

THE 2006 HUMAN DIMENSION IMPLEMENTATION MEETING



Report of the
Commission on Security and Cooperation in Europe

WASHINGTON: 2007

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About the Organization for Security and Cooperation in Europe

The Conference on Security and Cooperation in Europe, also known as the Helsinki process, traces its origin to the signing of the Helsinki Final Act in Finland on August 1, 1975, by the leaders of 33 European countries, the United States and Canada. Since then, its membership has expanded to 56 reflecting the breakup of the Soviet Union, Czechoslovakia, and Yugoslavia. As of January 1, 1995, the formal name of the Helsinki process was changed to the Organization for Security and Cooperation in Europe (OSCE).

The OSCE is engaged in standard setting in fields including military security, economic and environmental cooperation, and human rights and humanitarian concerns. In addition, it undertakes a variety of preventive diplomacy initiatives designed to prevent, manage and resolve conflict within and among the participating States.

The OSCE has its main office in Vienna, Austria, where weekly meetings of permanent representatives are held. In addition, specialized seminars and meetings are convened in various locations and periodic consultations among Senior Officials, Ministers and Heads of State or Government are held.

About the Commission on Security and Cooperation in Europe

The Commission on Security and Cooperation in Europe (CSCE), also known as the Helsinki Commission, is a U. S. Government agency created in 1976 to monitor and encourage compliance with the agreements of the OSCE.

The Commission consists of nine members from the U. S. House of Representatives, nine members from the U.S. Senate, and one member each from the Departments of State, Defense and Commerce. The positions of Chair and Co-Chair are shared by the House and Senate and rotate every two years when a new Congress convenes. A professional staff assists the Commissioners in their work.

To fulfill its mandate, the Commission gathers and disseminates information on Helsinki-related topics both to the U. S. Congress and the public by convening hearings, issuing reports reflecting the views of the Commission and/or its staff, and providing information about the activities of the Helsinki process and events in OSCE participating States.

At the same time, the Commission contributes its views to the general formulation of U.S. policy on the OSCE and takes part in its execution, including through Member and staff participation on U.S. Delegations to OSCE meetings as well as on certain OSCE bodies. Members of the Commission have regular contact with parliamentarians, government officials, representatives of non-governmental organizations, and private individuals from OSCE participating States.

The 2006 Human Dimension Implementation Meeting

I. Overview

From October 2-13, 2006, the participating States of the Organization for Security and Cooperation in Europe (OSCE) met in Warsaw, Poland, for its annual¹ Human Dimension Implementation Meeting (HDIM). The HDIM is Europe's largest human rights gathering, convened to discuss the compliance of participating States, now numbering 56, with the full range of human dimension commitments they have previously adopted by consensus.

For the first time, the number of participants exceeded 1,000, including representatives from 324 non-governmental organizations from across the OSCE region. The HDIM is the only multinational human rights meeting in Europe where non-governmental organization representatives and government representatives have equal speaking rights.

In addition, as required by the modalities for the HDIM, on November 2, 2006, the OSCE Permanent Council in Vienna held a follow-up session on this year's HDIM.

II. U.S. Delegation

At the 2006 HDIM, senior Department of State participants included:

- Ambassador Steven Pifer, Head of Delegation;
- Ambassador Julie Finley, Head of the U.S. Mission to the OSCE;
- Mr. Barry Lowenkron, Assistant Secretary State for Democracy, Human Rights and Labor;
- Mr. John Christian Kennedy, Special Envoy for Holocaust Issues;
- Dr. Gregg Rickman, Special Envoy to Monitor and Combat Anti-Semitism.

Ms. Lauran Bethell, a Global Consultant with International Ministries, served as a Public Member, bringing expertise on the exploitation and abuse of women and children to the delegation. Ms. Kathyne Bomberger, Chief of Staff, International Commission on Missing Persons, also served as a Public Member. Special expertise from within the U.S. Government was added by Mr. Paul Degregorio, Chairman, U.S. Election Assistance Commission; Ms. Felice Gaer, Chair, U.S. Commission on International Religious Freedom; and Mr. Shaarik Zafar, Senior Policy Adviser, Office of Civil Rights and Civil Liberties, Department of Homeland Security. Members of the staff of the Commission on Security and Cooperation in Europe, including Ambassador Clifford Bond, Senior Advisor, also participated in the delegation.

¹ According to modalities adopted in 1992, the HDIM is held in every year in which there is not an OSCE Summit. When there is a Summit, it is preceded by a Review Conference, which includes implementation review of the three main areas of the OSCE's work (military-security, economic and environmental cooperation, and human rights and humanitarian concerns). Review Conferences (in lieu of Human Dimension Implementation Meetings) and Summits were held in 1994 and 1999. The first HDIM was held in 1993.

III. Murders, Other Events, Illustrate Stakes

The tragic murder of two independent journalists framed the Warsaw meeting, giving human form to the sometimes abstract notions of human rights.

On September 14, family members of Radio Free Europe/Radio Liberty correspondent Ogulsapar Muradova were informed by Turkmenistan officials of her death in custody; it was later reported she had sustained a large wound to the head. As described by Ambassador Julie Finley to the OSCE Permanent Council on September 21,

Ms. Muradova was accused by the Government of Turkmenistan of illegal weapons possession. We cannot know the truth of that accusation or the evidence against her, because her trial lasted less than two hours, and took place behind closed doors. She was convicted by a court on August 25 and sentenced to six years in prison. Less than three weeks later, she was dead.

Then, as the second week of the Warsaw meeting opened, independent Russian journalist Anna Politkovskaya was gunned down in her apartment building in Moscow. Ms. Politkovskaya had earned recognition and respect for her hard-boiled reporting on torture and abuse in Chechnya, and was awarded the OSCE Parliamentary Assembly's 2003 Prize for Journalism and Democracy. It was widely reported that evidence gathered at the site of her murder was consistent with a contract killing.

Just before the opening of the HDIM, on September 27, Georgia detained four Russian military officers in Tblisi on allegations of espionage in a move that Russia characterized as part of an "anti-Russian policy." On October 2, Georgia handed the Russians over to the OSCE Chair-in-Office, Belgian Foreign Minister Karel De Gucht, as a "good-will gesture." (The four were subsequently returned to Russia.) The incident illustrated the tension between Russia and Georgia over Russia's continued support of separatist movements in South Ossetian and Abkhaz regions of Georgia, and Russia's failure to implement fully its 1999 commitments undertaken at the OSCE Istanbul Summit to withdraw military troops from Georgia. The Russian-Georgian differences contributed to sharp exchanges between the two countries at the HDIM.

IV. Full Range of Human Rights Covered in Formal Sessions

Each year, the HDIM formal sessions are devoted to a review of the implementation by participating States of the full range of their commitments relating to human rights and fundamental freedoms. The United States continued its practice of naming specific countries and cases of concern. (The full texts of the U.S. statements are appended to this report, along with an index of countries named. The statements are also available on the website of the U.S. Mission to the OSCE, <http://www.usosce.rpo.at/>.)

A new addition to this year's agenda was the explicit inclusion of the subject "human rights and counter-terrorism," included at Russia's initiative. (Since 9/11, in any case, the issue of how to protect human rights while combating terrorism has been a regular feature of human dimension discussions at OSCE meetings, as well as at some specialized human dimension meetings.) Finally, each year three special topics are chosen for a full-day of consideration in Warsaw. This

year, those subjects were human trafficking; access to justice; and tolerance and non-discrimination.

Procedurally, modifications to the agenda for this year's meeting increased the time allowed for sessions that traditionally attract more speakers. For example, the full-day devoted to the discussion of ODIHR and other OSCE institutional activities – after concluding early for want of speakers every single year since its introduction to the agenda – was finally reduced to a logical ½ day session, making room for expanded discussion of issues relating to national minorities and Roma and Sinti (subjects previously crowded together into one woefully inadequate 3-hour time slot). This year, during the national minority discussions, several ethnic Macedonian and Turkish minority groups – in a series of well-organized, cogent interventions – presented a variety of specific concerns regarding the Greek Government's restrictions on their ability to manifest their ethnic identity. Their examples included prohibiting members of the Macedonian minority to resume the use of their ethnic Macedonian names following the forcible change to Greek names between World War I and World War II, restrictions on the use of the Macedonian language, inability to identify oneself as a member of the Macedonian minority on the Greek census, Greek Government bans on the registration of groups that identify themselves as Turkish, and discrimination in the Greek citizenship law against citizens of non-ethnically Greek origin. Such concerns took on added significance in light of Greece's interest in playing a leadership role in OSCE

Notwithstanding some procedural improvements, in some sessions the number of “introducers” and the length of speaking time allocated to them left too little time for participants to speak, compelling the moderator to limit participants' interventions to one or two minutes in those sessions. Consideration should be given to reducing the number and length of formal presentations by introducers, in order to maximize time available to participants.

In an unusual turn of events, the British wing of Hizb-ut-Tahrir (Arabic for “Party of Liberation”) applied to attend the HDIM. Hizb-ut-Tahrir is a political movement that seeks to reestablish the Caliphate throughout the Muslim world. It is particularly active in Central Asia. Hizb-ut-Tahrir representatives were not permitted to register for the HDIM, reportedly following objections from Russia and some Central Asian countries. The decision to exclude them was taken by the Belgian Chairmanship.

NGO access to human dimension meetings is addressed, i.a., in the 1992 Helsinki Summit Document, “The Challenges of Change.” That document states that the participating States will “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.” However, it further states that “[t]he 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.”

Britain, the home country of this particular wing, does not consider Hizb-ut-Tahrir to be a terrorist organization; nor has the United States (or Poland, the host country for the HDIM) classified it as such. All five Central Asian states, as well as Germany, Denmark and Russia, have outlawed it, either as a terrorist or as an anti-Semitic, extremist organization. It was

expected that the UK-branch of Hizb-ut-Tahrir would have complained, in Warsaw, that members of the organization have faced persecution in a number of Central Asian countries and even death by torture in Uzbekistan.

Issues Raised with the United States

As at past human dimension meetings and meetings of the OSCE Permanent Council, the United States was criticized for retaining the death penalty, contrary to the abolitionist trend among the OSCE participating States.² Other issues of concern raised with the United States included the status and treatment of detainees (indefinite and incommunicado detention, allegations of abuse, and the fairness of the tribunal procedures for Guantanamo detainees), rendition of terror suspects, treatment of Muslims in Iraq, and the lack of voting representation in the House of Representatives for residents of the District of Columbia.

ODIHR as Proxy Target: Don't Kill the Messenger

In recent years, discussions of the participating State's implementation of free-and-fair-elections commitments have often generated more heat than light, as a number of countries attempt to rebuff criticism of their elections by attacking one of the OSCE's main messengers: the Office for Democratic Institutions and Human Rights. The ODIHR has responsibility for many aspects of the OSCE's election observation missions. In fact, much of the recent debate over institutional reform of the OSCE is driven by Russia and other countries which have found themselves on the receiving end of OSCE criticism.³

In Warsaw, however, rather than the direct attack on ODIHR's role in election observation missions expected by some, Russia, Kazakhstan, Kyrgyzstan, and Armenia instead pushed for significant measures that would effectively curtail ODIHR's autonomy in general. For example, Russia pushed for participation of Commonwealth of Independent States (CIS) observers under ODIHR's observation umbrella;⁴ Kazakhstan (a country repeatedly cited for its flawed 2005 presidential elections) proposed new criteria for judging whether an election meets OSCE standards based on a ranking system devised from a comparative analysis of all participating States' electoral systems;⁵ and Kyrgyzstan, likely carrying water for other CIS countries, called

² The retention of the death penalty does not violate any OSCE commitments, but is at odds with an overwhelmingly abolitionist movement among the other participating States. At present, the only other OSCE countries that still officially apply the death penalty are Belarus and Uzbekistan, and Uzbekistan has announced that it will introduce a moratorium on the death penalty beginning in 2008. That said, a number of non-governmental interventions noted numerous problems with countries that have, in theory at least, abolished the death penalty or adopted a moratorium on it. For example, one NGO representative observed – in what was probably not intended as irony – that there had been fewer executions in Kazakhstan since the death penalty moratorium was introduced. Moreover, Uzbekistan's announcement in 2005 of a planned moratorium beginning in 2008 was met with alarm by many NGOs: why, they wondered, delay the introduction of the moratorium, unless the delay is to provide time for the execution of political prisoners, including those arrested after the 2005 massacre in Andijon?

³ For additional background, see "Europe's Largest Annual Human Dimension Meeting Closes with Appeal from NGOs," Helsinki Commission Digest Article, Vol. 37, No. 21, Nov. 10, 2004.

⁴ CIS "election observers" have consistently reached conclusions that are strikingly at variance with the conclusions reached by OSCE election missions.

⁵ Currently, OSCE election missions make recommendations based on the 1990 Copenhagen Document, which was adopted by consensus by all OSCE participating States.

for appointment of heads of observer missions to be from a Permanent Council-approved roster, a longstanding Russian demand.⁶

Central Asian NGOs, however, argued that the demand for reform of OSCE election methodology was only meant to lower existing standards and maintain some leaders' hold on power, which could be threatened by free and fair elections. A Slovak NGO representative, from a group with regional election observation experience, was open to the possibility that the seminal 1990 Copenhagen Document election provisions could be improved, but cautioned that "we want a Copenhagen Plus, not a Copenhagen Minus."

