including OSCE field operations, will develop programmes aimed at fostering the registration necessary for full political participation.

100. The ODIHR-CPRSI should help to organize training for and by Roma NGOs, including media organizations, for wider Roma communities on the issues of democratic processes and participation.

101. The ODIHR and, where appropriate, other OSCE institutions and structures, including OSCE field operations, will develop and implement voter education and voter registration programmes.

102. The ODIHR will act as a catalyst for exchanges of information and best practices among participating States and other international organizations.

103. The ODIHR will continue and strengthen the practice of examining the involvement of Roma people in voting and election processes, and will continue the practice of including Roma and Sinti experts in its election observation missions in the OSCE area.

104. The HCNM, within its mandate, will continue to advise States on appropriate ways and means of facilitating the participation of Roma and Sinti people in all areas of public life.

105. The ODIHR-CPRSI and, where appropriate, other OSCE institutions and structures, including OSCE field operations, will design programmes that encourage Roma and Sinti representatives to stand as candidates for elected bodies or will identify creative solutions that would ensure the participation of Roma and Sinti representatives in national and local decision-making processes.

106. The ODIHR will devote particular attention to activities aimed at increasing access by Roma women to all areas of public and political life.

VII. Roma and Sinti in crisis and post-crisis situations

The participating States have an obligation to ensure that, even in crisis and post-crisis situations, all the fundamental rights, including the rights of refugees deriving from relevant international instruments, in particular the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, are secured without discrimination. They take into account the UN Guiding Principles on Internal Displacement as a useful framework for the work of the OSCE and their endeavours in dealing with internal displacement.

Recommended action by participating States:

107. Consult Roma and Sinti populations when defining crisis situations in order to facilitate adequate procedures and to identify specific geographical areas from which refugees and internally displaced persons flee, as well as to ensure that the specific situation of Roma and Sinti people are addressed.

108. Ensure that Roma and Sinti populations in a forced displacement situation (refugees and IDPs) are duly registered and provided with the relevant documents.

109. The participating States should ensure that programmes are in place to promote informed choice regarding the decision of Roma and Sinti refugees and IDPs concerning durable solutions to their situations, including the exercise of their right to safe,

decent and sustainable return. Such programmes should provide concrete information regarding each subject of concern to refugees and IDPs and should be made available in the relevant languages.

110. Ensure that Roma and Sinti refugees are treated in accordance with the relevant international norms and standards of protection, and in a non-discriminatory manner.

111. Make use of the ODIHR's role in conflict prevention and identification of areas of early intervention, and draw on the expertise of the OSCE HCNM in this regard.

112. Pay special attention to the needs of Roma and Sinti women and children in crisis and post-crisis situations, particularly by providing them with access to health care, housing and schooling.

Recommended action by OSCE institutions and structures:

113. The ODIHR will make use of its specific role in addressing conflict prevention and identifying areas of potential crisis requiring early intervention.

114. In accordance with its mandate, the ODIHR-CPRSI is called upon to respond effectively to crisis situations by, *inter alia*, co-operating with relevant governments, inter-governmental bodies and international organizations, in particular the UNHCR, to ensure protection of Roma communities at risk.

115. The ODIHR-CPRSI will raise awareness among public officials, journalists and others of the situation of Roma and Sinti people in crisis or conflict areas.

116. The ODIHR will assume a proactive role in analysing measures undertaken by participating States relating to Roma and Sinti people and offer its advice with a view to better tackling those elements of tension in particular local contexts which may evolve, if not prevented, into open conflict situations.

117. The HCNM will continue to exercise his mandate of conflict prevention at the earliest possible stage.

VIII. Enhancing co-operation and co-ordination with other international organizations and NGOs

Given the increased attention being paid to issues concerning Roma and Sinti people by various international organizations, co-ordination and co-operation is required to avoid duplication of effort. With a view to ensuring effective implementation of the Action Plan, the OSCE, and in particular the ODIHR, will closely co-operate with international organizations and non-governmental organizations.

118. The ODIHR-CPRSI will continue to participate actively in the *Informal Contact Group on Roma of the Intergovernmental Organisations*¹.

¹ The Informal Contact Group on Roma of the Intergovernmental Organisations is composed of representatives from OSCE/ODIHR, the Council of Europe, the European Commission and the European Union.

119. The strengthening and up-grading of this informal body will be agreed upon and implemented in co-operation with all the relevant partners, particularly by ensuring the inclusion of representatives of OSCE participating States. Regular meetings of the Informal Contact Group at the expert level, or a higher level when deemed necessary, will be considered with a view to furthering this aim.

120. The Informal Contact Group should establish common orientations and priorities, as well as better co-ordination and co-operation in order to avoid duplication of effort.

121. The ODIHR-CPRSI will seek to consolidate the "International Roma Contact Group"² and will further contribute to the Council of Europe's initiative for a possible European Forum for Roma and Travellers.

122. The ODIHR-CPRSI will provide information and co-ordination services to relevant national and international institutions, and will facilitate dialogue among them and with Roma NGOs.

123. The ODIHR-CPRSI will seek to develop relations with Roma and Sinti organizations and help them to co-ordinate their efforts and resources, both within individual States and across borders, and to avail themselves fully of opportunities provided by existing national and international policies affecting Roma and Sinti people.

124. The ODIHR-CPRSI will draw upon the experience and input of existing monitoring projects developed by other international organizations.

IX. The ODIHR Contact Point for Roma and Sinti Issues

125. Where necessary, the ODIHR-CPRSI will facilitate information-sharing among OSCE participating States that have developed or are seeking to improve national policies on Roma and Sinti people.

126. Upon request, ODIHR-CPRSI will advise participating States on future policies related to Roma and Sinti people and will stimulate debates between governments and Roma NGOs.

127. The ODIHR-CPRSI will support capacity-building for Roma and Sinti NGOs.

128. The ODIHR-CPRSI will establish a database of best practices in OSCE participating States.

129. The ODIHR-CPRSI should assume a proactive role in analysing measures undertaken by participating States, as well as in particular situations and incidents relating to Roma and Sinti people. Towards this end CPRSI will establish and develop direct contacts with participating States and will offer advice and opinions to them.

² The International Roma Contact Group was established in October 2000 at the initiative of the ODIHR Contact Point for Roma and Sinti Issues. The Contact Group includes representatives of the International Romani Union, the Roma National Congress, elected Romani representatives, Romani experts and the ODIHR-CPRSI.

130. Governments concerned will co-operate with the ODIHR-CPRSI in identifying effective solutions to crisis situations.

131. The ODIHR-CPRSI will provide Roma and Sinti communities with more information on OSCE resources and activities.

132. In co-operation with relevant OSCE institutions and structures, the ODIHR will develop appropriate action aimed at tackling the root causes of trafficking in human beings, especially in children, and raise awareness of its consequences among Roma and Sinti communities.

X. Implementation: review and assessment

133. The implementation of the Action Plan's provisions will be reviewed at the Human Dimension Implementation Meetings, Review Conferences and other relevant human dimension events.

134. Drawing on the outcome of the above-mentioned meetings, as well as on input from the consolidated Informal Contact Group on Roma of the Intergovernmental Organisations and the International Roma Contact Group, the Director of the ODIHR will report to the Permanent Council, which may recommend to participating States and OSCE institutions priorities for co-operation and co-ordination.

135. The Permanent Council will periodically organize informal briefings by the Contact Point for Roma and Sinti Issues on the areas covered by the present Action Plan in order to assess the impact at the national and local levels of the measures foreseen by it.

136. With a view to facilitating the implementation review process, OSCE participating States are encouraged to provide information on recent developments in the situation of Roma and Sinti people and/or measures inspired by this Action Plan at the Human Dimension Implementation Meetings, prior to Review Conferences and to the Permanent Council, where appropriate.

137. All relevant OSCE institutions and structures, including OSCE field operations, will continue to interact closely with participating States in order to assist them in implementing the Action Plan.

138. The ODIHR-CPRSI will disseminate information on this Plan to Roma and Sinti communities and organizations as well as to other international organizations.

139. In order to enable ODIHR-CPRSI to carry out the tasks entrusted to it in the present Action Plan, the OSCE Permanent Council will address providing adequate human and financial resources. The details will be worked out by the Advisory Committee on Management and Finance and will be submitted to the Permanent Council.

Decision No. 4/03

Tolerance and Non-Discrimination

The Ministerial Council,

Recognizing that respect for human rights and fundamental freedoms, democracy and the rule of law are at the core of the OSCE's comprehensive concept of security,

Recalling its commitments in the field of the human dimension, enshrined in the Helsinki Final Act, the Charter of Paris for a New Europe, the Charter for European Security (Istanbul Summit, 1999) and all other relevant OSCE documents and decisions,

Recalling Decision No. 6 on Tolerance and Non-discrimination, adopted at the Tenth Meeting of the Ministerial Council in Porto on 7 December 2002,

Reaffirming its commitment to promote tolerance and combat discrimination, and its concern about all manifestations of aggressive nationalism, racism, chauvinism, xenophobia, anti-Semitism and violent extremism in all participating States, as well as discrimination based, *inter alia*, on race, color, sex, language, religion or belief, political or other opinion, national or social origin, property, birth or other status,

Urging the relevant authorities in all participating States to continue to condemn publicly, at the appropriate level and in the appropriate manner, violent acts motivated by discrimination and intolerance,

Affirming its commitment to increase its efforts for the promotion of tolerance and non-discrimination in all fields,

Welcoming the work done by the OSCE during 2003,

1. Commits itself to promote the implementation of the Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area;
2. Decides to enhance the efforts being made to increase women's participation and the role of women in furthering democratization and economic development, and to consider integrating the provisions of the OSCE Action Plan on Gender Issues where applicable into national policies. Further decides to enhance its efforts to achieve gender balance at all levels within the OSCE, taking full account also in this respect of the principle of recruiting staff from all participating States on a fair basis. Reiterates that the OSCE encourages female candidates to apply for OSCE positions;
3. Decides to follow up the work started at the OSCE Conference on Anti-Semitism, held in Vienna on 19 and 20 June 2003 and welcomes the offer by Germany to host a second OSCE conference on this subject in Berlin on 28 and 29 April 2004;