V. Spotlight on Turkmenistan

Although there was no official representation from Ashgabat at the HDIM – ostensibly to protest the presence of individuals who have been charged in absentia with crimes against the Turkmenistan Government⁷ – there were a striking number of participants and side events focused on the poor human rights situation in Turkmenistan. For the fourth year in a row, the United States made a separate statement on that country under the plenary agenda item on "Any Other Business," outlining widespread human rights abuses including lack of political parties, lack of independent media, lack of access to prisons, use of psychiatric hospitals to punish political dissidents, and lack of freedom of religion. In addition, the United States and others called for a transparent investigation into the death of journalist Ogalsapar Muradova.

Many Turkmenistan NGO representatives in exile participated in the HDIM, including the wife and son of imprisoned former Foreign Minister Boris Shikmuradov. At an event held jointly by the International Crisis Group (ICG) and the Eurasian Transition Group, ICG Vice-President for Europe Alain Deletroz discussed the impact on human rights of the proposed interim EU agreement with Turkmenistan. In that and other side events, Turkmenistan NGOs stressed the need for international pressure on access to prisons, access to information and free media, and the need to address the deteriorating education and health systems.

VI. NGOs Oppose Kazakhstan's bid for the Chairmanship

In 2003, the Government of Kazakhstan launched a bid to serve as Chair-in-Office of the OSCE for 2009. Helsinki Commission Members welcomed Kazakhstan's interest in earning the Chairmanship and responded by urging the country to implement political and human rights reforms that would make it possible to support Kazakhstan's candidacy for this leadership

⁶ Currently, the Director of the ODIHR appoints the heads of ODIHR long-term election missions; this is not a consensus decision. In addition, the Chairman-in-Office appoints a political-level head for the overall short-term observation (which often is comprised of observers from different international organizations), usually a parliamentarian from the OSCE Parliamentary Assembly. If the appointment were to be made by the Permanent Council, it would certainly slow down – and, in some cases, possibly derail – the process of putting together an election observation team.

⁷ Turkmenistan sent a representative to the HDIM in 2005 for the first time in several years. While responding to criticism delivered in the sessions, the representative appeared to focus more on monitoring the activities of Turkmen NGOs participating in the meeting. Turkmenistan subsequently complained that certain individuals who had been charged with crimes against the State should not be allowed to participate in OSCE meetings.

position. Unfortunately, not only has Kazakhstan failed to implement any significant reforms over the past three years, but instead significant human rights abuses have continued.⁸ Not surprisingly, at the Warsaw HDIM, most NGO representatives, including several from Kazakhstan, argued that Kazakhstan is not fit to chair the OSCE, an organization responsible for promotion of human rights, democracy and the rule of law, as long as current human rights shortcomings in that country persist.

Given the importance of this issue, the International Helsinki Federation hosted a side event where NGO representatives announced that, at a September 26 meeting in Almaty, they had agreed on five criteria which they believed should be met before the OSCE supports the Kazakh bid: 1) abolition of recent amendments to the media law; 2) amendment of the law on freedom of assembly so that only notification of a peaceful demonstration is required, not approval; 3) revision of the election law in accordance with ODIHR recommendations; 4) an end to the persecution of the opposition; and 5) registration of political parties which have been denied registration until now. In addition, the NGO speakers highlighted serious concerns with freedom of religion, including a new draft religion law that includes a list of “dangerous sects” such as Jehovah’s Witnesses, and harassment of Baptists and denial of their registration. Kazakhstani delegates attended the side event and, in turn, defended their bid for the Chairmanship on the grounds that giving Kazakhstan the Chairmanship would help those in the government who support democratization overcome the “conservative” elements which oppose it. Separately, another side event focused on Kazakhstan was organized by the Altynbek Sarsenbaiuly Foundation and the Protect Your Home Public Committee. In its closing statement, the Kazakhstan delegation again defended Kazakhstan’s human rights record, reiterated Astana’s desire for the Chairmanship, and promised to outline specifically what Kazakhstan’s Chairmanship priorities would be in a future statement to the Permanent Council in Vienna.

In accordance with past practice, a decision on the 2009 Chairmanship should have been taken at the OSCE Ministerial Meeting held in Brussels on December 3-4, 2006. However, in the absence of agreement on Kazakhstan’s bid, the issue was put off until 2007. In the meantime, the OSCE Parliamentary Assembly has agreed to hold its annual session in Astana in 2008.

VII. Beyond the Conference Room

In addition to the formal sessions of the HDIM, side events may be organized at the meeting site by non-governmental organizations, OSCE institutions or offices, other international organizations, or participating States. They augment the implementation review by providing an opportunity to examine specific subjects or countries in greater depth. Like the “corridor” discussions and informal meetings that are a normal feature at any OSCE meeting, side events are also a vehicle for discussing and promoting OSCE action or decisions. Side events can also help fill gaps in the implementation review process by focusing on human rights issues that, for a variety of reasons, governments may be reluctant to address.

⁸ See “Kazakhstan's Candidacy for OSCE Chairmanship,” statement of Rep. Christopher H. Smith, CONGRESSIONAL RECORD, Vol. 152, No. 87, June 29, 2006; “Missed Opportunity in Kazakhstan, Fraud and Intimidation Spoil Election Promised to be ‘Free and Fair,’” Helsinki Commission Digest Article, Vol. 38, No. 14, Dec. 15, 2005; “Helsinki Commissioners Voice Doubts About Kazakh Bid For OSCE Chairmanship,” Helsinki Commission Press Release, Sept. 19, 2005.

This year, the United States, Belgium, and France hosted a side event on Combating Sexual Exploitation of Children, with a view to promoting a joint proposal for a Ministerial decision on fighting child sex tourism and child pornography on the internet. Featured speakers were Mr. Theo Noten, European representative on the board of ECPAT [End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes] International; Mr. Philippe Kaspi, Deputy Chief of Staff of the French Ministry of Tourism; and Ms. Laila BenDebba, Manager of the International Centre for Missing and Exploited Children's Europe office. Noten stressed the importance of participating States implementing their international commitments and working with the travel industry to curb child sex tourism; Kaspi stressed governments working with NGOs, business and industry; and BenDebba presented ICMECs recent global study on legislation concerning child pornography on the internet and advocated that States ensure their legislation meets recommendations in the report to specifically address abuse on the internet. (This proposal was subsequently adopted by the OSCE Ministerial in Brussels.⁹) The U.S. proposed that the 2007 Human Dimension Seminar be focused on these forms of exploitation of children.

The United States delegation also hosted an event focusing on U.S. efforts to combat domestic discrimination against Muslims and international anti-Semitism. Mr. Shaarik Zafar, who serves with the Department of Homeland Security in the Office of Civil Rights and Civil Liberties, highlighted DHS activities to ensure that Muslims in America are not discriminated against. For instance, he played a training video used for all Transportation Security Administration airport inspectors, helping them to understand Muslim dress and religious beliefs. The State Department's Special Envoy to Monitor and Combat Anti-Semitism, Dr. Gregg Rickman, spoke about the work of his newly established office to fight global anti-Semitism, as well as opportunities for likeminded governments to work together in this struggle. A number of other events were held on issues related to the OSCE's work in the field of tolerance, including a session devoted to Holocaust education.

Several side events focused on issues relating to the human rights situation of Roma, Europe's largest ethnic minority. These events touched on the housing crisis facing many Romani communities; the situation of Roma in Kosovo (a subject made more pressing in light of looming status questions); early marriage among Roma; implementation of the OSCE Action Plan on Roma and Sinti Issues; and policing in multiethnic communities. At one side event, the European Roma Rights Center launched a publication on Romani access to health care. During the HDIM, the United States suggested that the complex factors contributing to the current housing crisis might be a useful subject for a subsequent OSCE human dimension meeting.

On the margins of the HDIM, the United States also sought to build support among other countries for the re-appointment (by the Spanish Chair-in-Office) of the Personal Representative on Combating anti-Semitism; the Personal Representative on Combating Intolerance and Discrimination against Muslims; and the Personal Representative on Combating Racism, Xenophobia and Discrimination, also focusing on Intolerance and Discrimination against Christians and Members of Other Religions.

⁹ MC.DEC 10015/06 Combating Sexual Exploitation of Children.

The opportunity to organize substantive side events focused on specific areas of interest, along with equal-opportunity speaking rights, has clearly been a draw for many NGOs. The HDIM, however, risks being the victim of its own success. As more and more NGOs, governments and international organizations take advantage of this opportunity, they are competing against each other for a limited number time slots and rooms, sometimes leading to frustration and disappointment. Trying to coordinate the scheduling of so many events has proven challenging.¹⁰

Along with active participation at these side events, the United States held extensive bilateral meetings with government representatives, as well as with OSCE officials and NGO representatives. In the second week of the HDIM, Assistant Secretary of State for Democracy, Human Rights, and Labor met with Human Rights Directors from some other OSCE participating States for a working meeting on issues of mutual concern.

Finally, during the course of the HDIM, two small demonstrations were held outside of the meeting hall. One, organized by Romani activists, was held on October 9, Holocaust Remembrance Day in Romania. Participants in that demonstration sought to commemorate Romani victims of the Holocaust in Romania, particularly those who suffered the deportation to Transnistria. The other demonstration was organized by Belarusian activists to underscore the threats to democracy and human rights in their country.

VIII. Looking Ahead

In the coming year, the OSCE will have an exceptionally busy calendar of activities in the human dimension field. This will include several regular meetings – a seminar in Warsaw (usually a 3-day event); three Supplementary Human Dimension Meetings in Vienna (1 ½ day events); and the annual HDIM in Warsaw. The United States recommended that, within the context of these meetings, the OSCE participating States should give particular attention to the sexual exploitation of children and the housing crisis affecting large numbers of Romani communities. In addition, Romania has agreed to host a conference in early 2007 on combating discrimination and promoting mutual respect and understanding that follows-up on the OSCE Cordoba Conference on Combating anti-Semitism and Other Forms of Intolerance.

Several activities in 2007 will cut across the OSCE’s “dimension” lines (i.e., will relate to, in this case, both the human dimension and the security field). At the Brussels Ministerial Meeting, the participating States mandated a follow-up meeting on enhancing legal cooperation in criminal matters relating to terrorism (to be organized by the Chair-in-Office in March in Vienna); a political conference on “public-private partnership” in countering terrorism (to be organized by the Chair-in-Office in May, Vienna);¹¹ and a high-level meeting on victims of terrorism (to be organized by the ODIHR in Vienna in September).

¹⁰ The ODIHR facilitates the scheduling of these events. The conference site used in recent years has approximately five rooms (of varying sizes) that can be used simultaneous side events. Side events are held during a two-hour lunch break, and most evenings. Most sponsors of side events try to convene them on the day that the formal working session related to their topic is being held, but the increasing number of side events combined with limited rooms has sometimes made this difficult. Moreover, with as many as five events occurring at the same time, smaller delegations are not able to attend all of them.

¹¹ This was the result of a joint U.S.-Russian initiative.

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OSCE Human Dimension Implementation Meeting**

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Democratic Institution and Elections

Rule of Law II, Legislative Transparency, Independence of the Judiciary, Fair Trial

Trafficking in Persons

Freedom of Expression, Free Media, and Information

Turkey

Freedom of Expression, Free Media, and Information

Migration, Refugees and Displaced Persons

Promotion of Tolerance and Non-Discrimination, National Minorities

Promotion of Tolerance and Non-Discrimination II, Roma and Sinti

Promotion of Tolerance and Non-Discrimination II, Implementation of OSCE Commitments

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Promotion of Tolerance and Non-Discrimination, National Minorities

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Fundamental Freedom II, Freedom of Thought, Conscience, Religion or Belief

Fundamental Freedom II, Freedom of Assembly and Association

Rule of Law II, Legislative Transparency, Independence of the Judiciary, Fair Trial

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Migration, Refugees and Displaced Persons

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Fundamental Freedom II, Freedom of Thought, Conscience, Religion or Belief

Closing Plenary Statement



United States Mission to the OSCE

Opening Plenary Statement

As delivered by Ambassador Steven Pifer
to the OSCE Human Dimension Implementation Meeting
Warsaw, October 2, 2006

Mr. Chairman,

At the 1990 Paris Summit, then-President George H.W. Bush spoke of the rediscovery of freedom in a Europe in which the seeds of democracy and human rights had found new soil. The last sixteen years bear witness to the remarkable developments that those seeds have produced. Our task is to further nourish the seeds, to further broaden democratic practices and expand human rights protections in the OSCE region.

The United States continues to attach great importance to the Human Dimension Implementation Meeting. It is an essential tool for monitoring progress and shortcomings in meeting the commitments that all governments here today have undertaken by virtue of their being OSCE signatories.

We have seen progress since our last meeting. In March, Ukraine held free, fair and competitive elections. The newest OSCE participating State, Montenegro, conducted an independence referendum in May and elections in September that were judged generally in accordance with international standards. Nevertheless, serious problems remain, and we here at this meeting must address them candidly and honestly.

Notwithstanding their signatures on the Helsinki Final Act, Presidents Niyazov and Karimov preside over repressive regimes that actively thwart democratic development and routinely disregard the human rights and fundamental freedoms of the people of Turkmenistan and Uzbekistan. In both, the powers of the state are often employed to thwart dissent and opposition, a practice that unfortunately is equally true in Belarus under President Lukashenko. Kazakhstan under President Nazarbayev, another signatory, also has a disappointing implementation record.

An object of particular scorn for such rulers is civil society, fellow citizens committed to peaceful democratic change and the defense of human rights. Each day brings news of the latest closure of a non-governmental organization in Uzbekistan. In Turkmenistan there are no democracy and human rights NGOs, while the few remaining in Belarus are plagued with persistent official harassment. Also of concern is the adoption of new restrictive laws, such as Russia's amendments to the Law on Public Associations, as well as Kazakhstan's efforts to make NGOs financially dependent on the state.

An emerging throwback to a bygone era is the retort "interference in internal affairs." The 1991 Moscow Meeting definitively dealt with that issue. Let me quote: "the commitments undertaken in the field of the human dimension...are matters of direct and legitimate concern to all participating States and do not belong exclusively to the internal affairs of the State concerned."

We must never lose sight of our responsibility to uphold the dignity of the individual and present the human face of the victim. Emblematic of those targeted for abuse, we need only consider courageous individuals such as Kakabai Tedjenov in Turkmenistan, Mutabar Tojibaeva or Bakhtiyar Khamroev in Uzbekistan, or Alexander Kozulin in Belarus. The United States is deeply concerned by the death of journalist Ogalsapar Muradova while in custody in prison in Turkmenistan.

We must also recall that, seventeen months after the tragedy at Andijon, the Government of Uzbekistan has yet to allow a credible independent investigation into the events that led to the deaths of hundreds, including women and children.

The tragic conflict in Russia's North Caucasus continues to be associated with a variety of human rights abuses such as torture, disappearance, and extrajudicial killing, yet there has been little meaningful accountability. Individuals who appealed to the European Court of Human Rights have been subject to harassment and, in some cases, abduction, apparently to convince them to drop their cases.

This year is noteworthy in that it marks the fifteenth anniversary of the creation of the Office for Free Elections, the precursor of the Office for Democratic Institutions and Human Rights. We are concerned by attempts to sow seeds of doubt with respect to ODIHR's activities, particularly with respect to elections monitoring. Ambassador Strohal, let me express my government's appreciation to you and your team of professionals for your contributions. The United States hopes these contributions will be enhanced even further by devoting more attention to implementation of ODIHR election recommendations and by ODIHR working with participating States to examine the election climate in advance of upcoming ballots.

We are also mindful that states have a broader role to play in combating human trafficking – a modern form of slavery. An area of growing trafficking concern involves the sexual exploitation of children. The United States is working with Belgium and France to introduce an initiative for the Brussels Ministerial to combat this abuse.

The dignity of others is violated through anti-Semitism, which remains a significant problem, and other forms of intolerance and racism. Related to this, the United States supports continuation of the positions of the Chair's three Personal Representatives on Tolerance by the Spanish Chair. We also welcome Romania's offer to host a conference on tolerance next year based on the Cordoba format, with a particular emphasis on anti-Semitism.

Mr. Chairman, President Bush has repeatedly stressed the importance that the United States attaches to the expansion of democracy and freedom. Democracy, respect for human rights and the rule of law are important not only in and of themselves, but in the contribution they make to a more stable, peaceful and prosperous world community. My delegation looks forward to a frank discussion during the coming days, motivated by our shared responsibility to uphold the dignity of the individual and bring into focus the truly human dimension of our work, as we seek to match deeds to the lofty commitments we have made as OSCE signatories.



United States Mission to the OSCE

Session 1: Freedom of Expression, Free Media and Information

As prepared for delivery by Michael Stevens
to the OSCE Human Dimension Implementation Meeting
Warsaw, October 2, 2006

Mr. Moderator,

Freedom of expression and a free and independent media are essential to a modern, open democracy. In the 1990 Copenhagen document, participating States reaffirmed the right of everyone to freedom of expression, including the right to communicate and exchange information “without interference by public authority and regardless of frontiers.” A year later, in the 1991 Moscow document, the participating States declared that a free media is “essential to a free and open society and accountable systems of government.” However, 15 years after this declaration, we continue to see the strangulation of a free media in several OSCE participating States. This is the case most notably in Belarus, Turkmenistan and Uzbekistan. Trends on media freedom in the Russian Federation are moving in a disturbing direction. There have also been negative developments in Armenia, Azerbaijan, Kazakhstan, Kyrgyzstan and Tajikistan, as well as Turkey.

In many countries, government officials and their allies continue to use lawsuits, arcane regulations or repressive harassment to impose self-censorship or worse. We also see the increased use of criminal defamation sentencing to punish journalists.

In Belarus, amendments to the criminal code that came into force at the beginning of the year have further restricted freedom of expression. Under this law those who give “false” information to a foreigner on the political, economic, social, military or international situation to a foreigner are subject to imprisonment. As the noose tightens around what remains of that country’s independent media, Belarusian authorities are close to monopoly control over the media. Printing houses are under official pressure and often refuse to print independent newspapers. Criminal defamation laws are also used to try to prevent reporting on official misconduct. Journalists are intimidated, dozens of Belarusian and foreign journalists were prevented from reporting, were assaulted and detained in connection with the fraudulent March presidential elections.

As for Central Asia, all media remain tightly censored in Uzbekistan and Turkmenistan, where there is no press freedom. Reporters Without Borders has listed Uzbekistan as one of the world’s 15 Internet “black holes.” Turkmenistan’s government agents subject journalists to arrest, harassment, intimidation, and violence. In May, the government of Turkmenistan banned local journalists from all contact with foreigners unless specifically permitted. The United States again calls upon the Government of Turkmenistan to undertake a transparent investigation into the death in custody of journalist Ogalsapar Muradova and remains concerned about the fate of her colleagues.

Even where some diversity of views can be found in the print media, electronic media often remains in the hands of the state or people close to the ruling authorities. In Kazakhstan, President Nazarbayev signed restrictive amendments to the media law on July 5 which the OSCE Representative on Freedom of the Media found do not meet OSCE commitments. Even the president's daughter Dariga, a pro-government media holder, has said that the law "does not match the legislation of any democratic nation or adhere to any international standards."

In Kyrgyzstan, President Bakiyev's recent veto of a law to transform the state TV and radio into an independent entity is disappointing, especially given that this was one of his key campaign promises. In the Russian Federation, authorities continue to employ administrative measures to deter coverage critical of the government. Journalists of state-owned media have reported receiving "guidelines" prepared by the Kremlin indicating which politicians to support and which to oppose. Authorities have also exploited the media's dependence on government for transmission facilities, property, and distribution services.

In November 2005, Olga Romanova, a presenter for the Moscow television station Ren-TV, was dismissed after publicly protesting censorship at the channel. Vladimir Rakhmankov, editor of the now defunct online newspaper *Kursiv*, is facing charges under article 319 of the criminal code for poking fun at President Putin's appeal to the Russian people to increase birthrates. Additionally, Russia continues to be among the more dangerous places in the OSCE region to be a journalist.

Also of concern is Turkey's continued suppression of free speech through use of Turkish Penal Code Article 301 and the Anti-Terror Law. For example, in one Article 301 prosecution, an Istanbul prosecutor brought a case against author Orhan Pamuk for telling the Swiss magazine *Das Bild*: "Thirty thousand Kurds and one million Armenians were killed in these lands." Ultimately the case was dismissed on procedural grounds. Sehmus Ülek, vice-president of the Mazlum-Der human rights organization, Ersen Korkmaz, owner of Demokrat Iskenderun newspaper, Fatih Taş, owner of the Aram publishing house and Ragip Zarakolu, owner of the Belge publishing house have all been charged under Article 301, in an effort by prosecutors to quell free speech.

In Azerbaijan, there has been a string of very disturbing physical attacks on journalists, as well as an ongoing campaign of legal action against them. Journalists in prison at this moment include Sakit Zahidov, who writes satirical poetry, and Sahin Agabayli, the editor of the opposition newspaper *Milli Yol*, who was sentenced to one year in jail for "insulting the honor and dignity" of a legislator from the ruling New Azerbaijan Party.

In Armenia, the A1+ TV station remains off the air, despite strong protests by the OSCE. On July 18, the editors of eight leading newspapers and the heads of several NGOs released a statement expressing their concern at growing official pressure on journalists who criticize the Armenian authorities.

In short, Mr. Moderator, events over the past twelve months continue to demonstrate disturbing trends against freedom of expression and media, in violation of the commitments that all participating States have accepted.

The July Supplemental Human Dimension Meeting on Freedom of the Media was a very worthwhile session. It raised many matters of concern. At this meeting, we proposed several

recommendations to address some of the problems just described. The United States will include these recommendations as part of our written statement, and we encourage participating States to act on these recommendations.

- Participating States should enact and enforce laws such as Freedom of Information Acts that help ensure routine public access to government records, press conferences and judicial trials.
- Participating States should enact and enforce laws or regulations that promote parliamentary transparency such as affording timely public access to draft and enacted laws and regulations, legislative voting records and key government decisions.
- Participating States should remove administrative obstacles that hinder journalists from doing their job. These include but are not limited to:
 - Laws that effectively criminalize criticism of the government or government officials;
 - Restrictive and expensive accreditation requirements;
 - Travel bans prohibiting legitimate journalists from traveling internally or abroad; and
 - Excessive taxes on ink, paper and media equipment.
- Participating States should also ensure that journalists who are arrested, detained and charged have timely access to competent legal counsel and are immediately informed of the particular charges filed against them.
- Participating States should ensure the timely, thorough and independent investigation and, if necessary, prosecution of those who harass, intimidate or attack journalists.



United States Mission to the OSCE

Session 2: Trafficking in Persons

As prepared for delivery by Lauran Bethell
to the OSCE Human Dimension Implementation Meeting
Warsaw, October 3, 2006

Ms. Moderator,

The United States appreciates the focus today on the issue of combating trafficking in human beings, and the two specific topics chosen for discussion, the implementation of commitments to combat trafficking and victim identification and protection.

The U.S. Government places a very high priority on the issue of trafficking in persons. At the 2003 United Nations General Assembly, President Bush announced a \$50 million Initiative to Combat Trafficking in Persons throughout the world. National legislation in the United States contains important provisions on protection and assistance for victims found within our borders. The U.S. Return, Reintegration, and Family Reunification Program provides assistance to victims of trafficking and their families, including return and reintegration services for victims who choose to return to their home countries and for the family reunification between victims and their immediate family members for those victims who elect to remain in the United States. On December 3, 2005, the United States signed the U.N. Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children, an adjunct to the U.N. Convention Against Transnational Crime.

The United States welcomes the fact that numerous participating States have made important strides in combating trafficking in human beings, including the development of effective policing strategies by Bosnia and Herzegovina and Tajikistan. The Anti-Trafficking Strike Force in Bosnia and Herzegovina conducted four major raids in 2005 and 2006 that resulted in the rescue of 26 victims and the apprehension of at least 14 traffickers. This unit exemplifies the importance of close cooperation between prosecutors and police for executing successful raids to rescue victims and arrest traffickers. Tajikistan set up elite anti-trafficking units of specially trained police investigators throughout the country, leading to 81 trafficking investigations in 2005. Elsewhere, Romania's comprehensive report on human trafficking has already begun to serve as a roadmap for how to improve government efforts in partnership with NGOs. Lithuania has been using the classroom as a vehicle for raising awareness of the many dimensions of human trafficking. In Georgia, an inter-agency Committee on Anti-Trafficking was set up in January to identify, prioritize, and take action on anti-trafficking efforts. Among its accomplishments thus far is the Law on Trafficking which Parliament passed in April.

As many are aware, the United States issues the Trafficking in Persons Report, intended to raise global awareness, to highlight the growing efforts of the international community to combat human trafficking and to encourage foreign governments to take effective actions to counter all forms of trafficking in persons. The latest report was issued in June. A separate report is issued annually by the U.S. Department of Justice and is exclusively focused on U.S. efforts.

In this year's TIP report, one OSCE State dropped down to Tier 3, and three others were on the Tier 2 Watch List, meaning they are in danger of moving down to Tier 3. The Tier system assesses whether States are meeting what the U.S. considers minimum standards to eliminate trafficking in human beings; a Tier 3 rating can have a negative impact on U.S. assistance to that country. We welcome the fact that several participating States have improved their counter-trafficking laws and practices, and thus have moved up or off the Watch List. Ukraine increased its law enforcement capacity, proactively investigated trafficking, and strengthened its anti-trafficking criminal code. The Slovak Republic has created a national working group on trafficking in persons, appointed a national coordinator, and adopted its first national action plan on trafficking in persons. Greece increased its capacity to protect and assist victims, improved cooperation with NGOs, and signed a child repatriation agreement with Albania. Azerbaijan passed anti-trafficking legislation, appointed a new national anti-trafficking coordinator, fully vetted the staff of an anti-trafficking police unit, nearly completed renovations of a trafficking shelter, and created two new trafficking hotlines.

The United States is concerned, however, that Uzbekistan did not make progress in the adoption of comprehensive anti-trafficking legislation that has been pending since 2003, nor did it amend its criminal code to strengthen the punishment for trafficking to ensure convicted traffickers serve time in prison. As a result, the majority of convicted traffickers received prison sentences of less than 10 years and most were granted amnesty. Further, while the government did support an anti-trafficking media campaign, it has not provided any financial assistance, in-kind assistance, or logistical support to the country's two anti-trafficking shelters. We urge the Government of Uzbekistan to make a concerted effort to address these deficiencies in law enforcement and victim assistance.

OSCE countries on the Tier 2 Watch List include: Cyprus, which continued to issue its "artiste" visas; Armenia, which had problems with victim protections and the prosecution of cases under the trafficking laws; and Russia which has yet to provide an adequate program of victim protection and assistance.