4. Decides to follow up the work started at the OSCE Conference on Racism, Xenophobia and Discrimination, held in Vienna on 4 and 5 September 2003 and welcomes the offer by Belgium to host a second OSCE conference on this subject in Brussels in autumn 2004;

5. Tasks the Permanent Council to further discuss, in addition to the two above-mentioned conferences, ways and means of increasing the efforts of the OSCE and the participating States for the promotion of tolerance and non-discrimination in all fields;

6. Encourages all participating States to collect and keep records on reliable information and statistics on hate crimes, including on forms of violent manifestations of racism, xenophobia, discrimination, and anti-Semitism, as discussed and recommended in the above-mentioned conferences. Recognizing the importance of legislation to combat hate crimes, participating States will inform the ODIHR about existing legislation regarding crimes fuelled by intolerance and discrimination, and, where appropriate, seek the ODIHR's assistance in the drafting and review of such legislation;

7. Tasks the ODIHR, in full co-operation, *inter alia*, with the United Nations Committee on the Elimination of Racial Discrimination (UNCERD), the European Commission against Racism and Intolerance (ECRI) and the European Monitoring Center on Racism and Xenophobia (EUMC), as well as relevant NGOs, with serving as a collection point for information and statistics collected by participating States, and with reporting regularly on these issues, including in the format of the Human Dimension Implementation Meeting, as a basis for deciding on priorities for future work. The ODIHR will, *inter alia*, promote best practices and disseminate lessons learned in the fight against intolerance and discrimination;

8. Recognizes the need to combat hate crimes, which can be fuelled by racist, xenophobic, and anti-Semitic propaganda on the internet. We welcome the offer by France to host in Paris in 2004 a forward-looking event, fully respecting the rights to freedom of information and expression, on the relationship between propaganda on the internet and hate crimes;

9. Affirms the importance of freedom of thought, conscience, religion or belief, and condemns all discrimination and violence, including against any religious group or individual believer. Commits to ensure and facilitate the freedom of the individual to profess and practice a religion or belief, alone or in community with others, where necessary through transparent and non-discriminatory laws, regulations, practices and policies. Encourages the participating States to seek the assistance of the ODIHR and its Panel of Experts on Freedom of Religion or Belief. Emphasizes the importance of a continued and strengthened interfaith and intercultural dialogue to promote greater tolerance, respect and mutual understanding;

10. Ensures the advancement of the implementation of the OSCE commitments on national minorities, and recognizes the importance of the recommendations of the High Commissioner on National Minorities on education, public participation, and lan-

guage, including on its use in broadcast media, and the relevant recommendations of the Representative on Freedom of the Media in this regard;

11. Undertakes to combat discrimination against migrant workers. Further undertakes to facilitate the integration of migrant workers into the societies in which they are legally residing. Calls on the ODIHR to reinforce its activities in this respect;

12. Undertakes, in this context, to combat, subject to national legislation and international commitments, discrimination, where existing, against asylum seekers and refugees, and calls on the ODIHR to reinforce its activities in this respect;

13. Takes into account the UN Guiding Principles on Internal Displacement as a useful framework for the work of the OSCE and the endeavors of participating States in dealing with internal displacement;

14. Decides that the OSCE in addressing the issues contained in this document will increase its efforts towards the younger generation in order to build up their understanding of the need for tolerance. Human rights education merits particular attention;

15. Decides to intensify the co-operation of the OSCE with relevant international organizations such as the United Nations, the Council of Europe and the European Union, as well as with civil society and relevant non-governmental organizations to promote tolerance and non-discrimination;

16. Tasks the Permanent Council, the ODIHR, the HCNM and the RFoM, in close co-operation with the Chairmanship-in-Office, with ensuring an effective follow-up to the relevant provisions of the present decision, and requests the Permanent Council to address the operational and funding modalities for the implementation of this decision.

Decision No. 5/03

Elections

The Ministerial Council,

Reaffirming the provisions of the Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE (1990),

Noting that relevant provisions of the Lisbon Summit Declaration (1996) and the Istanbul Summit Declaration (1999) have supplemented those commitments,

Reaffirming its determination to implement these commitments,

Recalling Decision No. 7 adopted at the Tenth Meeting of the OSCE Ministerial Council in Porto in 2002,

Acknowledging that democratic elections can be conducted under a variety of different electoral systems and laws,

Recognizing the ODIHR's expertise in assisting participating States in the implementation of election-related commitments and standards,

Welcoming the continuing efficient co-operation between the ODIHR and the OSCE Parliamentary Assembly in election monitoring,

Welcoming the document "Existing Commitments for Democratic Elections in OSCE Participating States: A Progress Report" (ODIHR.GAL/39/03), which was prepared by the ODIHR and submitted to the participating States in June of this year,

Recognizing in particular the need for confidence by the electorate in the entire process, for transparency of election procedures, and for accountability on the part of authorities conducting elections, calls upon participating States to further enhance their co-operation with the ODIHR in this field,

Tasks the ODIHR to consider ways to improve the effectiveness of its assistance to participating States in following up recommendations made in ODIHR election-observation reports and inform the Permanent Council on progress made in fulfilling this task;

Tasks the Permanent Council, drawing on expertise from the ODIHR, to consider the need for additional commitments on elections, supplementing existing ones, and report to the next Ministerial Council.

Decision No. 6/03

Terms of Reference for the OSCE Counter-Terrorism Network

The Ministerial Council,

Acknowledging the need to strengthen the co-ordination of counter-terrorism measures and information sharing between OSCE participating States and within their capitals,

Recalling Decision No. 1 (MC(10).DEC/1 of 7 December 2002) of the Tenth Meeting of the Ministerial Council, on implementing the OSCE commitments and activities on combating terrorism,

Decides to establish the OSCE Counter-Terrorism Network (CTN) in accordance with the terms of reference for the Network contained in the annex to this decision.

Annex to Decision No. 6/03

OSCE COUNTER-TERRORISM NETWORK

TERMS OF REFERENCE

The primary purpose of the OSCE Counter-Terrorism Network (CTN) is to promote the strengthening of co-ordination of counter-terrorism measures and information-sharing between OSCE participating States. In particular, it aims to strengthen the liaison between the delegations of participating States, counter-terrorism officials in capitals and the OSCE Action against Terrorism Unit (ATU).^{*} The Network facilitates timely exchanges of information on counter-terrorism programmes, training and legal developments initiated by the OSCE and participating States, as well as on open-source analyses concerning trends in terrorist phenomena. The primary emphasis will be placed on supporting and supplementing the work of the United Nations Security Council Counter-Terrorism Committee in implementing Security Council resolution 1373. The CTN is not intended to be a conduit for intelligence or other sensitive information, nor does it seek to duplicate functions of other international and regional law-enforcement networks.

Responsibilities of the ATU

1. Inform participating States of bilateral as well as multilateral training opportunities related to counter-terrorism matters, and work with principal liaisons to take full advantage of such programmes.
2. Co-ordinate and facilitate OSCE counter-terrorism activities, including capacity-building assistance programmes, training and contingency-preparedness workshops, with a view to effectively utilizing resources and averting duplication.
3. Respond to information and requests for action from principal liaisons in a timely manner.
4. Ensure that, through the delegations, the principal liaisons are kept fully informed of developments regarding significant counter-terrorism matters that affect the OSCE region, by means of regular distribution by email of an ATU newsletter and of regular updates of the OSCE ATU home page.
5. Co-ordinate with the principal liaison, through the delegation concerned, when an OSCE ATU official travels to a participating State in connection with terrorism-related matters.

^{*}The United Nations Counter-Terrorism Committee (CTC) has supported the development of such regional networks to strengthen co-operation and co-ordination. The Secretariat of the Inter-American Committee against Terrorism (CICTE), within the Organization of American States, has already developed a regional hemispheric network of national points of contact. The ATU is grateful for and acknowledges CICTE's advice and assistance in developing the OSCE Counter-Terrorism Network.

Responsibilities of principal liaisons

1. Ensure that communications from the ATU reach the appropriate government offices, and that responses to the ATU are forwarded in a timely manner.
2. Provide information to the ATU about significant national developments regarding action to combat terrorism, including new counter-terrorism legislation⁴, counter-terrorism training or assistance programmes and examples of national “best practices”.
3. Communicate information on seminars, workshops and conferences related to counter-terrorism concerns that participating States may host, and that are open to outside participation.
4. Serve as the principal co-ordinator for OSCE anti-terrorism seminars, workshops and conferences involving the principal liaison’s participating State.
5. Co-ordinate, prioritize and communicate, on behalf of the participating State concerned, training and assistance needs and requests related to counter-terrorism matters that the OSCE might support or facilitate.

4 The OSCE ATU relies on official notifications of ratification through the web sites of the relevant depositories of anti-terrorism instruments for the most accurate information on ratification.

Means of communication and support

The ATU will, where possible and appropriate, use Internet-based technologies to communicate with principal liaisons and others on the CTN, with email being the most common tool. Principal liaisons are, however, encouraged to consult the OSCE and CTC web sites regularly. As needed, the ATU will recommend meetings of principal liaisons to participating States, subject to authorization by the Permanent Council and availability of funding, either on the margins of other annual OSCE meetings such as the Annual Security Review Conference, or as a separate event. One P-1 contracted position will be added to the ATU staff in 2004 to support the development and maintenance of the CTN.