Mr. Moderator, the issue of victim identification and protection goes beyond efforts to assist victims, but also enabling law enforcement to find, arrest, and prosecute traffickers. One of the most important elements of victim identification is training, particularly for those persons most likely to come into contact with a trafficking victim, such as law enforcement personnel, health workers, and social service organizations. A Mid-Term Review on the Commercial Sexual Exploitation of Children in America, prepared by a consortium of U.S. NGOs in anticipation of the next World Congress Against Commercial Sexual Exploitation of Children, showed that in several cases police or rescue services personnel called to investigate an incident or suspicious venue failed to recognize - and therefore failed to rescue - trafficking victims. The lesson learned is that training does count and can lead to trafficking victims being freed sooner and their traffickers apprehended.

In the United States, the Department of Health and Human Services, which under the Trafficking Victims Protection Act is designated to provide assistance to eligible trafficking victims, created the Rescue and Restore Victims of Trafficking campaign to help identify and assist victims in America. The goal is to educate those most likely to encounter trafficking victims and to build ties to NGOs and service providers who can assist victims. The program provides information and also runs a national referral hotline that will connect victims with

NGOs in their local area and also help intermediaries determine if they have encountered a trafficking victim.

The program has developed training tools, fact sheets, educational brochures and posters, pocket assessment cards for law enforcement and health care workers, and a hotline card, all of which are available online and in a variety of languages at www.acf.hhs.gov/trafficking. Materials can also be ordered online. We will be happy to assist countries interested in obtaining more information.

This is an area where the OSCE could have a role to play, either by gathering training and other materials which could be used as a basis for similar programs in other OSCE States, or by providing training directly.



United States Mission to the OSCE

Session 3: Trafficking in Persons

As delivered by Dorothy Douglas Taft
to the OSCE Human Dimension Implementation Meeting
Warsaw, October 3, 2006

Ms. Moderator,

In light of the presentations made at the beginning of this session, I want to clearly reiterate the U.S. commitment to the eradication of human trafficking, including labor trafficking, both domestically and abroad. All trafficking is a crime that is an affront to human dignity. As it is one of the contributors to the phenomenon of trafficking, the U.S. opposes prostitution and any related activities, including pimping, pandering and/or maintaining brothels. These activities are inherently harmful and dehumanizing.

Last year at the Ljubljana Ministerial, OSCE participating States agreed on measures to ensure the highest standards of conduct and accountability of persons serving on international forces and missions. This issue is of particular concern to the United States. It is reprehensible that persons with the responsibility to protect civilians in a destabilized region or to promote the rule of law would encourage human trafficking or sexual exploitation of the very population they were sent to protect. Such behavior by persons serving on peacekeeping missions weakens the rule of law, strengthens criminal networks, and undermines the mission's own purpose. The vast majority of peacekeepers are honorable men and women performing vital tasks under difficult circumstances. However, the completely unacceptable misdeeds of the few tarnish the reputation of the whole.

Significantly, OSCE countries have pledged to step up efforts to prevent military and civilian personnel deployed abroad from engaging in trafficking in human beings or in exploiting victims of trafficking. Countries with deployed military and civilian personnel also have, in an effort to combat trafficking, pledged to work cooperatively with authorities in countries hosting such missions. In the United States, we have specifically bolstered our efforts to train our military personnel at all levels how to recognize and counter trafficking in human beings.

Since 2004 the U.S. Department of Defense has taken an aggressive approach against trafficking. The Defense Department has instituted an awareness training program for all military, civilians, and civilian contractors being deployed or serving overseas. The awareness training is the core of a demand-reduction program that includes specifically tailored programs managed by overseas commands. The Defense Acquisition Regulation has been supplemented with a rule to ensure contractors supporting U.S. Forces overseas comply with the U.S. "Zero Tolerance" policy on trafficking. The Military Extraterritorial Jurisdiction Act extends the "Zero Tolerance" policy to all civilians and contract civilians working for the Defense Department overseas; and last Fall an Executive Order added a specific charge to the Uniform Code of Military Justice for "patronizing a prostitute." The Department's Inspector General developed a Trafficking in Persons evaluation plan and began to conduct its first evaluation one year ago. The evaluation is designed to assess

whether current Defense Department efforts are sufficient, as one component of the larger U.S. Government effort, to successfully combat trafficking in persons.

We would also like to see the OSCE give more attention to the potential relationship between large sporting events or other large conventions and the crime of human trafficking. As has been mentioned already, the World Cup in Germany drew significant attention to this danger. We need to do more. Law enforcement officials in the U.S. have found that large sporting events have often drawn organized sex rings. However, awareness-raising campaigns and stepped up involvement by law enforcement does help address the issue.

Finally, ladies and gentlemen, the United States is pleased to be working with Belgium and France to introduce a decision for the Brussels Ministerial to combat sexual exploitation of children. The decision will focus on ways to combat child pornography on the Internet, including by strengthening national legislation and cooperation among law enforcement agencies across the OSCE region. The initiative also focuses on ways to combat child sex tourism, including by promoting a code of conduct for the tourism industry and addressing demand. We urge all OSCE participating States to support this initiative.



United States Mission to the OSCE

Session 4: Equality of Opportunity for Women and Men

As prepared for delivery by Ambassador Clifford Bond
to the OSCE Human Dimension Implementation Meeting
Warsaw, October 4, 2006

Mr. Chairman,

Thank you for the opportunity to address this set of issues which are very important to my government and to me personally as the father of two young women.

In the Helsinki Final Act, the participating States decided to “respect human rights and fundamental freedoms... for all without distinction as to race, sex, language, or religion.” This sets forth a very basic commitment not to discriminate on the basis of gender. Unfortunately, more than thirty years after the Helsinki Final Act, this is not always the case. Our governments do not always work hard enough to prevent or rectify discrimination and abuse of women; law enforcement authorities are sometimes reluctant to respond to cases of domestic violence or rape. We all need to step up efforts to create laws that ensure equal opportunity for women, and to ensure that our political leaders show the will and commitment to implement them. Moreover, in today’s competitive global economy, OSCE States, out of economic self-interest, must draw on and develop the productive potential of all our citizens.

Gender Equality

In June, the OSCE produced its first annual report on the implementation of the Action Plan for the Promotion of Gender Equality. It is important for the OSCE to lead by example in this area. The report showed progress in terms of the number of women employed by the OSCE, and we agree on its conclusion of the need to continue progress on this, especially in the appointment of qualified women to higher-level posts. We also welcome that the OSCE’s Policy against Sexual Harassment and Discrimination has been revised. In this regard, the role of senior management is crucial. Senior management must be trained and held accountable for the implementation of directives such as the policy against harassment

Such standards should also be upheld in our own countries. OSCE States have committed themselves to “encourage measures effectively to ensure full economic opportunity for women, including non-discriminatory employment policies and practices.” Despite this commitment, women in some OSCE States still face invasive personal questions during interviews, or sexual harassment after obtaining employment, and women lack the legal tools to call to account those employers or co-workers who use such discriminatory tactics. Several OSCE States, including Armenia, Turkmenistan, Uzbekistan, Belarus and Russia, do not even have specific laws against sexual harassment and should act to correct this legal gap in protection at the work place.

Prevention of Violence Against Women

The United States continues to support increased OSCE efforts to combat domestic violence. No state is immune from the problem; in many OSCE States more than 30% of women report being victims of domestic violence. Effectively addressing domestic violence requires a legal framework that provides accountability for abusers and fosters the ability of authorities or civil society to respond to a victim's pleas for help. The United States welcomes Georgia's new law on crimes committed within the family, which defines domestic violence as a crime and provides for a system of court orders to protect the victims. We ask that ODIHR look into ways that the OSCE could assist Georgia in implementing this new law, such as training social workers to monitor cases and establishing shelters. We also congratulate Bulgaria for its newly adopted Protection Against Domestic Violence Act. Unfortunately, once again this year, we must point out that, while some countries may prosecute domestic violence under other laws, several states, including Albania, Armenia, Azerbaijan, Kazakhstan, Lithuania, Moldova, Russia, and Uzbekistan, do not explicitly define domestic violence as a crime. We urge these governments to make it a priority to strengthen related laws and we ask that ODIHR work with these States to assist where necessary.

Finally, we again urge the governments of Georgia and Kyrgyzstan to take immediate action to eliminate the practice of abductions and forced marriages of young women.



United States Mission to the OSCE

Session 5: Migration, Refugees and Displaced Persons

As prepared for delivery by Ambassador Steven Pifer
to the OSCE Human Dimension Implementation Meeting
Warsaw, October 4, 2006

Mr. Moderator,

Refugee protection and the rights of internally displaced persons are issues of great interest to the United States. The 1951 UN Convention Relating to the Status of Refugees and its 1967 Protocol, as well as the UN Guiding Principles for Internally Displaced People are landmark documents for the protection of refugees and displaced persons. The issue of migration has taken on greater importance for all OSCE countries in recent years. As a traditional immigrant nation, the United States promotes safe, legal, and humane migration, and is committed to advancing effective migration management policies, which include respecting the human rights of migrants, offering protection to refugees and asylum-seekers, opposing illegal migration, supporting counter-trafficking efforts, and encouraging the rapid integration of legal migrants.

The United States strongly supports the principle of protection of refugees. We thus remain disappointed by Kyrgyzstan's August decision to forcibly return five individuals to Uzbekistan, despite the designation of four of them as refugees by the United Nations High Commissioner for Refugees. The change in Kyrgyz refugee law that denies access to refugee status determination procedures for some asylum-seekers, and the disappearance in late August of four Uzbek asylum-seekers from southern Kyrgyzstan are other troubling developments. In February of this year, Ukrainian authorities forcibly returned ten Uzbek asylum-seekers to Uzbekistan. Similarly, Kazakhstan removed in November of last year nine Uzbek asylum-seekers to Uzbekistan, four of whom had registered with UNHCR, without appropriate administrative or judicial review. On a positive note, Kazakhstan allowed UNHCR to resettle an Uzbek refugee to a third country in August. We encourage the Government of Kazakhstan to continue such constructive engagement with UNHCR.

Elsewhere, our understanding is that twelve Uzbeks and one Kyrgyz national are currently detained in Ivanovo, Russia. UNHCR has reportedly determined that all thirteen are refugees within their mandate. We were concerned when the Prosecutor General announced plans to extradite these refugees to Uzbekistan, but we welcome Russia's decision to suspend extradition of these individuals. The United States hopes Russia will allow these individuals to be resettled through UNHCR placement.

Meanwhile, the United States urges the Government of Uzbekistan to end its practice of pressuring other governments to forcibly return Uzbek refugees and asylum seekers, as well as to stop pressuring families of refugees; to guarantee humane treatment of voluntary returnees; and to allow access to these individuals by the international community.

The United States welcomes the reforms Turkey has made to provide displaced persons with more avenues of redress through the “Law on the Compensation of Losses Resulting from Terrorist Acts and the Measures Taken Against Terrorism” (Law 5233), and the extension of the deadline for filing applications for reparation. At the same time, factors such as limited resources and the narrow definition of an internally displaced person impede repatriation and should be addressed.

In the Balkans, the 2005 Sarajevo Ministerial Declaration on Refugee Return and Integration was notable, as the governments of Bosnia and Herzegovina, Croatia and Serbia committed to solve the remaining population displacement by the end of 2006 through facilitating returns or local integration of refugees and IDPs. We call upon the three governments to intensify their efforts to meet their end-year goal and ensure displaced persons and refugees can find durable solutions for resettlement.

In the South Caucasus, the governments should continue their efforts to facilitate the “temporary” integration of over 900,000 refugees and IDPs, while waiting for peaceful resolutions to the frozen conflicts in the region. In particular, we urge the Government of Georgia to continue its important work of finalizing its national strategy for displaced persons and to ensure the return of the Meshketian Turks. We hope the governments of Armenia and Azerbaijan will continue addressing the most critical needs, including housing and medical care, of refugees and IDPs in their respective national development plans.

The United States will continue to monitor the situation of all IDPs in and from Kosovo, including Roma IDPs in northern Kosovo. We are pleased that many of these IDPs have chosen to move to a camp established by the international community, and will continue to call for the reconstruction of this community’s original settlement.

Mr. Moderator, the United States is dedicated to assisting asylum-seekers, refugees, victims of trafficking and smuggling in persons, and other vulnerable migrants. We urge all OSCE countries that do not already, to treat the protection needs of vulnerable migrants, refugees and displaced persons as priorities, and for those that do, to continue to uphold their international protection obligations.



United States Mission to the OSCE

Sessions 6 and 7: Access to Justice Accessible Legal Assistance and Timely Court Decisions

As prepared for delivery by Kyle Parker
to the OSCE Human Dimension Implementation Meeting
Warsaw, October 5, 2006

Mr. Moderator,

The United States welcomes the inclusion of this working session on accessible justice at the HDIM and commends the Belgian Chairmanship for making the rule of law in criminal justice systems a priority this year.

The availability of legal assistance and timely and enforceable judgments are basic aspects of a society rooted in a respect for justice.

Although the right to legal counsel is a recognized fair trial guarantee found in the legislation of nearly all OSCE participating States, the practical implementation of this right often falls short. In too many participating States competent and independent legal counsel remains out of reach for those who need it most. This deficiency is further complicated by the reality that, in many cases, judgments are unduly delayed and then only selectively enforced. Such shortcomings in the judicial process reflect poorly upon the very systems that produce them and undermine the security that a law-based society can and should provide.

It is well known that early access to legal advice in the course of criminal proceedings can help guard against illegal treatment and forced confessions – abuses that, unfortunately, are systematic in Uzbekistan and Turkmenistan and persist in Belarus.

In Uzbekistan, for example, the handling of the Andijon trials raises serious concerns about the Uzbekistani government's failure to protect defendants' rights. In particular, we note ODIHR's valid concerns regarding the lack of readiness of Uzbek authorities to ensure the defendants' right to a lawyer in pre-trial stages and the right to effective legal counsel. The United States notes the conclusions of the ODIHR trial monitoring report and urges the Government of Uzbekistan to take immediate steps to redress these serious deficiencies.

The number of political prisoners in Belarus increased over the past year. Its judiciary does not operate independently. Trials, including those of political figures, are often closed to the public. As for Turkmenistan, we will address its abuses in a separate statement.

Despite discouraging setbacks, however, the past year has seen achievements in the area of expanding access to legal assistance. An illustration of this is Armenia's November 2005 decision to adopt a constitutional amendment guaranteeing each citizen the right to legal assistance. Additionally, this past June, a bill on state legal assistance was introduced in the Moldovan parliament and in the same month the Ukrainian president approved an important

concept paper on improving legal assistance. Albania and Bulgaria have also made progress in making their criminal justice systems more accessible and efficient. These initiatives are steps in the right direction, but in each case much hard work remains.

We acknowledge that the maintenance of the rule of law is an ongoing process requiring constant vigilance. The United States, in fairness, also recognizes that no judicial system is perfect nor should there be a “one size fits all” approach for 56 different countries. But that cannot be an excuse for complacency.

Indeed, it was only in the 1963 landmark case of *Gideon v. Wainwright* that our Supreme Court unanimously ruled that states are required by the Constitution to provide attorneys in criminal cases for defendants unable to afford their own representation. This historic decision made our criminal justice system more open and democratic.

Certainly, we must all strive to constantly improve our legal systems and in this effort, the United States stands ready to share its experience and to continue to stand alongside those pursuing a more just society.

Mr. Moderator, the United States wishes to recognize the significant work being done throughout the OSCE region by ODIHR’s Rule of Law unit as well as by private groups such as the American Bar Association’s Central European and Eurasian Law Initiative and the Open Society Institute’s Justice Initiative. The experts from these organizations have been tireless advocates of legal reform, and many of the positive developments in consolidating the rule of law in some of the newer OSCE States are due, in part, to their efforts.



United States Mission to the OSCE

Session 8: Rule of Law I

As prepared for delivery by Ambassador Steven Pifer
to the OSCE Human Dimension Implementation Meeting
Warsaw, October 6, 2006

Madame Moderator,

In any society it is difficult to balance both freedom and security. This is particularly true in time of war, as we seek to ensure the latter while preserving the former. The United States has tried to do so in a thoughtful, just fashion that is consistent with both American values and our international commitments.

We have heard the concerns raised this week and in this forum about U.S. practices in our armed conflict with al Qaida and the Taliban. These questions have also been the subject of vigorous debate within the United States. We welcome the opportunity to engage in an open discussion about how best to stay true to the values that we as free societies share while combating the scourge of transnational terrorism.

It is clear that this is a new kind of war, on a new kind of battlefield. We have sought to convey to the world the lack of clarity surrounding the pre-existing legal framework for combating transnational terrorism. Transnational terrorists specifically and primarily target civilians, do not fight in organized military units, and do not observe the laws of war. The United States was not, and no country could have been, prepared to deal with the type of massive terrorist attacks and worldwide terrorist network that we confronted on September 11. There was no book on a shelf somewhere that contained a ready legal guide to combating armies of transnational terrorists.

In recent months a number of European officials have acknowledged that lack of a clear legal framework. In her July 2006 report, the OSCE Parliamentary Assembly's Special Representative for Guantanamo, Belgian Senator Anne Marie Lizin, recommended the formation of an international commission of legal experts to examine the question.

Because we are on new terrain, U.S. policies and practices have had to evolve significantly since September 11. These changes demonstrate the self-correcting mechanisms inherent in the U.S. system of checks and balances. Every branch of our government has been part of this effort. Congress has passed new laws, including the Detainee Treatment Act, which codified long-standing U.S. policy prohibiting cruel, inhuman, or degrading treatment of any detainee in U.S. control anywhere in the world. Our courts have issued numerous rulings, including the decision by our Supreme Court that Common Article 3 of the Geneva Conventions applies to the conflict with al Qaida. The Department of Defense has issued a new Field Manual and Detentional Directive to provide clear rules for the detention and interrogation of all individuals detained by the U.S. military. We recently enacted new legislation providing for the establishment of military commissions that are fully compliant with Common Article 3.

The United States is absolutely committed to upholding our national laws and international obligations to eradicate torture and to prevent cruel, inhuman, or degrading treatment or punishment worldwide. Let me be clear. It is against the law for U.S. personnel – be they from the armed services or any other government agency – to torture anyone, anywhere. It is against the law for U.S. personnel – be they from the armed services or any other government agency – to engage in cruel, inhuman or degrading treatment of anyone, anywhere. All U.S. personnel engaged in detention operations are required to act in accordance with U.S. domestic law and our international treaty obligations, including Common Article 3 of the Geneva Conventions.

Despite these prohibitions and mechanisms for enforcing them, some individuals have committed abuses against detainees being held as a result of our current armed conflict in Iraq and against Al Qaida and its affiliates. Abuses such as those that notoriously occurred at Abu Ghraib sickened the American people – just as they appalled people around the world. They were inexcusable and indefensible. The U.S. Government deplores those abuses and has taken steps to hold those responsible accountable. The United States investigates all allegations of abuse vigorously and, when they are substantiated, holds accountable the perpetrators. Indeed, since September 11, 2001 more than 100 members of the U.S. armed forces have been court-martialed for detainee mistreatment, with an 86% conviction rate, and others have been held accountable through non-judicial punishments and administrative measures.

Madame Moderator, all governments are imperfect because they are made up of human beings who are, by nature, imperfect. We welcome today's discussion and will pay careful attention to the concerns and questions raised. One of the great strengths of our nation is its ability to recognize its faults, deal with them, and act to make things better. The United States is committed to complying fully with its international obligations, both at home and abroad.



United States Mission to the OSCE

Session 9: Rule of Law II Legislative Transparency, Independence of the Judiciary, Fair Trial

As prepared for delivery by Frank Gaffney
to the OSCE Human Dimension Implementation Meeting
Warsaw, October 6, 2006

Mr. Moderator,

An independent and robust judiciary is a critical safeguard against an overweening executive. Its corollary is the right to a fair trial, which represents the individual's hope for justice and redress of grievances, builds trust in government institutions and binds citizens and state together. Jointly, they are fundamental building blocks of a democratic system.

A number of participating States labor under the legacy of Soviet totalitarianism, exhibiting little, if any, judicial independence or respect for the right to a fair trial.

Thus, it is with serious concern that we have observed the trials in Uzbekistan in the eighteen months since Andijon. The OSCE and many human rights groups concur that these trials did not meet international standards.

In neighboring Tajikistan, the trial of Mahmudruzi Iskanderov also drew serious criticism. The process was flawed, and his conviction has seriously weakened the opposition Democratic Party. In this light, we commend the decision by a Moscow City Court in August not to extradite former Tajik trade minister Khabibulo Nasrulloev to Dushanbe on charges that seem politically-motivated.

The trial of ten individuals charged with murdering Altynbek Sarsenbaiuly last February is an important indicator of progress in Kazakhstan. The decision to hold the trial in a remote location, however, raises questions about the government's desire to foster access. While we welcome the opening of the court proceedings to the public and the press, it is essential that conduct of trials meet international standards and not be dictated from above. On August 29, opposition groups called the Sarsenbaiuly trial "a legal farce." The court sentenced all ten defendants to long prison terms.

In Azerbaijan, the trial of Ruslan Bashirli and two other leaders of the Azerbaijani opposition youth group Yeni Fikir was not, according to observers, conducted according to international norms. The United States is paying close attention to the appeals process. In addition, the United States has been following the case of individuals arrested in October 2005 on charges of attempting to stage a coup d'etat. It is disturbing that, a year later, evidence that these men were involved in illegal and anti-state activities has yet to be presented to a court or to the Azerbaijani public. Meanwhile, they, and all other prisoners, must be afforded needed medical care and the opportunity to see their families and attorneys.

As for Turkmenistan, the record of the last 15 years has given us no reason to harbor serious hopes for a fair trial for anyone accused of misconduct. Authorities often deny the right to a fair trial, and there are few independent lawyers available to represent defendants. There is no jury system. At times defendants are not allowed to confront or question witnesses against them, defendants and their attorneys are often denied access to government evidence against them, and defendants frequently do not enjoy a presumption of innocence. Even when due process rights are observed, the authority of the government prosecutor far exceeds that of the defense attorney, and it is very difficult for the defendant to receive a fair trial.

Turning to Moldova, Mr. Moderator, the United States wishes to express its continued concern about the case of former Minister of Defense Valeriu Pasat. He was sentenced to ten years in a labor camp by a secret tribunal in Chisinau for malfeasance in connection with the sale of 21 military aircraft to the United States. The U.S. delegation is deeply concerned that his trial was not conducted in a transparent manner and urges the Moldovan government to ensure that the appeals process meets international standards. The Moldovan government's recent decision to charge Mr. Pasat with weapons smuggling – in connection with his failure to declare pistols he received as gifts – raises further questions about political interference in the judiciary.

According to sources in the Russian legal community, defense lawyers have at times become the targets of official harassment. Professional associations at both the local and federal levels have reported police efforts to intimidate attorneys who are too assiduous in defending their clients. One method allegedly used is to call in the defense counsel for questioning, which then by Russian law disqualifies them from acting as an attorney in the case. Some defense attorneys have suffered physical assaults and threats.

Mr. Moderator, independent judiciaries and fair trials are important attributes of modern democratic states that respect the rights of their people. It is important that OSCE members abide by the spirit and letter of their commitments and obligations in this regard.



United States Mission to the OSCE

Session 10: Democratic Institutions and Elections

As prepared for delivery by Paul DeGregorio
to the OSCE Human Dimension Implementation Meeting
Warsaw, October 9, 2006

Mr. Moderator,

The United States is shocked and saddened by news of the brutal murder of Russian independent Anna Politkovskaya. She was a highly respected investigative reporter. We hope the Russian Federation will thoroughly investigate in order to prosecute those responsible for this murder.

The OSCE has long been a leading organization in developing international election monitoring and evaluation methodology through the excellent work of ODIHR. As we are aware, some have called for changes to this methodology. The United States disagrees with those calls; ODIHR's methodology remains the "gold standard" for election observation. Our focus on democratic elections should remain on ensuring that States fulfill their existing commitments and ensuring that the work of ODIHR continues unhindered.

Indeed, in May of this year at our invitation an ODIHR assessment team visited the United States to follow up on the recommendations made by the OSCE team that observed the 2004 U.S. presidential elections. Their report indicated that ODIHR recommendations had been implemented in several important areas and that progress had been made. I also am pleased to report that extension of the important 1965 Voting Rights Act, which was cited by the May 2006 ODIHR report as unresolved, was passed by Congress and signed into law by President Bush in July.

In support of the excellent tools ODIHR and the participating States have developed over the years, and to enhance even further the overall effectiveness of election observation, in July the U.S. Mission to the OSCE circulated a food-for-thought paper on elections. To facilitate election follow-up, the United States has proposed that the Permanent Council include an item on its agenda, "Follow-up to ODIHR Election Recommendations." This could be done six and twelve months following the issuance of a final report on an election. ODIHR could report its assessment, and the participating State would have an opportunity to showcase progress in addressing recommendations. This would help keep attention focused on the recommendations in the post-election environment.

The United States also believes that improving overall electoral conditions before elections actually take place is preferable to having to make critical comments post-election. We urge that ODIHR devote increased attention to working with participating States as far in advance of elections as possible, without diminishing its essential work on election day and after. Our food-for-thought paper proposes some possible ways to advance this goal. One possibility could be to authorize ODIHR to prepare forward looking reports as warranted on the election climate in certain states with upcoming elections, to enable those countries to take advantage

of ODIHR's expertise and recommendations before the elections take place. We recognize that this would require giving ODIHR's election unit increased resources, in order to accomplish this task, which would need to be addressed in advance.

While it is appropriate to discuss possible refinements to ODIHR's election-related observation and assistance, we should keep in mind that ODIHR's assistance is only a means to an end. It is ultimately the responsibility of the participating States to ensure that their laws, regulations, practices and policies on elections are in full conformity with existing OSCE commitments and standards. Unfortunately, the gap between commitments and implementation was evident in several elections in the past year in the OSCE region.

The March 19 Belarusian presidential election was conducted in a manner contradictory to fundamental OSCE commitments. The election was characterized by the arbitrary abuse of state power, detentions and a disregard for basic civil and political rights. We are concerned about Belarus' proposed electoral amendments that, if enacted, would make Belarus' Electoral Code even further out of line with OSCE commitments by further restricting candidates' ability to campaign; banning the use of campaign materials printed abroad, thereby virtually excluding all opposition campaign materials; facilitating candidate registration denials and de-registrations; allowing state-controlled media, which deny equal access to independent candidates, to cite polling data up to five days before the elections; and further limiting role of independent observers.

In Azerbaijan, serious problems in several areas, including the vote tabulation process were observed during the November 2005 parliamentary election. A referendum on constitutional amendments in Armenia last November also drew criticism. Kazakhstan's presidential election in December 2005 failed to conform to OSCE commitments, despite repeated promises from the Government of Kazakhstan. Of particular concern was a lack of equal opportunities for all candidates and the use of state resources in support of the incumbent's campaign. Azerbaijan, Armenia and Kazakhstan still have not implemented OSCE recommendations that were issued after the previous flawed elections.