Document of the Twelfth Meeting of the Ministerial Council

Sofia 2004

I. Sofia Ministerial Statement on Preventing and Combating Terrorism

1. We, the members of the Ministerial Council of the OSCE, having met together in Sofia, declare our resolute and unconditional condemnation of terrorist acts, in particular those committed in 2004 in Spain, Uzbekistan, Turkey and Russia, where in the city of Beslan terrorists brutally and callously killed innocent and defenceless children. We grieve the loss of hundreds of human lives and express our profound solidarity with victims of acts of terrorism and their families. These acts have vividly exposed terrorism's inhuman nature. We express our solidarity with the States not participating in our Organization which were also attacked by terrorists.

Reiterating that terrorism constitutes one of the most serious threats to peace and security and considering that acts of terrorism seriously impair the enjoyment of human rights, we reaffirm our commitment to protect the enjoyment of human rights and fundamental freedoms, especially the right to life, of everyone within our jurisdiction against terrorist acts. We re-emphasize our determination to combat terrorism in all its forms and manifestations, as a crime that has no justification, whatever its motivation or origin, and to conduct this fight with respect for the rule of law and in accordance with our obligations under international law, in particular international human rights, refugee and humanitarian law.

2. We underscore the leading role of the United Nations in the comprehensive fight against terrorism. We reaffirm obligations and commitments adopted by our States in the field of combating terrorism within the United Nations, including resolutions 1267 (1999), 1373 (2001), 1456 (2003), 1535 (2004), 1540 (2004) and 1566 (2004) of the United Nations Security Council, as well as resolution 58/187 of the United Nations General Assembly, and we support the resolution 2004/87 of the United Nations Commission on Human Rights. We also reaffirm obligations and commitments adopted within other international organizations of which we are members.

We welcome the importance attributed by UN Security Council resolution 1566 (2004) to the role of relevant international, regional and subregional organizations in strengthening international co-operation in the fight against terrorism and the call for intensified interaction with the United Nations.

We underline our determination to support the important efforts of the UN Security Council Counter-Terrorism Committee and of its Executive Directorate. We commit to hold ourselves to the highest possible standards of implementation of the 12 United Nations conventions and protocols related to terrorism. We also renew our call for co-operation on an expedited basis in resolving all outstanding issues with a view to adopting by consensus the draft comprehensive convention on international terrorism and the draft international convention for the suppression of acts of nuclear terrorism.

We remain committed to the anti-terrorism OSCE decisions, in particular the commitments contained in the Bucharest Plan of Action for Combating Terrorism, the OSCE Charter on Preventing and Combating Terrorism and the OSCE Strategy to Address Threats to Security and Stability in the Twenty-First Century.

Our countries reaffirm their commitment to swift and full implementation of these decisions and arrangements throughout the OSCE area.

3. We welcome the OSCE's efforts in the field of combating terrorism, including the decisions adopted in 2004, and support the work of the Action against Terrorism Unit of the OSCE Secretariat.

We are convinced that the package of practical decisions that we adopt and welcome today*, and their further implementation will increase the level of security and stability in the OSCE area. These decisions will help ensure implementation of our obligations under international law to prevent and combat terrorism.

4. We intend to step up OSCE activities and measures to prevent and combat terrorism and to address all the factors which engender conditions in which terrorist organizations are able to recruit and win support.

We reaffirm that the OSCE efforts to counter terrorist threats should be taken in all OSCE dimensions, the security dimension, including the politico-military area, the economic and environmental dimension, and the human dimension. Based on the common, comprehensive and indivisible approach to security, our Organization could make further substantial contributions to global anti-terrorist efforts.

We are convinced that respect of human rights and fundamental freedoms is an important element of ensuring peace and stability and prevention of terrorism. We acknowl-

* Permanent Council Decision No. 617 on Further Measures to Suppress Terrorist Financing (1 July 2004).

Permanent Council Decision No. 618 on Solidarity with Victims of Terrorism (1 July 2004).

Ministerial Decision on Combating the Use of the Internet for Terrorist Purposes.

Ministerial Decision on Enhancing Container Security.

Ministerial Decision on Reporting Lost/Stolen Passports to Interpol's ASF-STD.

edge that effective prevention of and fight against terrorism require the involvement of civil society in our countries.

We are determined to further strengthen our interaction at both bilateral and multilateral levels in various formats in order to forestall the threat of terrorism in the OSCE area and in the world. We will actively co-operate to find and bring to justice the perpetrators, organizers, supporters and sponsors of terrorist acts.

We also will continue to develop interaction and dialogue on the issues of preventing and combating terrorism with the Mediterranean and Asian Partners for Co-operation.

II. Ministerial Declaration on the Sixtieth Anniversary of the End of World War II

The year 2005 marks the sixtieth anniversary of the end of the battles of World War II. We mourn the tens of millions of people who lost their lives, as victims of the war, the Holocaust, occupations and acts of repression. We honour all those who fought for the victory of humanity against dictatorship, oppression and aggression. Time will not diminish the meaning of their sacrifice. We welcome the UN General Assembly resolution on the commemoration of the sixtieth anniversary of the end of World War II.

Reflecting on our desire to prevent the recurrence of such a European and international catastrophe, we hail the progress that has been made in the past sixty years in overcoming the tragic legacy of World War II, towards achieving global peace and security, reconciliation, international and regional co-operation and the promotion of democratic values, human rights and fundamental freedoms, in particular through the United Nations and the establishment of regional organizations. We stress the important role that the CSCE and OSCE have played in this regard in the past three decades.

Recalling the Helsinki Final Act, the Charter of Paris for a New Europe, the Charter for European Security, and other agreed OSCE documents we shall spare no effort to avoid the emergence of new dividing lines in the OSCE area, and to eliminate sources of hostility, tensions and confrontation. We are determined to continue our collective efforts with a view of creating a common and indivisible space of security in the OSCE area, based on democracy, the rule of law, economic prosperity, social justice, and respect for human rights and fundamental freedoms, including the rights of persons belonging to national minorities.

We have learned from history the danger of intolerance, discrimination, extremism and hatred on ethnic, racial and religious grounds. We are committed to combat these threats, including through the OSCE, and we reject any attempts to justify them.

We strongly condemn any denial of the Holocaust. We condemn all forms of ethnic cleansing. We confirm our adherence to the UN Convention on the Prevention and Punishment of the Crime of Genocide adopted on 9 December 1948. We call on the participating States to take every possible action to ensure that attempts to commit

genocide are prevented today and in the future. The perpetrators of such crimes should be brought to justice.

New times have brought new threats and challenges, one of the most dangerous of which is terrorism. We will fight this threat together, by uniting our efforts and resources, and defending common principles. We will work, *inter alia*, through the OSCE, to combat terrorism and other threats and challenges to security.

We are convinced that the peaceful resolution of all existing conflicts, the observance of the norms of international law, the aims and principles of the UN Charter, the fulfilment of commitments contained in the Helsinki Final Act and other agreed OSCE documents are the best way to pay tribute to those who struggled for peace, freedom, democracy and human dignity, to commemorate all victims of World War II, to overcome the past, and to save present and future generations from the scourge of war and violence.

IV. Decisions of the Ministerial Council

Decision No. 3/04

Combating the Use of the Internet for Terrorist Purposes

The Ministerial Council,

Recognizing United Nations Security Council resolutions 1373 (2001) and 1566 (2004) as milestones of the international legal framework for the fight against terrorism, Determined to further intensify efforts in the implementation of existing OSCE commitments on combating terrorism, as reflected in the OSCE Charter on Preventing and Combating Terrorism, Porto Ministerial Council Decision No. 1 on implementing the OSCE commitments and activities on combating terrorism, the Bucharest Plan of Action for Combating Terrorism and the OSCE Strategy to Address Threats to Security and Stability in the Twenty-First Century,

Recalling the Council of Europe Convention on Cybercrime (November 2001), and other relevant works developed in this forum, as well as the results of the Council of Europe Conference on the Challenge of Cybercrime,

Recalling the OSCE Meeting on the Relationship Between Racist, Xenophobic and Anti-Semitic Propaganda on the Internet and Hate Crimes (Paris, 15 and 16 June 2004),

Concerned by the extent of use of the Internet by terrorist organizations:

- To identify and to recruit potential members,
- To collect and transfer funds,
- To organize terrorist acts,

- To incite terrorist acts in particular through the use of propaganda,

Decides that participating States will exchange information on the use of the Internet for terrorist purposes and identify possible strategies to combat this threat, while ensuring respect for international human rights obligations and standards, including those concerning the rights to privacy and freedom of opinion and expression;

Tasks the Secretary General to organize in 2005, in co-operation with Interpol and other interested international organizations, an expert workshop to exchange information on the extent of this threat, as well as on the existing legal framework and institutional tools, and to consider concrete measures to enhance international co-operation on this issue.

Decision No. 11/04

Combating Corruption

The Ministerial Council,

Reiterating that corruption represents one of the major impediments to the prosperity and sustainable development of the participating States, that undermines their stability and security and threatens the OSCE's shared values,

Determined to further intensify efforts in the implementation of existing OSCE commitments on combating corruption, as reflected in the Charter for European Security adopted at the 1999 OSCE Istanbul Summit and the OSCE Strategy Document for the Economic and Environmental Dimension adopted in Maastricht in 2003,

Reaffirming its commitment to make the elimination of all forms of corruption a priority and to implement effective and resolute measures against corruption, including through the implementation of relevant national legislation and programmes,

Recalling that the fight against corruption requires the adoption by the participating States of a comprehensive and long-term anti-corruption strategy,

Acknowledging the important work on this issue done by other international organizations, in particular by the United Nations Office on Drugs and Crime (UNODC), the Council of Europe (CoE) and the Organisation for Economic Co-operation and Development (OECD),

Recognizing that the United Nations Convention against Corruption, adopted by the General Assembly of the United Nations on 31 October 2003 in New York, marks a major step forward in international co-operation against corruption and provides the opportunity for a global response to the problem,

Encourages the OSCE participating States, which have not yet done so, to sign and ratify the United Nations Convention against Corruption as soon as possible, in order to ensure its rapid entry into force, and implement it fully.

Tasks the OSCE Secretariat, in particular the Office of the Co-ordinator of OSCE Economic and Environmental Activities (OCEEA), upon the request of the OSCE participating States, to provide support in mobilizing technical assistance, including necessary expertise and resources, from relevant competent international organizations, with due regard to their respective mandates, in the ratification or/and the implementation of the United Nations Convention against Corruption.

Decision No. 12/04

Tolerance and Non-Discrimination

The Ministerial Council,

Recognizing that respect for human rights and fundamental freedoms, democracy and the rule of law are at the core of the OSCE comprehensive concept of security,

Recalling its commitments in the field of the human dimension, enshrined in the Helsinki Final Act, the Charter of Paris for a New Europe, the Charter for European Security (Istanbul Summit, 1999) and all other relevant OSCE documents and decisions,

Recalling Decision No. 4/03 on Tolerance and Non-Discrimination, adopted at the Eleventh Meeting of the Ministerial Council in Maastricht on 2 December 2003,

Welcoming the work done by the OSCE during 2004 in promoting tolerance and non-discrimination,

1. Appreciates the Declaration made by the OSCE Chairman-in-Office at the OSCE Conference on Anti-Semitism held in Berlin on 28 and 29 April 2004 — “Berlin Declaration” and the Declaration made by the OSCE Chairman-in-Office at the OSCE Conference on Tolerance and the Fight Against Racism, Xenophobia and Discrimination held in Brussels on 13 and 14 September 2004 — “Brussels Declaration”;
2. Endorses the Permanent Council Decisions on Combating Anti-Semitism (PC.DEC/607) and on Tolerance and the Fight against Racism, Xenophobia and Discrimination (PC.DEC/621) and the Permanent Council Decision on Promoting Tolerance and Media Freedom on the Internet (PC.DEC/633), annexed to this decision;
3. Further decides to intensify efforts for the implementation of these three decisions, which include commitments in the fields of, *inter alia*, education, media, legislation, law enforcement, migration and religious freedom;
4. Decides to follow up the work started in 2003 and continued with the OSCE Conference on Anti-Semitism, (Berlin on 28 and 29 April 2004), the OSCE Meeting on the Relationship Between Racist, Xenophobic and anti-Semitic Propaganda on the Internet and Hate Crimes, held in Paris on 16 and 17 June 2004, and the OSCE Conference on Tolerance and the Fight against Racism, Xenophobia and Discrimination, (Brussels on 13 and 14 September 2004). Also welcomes the offer by Spain to host in Cordoba in June 2005 the OSCE Conference on anti-Semitism and on Other Forms of Intolerance;

5. Welcomes the intention of the Chairman-in-Office to appoint, in accordance with Porto Ministerial Council Decision No. 8, three personal representatives as part of the overall fight of the OSCE in combating discrimination and promoting tolerance. The personal representatives will have their costs covered by extra-budgetary contributions

Annex to Decision No. 12/04

Permanent Council Decision No. 607

Combating Anti-Semitism

(PC.DEC/607 of 22 April 2004)

The Permanent Council,

Taking into account the forthcoming OSCE Conference on Anti-Semitism in Berlin on 28 and 29 April 2004,

Reaffirming the participating States' existing commitments related to combating anti-Semitism, and

In order to reinforce our common efforts to combat anti-Semitism across the OSCE region,

Decides,

1. The participating States commit to:

- Strive to ensure that their legal systems foster a safe environment free from anti-Semitic harassment, violence or discrimination in all fields of life;
- Promote, as appropriate, educational programmes for combating anti-Semitism;
- Promote remembrance of and, as appropriate, education about the tragedy of the Holocaust, and the importance of respect for all ethnic and religious groups;
- Combat hate crimes, which can be fuelled by racist, xenophobic and anti-Semitic propaganda in the media and on the Internet;
- Encourage and support international organization and NGO efforts in these areas;
- Collect and maintain reliable information and statistics about anti-Semitic crimes, and other hate crimes, committed within their territory, report such information periodically to the OSCE Office for Democratic Institutions and Human Rights (ODIHR), and make this information available to the public;
- Endeavour to provide the ODIHR with the appropriate resources to accomplish the tasks agreed upon in the Maastricht Ministerial Decision on Tolerance and Non-Discrimination;

- Work with the OSCE Parliamentary Assembly to determine appropriate ways to review periodically the problem of anti-Semitism;
- Encourage development of informal exchanges among experts in appropriate fora on best practices and experiences in law enforcement and education;

2. To task the ODIHR to:

- Follow closely, in full co-operation with other OSCE institutions as well as the United Nations Committee on the Elimination of Racial Discrimination (UNCERD), the European Commission against Racism and Intolerance (ECRI), the European Monitoring Centre on Racism and Xenophobia (EUMC) and other relevant international institutions and NGOs, anti-Semitic incidents in the OSCE area making use of all reliable information available;
- Report its findings to the Permanent Council and to the Human Dimension Implementation Meeting and make these findings public. These reports should also be taken into account in deciding on priorities for the work of the OSCE in the area of intolerance;
- Systematically collect and disseminate information throughout the OSCE area on best practices for preventing and responding to anti-Semitism and, if requested, offer advice to participating States in their efforts to fight anti-Semitism;

3. To ask the Chairman-in-Office to bring this decision to the attention of the participants of the upcoming Conference in Berlin and to incorporate it into his declaration concluding the Conference;

4. To forward this decision to the Ministerial Council for endorsement at its Twelfth Meeting.

Annex to Decision No. 12/04

Permanent Council Decision No. 621

Tolerance and the Fight against Racism, Xenophobia and Discrimination

(PC.DEC/621 of 29 July 2004)

The Permanent Council,

Taking into account the forthcoming OSCE Conference on Tolerance and the Fight against Racism, Xenophobia and Discrimination in Brussels on 13 and 14 September 2004, Recalling the Maastricht Ministerial Council Decision on Tolerance and Non-Discrimination (MC.DEC/4/03), the OSCE Conference on anti-Semitism in Berlin on 28 and 29 April 2004 as well as the OSCE Meeting on the Relationship between Racist, Xenophobic and anti-Semitic Propaganda on the Internet and Hate Crimes in Paris on 16 and 17 June 2004 and their results,

Reaffirming the participating States' existing commitments related to the promotion of tolerance and non-discrimination, and

In order to reinforce our common efforts to fight manifestations of intolerance across the OSCE region,

Decides,

1. The participating States commit to:

- Consider enacting or strengthening, where appropriate, legislation that prohibits discrimination based on, or incitement to hate crimes motivated by, race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status;
- Promote and enhance, as appropriate, educational programmes for fostering tolerance and combating racism, xenophobia and discrimination;
- Promote and facilitate open and transparent interfaith and intercultural dialogue and partnerships towards tolerance, respect and mutual understanding and ensure and facilitate the freedom of the individual to profess and practice a religion or belief, alone or in community with others, including through transparent and non-discriminatory laws, regulations, practices and policies;
- Take steps to combat acts of discrimination and violence against Muslims in the OSCE area;
- Take steps, in conformity with their domestic law and international obligations, against discrimination, intolerance and xenophobia against migrants and migrant workers;
- Consider undertaking activities to raise public awareness of the enriching contribution of migrants and migrant workers to society;
- Combat hate crimes, which can be fuelled by racist, xenophobic and anti-Semitic propaganda in the media and on the Internet, and appropriately denounce such crimes publicly when they occur;
- Consider establishing training programmes for law enforcement and judicial officials on legislation and enforcement of legislation relating to hate crimes;
- Encourage the promotion of tolerance, dialogue, respect and mutual understanding through the Media, including the Internet;
- Encourage and support international organization and NGO efforts in these areas;
- Collect and maintain reliable information and statistics about hate crimes motivated by racism, xenophobia and related discrimination and intolerance, committed within their territory, report such information periodically to the OSCE Office for Demo-

cratic Institutions and Human Rights (ODIHR) and make this information available to the public;

- Examine the possibility of establishing within countries appropriate bodies to promote tolerance and to combat racism, xenophobia, discrimination or related intolerance, including against Muslims, and anti-Semitism;
- Endeavour to provide the ODIHR with the appropriate resources to accomplish the tasks agreed upon in the Maastricht Ministerial Decision on Tolerance and Non-Discrimination;
- Work with the OSCE Parliamentary Assembly to determine appropriate ways to review periodically the problems of racism, xenophobia and discrimination;
- Encourage development of informal exchanges among experts in appropriate fora on best practices and experiences in law enforcement and education;

2. To task the ODIHR to:

- Follow closely, in full co-operation with other OSCE institutions as well as the United Nations Committee on the Elimination of Racial Discrimination (UNCERD), the United Nations Office of the High Commissioner for Human Rights (UNHCHR), the European Commission against Racism and Intolerance (ECRI), the European Monitoring Centre on Racism and Xenophobia (EUMC) and other relevant international institutions and NGOs, incidents motivated by racism, xenophobia, or related intolerance, including against Muslims, and anti-Semitism in the OSCE area making use of all reliable information available;
- Report its findings to the Permanent Council and to the Human Dimension Implementation Meeting and make these findings public. These reports should also be taken into account in deciding on priorities for the work of the OSCE in the area of intolerance;
- Systematically collect and disseminate information throughout the OSCE area on best practices for preventing and responding to racism, xenophobia and discrimination and, if requested, offer advice to participating States in their efforts to fight racism, xenophobia and discrimination;
- Support the ability of civil society and the development of partnerships to address racism, xenophobia, discrimination or related intolerance, including against Muslims, and anti-Semitism;

3. To ask the Chairman-in-Office to bring this decision to the attention of the participants of the upcoming Conference in Brussels and to incorporate it into his declaration concluding the Conference;