On the other hand, the United States is pleased to note that improvements continue to be made in the quality of the election process in a number of other participating States. Ukraine's parliamentary elections in March met international democratic standards and were the most free, fair and competitive in its history.

The May independence referendum in Montenegro was conducted largely in conformity with OSCE commitments. This proved critical in maintaining the legitimacy of the polling in light of how close the majority of votes was to the 55 percent threshold required for a positive referendum outcome. The September parliamentary election in Montenegro was generally well-administered, although the authorities need to address some significant remaining problems. We encourage Montenegro – and all OSCE participating States – to make use of ODIHR's expertise to improve the conduct of their elections.

This July, Macedonia conducted parliamentary elections which were judged generally free and fair. Some irregularities did take place, and incidents during the early campaign period were a serious cause for concern. While credit should be given to Macedonian authorities for responding quickly and correctly to these problems, further reforms will hopefully prevent problems from recurring in the future.

The United States remains concerned with the adoption of regressive laws in the Russian Federation that appear to reduce the transparency of elections. This is an especially troubling development in the lead-up to parliamentary elections in 2007 and a presidential ballot scheduled for 2008. We hope that domestic non-partisan NGOs will be allowed to monitor these elections.

We hope that upcoming elections, including the November 6 presidential election in Tajikistan, and the municipal elections in Azerbaijan will demonstrate progress. Ensuring free and fair election processes, the most basic democratic right, remains a fundamental obligation of all OSCE States.

Finally, Mr. Moderator, Ambassador Finley has extended an invitation for the OSCE to observe our Congressional elections on November 7. ODIHR has accepted our invitation and recently advised us that it plans to send a team of election experts for an approximately three-week assessment mission that will cover a wide geographic area within the United States. The United States welcomes this, so that we can continue to have the benefit of important ODIHR assessments and recommendations.



United States Mission to the OSCE

Session 12: Fundamental Freedoms II Freedom of Assembly and Association

As prepared for delivery by Ronald McNamara
to the OSCE Human Dimension Implementation Meeting
Warsaw, October 10, 2006

Mr. Moderator,

This morning's session touches on fundamental rights and freedoms enshrined in OSCE commitments. Most of us take these rights and freedoms for granted because they have become commonplace in our own countries. The freedom of assembly and association are key rights in a modern democracy, rights that all OSCE States are committed to protect. Regrettably, that is not always the case.

In Turkmenistan and Uzbekistan, citizens are not permitted to assemble freely or to demonstrate. Those who dare to do so risk serious consequences. The freedom of association is also non-existent; neither country allows opposition parties or opposition movements to function. For example, after Sanjar Umarov formed the Sunshine Coalition in Uzbekistan, the authorities arrested him in October 2005 for alleged large-scale embezzlement, tax evasion and money laundering. He was convicted and sentenced in March 2006 to 14 years in jail.

Since the Andijon events, Uzbek human rights groups and members of unregistered opposition parties have come under severe and relentless pressure from the authorities. Bakhtiyor Khamroev was beaten on August 18 by a group of men -- in the presence of British diplomats and Uzbek police. Another human rights activist, publicist Motabar Tojibaeva, now serving a prison term, is reportedly being tortured in jail.

In Kazakhstan, freedom of assembly and association are constrained. Opposition leaders and activists risk fines, harassment and arrest. Kazakhstan has some of the most onerous registration requirements for political parties in the region. Kazakh authorities have also refused to register the opposition Alga! Party, founded by activists of the Democratic Choice of Kazakhstan, and DCK was itself dissolved by a court early last year. In April 2005, Kazakhstan amended its electoral law to ban public demonstrations between the end of voting and the release of the official election results. The OSCE informed Kazakhstan that this amendment did not correspond with OSCE commitments, yet it remains on the books. Before the December 2005 Kazakhstani presidential election, the government denied the majority of opposition permit requests for assemblies.

Since the last HDIM, the Belarusian authorities have increasingly interfered in citizens' right to assemble peacefully and stepped up the use of force to disperse peaceful protestors, in clear violation of their OSCE commitments. This was illustrated most vividly following the fraudulent March presidential elections, with numerous beatings and wholesale arrests of those attempting to peacefully exercise their right to assembly. More than 700 individuals were detained in the pre- and post-election period. Similarly, the regime has restricted the ability of individuals to form associations that oppose it or exhibit a degree of independence.

NGOs have been shut down and activists harassed, fined, arrested and, in the case of four independent domestic monitors, imprisoned. The growing restrictions on freedom of assembly and association are indicative of this increasingly repressive regime's disdain for its own people.

The United States was also troubled by limits on freedom of assembly associated with the November 2005 parliamentary elections in Azerbaijan. On November 26, security forces violently dispersed a peaceful, government-authorized opposition rally. Diplomatic observers witnessed at least one person beaten unconscious, and several beaten to the ground. To date, no police officials have been held accountable for this excessive use of force. Despite the peaceful conduct of participants, the government arrested 57 opposition supporters for alleged "hooliganism" and "public disorder" at the rally. Currently, as the government reviews its law of assembly, critics allege a lack of transparency in the deliberative process.

The United States would call attention to several amendments to Russian legislation adopted earlier this year that are designed to restrict the activities of non-government organizations. Although some of the more problematic elements were removed in the legislative process, several problems remain. Many provisions of the law are vague, while granting the authorities broad discretion over implementation, including the power to order an NGO to cease funding a program or to shut down completely. While punitive measures would be subject to court approval, this could entail lengthy, expensive litigation that could cripple an NGO financially. The United States remains concerned that the amendments diverge from longstanding OSCE commitments in the Copenhagen and Moscow documents and could have a further chilling affect on the growth of civil society in the Russian Federation.

Mr. Moderator, the rights of assembly and association are key to modern democracies. OSCE States should act to ensure that these rights are fully protected.



United States Mission to the OSCE

Session 13: Fundamental Freedoms II Freedom of Thought, Conscience, Religion or Belief

As prepared for delivery by Felice Gaer
to the OSCE Human Dimension Implementation Meeting
Warsaw, October 10, 2006

Mr. Moderator,

The freedom of thought, conscience, religion or belief is a core principle enshrined in the Helsinki Final Act and further elaborated in subsequent commitments accepted by all participating States. Regrettably, many individuals and communities continue to be denied the right to freely profess and practice their religion or belief.

The existing restrictions on religious freedom in Uzbekistan have deepened in the aftermath of last year's Andijon tragedy. Among the numerous areas of concern are: the jailing of thousands of people because of their Islamic affiliations or beliefs; torture of those prisoners and detainees; police raids against members of unregistered religious communities, most recently in Termez; deportations of religious leaders; huge fines against non-Muslim religious leaders and their communities for religious activities; changes to the Criminal Code and the Code of Administrative Offences to increase penalties for the "illegal" production of religious literature; and the banning of all non-Orthodox and non-state controlled Muslim activity in the region of Karakalpakstan. The United States calls on the Uzbek Government to bring its laws and policies into line with its OSCE commitments and to adopt the recommendations issued in 2003 by of the OSCE Panel of Experts on Freedom of Religion or Belief.

Likewise, practices in Turkmenistan continue to violate OSCE commitments, despite a brief period of modest reforms. Turkmenistan's president continues to impose an increasingly oppressive personality cult, now effectively a state-imposed religion, that impinges on all aspects of the country's public life. Religious practice is heavily regulated to ensure state control, unregistered religious activity remains illegal, and members even of registered religious groups may face severe difficulties. Some religious leaders face internal and external travel bans, and the former grand mufti remains jailed. Registration remains a problem for religious groups, especially some Russian Orthodox congregations, the Armenian Orthodox Church, the Catholic Church and Shiite religious groups. The United States urges Turkmenistan to resume reforms and invite the UN Rapporteur on Religious Freedom to visit.

The United States is also troubled by developments elsewhere in Central Asia. In Kazakhstan, local officials have repeatedly arrested and fined both Muslims and Christians for unregistered religious activity, a practice relatively unheard of until recently. They have also attempted to expropriate land from the Hare Krishnas. We urge Kazakhstan to fully respect the right of all individuals to practice their religion or belief regardless of registration

status. The United States will closely monitor the work of the new office on religious affairs in the Ministry of Justice.

We urge Kyrgyzstan and Tajikistan to work with the OSCE Missions and the OSCE Panel of Experts and to consult with their local religious communities and human rights organizations as they develop new drafts of their religion laws, to ensure they comply with OSCE standards. In Kyrgyzstan, we are troubled by the increase in police action against unregistered religious groups. While the United States condemned the violent incursions into Kyrgyz territory earlier this year, we view as unjustified the force that led to the death of a prominent Muslim religious leader in Osh.

In Tajikistan, we view as problematic government efforts to control Muslim religious practice such as the stringent guidelines on registering religious organizations, the ban on women praying in mosques and government control of the hajj.

The United States urges the Government of Turkey to remove impediments to the free exercise of religion for majority and minority communities alike. While we welcome the recent changes to the Foundations Law, we urge Turkey to remove the powers of expropriation and to end this practice of expropriating religious properties in neighbourhoods with few citizens. The U.S. also urges return to the Ecumenical Patriarchate of full control of the Theological School at Halki.

While Russian Federation law generally respects individual freedom to practice religion or belief, problems persist at the regional and local level for members of religious groups, including Muslims, Old Believers and various Protestant groups. Non-Orthodox communities throughout Russia regularly report problems with obtaining legal status through registration and with obtaining permission to use, build or buy places of worship. We remain concerned about the new NGO law and its potentially intrusive and restrictive effects on religious communities, as well as by reports that the Ministry of Justice has introduced a draft law which would impose restrictions on missionary and other activities by religious communities. The Constitutional Court has upheld a lower court ruling granting local officials the right to demolish a mosque in the city of Astrakhan, which was built legally under a previous administration. We urge the Russian government to look into this matter and reconsider the original objections.

In neighboring Belarus, escalating pressure on members of the New Life Church by local authorities in Minsk remains of concern, as does harassment against other unregistered churches, efforts by police to temporarily detain pastors and lawyers, and the refusal to allow the local Hassidic Jewish community to use a building to hold its Passover celebration. We also urge major reform of the country's highly restrictive law on religion.

Finally, the United States is concerned about recently adopted religion laws and draft religion laws in several OSCE participating States that fall short of OSCE commitments. We remind all participating States of the value of consulting with the Panel of Experts on Freedom of Religion or Belief when developing new legislation. We were disappointed that Serbia rushed through parliament an incomplete religion law earlier this year and that the Ministry of Religious Affairs arbitrarily increased the onerousness of registration requirements. Religious communities in Serbia and Macedonia continue to experience problems with building worship facilities. Azerbaijan is preparing amendments to its religion law, and we urge Baku to work with the OSCE Mission and Panel of Experts to address the current problematic

provisions, such as censorship of religious literature, burdensome registration requirements and limitations on missionary activities. The United States continues to monitor the drafting of a religion law in Romania, which if adopted in its current form, would enact particularly discriminatory registration requirements.

Mr. Moderator, registration of religious communities should facilitate the ability of individuals to come together to manifest religion or belief. It should not be used to discriminate or to unduly burden or repress peaceful religious practice.



United States Mission to the OSCE

Session 14: Promotion of Tolerance and Non-Discrimination Aggressive Nationalism

As prepared for delivery by Kathyryne Bomberger
to the OSCE Human Dimension Implementation Meeting
Warsaw, October 11, 2006

Mr. Moderator, Ladies and Gentlemen,

I would like you all to consider for a moment what it means to be the relative or friend of someone who disappeared years ago without a trace during armed conflict.

Consider what it means to have no news of that individual for a decade or more.

Families of the missing are profoundly affected by trauma and fear. They have relatives and are often vulnerable refugees as well. With such trauma, they easily fall prey to nationalist political manipulation. Breaking that link is critical to the successful implementation of any post-war agreement and achieving reconciliation.

In the build-up to the 1990s Balkan conflicts, opportunistic nationalists exploited post-Second World War efforts to conceal earlier inter-ethnic and political atrocities. They grossly exaggerated or grossly understated the numbers of those killed to stir up hatred, fear and distrust.

Until only recently, the Government of the Republika Srpska had denied that 8,000 men and boys were missing from Srebrenica. The Milosevic regime similarly hid evidence about the disappearance of over 800 persons from Kosovo.

To assist in finding a solution to the issue of missing persons, President Clinton announced in 1996 the creation of the International Commission on Missing Persons. Its primary tasks are to:

- secure the co-operation of Governments,
- locate and identify the missing, and
- encourage public involvement.

ICMP developed a three part approach. Working directly with governments and using forensic sciences, as well as supporting civil society actors, ICMP has achieved results in a way that has ensured sustainability and encouraged local ownership of the process.

By embedding efforts within the domestic structures, ICMP has acquired a unique expertise in guiding post-conflict states as they account for the past. In so doing, states not only meet their human rights obligations, they also build institutional capacity that promotes long-term confidence in public bodies.

Bosnia provides a good example. The state has, with ICMP assistance, adopted unique, enabling legislation, such as the Law on Missing Persons and established the Missing Persons Institute, which is responsible for pursuing cases of missing persons regardless of national identity. Cross-boundary networking between associations of family members has put pressure on governments to release information on mass graves and equalize social benefits to the relatives of victims.

ICMP has pioneered novel, rapid and cost-effective techniques for identifying sets of mortal remains that have been intentionally disturbed. Forensic experts had initially deemed progress on such complex issues unlikely, since in the process of moving and re-concealing victims, many individual remains had been dislocated and spread across numerous sites.

Early inability to make positive identifications granted war criminals a measure of protection. Uncertainty as to the identity of those in the graves allowed the denial of atrocities. A Serbian government minister reported that many of those buried in a mass grave in Belgrade were Serbs, when in fact all 800 were Kosovo Albanian. It should be noted that after the fall of Milosevic, the new Serbian government cooperated with efforts to find and exhume the bodies of Kosovo Albanians brought to and buried in Serbia.

ICMP's advances in identification techniques directly undermine attempts to deny atrocities. Instead, irrefutable evidence links perpetrators to crimes. Through the identification process, then, evidence is uncovered and victims' humanity is restored. These efforts have resulted in more than 10,000 DNA-based identifications bringing long-awaited answers to damaged communities.

At the technical level, DNA often represents the only reliable means of identification. At the political level, DNA offers the significant benefit of scientific accuracy in identifications, thereby pre-empting the exploitation and manipulation of the issue.

But, technical methods rely upon the political will of governments. Governments should be responsible for trying to address human rights violations committed by a previous regime. They should investigate and disclose reliable facts about the missing. And, victims should be able to assert their legal rights for truth, justice and fair treatment. Finally, for the sake of society and future peace in the region, states must comply with international judicial mechanisms such as the International Criminal Tribunal for the former Yugoslavia.

ICMP has already begun applying its model to other states and is currently working with Iraq and Colombia regarding ways in which support can be provided.

Sadly, this issue is a global one. In the OSCE region, there are issues in the unresolved conflict regions in the South Caucasus, in Chechnya, as well as in the former Yugoslavia and on Cyprus.

The wars in the former Yugoslavia have left deep scars. The evasion from justice of persons indicted for war crimes, such as Karadzic and Mladic continues to leave deep scars in the region. Refugee displacement is a continuing problem underpinned by mistrust, political manipulation and the anguish of those most affected. The problem of large numbers of missing persons aggravates the situation, especially in Bosnia and in Kosovo.

Mr. Moderator, revisionism and the intentional misuse of emotional factors linked to identity and victim-hood are the stock in trade of nationalists and indeed terrorists. Painstaking efforts to establish the truth, to restore identity and to seek redress will ultimately help prevent the manipulation of history; the starting point for new conflict and new horrors, and will help build a durable basis for peace and reconciliation.



United States Mission to the OSCE

Session 14: Promotion of Tolerance and Non-Discrimination National Minorities

As prepared for delivery by Ambassador Clifford Bond
to the OSCE Human Dimension Implementation Meeting
Warsaw, October 11, 2006

Mr. Moderator,

The United States commends the High Commissioner's ongoing work in Central Asia, southeastern Europe and elsewhere focusing on critical minority issues such as education and multi-ethnic policing, and emphasizing integration rather than segregation of persons belonging to minorities. The United States similarly continues to support OSCE work in its field mission activities relating to tolerance and, of course, ODIHR's own work, including efforts focused on Roma and Sinti.

Despite the ongoing support of OSCE institutions and missions, ultimate responsibility for implementation of OSCE commitments rests with the participating States. With this in mind, the U.S. delegation wishes to highlight some positive developments of the past year, as well as to reiterate a number of long-standing situations where progress needs to be made.

The people of Macedonia recently marked the 5th anniversary of the Ohrid Agreement, which ended a serious conflict by addressing key issues relating to the treatment of national minorities, specifically the Albanian minority. Implementation of the Agreement, of course, takes time, but the United States encourages the newly formed government in Skopje to maintain the momentum. Representatives of the Albanian and other minority groups should also remain constructively engaged in the implementation process. The United States welcomes the progress in the integration of minorities into state structures, including the police and military, and will continue to assist the government and the OSCE Mission in their efforts to complete this process.

The situation for minorities in neighboring Kosovo remains difficult. While there has been much focus recently on the question of Kosovo's status, the goal is a Kosovo where the human rights and fundamental freedoms of all persons are respected. We encourage Kosovo authorities to reach out to minorities, including by facilitating the return of refugees and displaced persons. We also call upon the leaders of the minority communities to respond and engage, including through participation in the provisional institutions of self-government.

The people of Slovakia have made great progress by working together for the common good of the country. Slovak police have acted effectively in recent cases of racial intolerance and violence against the Hungarian minority. We urge Slovak authorities to continue to pursue policies that avoid creating divisions in society.

The treatment of persons belonging to ethnic Albanian, Macedonian and Turkish minority groups in Greece remains a matter of concern. We welcome Greece's decision to open a mosque in Greece and to their commitment to allow Turkish language study in schools in western Thrace. However, we continue to urge Greece to implement a comprehensive view of ethnicity and human rights incorporating customary international law and its OSCE commitments, including the right of individuals to identify their nationality without disadvantage.

Treatment of Kurds in Turkey similarly remains a concern, including obstacles placed in the way of those who seek to fully express a minority identity through the use of the Kurdish language in broadcasting or publishing. We also hope to see the restoration of independent religious educational institutions for minority groups in Turkey. We urge the Government of Turkey to respect the rights of all its citizens by expanding minority rights.

In parts of the former Soviet Union Russian-speaking minorities face discrimination. This situation is particularly egregious in Turkmenistan, where Russians as well as Uzbeks and other minorities continue to be denied official access to minority-language media and to education in their language. We urge the Turkmen authorities to ensure that policies and practices are brought into conformity with relevant OSCE commitments.

The tragic conflict in Russia's North Caucasus continues to be associated with a variety of human rights abuses such as torture, disappearance, and extrajudicial killing, yet there has been little meaningful accountability. Individuals who appealed to the European Court of Human Rights have been subject to harassment and, in some cases, abduction, apparently to convince them to drop their cases.

Mr. Moderator, protection of national minorities is an obligation of all OSCE States. This is a commitment that should be fully implemented. Much remains to be done to address these problems, including the promotion of tolerance and holding those accountable who commit racially or ethnically-motivated criminal acts.



United States Mission to the OSCE

Session 15: Promotion of Tolerance and Non-discrimination II Roma and Sinti

As prepared for delivery by Erika Schlager
to the OSCE Human Dimension Implementation Meeting
Warsaw, October 11, 2006

Mr. Moderator,

It is important that OSCE States take measures to ensure that ethnic, religious and linguistic minorities are not targeted because of who they are. The human rights problems and denial of dignity faced by Roma are so extensive, so pervasive, they must be of concern to the OSCE community.

There are some issues that stand out, both positive and negative.

The U.S. delegation wants to express concern about the housing crisis facing many Roma in numerous OSCE participating States. Groups of Romani families, sometimes numbering dozens or even hundreds of individuals and inevitably including children, are evicted from their homes onto the streets. The countries may vary, but the pattern is the same: local authorities decide, for some reason, that a group of Roma must be removed from their housing. Often, these evictions ignore or violate domestic laws and regulations governing housing rights. During these evictions, Roma homes are often destroyed, sometimes with whatever meager personal possessions these families have. As the Council of Europe's Human Rights Commissioner recently noted, these forced evictions are often marked by racist public discourse. We are particularly concerned by the destruction of the Romani settlement in Dorozhny, a village just outside Kaliningrad in Russia, and by plans to evict dozens of Romani families, totaling hundreds of people, in the Yahya Kemal neighborhood of Istanbul. Similarly, the United States remains concerned over the pattern of forcible eviction of Roma from Patras and elsewhere in Greece.

The practice of arbitrary eviction, simply put, is a recipe for disaster and is inconsistent with the commitments that participating States here have undertaken to respect the rights of Roma, and to seek to end their marginalization. Moreover, when these evictions are undertaken on a large scale, they contribute to a combustible political environment. We urge governments to exercise appropriate oversight in this area, and to intervene when necessary to ensure that the rights of Roma are respected. Given the scope of this problem, the United States believes the OSCE participating States should consider giving greater attention to this subject, perhaps in the form of a specialized meeting.

Violence against Roma in Russia is also of concern. A series of anti-Roma attacks in the Siberian town of Iskitim in 2005 drove hundreds of Roma from their homes there. In November, in the same town, an arson attack left an 8 year-old girl dead. On April 13, 2006, two people were beaten to death at a Romani camp in the Volgograd region of southern

Russia, and two days later two Romani brothers were shot to death in a town in the Pskov region of northwest Russia. All five of these tragic deaths appear to be the direct result of anti-Roma prejudice.

The United States urges the Russian authorities to aggressively investigate and prosecute such violent crimes. Failure to investigate and prosecute such attacks creates a climate of fear among minority groups, and gives a sense of impunity to perpetrators.

On a positive note, my delegation welcomes the investigation of the Czech Public Defender of Rights into the matter of sterilization of Romani women without informed consent. His report represents a careful and courageous examination of a difficult and painful subject and stands as an example that other countries might find useful. We urge the Czech Government to implement the Public Defender's recommendations.

We welcome the constructive dialogue at last evening's side event between a Romanian Government police official and Romani non-governmental representatives.

We also welcome progress being made on the construction of a monument in Berlin to commemorate and remember the Romani victims of genocide, and we commend Slovak Prime Minister Robert Fico for personally participating in the unveiling of a monument in Dunajska Streda also dedicated to Romani genocide victims.

Finally, the United States notes with a certain sadness that this is the last Human Dimension Implementation Meeting we will have with Nicolae Gheorghe in his capacity as the ODIHR Senior Advisor on Romani issues. There have been many positive changes in the years that Nicolae has been in Warsaw, and in the years since he first played an instrumental role in securing the OSCE's first reference to Romani human rights in the historic 1990 Copenhagen Document. Nicolae, it has been an honor and a privilege to work with you.



United States Mission to the OSCE

Session 16: Promotion of Tolerance and Non-Discrimination II Implementation of OSCE Commitments

As prepared for delivery by Special Envoy to Monitor and
Combat Anti-Semitism, Gregg Rickman
to the OSCE Human Dimension Implementation Meeting
Warsaw, October 12, 2006

Mr. Moderator,

The United States very much welcomes the focus the OSCE has given in recent years to the issues of tolerance and non-discrimination. Unfortunately, manifestations of anti-Semitism and discrimination against members of numerous ethnic and religious minorities persist throughout the OSCE region, underscoring the importance of maintaining a sharp focus on adherence to OSCE commitments.

We welcome the steps taken to date by authorities in Ukraine with regard to the Interregional Academy of Personnel, known as MAUP, which is a notorious instigator of anti-Semitism. Throughout Europe, less visible yet equally poisonous manifestations of anti-Semitic violence and hate are directed at individual Jews and Jewish institutions within the OSCE region, with almost daily desecrations of cemeteries and synagogues or physical assaults, threats and acts of intimidation. We encourage all participating States to continue to vigorously combat such anti-Semitism and related violence. The irrationality of anti-Semitic acts was unfortunately all too evident when celebrating World Cup fans spray-painted swastikas in Rome following Italy's World Cup victory in July. We must be ever vigilant and mindful of the resilient nature of this virulent form of hatred.

Discrimination against Muslims, including through limitations on expression, is also problematic. Central Asian governments continue to harass and arrest observant Muslims on account of their religious practice. Moldova continues to refuse registration to its Muslim community. We urge a serious reconsideration of these policies and practices in light of OSCE tolerance commitments. We are pleased with ODIHR's outreach to Muslims, informing them of the work of the OSCE in these and other fields of countering intolerance.

Manifestations of discrimination against Christians and members of other denominations have also been observed. In Turkey, there has been an increase in violent attacks on Christian clergy, including the murder of Father Andrea Santoro. We urge leaders in Turkey to redouble their efforts to prevent violence, including by speaking publicly about the importance of inter-religious tolerance. When acts of intolerance against members of any faith occur, it is critical that government leaders speak out promptly and publicly to discourage further acts. The Maastricht Ministerial Council urged 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."

Finally, Mr. Moderator, I would like to mention the support of the United States holds for the reappointment of the three Personal Representatives of the Chair-in-Office, a decision to be made by the incoming Spanish chairmanship. The United States is optimistic that the incoming Spanish Chair-in-Office will indeed reappoint the three Personal Representatives with their distinct mandates, and we strongly support this worthy action.

In closing, Mr. Moderator, we have accomplished much in combating anti-Semitism, discrimination against Muslims, and racism, xenophobia and discrimination, as well as intolerance and discrimination against Christians and members of other religions. These accomplishments clearly demonstrate that it is possible for participating States to overcome long-held prejudices and prejudicial practice. The progress we have made should stimulate all participating States to further work.



United States Mission to the OSCE

Session 17: Promotion of Tolerance and Non-Discrimination II Forward-Looking Discussions

As prepared for delivery by Shaarik Zafar
to the OSCE Human Dimension Implementation Meeting
Warsaw, October 12, 2006

Mr. Moderator,

The United States welcomes the opportunity to discuss ways to successfully implement our shared OSCE commitments on tolerance. The U.S. delegation also wants to express its appreciation for the good work of the Belgian Chair-in-Office in focusing his energies on this topic, through the three tolerance meetings and the Holocaust memorial ceremony in January. We look forward to similar leadership under the incoming Spanish chairmanship.

The importance of listening and having mechanisms in place to hear-out the concerns of minorities has long been evident. As the U.S. delegation noted at the Almaty conference earlier this year, various governmental agencies in the United States have developed special programs to reach out to minorities. For instance, the Department of Justice and the Department of Homeland Security hold regular roundtable meetings with representatives from Muslim-American, Arab-American and South Asian-American communities, both in Washington and throughout the country. These meetings provide an opportunity for these Americans to raise their concerns in a non-bureaucratic manner and find timely solutions to problems. For example, as a result of these meetings, both departments have published guidance on best practices while searching Muslim and Sikh Americans who wear religious head coverings. The Department of Justice also successfully litigated a case protecting the right of a Muslim American schoolgirl to wear a religious head covering in a public school. These actions are consistent with OSCE tolerance commitments regarding the right of individuals to wear religious dress, and so in this regard, we remain concerned about limitations on religious dress in some participating States.