4. To forward this decision to the Ministerial Council for endorsement at its Twelfth Meeting.

Annex to Decision No. 12/04
Permanent Council Decision No. 633

Promoting Tolerance and Media Freedom on the Internet

(PC.DEC/633 of 11 November 2004)

The Permanent Council,

Reaffirming the commitments made at the Ministerial Council Meeting in Maastricht to combat hate crimes, which can be fuelled by racist, xenophobic and anti-Semitic propaganda on the Internet,

Reaffirming the importance of fully respecting the right to the freedoms of opinion and expression, which include the freedom to seek, receive and impart information, which are vital to democracy and in fact are strengthened by the Internet,

Recalling the commitments to collect and maintain reliable information and statistics about hate crimes motivated by racism, xenophobia, anti-Semitism and related discrimination and intolerance, to report such information periodically to the OSCE Office for Democratic Institutions and Human Rights (ODIHR) and to make this information available to the public, as contained in the Permanent Council Decisions on Combating Anti-Semitism (PC.DEC/607) and on Tolerance and the Fight against Racism, Xenophobia and Discrimination (PC.DEC/621),

Stressing the importance of promoting tolerance, mutual respect, dialogue and understanding, including through the Media and the Internet within strategies based on a variety of measures,

Decides that:

1. Participating States should take action to ensure that the Internet remains an open and public forum for freedom of opinion and expression, as enshrined in the Universal Declaration of Human Rights, and to foster access to the Internet both in homes and in schools;
2. Participating States should investigate and, where applicable, fully prosecute violence and criminal threats of violence, motivated by racist, xenophobic, anti-Semitic or other related bias on the Internet;
3. Participating States should train law enforcement agents and prosecutors on how to address crimes motivated by racist, xenophobic, anti-Semitic or other related bias on the Internet and should share information on successful training programmes as part of the exchange of best practices;
4. The OSCE Representative on Freedom of the Media will continue an active role in promoting both freedom of expression and access to the Internet and will continue to observe relevant developments in all the participating States. The Representative will

advocate and promote OSCE principles and commitments. This will include early warning when laws or other measures prohibiting speech motivated by racist, xenophobic, anti-Semitic or other related bias are enforced in a discriminatory or selective manner for political purposes which can lead to impeding the expression of alternative opinions and views;

5. Participating States should study the effectiveness of laws and other measures regulating Internet content, specifically with regard to their effect on the rate of racist, xenophobic and anti-Semitic crimes;

6. Participating States should encourage and support analytically rigorous studies on the possible relationship between racist, xenophobic and anti-Semitic speech on the Internet and the commission of crimes motivated by racist, xenophobic, anti-Semitic or other related bias;

7. The OSCE will foster exchanges directed toward identifying effective approaches for addressing the issue of racist, xenophobic and anti-Semitic propaganda on the Internet that do not endanger the freedom of information and expression. The OSCE will create opportunities, including during the annual Human Dimension Implementation Meeting, to promote sharing of best practices;

8. Participating States should encourage the establishment of programmes to educate children and youth about expression motivated by racist, xenophobic, anti-Semitic or other related bias they may encounter on the Internet. Also, as appropriate, participating States and Internet service providers should take steps to increase parental awareness of widely available filtering software that enables parents to exercise greater supervision and control over their children's use of the Internet. Materials on successful educational programmes and filtering software should be widely disseminated as part of the exchange of best practices;

9. Participating States should welcome continued and increased efforts by NGOs to monitor the Internet for racist, xenophobic and anti-Semitic content, as well as NGOs' efforts to share and publicize their findings.

Decision No. 13/04

The Special Needs for Child Victims of Trafficking for Protection and Assistance

The Ministerial Council,

Reaffirming the strong commitments of participating States in the field of combating trafficking in human beings, in particular the 2000 Vienna Ministerial Council Decision No. 1, the 2002 Porto Ministerial Declaration on Trafficking in Human Beings and the 2003 Maastricht Ministerial Decision No. 2/03 which endorses the OSCE Action Plan to Combat Trafficking in Human Beings, and establishes, under the aegis of the Permanent Council, an OSCE mechanism to provide assistance to participating States

to combat trafficking in human beings, consisting of a Special Representative appointed by the Chairman-in Office, and a special unit in the Secretariat,

Recalling the 1990 Conference on the Human Dimension of the CSCE in Copenhagen, which *inter alia* declared that: “The participating States decide to accord particular attention to the recognition of the rights of the child, his civil rights and his individual freedoms, his economic, social and cultural rights, and his right to special protection against all forms of violence and exploitation”,

Recalling the principles of protection and respect for human rights as reflected in the 1989 United Nations Convention on the Rights of the Child, and its related 2000 Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography, the 2000 United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons,

Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, as well as the 1993 Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption,

Mindful of the primary responsibility of participating States in combating trafficking based on an integrated and co-ordinated approach which includes prevention of trafficking, protection of victims and prosecution of traffickers and their accomplices,

Reaffirming that the general principles of, *inter alia*, the best interests of the child, non-discrimination, participation and survival and development provide the framework for all actions concerning children,

Dedicated to further strengthening the efforts by the OSCE to combat trafficking in human beings, and to continue an active implementation of the Action Plan to Combat Trafficking in Human Beings, as well as to continue the Organization’s support to the participating States, on their request, in carrying out their respective national activities in this field,

Taking into account in particular the recommendations in the OSCE Action Plan to Combat Trafficking in Human Beings that the OSCE shall give special attention to the issue of trafficking in children, and also recognizing the vulnerability of unaccompanied and separated children,

Mindful that participating States are committed to protect children from all forms of violence, including sexual exploitation of children, and stressing the importance of respecting their special needs for protection and assistance, and the opportunity for the child to be heard,

Stressing that measures to combat trafficking in children should have a gender perspective and be non-discriminatory,

Underlining that the best interests of the child shall be the primary consideration in decisions taken with regard to trafficked children, including through ensuring representation, as appropriate, for child victims,

Aware of the need for an effective child assistance and protection framework as well as awareness-raising to counter the demand that fosters all forms of exploitation of persons, especially women and children, and which makes children more vulnerable to being trafficked,

1. Decides to enhance OSCE efforts aimed at preventing children from being trafficked, protecting and assisting child victims of trafficking, and prosecuting those who traffic in children, taking into account the OSCE Action Plan to Combat Trafficking in Human Beings;
2. Encourages participating States to strengthen relevant governmental structures for children. Also encourages participating States to intensify actions, as appropriate, in line with the relevant recommendations for participating States in the OSCE Action Plan on Combating Trafficking in Human Beings to counter factors which contribute to making children particularly vulnerable to trafficking in human beings including: discrimination, based, *inter alia*, on race, sex, religion or belief, national or social origin, birth or other status; exploitation, as defined in the OSCE Action Plan on Combating Trafficking in Human Beings; poverty; lack of education and displacement;
3. Agrees to strengthen countering demand, including combating child sex tourism. In this context, also invites the participating States to consider, *inter alia*, elaboration of legal measures aimed at prosecution of their citizens for the sexual exploitation of children, including if such exploitation has taken place in another country;
4. Task the Permanent Council through the Informal Working Group on Gender Equality and anti-Trafficking, with support provided, *inter alia*, by the Special Representative on Combating Trafficking in Human Beings, and other relevant OSCE structures to elaborate an addendum to the OSCE Action Plan to Combat Trafficking in Human Beings, contributing to its implementation, on addressing the special needs of child victims of trafficking for protection and assistance, including a summary of best practices, by 31 July for further appropriate action;
5. Invites the Informal Working Group to start this work based on commitments made by participating States under existing international conventions to which they are Parties, in order to address appropriately the need to provide special protection measures for children, taking into account the best interests and welfare of the child.

Decision No. 14/04***2004 OSCE Action Plan for the Promotion of Gender Equality***

The Ministerial Council,

Recalling that at the OSCE Istanbul Summit in 1999, the Heads of State or Government declared that “The full and equal exercise by women of their human rights is essential to achieve a more peaceful, prosperous and democratic OSCE area. We are committed to making equality between men and women an integral part of our policies, both at the level of our States and within the Organization,”³

Recalling the 2000 Action Plan for Gender Issues⁴ which was established “in order to ensure that the OSCE commitments concerning equality in rights and equality of opportunity for women and men are taken into account by participating States and in the practical work of OSCE institutions and field mission,”

Recognizing that equal rights of women and men and the protection of their human rights are essential to peace, sustainable democracy, economic development and therefore to security and stability in the OSCE region,

Recalling the Beijing Platform for Action adopted by the Fourth World Conference on Women and the outcomes of the twenty-third special session of the General Assembly in 2000, entitled “Women 2000: gender equality, development and peace for the twenty-first century”,

Recalling UN Security Council resolution 1325 (2000)⁵, which calls for full and equal participation of women in decision making with regard to conflict prevention as well as in post-conflict reconstruction, and stressing the importance of their full and equal participation and involvement in all efforts for the maintenance and promotion of peace and security,

Mindful of the need to appropriately reflect a gender perspective in the activities conducted under the auspices of the OSCE, and for participating States to take all necessary measures to encourage gender awareness raising and to promote equality in rights and full and equal participation of women and men in society, the aim being to promote the practice of gender equality and gender-mainstreaming⁶ in the OSCE area, which is essential to comprehensive security,

³ Charter for European Security, paragraph 23.

⁴ PC.DEC/353 of 1 June 2000.

⁵ Adopted by the Security Council at its 4213th meeting, on 31 October 2000.

⁶ “Mainstreaming a gender perspective is the process of assessing the implications for women and men of any planned action, including legislation, policies or programmes, in all areas and at all levels. It is a strategy for making women’s as well as men’s concerns and experiences an integral dimension of the design, implementation, monitoring and evaluation of policies and programmes in all political, economic and societal spheres so that women and men benefit equally and inequality is not perpetuated. The ultimate goal is to achieve gender equality.” See Official Records of the General Assembly, Fifty-Second Session, Supplement No. 3 (A/52/3/Rev.1), chapter IV, paragraph 4.

Stressing the need for the OSCE to develop further and strengthen a continuous and sustainable gender-mainstreaming process, to promote a gender-sensitive and professional working environment and management culture, and efforts towards gender balance in staffing in particular on a professional level, in accordance with the OSCE Staff Regulations,

Decides to endorse the 2004 Action Plan for the Promotion of Gender Equality adopted by the Permanent Council in its Decision No. 638 on 2 December 2004, and annexed to this Decision.

Annex to Decision No. 14/04

2004 OSCE Action Plan for the Promotion of Gender Equality

“The peace and welfare of the world require maximum participation of women on equal terms with men in all fields.”*

1. Respect for human rights and fundamental freedoms, democracy, and the rule of law is at the core of the OSCE’s comprehensive concept of security. The Charter for European Security adopted at the OSCE Istanbul Summit declares that: “The full and equal exercise by women of their human rights is essential to achieve a more peaceful, prosperous and democratic OSCE area. We are committed to making equality between men and women an integral part of our policies, both at the level of our States and within the Organization.”

2. As a regional arrangement under Chapter VIII of the Charter of the United Nations, the OSCE is a key instrument for early warning, conflict prevention, crisis management and post-conflict rehabilitation in its region. In the OSCE area, it has become increasingly evident that security, democracy, and prosperity are closely linked. Economic liberty, social justice, and environmental responsibility are indispensable for prosperity. For the Organization to carry out its tasks and achieve its goals it is crucial that, in cooperation with participating States, it invests in its human capital.

3. Effective gender-mainstreaming with the goal of achieving gender equality, is important if full use is to be made of the human capital in the OSCE area. Gender equality contributes to comprehensive security, which is a goal of OSCE activities in all three dimensions. Gender-mainstreaming is a way of contributing to attaining this goal. The gender perspective should therefore be taken into account in the Organization’s activities, projects and programmes, in order for the Organization to achieve gender equality within its own operations as well as in the participating States. It is the joint responsibility of the participating States, the Chairman-in-Office, the Secretary General, and the Heads of institutions and missions to promote equality between women and men as an integral element of policies and practices of the OSCE. In this effort it shall be borne in mind that if gender equality is to become a reality in any area and at any level of society, both men and women will benefit from such a change.

* United Nations General Assembly resolution 34/180 of 18 December 1979 (CEDAW).

I. General Context

Status of implementation of the 2000 Action Plan

4. The 2000 OSCE Action Plan for Gender Issues* called for increased efforts to achieve equal treatment of women and men within the Organization in all areas, including personnel recruitment, and the inclusion of a gender perspective in the activities of the Organization. It succeeded in raising awareness of the need to promote gender equality within the OSCE through the activities by the Secretariat, institutions and field operations, and by participating States. There are nevertheless shortcomings in the implementation of the 2000 Action Plan, especially in the fields of training, management, and recruitment, and in the overall practice of gender-mainstreaming throughout the OSCE as well as within participating States.

5. The 2000 Gender Action Plan stipulated that opportunities for women in the OSCE should be enhanced and a professional working environment should be promoted. The Chairman-in-Office, participating States and the Secretariat were asked to take positive action to promote and appoint women candidates in the OSCE's institutions and also in the field activities, and all participating States were called upon to make substantial efforts to nominate women, particularly at management level.

Representation of women in the OSCE continues, however, to be low, in particular at senior and policy-making levels, and has in fact decreased in recent years. There is a continuing lack of representation or under-representation of women from certain countries, in particular from participating States with economies in transition. Statistics indicate that women candidates may have less chance of being employed by the Organization than men**.

The biannual statistics and annual reports issued by the Secretary General on the implementation of the 2000 Action Plan for Gender Issues have not been addressed by the Permanent Council, and the implementation of the 2000 Action Plan has not been adequately monitored.

6. Another priority set in the 2000 Gender Action Plan was that all new mission staff should receive training on gender issues, and that OSCE institutions were to incorporate a gender perspective in their staff training. General training on gender awareness has been implemented and efforts have been made to provide for a professional working environment. Since 2000, every mission has nominated a mediator and annual train-

* Decision No. 353 by the Permanent Council on 1 June 2000 (PC.DEC/353).

** Gender-Disaggregated Statistics of the OSCE Secretariat, institutions and missions, SEC.GAL/208/03, 21 November 2003. Concerning post-table posts, women make up 44 per cent of the general service level staff, on the professional level the overall representation is 25 per cent and has in fact decreased over the last years. Of all the candidates who applied for fixed-term posts in the period of January 2003 to September 2003 (9,566) 69 per cent were men and 31 per cent women; in the same period, however, of all selected candidates (50) 72 per cent were men and only 28 per cent were women. For the 34 vacancies issued for P-posts, women constituted 33 per cent of applicants, 23 per cent of interviewed candidates and 12 per cent of selected candidates. Of all nominated candidates for secondment in the first six months of 2003 (2,135), 30 per cent (641) were women and 70 per cent (1,494) were men. However, only 10 per cent (62) of these women were deployed to Missions, while 18 per cent (272) of the nominated men were accepted and deployed.

ing has been organized for these persons by the Secretariat. Nevertheless, training and sensitization of managers on gender issues, and on the responsibilities of all staff within their tasks and subject areas in this regard, has not produced the expected results, nor has the goal of a professional environment yet been attained.

7. The 2000 Gender Action Plan furthermore stipulated that a comprehensive framework would be established for gender-mainstreaming projects, and that data and research materials on gender issues would be analysed and used in the design of new programmes. This process has not been developed with due continuity. Moreover, gender advisers and focal points have not been sufficiently involved in the development of new policies and programmes.

8. Gender-mainstreaming requires consistent, systematic, attention to gender perspectives in the activities of the Organization based on a cross-dimensional approach, and also adequate monitoring and review mechanisms. A new and strengthened Action Plan is called for, setting out goals and clearly assigned accountabilities, in order to reinforce the dedicated efforts of participating States to implement their commitments.

II. Goals and Objectives

9. The 2004 Action Plan for the Promotion of Gender Equality aims to set out the priorities of the OSCE in promoting gender equality, in the Organization and in all participating States, and to ensure the monitoring of its implementation. In order to achieve these goals, the plan will address the activities, policies, projects and programmes of the Organization concerning gender-mainstreaming, as well as assistance by the OSCE to participating States in promoting gender equality. Such assistance could be directed at the implementation of international commitments in the gender area, as well as the development of national programmes and policies.

10. The following objectives will be given priority:

(a) Within the OSCE:

- Providing specific training programmes for OSCE staff on gender awareness and sensitization to gender equality in their daily work, and programmes to strengthen efforts to ensure consistent gender-mainstreaming in policies and programmes, as well as review and assessment mechanisms;
- Promoting a professional and gender-sensitive management culture and working environment;
- Applying strengthened and innovative recruitment strategies in the OSCE to promote equal opportunities for all, and to ensure that well-qualified women are identified and attracted, in conformity with the Staff Regulations, reference PC.DEC/550/Corr.1 of 27 June 2003, the aim being to increase the number of women working in the OSCE at senior levels;

- Encouraging participating States to submit more female candidates for positions in the OSCE, in particular at senior and policy-making levels, the aim being to achieve a continuous improvement in the ratio between men and women at all levels;
- Achieving the effective gender-mainstreaming of OSCE activities and policies, as well as of the activities and policies of participating States.

(b) To assist the participating States in:

- Defining priority areas for OSCE structures to assist OSCE States in implementing their respective commitments;
- Outlining some best practices for the promotion of the equality of women and men in participating States;
- Highlighting and promoting the role of women in conflict prevention and peace reconstruction processes;
- Providing a framework structure to ensure that gender issues, including the implementation of this Action Plan, are regularly discussed and reviewed.

III. Promoting Gender Equality in the OSCE

(A) Gender-mainstreaming the structures and working environment, and gender-mainstreaming in recruitment

Training

11. In order to achieve the objectives outlined in this Action Plan, the OSCE shall expand existing training opportunities and institute new training programmes in accordance with the OSCE training strategy for 2005–2007* and the OSCE Action Plan to Combat Trafficking in Human Beings.** In this context, the General Orientation Programme at the Secretariat, the Human Dimension Induction Course at the ODIHR and additional induction courses or workshops in the field shall contain two specifically tailored modules, as appropriate:

- The first module shall deal with the training of all OSCE officials in gender awareness and mainstreaming a gender perspective in their everyday work. This module, appropriately tailored to each staff category in order to meet their specific needs, shall explain the principle of gender equality, the tools that exist to achieve this goal, and the reasons why it is important for the Organization to mainstream a gender perspective in its activities. The module shall be action-oriented and interactive and include information regarding tasks and responsibilities described in this Action Plan as well

* SEC.GAL/118/04/Rev.5, 27 July 2004.

** MC.DEC/2/03 Annex, p.12, Awareness-raising, 8.4.: "The OSCE Training Co-ordinator, the Senior Adviser on Gender Issues and the Senior Security Co-ordinator will continue to use the induction course to develop and implement staff training on gender issues, trafficking in human beings and on relevant regulations and guidelines, in co-operation with the ODIHR, and to organize special workshops in the field. Heads of field operations will ensure that attendance at such training courses will be compulsory for all staff"

as in relevant provisions, in particular those regarding accountability of all staff. All categories of staff shall be included in such training. Training can also be provided in the field if necessary, to ensure that locally-hired staff are able to attend.

(a) Specific modules on combating domestic violence and trafficking in human beings will be included in training programmes, in particular those designed for police and border monitors.

(b) Heads of institutions and missions and Directors, shall exercise leadership in facilitating staff training, to ensure equal opportunities for both women and men to participate. They will also receive information on OSCE policies concerning gender issues, in particular complaint procedures.

- The second module shall address the gender-mainstreaming of OSCE programmes, projects, and technical co-operation activities in order to ensure consistent integration of a gender equality perspective. This means reviewing and enacting policies and measures specifically for the purpose of achieving equality by actively taking gender perspectives into account at the planning, reporting, implementation and evaluation 12. Review and assessment provisions shall be included in all training programmes in order to measure their effectiveness at regular intervals.

13. The OSCE Training Co-ordinator is tasked to design and implement the staff training dimension of this action plan in close co-operation with gender units and gender focal points in the Organization and supported by the network of focal points responsible for training.

Management

14. The Secretary General, and Heads of institutions and missions shall exercise strong and active leadership in building sustainable gender awareness in the Organization and shall intensify their efforts towards achieving a gender-sensitive and professional working environment and management culture. Such a working environment shall also be promoted by all OSCE officials, in particular by staff in a supervisory role. When management positions are being filled, importance should be attached to finding people who demonstrate gender-sensitive attitudes and understanding of the importance of an inclusive corporate culture. The Director for the Department of Human Resources shall be responsible for reviewing and if necessary strengthening the policy of the OSCE against harassment, including sexual harassment. He/she will disseminate information and raise staff awareness of the problem of harassment in working life and of the measures available to combat and prevent it, and will encourage victims to come forward with their complaints.

15. Performance appraisals of managers will include an evaluation of their sensitivity to gender equality. For this purpose a gender-equality scoreboard, containing details of measures that can be compared across all services, shall be developed by the Department of Human Resources.

16. The OSCE's organizational regulations, rules, directives, and instructions shall be reviewed by participating States and/or the Secretariat, to incorporate gender-mainstreaming aspects, when called for.

17. Heads of institutions, heads of missions and directors in the Secretariat will chair regular meetings with staff to review the integration of and consideration to be paid to gender aspects in the work of their respective structure and to encourage all staff to gender-mainstream their work.

18. The Secretariat and ODIHR will continue to engage in the active exchange of information on gender-sensitive management policies with relevant international, intergovernmental and regional organizations. In particular the Secretariat will intensify interaction with the OSCE Parliamentary Assembly on gender equality. The Secretariat, institutions and missions will make this Action Plan visible.

Recruitment

19. Recruitment in the OSCE shall be based on a transparent process, subject to open competition among nationals of participating States, thereby securing the highest standards of efficiency, competence and integrity.

20. On recruitment, Regulation 3.01 of the OSCE Staff Regulations shall be fully implemented, including the principle of recruiting staff from all OSCE Participating States on a fair basis.

21. Participating States are encouraged to submit more women candidates for positions in the OSCE, in particular in higher-level positions where women are underrepresented; measures to this end shall include the identification of additional national recruitment sources, and the establishment of networks with professional organizations that will assist in seeking suitable candidates. More nationals of participating States, notably women from participating States with economies in transition, should be made aware of the OSCE vacancies and encouraged to make applications.

22. Participating States are to be encouraged to develop rosters of potential women candidates with a special emphasis on fields of expertise in which women are underrepresented.

23. The Chairman-in-Office and the Secretariat will be proactive in promoting the nomination of women candidates, in particular in higher-level positions, taking into account the OSCE Staff Regulations.

24. The Secretariat shall strengthen the wording of the statement in its vacancy notices encouraging women to apply.

25. The Secretariat will furthermore enhance its human resource planning in order to inform participating States as early as possible of upcoming vacancies, in order for them to be given sufficient time to search for and present qualified female candidates.

26. The Chairman-in-Office, the Secretary General, heads of institutions, and heads of missions shall seek to improve the ratio of men and women at all levels on a continuous basis. This, including the statistics on women candidates selected, will be reviewed in the annual evaluation report on gender issues in the OSCE to be presented by the Secretary General in accordance with paragraph 47 below.

27. The Department of Human Resources shall conduct regular gender-mainstreamed reviews of recruitment procedures and job specifications, in order to identify possible prejudices and obstacles against female applicants, and if necessary revise the procedures as appropriate.

28. The Department of Human Resources will seek to ensure that in recruitment for management posts, applicants of both sexes are invited for interview where possible, and that a gender-balanced shortlist is drawn up as appropriate. The shortlist of candidates invited for interview should contain information about the number of men and women who actually applied for the job.

29. Interview panels should, where possible, be gender-balanced.

30. The Department of Human Resources in the Secretariat will convene an annual coordination meeting with delegations and training/recruitment experts from capitals, to share information on profiles and skills in demand, and best practice on pre-mission training. These meetings will also discuss efforts to achieve gender balance in recruitment.

31. The Secretariat shall continue to prepare annual statistics showing the current distribution of women and men by category of posts at each level. These statistics will include institutions and missions as well as each Department and Unit in the Secretariat, and will be annexed to the Secretary General's annual evaluation report on gender issues referred to in paragraph 47 below.

(B) Mainstreaming a gender perspective into OSCE activities, policies, programmes and projects.

32. Participating States, the Secretariat, institutions and missions shall ensure that a gender perspective is integrated into OSCE activities, programmes and projects. The aim shall be to promote the practice of gender equality in the OSCE area, which is essential to comprehensive security; they shall focus in particular on women's empowerment and the participation of women as well as men in public, political and economic life in the context of democratic and economic processes in participating States. The gender-mainstreaming process shall also aim at overcoming negative stereotypes and at changing perceptions, as well as developing attitudes conducive to bringing about equality between women and men in all participating States.

33. Gender advisers in the Secretariat, institutions, and field operations shall be involved at an early stage when new directives, rules and regulations are being developed. In their regular reports to the Permanent Council, missions and institutions shall inform

the Council on progress in their gender-mainstreaming efforts where appropriate, and also on problems, when they arise.

34. The Conflict Prevention Centre (CPC), and in particular the Project Co-ordinating Cell (PCC) will assist in ensuring that gender-equity analyses are made of new projects being developed by missions, institutions, and units in the Secretariat, and of existing projects when they are being evaluated.

35. The Secretariat and the institutions, when developing projects and programmes for participating States which are not hosting OSCE missions, shall take a gender perspective into account.

36. Gender-mainstreaming of OSCE activities, policies, projects and programmes in the politico-military dimension shall also take into account obligations embodied in Security Council resolution 1325 calling for increased participation of women in, *inter alia*, conflict prevention and post-conflict reconstruction processes.

37. The participating States, assisted by the Chairmanship, the Secretary General and heads of institutions, shall ensure that the planning of OSCE conferences and seminars across all three dimensions will take the gender aspect into account and, as appropriate, include related topics.

38. Institutions and missions working on gender issues should, in order to make tangible progress on gender-mainstreaming in OSCE activities, projects and programmes, develop concrete follow-up mechanisms in co-operation with participating States.

39. Missions will, where appropriate, establish internal gender working groups led by the gender focal point to design gender-mainstreaming strategies, monitor their implementation and enhance the visibility of their gender-related activities. It is the responsibility of the heads of mission to position gender focal points on a sufficiently high level and to make sure that they enjoy full access to senior management.

40. The Press and Public Information Section of the Secretariat, institutions and missions will encourage gender-balanced reporting, and highlight, as appropriate, meetings, seminars, special events, reports, case stories and developments related to the implementation of OSCE commitments on gender equality.

IV. Promoting Gender Equality in Participating States

41. Participating States, individually and collectively, bear the primary responsibility and are accountable to their citizens for the implementation of their commitments on equality of rights and equal opportunities for women and men. They have committed themselves to making equality between women and men an integral part of policies both at State level and within the Organization. They will ensure the full use of the appropriate OSCE fora for reviewing the implementation of OSCE commitments on equality between women and men.

42. Participating States are therefore recommended to:

- Ensure that the Organization develops policies which effectively promote gender equality and that new proposals and initiatives take a gender perspective into account;
- Establish or strengthen existing mechanisms for ensuring gender equality, *inter alia* by making available the services of an impartial and independent person or body, such as an Ombudsman/Human Rights Commissioner, to address gender related discrimination against individual citizens;
- Adhere to and fully implement the international standards and commitments they have undertaken concerning equality, non-discrimination and women's and girls' rights;
- Comply with the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), if they are parties, or, if they have not already done so, consider ratifying or acceding to this Convention. States that have ratified or acceded to this Convention with reservations will consider withdrawing them. States parties to the CEDAW are also called upon to consider ratifying the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women;
- If they are parties to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the International Covenant on Civil and Political Rights (ICCPR), and/or the International Covenant on Economic, Social and Cultural Rights (ICESCR), report regularly and on time to the respective bodies, and include women's organizations in the preparation of their reports;
- Take further action where necessary in order to ensure a safe environment for their citizens and the right to equal protection under the law, notably by increasing activities aimed at eliminating all forms of violence against women, including trafficking in human beings⁷, and encourage those who have not already done so to ratify and implement the UN Convention against Transnational Organized Crime, and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children;
- Support national and international efforts to bring to justice those who have perpetrated crimes against women which under applicable rules of international law are recognized as war crimes or crimes against humanity, and ensure that existing national legislation on violence against women is enforced, and that new legislation is drafted where necessary;
- As recommended in the Guidelines on International Protection on Gender-Related Persecution within the context of Article 1A (2) of the 1951 Convention relating to the Status of Refugees and/or its 1967 Protocol relating to the Status of Refugees, intro-

⁷ Reference is made to the Permanent Council Decision No. 557 of 24 July 2003 on the adoption of the OSCE Action Plan to Combat Trafficking in Human Beings.

duce procedural practices, if States have not already done so, that ensure that proper consideration is given to women claimants in refugee status determination procedures and that the range of claims of gender-related persecution are accorded due recognition;

- Draw on the experience of the OSCE to develop cross-dimensional gender equality policies and strategies, and include in the follow-up to such policies, *inter alia*, the utilization of gender analysis and monitoring mechanisms to assess the impact of gender policies and strategies, so that constraints on their full implementation may be identified and addressed.

V. Supporting OSCE participating States in implementing relevant commitments to promoting equality between women and men

Areas of special interest to all OSCE participating States

43. The following priority areas are laid down as a basis for the OSCE Secretariat, institutions and missions to use when developing plans and programmes to assist participating States, upon their request, in implementing relevant commitments. All OSCE structures should endeavour to respect these priorities, as appropriate within their mandates. Countries not hosting missions are also urged to make full use of the expertise of the OSCE structures to assist them in promoting gender equality, as there is no country where full equality has been reached.

44. Priorities

(a) Developing projects in OSCE States not hosting missions

- In countries without missions, the ODIHR will identify projects to support measures in the areas of prevention of violence against women, promotion of women in the public, political, and economic spheres, and support for national gender-mainstreaming.

(b) Ensuring non-discriminatory legal and policy frameworks

- The ODIHR, in co-operation with other international organizations and relevant national bodies and institutions, will assist OSCE participating States in complying with international instruments for the promotion of gender equality and women's rights, and in reviewing legislation to ensure appropriate legal guarantees for the promotion of gender equality in accordance with OSCE and other commitments;
- The ODIHR will assist in the development and implementation of specific programmes and activities to promote women's rights, to increase the role of women at all levels of decision-making, and to promote equality between women and men throughout the OSCE area, particularly through education in gender awareness;
- The ODIHR will assist in the implementation and assessment of national strategies and action plans on measures to promote gender equality and gender-mainstreaming;

- The OSCE Secretariat, institutions and field operations will also assist the participating States in implementing the relevant provisions and recommendations contained in the OSCE Action Plan to Combat Trafficking in Human Beings, and the OSCE Action Plan on Improving the Situation of Roma and Sinti in the OSCE Area.

(c) Preventing violence against women*

- OSCE structures will continue to assist participating States in developing programmes and activities aimed at the prevention of all forms of gender-based violence**;
- OSCE structures will assist participating States with legislative initiatives to prevent violence against women, and will foster institution-building, strengthen co-ordination between government institutions and civil society, and raise awareness of the problem in general;
- OSCE structures will, in co-operation with participating States, address the gender dimension of proliferation of small arms and light weapons (SALW). SALW proliferation exacerbates violence against women, and a gender perspective should thus be taken into account in related endeavours;
- The Strategic Police Matters Unit (SPMU) will enhance its project development to assist participating States in reacting to sexual violence offences and in including such elements as special investigation techniques, and interview skills designated for use with victims of sexual assault including children, and information on referral mechanisms for victim assistance, in the police training curriculum;
- The Office of the Co-ordinator of Economic and Environmental Activities (OCEEA), and the Anti-Trafficking Assistance Unit (ATAU), while addressing underlying causes of trafficking in human beings, shall in co-ordination with relevant OSCE institutions and structures, assist participating States in tackling the lack of opportunities for women, female unemployment, and other gender aspects of trafficking, including the demand side of sexual and other forms of exploitation;
- The Action against Terrorism Unit (ATU) will upon request take action on the issue of the exploitation of women by terrorists to serve their own ends and propagate extremist ideologies;

* Article 2(b) of the United Nations Declaration on Elimination of Discrimination Against Women states: "Violence against women shall be understood to encompass but not be limited to, the following: [...] physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution."

** The United Nations resolution on "Further actions and initiatives to implement the Beijing Declaration and Platform for Action" (A/RES/S-23/3) of 16 November 2000, states (paragraph 59): "Gender-based violence, such as battering and other domestic violence, sexual abuse, sexual slavery and exploitation, international trafficking in women and children, forced prostitution and sexual harassment... are incompatible with the dignity and worth of the human person..."

- As negative gender stereotypes contribute to the persistence of violence against women, OSCE programmes, projects, and activities should aim at women's empowerment.

(d) Ensuring equal opportunity for participation of women in political and public life

- The ODIHR will assist participating States in developing effective measures to bring about the equal participation of women in democratic processes and will assist in developing best practices for their implementation;
- The ODIHR and the OSCE field operations will assist, as appropriate, in building up local capacities and expertise on gender issues as well as networks linking community leaders and politicians;
- The ODIHR will continue to assist participating States in promoting women's political participation. It will continue, as a part of its Election Observation Mission, to monitor and report on women's participation in electoral processes. When possible, additionally, the ODIHR will commission and publish reports specifically analysing the situation of women in electoral processes;
- The High Commissioner on National Minorities (HCNM) will address specific issues relating to the participation in public and private life of women belonging to national minorities and, in policies and projects developed by his/her office, take steps necessary to counter the double discrimination suffered by these women, as appropriate within the context of his/her conflict prevention mandate;
- The OSCE Representative on Freedom of the Media (RFOM) will be alert to allegations of serious intolerance towards women and incitement to gender discrimination in or by the media in participating States in accordance with Chapter 6 of the mandate of the RFOM. The Representative will inform the participating States of such cases in his/her regular reports.

(e) Encouraging women's participation in conflict prevention, crisis management and post-conflict reconstruction

- OSCE structures will, as appropriate within their mandate, promote the implementation of Security Council resolution 1325 (2000) on the role of women in, *inter alia*, the prevention of conflicts and post-conflict reconstruction;
- OSCE structures will, as appropriate, assist participating States in developing programmes and projects aimed at bringing about equal opportunities for women to participate in efforts for the promotion of peace and security, including those conducted at grass-roots and regional levels. The empowerment of women in the political-military dimension is also essential to comprehensive security.

(f) Promoting equal opportunity for women in the economic sphere

- The OCEEA will take initiatives to increase awareness of women's rights in the economic sphere as described in paragraph 40.6 of the Moscow Document and, as appropriate, develop projects to implement the same;
- The OCEEA should take a gender perspective into account when implementing its tasks as outlined in the OSCE Strategy Document for the Economic and Environmental Dimension, adopted by the Ministerial Council in Maastricht in 2003, and the Document of the Bonn Conference on Economic Co-operation in Europe;
- The OCEEA will upon request assist participating States in formulating their economic policies on the basis of the principles set forth in the Bonn Document and the OSCE Strategy for the Economic and Environmental Dimension. In this respect the OSCE should continue and strengthen its co-operation with the United Nations Economic Commission for Europe and other organizations;
- The OCEEA will, together with participating States and missions, analyse obstacles preventing women from fulfilling their potential in the economic sphere, and develop projects that will enhance the role of women in economic activities and ensure that they are not discriminated against in this field, notably regarding access to and control over such economic and financial resources as loans, property and inheritance rights;
- The OCEEA and, as appropriate, missions should promote the development of women's entrepreneurial and other work-related skills by supporting training, retraining and special education facilities, and promoting the education and training of women and men in non-traditional subjects and jobs;
- The OCEEA will encourage international donor organizations and lending institutions to support projects designed to enhance the role of women in economic activities or to ensure equality in employment. Projects on employment issues should highlight the principle that maternity and paternity arrangements are a key element in promoting equal opportunities and responsibility-sharing between women and men;
- OSCE structures will assist participating States in ensuring that girls and boys, as well as women and men, have equal opportunities to receive education and training.

(g) Building national mechanisms for the advancement of women

- The ODIHR will continue to provide know-how and support for the building-up of democratic institutions for advancing gender equality, such as Ombudsman's offices at local and national levels, as appropriate;
- The ODIHR will facilitate dialogue and co-operation between civil society, media and government in promoting gender-mainstreaming.

(h) The Parliamentary Assembly is encouraged to:

- Continue to have on its agenda the issue of equal opportunities for men and women in national parliaments as well as within the OSCE and the OSCE Parliamentary

Assembly, having mainstreamed the discussion of gender equality in the agenda of the Assembly's Plenary Meetings;

- Further develop the current network of women parliamentarians through the work of the OSCE PA Special Representative on the Gender Issue, in order to promote the participation of women in political and public life at both the national and international levels;
- Ensure, with the assistance of the Special Representative, that it continues to put forward recommendations with regard to gender equality in its annual Declarations;
- Continue to produce, through the Gender Unit at the OSCE PA Secretariat, reports on the status of women in the OSCE area and seek to raise awareness by making such material available to all participating parliaments.

VI. General Follow-up

45. The Secretary General, heads of missions and heads of institutions, shall be accountable to the Permanent Council for the implementation of the relevant parts of this Action Plan, in accordance with their respective responsibilities.

46. The Secretary General shall before 1 October 2005, develop a plan for the implementation of measures for achieving the overall aims of this Action Plan. Heads of institutions shall also develop their own separate implementation plans by that date. These plans shall include concrete measures for implementing the 2004 Action Plan for the Promotion of Gender Equality, measures concerning training programmes on gender-mainstreaming of the work of OSCE officials, measures for cross-dimensional gender-mainstreaming in OSCE policies, projects and programmes, and finally management and recruitment strategies, aimed at achieving gender balance at all levels.

47. The Secretary General shall report on progress in work on gender issues in the Annual Report for 2004. The Secretary General shall thereafter present an annual evaluation report on gender issues in the OSCE. This report will be presented to the Permanent Council in June each year starting in 2006. These evaluation reports will contain contributions from Departments, and from institutions and missions, on developments related to gender equality and gender-mainstreaming in the OSCE structures, including information on the plans dealt with in paragraph 46 above. They will include analysis of achievements in light of the requirements of this Action Plan.

48. Starting in June 2006, the Permanent Council will, on the basis of the Secretary General's annual evaluation report on gender issues, hold an annual discussion especially devoted to gender issues, covering the review and if necessary the updating of policies and strategies on gender-mainstreaming and the promotion of gender equality. This discussion should also monitor implementation of this Action Plan.

49. The need to include in co-operation with host countries a gender perspective in the mandate of the respective missions may be considered as and when appropriate.

50. The next revision of the 2004 Action Plan for the Promotion of Gender Equality will take place when the Permanent Council so decides.

51. The implementation of this Action Plan requires provision of adequate resources.

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