Concerning the work of the OSCE in the tolerance field, we are pleased with ODIHR's efforts in the strengthening of ODIHR's capacity for reviewing draft legislation and assisting participating States in ensuring that national laws treat all citizens equally. We encourage participating States to pass anti-discrimination laws, and to seek the assistance of the legal advisor in the ODIHR Tolerance Program, the Panel of Experts on Freedom of Religion or Belief, or the ODIHR's Rule of Law unit in doing so. The ODIHR Tolerance Program already has a number of successful projects on education for Holocaust Remembrance, on police hate crimes training, and on combating anti-Semitism. Those programs should be expanded, and ODIHR and the Panel of Experts on Religious Freedom should follow them up with educational programs to combat intolerance against Muslims, Christians and other religious communities.

It is imperative that we build on the existing momentum and continue to address these problems head-on during the coming year. The United States therefore believes additional follow-up is needed and would support a Ministerial decision calling for a high level conference next year based on the Cordoba format that specifically addresses these established areas of concern, including issues of anti-Semitism. We also note the willingness of Romania to host such a conference and welcome this offer.

The unique evil of anti-Semitism continues to plague all parts of the OSCE region. This is a particularly serious issue within the spectrum of issues of intolerance and discrimination toward ethnic and religious minorities that all OSCE participating States face. We can all do more. Following the Cordoba format would ensure OSCE efforts to combat anti-Semitism are not diminished, while allowing the conference to explore answers to other pernicious ills, such as discrimination against Muslims, intolerance towards Christians and other religious groups, as well as the plight of the Roma.

A separate issue is the reappointment of the three Personal Representatives of the Chair-in-Office – a matter to be decided by the incoming Spanish chairmanship. The United States is optimistic the incoming Spanish Chair-in-Office will reappoint the three Personal Representatives with their distinct mandates, and we strongly support their reappointment. As we all remember, the purpose of the Personal Representatives is to highlight these pressing issues until the OSCE can address them more systematically and institutionally. We welcome ODIHR's plans to upgrade the Tolerance Program to a department, while maintaining the current distinct topical structure. We also look forward to the meeting Professor Weisskirchen will convene in Berlin next month on anti-Semitism, under the auspices of the Germany delegation to the OSCE Parliamentary Assembly.

In closing, Mr. Moderator, we, along with many other participating States, have denounced recent manifestations of anti-Semitism, Islamophobia, Christianophobia, anti-Romism and other intolerant acts. Unfortunately, we likely will continue to face these evils for the foreseeable future. It is important that all OSCE States work to confront and overcome such intolerance in what will be an ongoing struggle.



United States Mission to the OSCE

Closing Plenary, Any other Business: Statement on Turkmenistan

As prepared for delivery by Ambassador Julie Finley
to the OSCE Human Dimension Implementation Meeting
Warsaw, October 13, 2006

Mr. Moderator,

Although the United States has raised various concerns about human rights in Turkmenistan throughout this meeting, the U.S. delegation would like to take this opportunity to express its ongoing concern about the situation in that country. This is the fourth year in a row that the United States has felt compelled by the disturbing situation in Turkmenistan to make a special statement under time reserved for "Any Other Business." The United States believes it is important for the OSCE to maintain an ongoing focus on the continuing widespread human rights abuses in that country.

While we welcome the limited positive steps undertaken by Turkmenistan, a tremendous gap continues to exist between the commitments personally endorsed by President Niyazov in his signature of the Helsinki Final Act and their implementation. The government has tentatively eased some restrictions on freedom of religion and registered several religious communities. The April release of the dissident Mr. Gurbandurdy Durdykuliev, and the government's decision to allow the writer Rakhim Esenov to travel abroad, were welcome developments.

At the same time, however, extreme pressure is maintained on the media, in particular foreign media, resulting in a major lack of objective reporting capability in the country. Independent journalists are often prohibited by the government from attending OSCE-sponsored events, or are harassed after they have had contact with the OSCE. Journalists have also been detained and prevented from filing reports by having their telephones disconnected. Turkmenistan's government agents subject journalists to arrest, intimidation and violence. In May, the Government of Turkmenistan banned local journalists from all contact with foreigners unless specifically permitted. We urge the Government of Turkmenistan to lift its stifling restrictions on the media so that Turkmenistan's citizens may receive objective and comprehensive news about developments both within their country and abroad.

The United States is also deeply concerned over the circumstances surrounding the death in custody of Ogalsapar Muradova, as well as the welfare of her colleagues. We urge the Turkmen authorities to undertake a transparent investigation into her death, make public the autopsy results, and facilitate access to prisons as previously promised by the highest levels of the Government of Turkmenistan.

The United States is also troubled regarding the whereabouts of Kakabai Tedjenov, a vocal critic of President Niyazov. Tedjenov was, reportedly, forcibly admitted to a psychiatric hospital in Turkmenabat in January 2006, and has allegedly since then been moved incommunicado between hospitals. The United States calls upon Turkmenistan to provide

information about his welfare and whereabouts and to treat this case in accordance with OSCE commitments.

The United States is concerned about the December 2005 migration law that may be used to limit the ability of individuals to leave the country and from travel in general. We are also concerned about the government's continued efforts to deny emigration and travel out of the country for some members of minority religious groups, regime opponents and their families, and relatives of those implicated in the 2002 attack on President Niyazov's motorcade.

Unregistered religious activity remains illegal, police raids on registered and unregistered religious communities continue sporadically, and the former grand mufti remains jailed. The government recently denied exit visas for human rights activists – some of whom wanted to attend an OSCE seminar -- and has denied exit visas to some study abroad exchange program participants. We urge the Government of Turkmenistan to cease restricting migration and travel and to allow its citizens to enjoy their right to freedom of movement.

We support the involvement and recent visits to Turkmenistan by OSCE High Commissioner on National Minorities Ekeus. Nevertheless, we remain concerned about the lack of minority-language education as well as the lack of media in minority languages. No foreign newspapers have been allowed into the country since 2002, and the last Russian-language radio station, Radio Mayak, was closed in July 2004.

Despite repeated promises to U.S. officials, Turkmen authorities have still not granted full access for the ICRC to prisons. We urge the Government of Turkmenistan to provide ICRC access without further delay. In this regard, we remain concerned about the fate of those arrested and subjected to show trials in connection with the events of November 25, 2002 and sentenced under the “Betrayers of the Motherland Law.” In light of the disturbing circumstances surrounding the death of Ms. Muradova, we again renew our request for information on and access to those arrested in connection with these events, including our former OSCE colleague, Batyr Berdiev.

The United States calls upon the OSCE to continue to focus on the concerns raised in the Moscow Mechanism report issued in 2003 by Professor Decaux. While that report is now almost three and a half years old, the situation in Turkmenistan has not improved significantly and the recommendations remain valid.

Mr. Moderator, sustained OSCE engagement on these matters is necessary to counter Turkmenistan's self-isolation. We urge OSCE delegations to meet with NGO representatives from Turkmenistan whenever possible. We further urge ODIHR to step up efforts to engage Turkmen authorities in working to implement the recommendations contained in the Moscow Mechanism Rapporteur's report. The United States continues to believe a visit by ODIHR Director Strohal to Turkmenistan could be a useful catalyst to move forward – particularly if he were granted access to the above-mentioned prisoners.

Thank you.



United States Mission to the OSCE

Closing Plenary Statement

As prepared for delivery by Assistant Secretary Barry F. Lowenkron
to the OSCE Human Dimension Implementation Meeting
Warsaw, October 13, 2006

Mr. Chair, Distinguished Colleagues:

I am Barry Lowenkron, Assistant Secretary of State for Democracy, Human Rights and Labor. I appreciate this opportunity to join Ambassador Finley in reaffirming the United States' strong commitment to the principles of the Helsinki Final Act, the Human Dimension of the Organization for Security and Cooperation in Europe, and the work of the Office of Democratic Institutions and Human Rights.

During the course of this meeting, the United States delegation has shared our thoughts on challenges of implementation facing fellow participating States. We have also heard the concerns of others regarding our own performance. The policies and practices of all participating States are legitimate subjects for discussion, and we welcome the fact that other states, including those addressing comments to us, accept that principle. We have tried to answer the concerns raised with us fully and forthrightly in keeping with our OSCE commitments.

We also have also benefited from the exchange of ideas with other governments, parliamentarians and non-governmental representatives regarding the broad range of OSCE's ongoing work in the Human Dimension. Many of these issues have been discussed here in Warsaw over the past two weeks, and we look forward to continuing our efforts regarding them in 2007.

My government strongly supports and is committed to, in particular, the reappointment of the three Personal Representatives to promote tolerance and non-discrimination and the holding of a high-level conference in Romania in 2007 based on the model of the 2005 Cordoba Conference on Anti-Semitism and Other Forms of Intolerance. All participating States must recommit to fighting intolerance within our societies and to prosecuting those who commit hate crimes. I want to emphasize that my government is prepared to consider Copenhagen-Plus ideas to update and strengthen existing commitments on elections.

As you know, with France and Belgium, we are working on an initiative for the Brussels Ministerial against the Sexual Exploitation of Children, and we are encouraged by the soundings we have taken thus far. Combating sexual exploitation of children -- including child pornography, prostitution, and sex tourism -- are issues worthy of focus at the Human Dimension Seminar in 2007. The discrimination in housing often suffered by Roma perhaps could be a topic for a Supplementary Human Dimension next year.

Mr. Chair, I would like to devote the remainder of this closing statement to two issues that my government regards as critical to progress in the Human Dimension and OSCE as a whole. The first is the importance of supporting and strengthening the ODIHR, and the

second is the need to support and defend the vital role that non-governmental organizations play in advancing human rights and democracy.

As Secretary of State Rice has said: “(T)he Helsinki process has not just borne witness to historic transformations, the Helsinki process has helped to bring those transformations about.” For fifteen years, the ODIHR has helped in concrete ways to further these transformations from dictatorship to democracy across Central and Eastern Europe and Eurasia. ODIHR has worked in partnership with governments and NGOs to strengthen the rule of law, civil society and democratic institutions, foster free and fair elections, promote tolerance, combat anti-Semitism and other forms of hatred, ensure the equal rights of men and women and eradicate trafficking in persons. These tasks, by their very nature, require a determined, long-term effort. The participating States of the OSCE have solemnly committed themselves to making such an effort.

Establishing accountable, democratic systems of government under which human rights are respected is not a linear process, however. When I meet with Secretary Rice, the question that comes up most about democracy in any given country is: “What is the trajectory?” Is the country more responsive to its citizens? Is a culture of just laws taking root? Some countries remain fragile for quite some time. Others backslide. There is no such thing as a perfect democracy. I and my colleagues have mentioned individual countries and concerns during the course of this HDIM and it is incumbent upon every country, including my own, to uphold the principles of this organization, including tolerance, rule of law, and minority rights. All democracies must constantly work to bring their reality ever closer to our shared ideals.

In some participating States, democratic transitions are still in early stages and they have a long way to go. Indeed, in some states, it is hard to see even much of a start. And it is precisely in those areas where the gap between principle and performance is widest that our Helsinki commitments as well as our common sense require us to focus ODIHR’s work.

It is no coincidence that ODIHR encounters the stiffest resistance in countries such as Belarus, Turkmenistan and Uzbekistan, where the challenges to democratic reform are greatest.

The response to such resistance is not to train less attention on the tough challenges or to constrain the ODIHR. On the contrary, it is to strengthen ODIHR’s capacity to help meet those challenges. We must maintain a sharp focus on the gaps between promise and practice, and not be distracted by attempts to deflect attention from violations of OSCE commitments.

To be sure, as an accountable institution, the ODIHR should be open to constructive proposals for improvement. Over time, ODIHR must adjust to tackle new challenges and seize new opportunities. ODIHR, in fact, has been doing that. My government will entertain any idea that would strengthen ODIHR, but we will not agree to any proposal that would diminish ODIHR’s capacity to carry out its essential work.

What Secretary Rice said last year about OSCE as a whole on the eve of the Helsinki Final Act’s 30th anniversary also applies to ODIHR, and I quote: “preserving the integrity of the Helsinki principles and ensuring that OSCE continues to be an agent of peaceful, democratic transformation should be paramount objectives. Any new procedures should not come at the

expense of principle, and any institutional reforms should be geared to strengthening OSCE's ability to produce results on the ground, particularly through its field missions.”

ODIHR has earned and deserves our strong support.

I will now turn to the work of NGOs. Human Dimension Implementation Meetings such as these affirm the partnership between the OSCE and NGOs. The contributions of civil society organizations remain vital to fulfilling the promise of the Helsinki Final Act.

As Assistant Secretary of State for Democracy, Human Rights and Labor, I frequently meet with NGOs who want to discuss the U.S. Government's human rights record at home and abroad. We do not always agree. But I never view their opinions or work as a threat. Indeed, NGOs' contributions to the debate on America's role in the world can only strengthen our democracy.

In today's world, the problems confronting states are too complex even for the most powerful governments to tackle alone. The work of NGOs is crucial in addressing a host of domestic and international challenges. Restricting the political space of NGOs only limits a society's own political and economic growth.

Yet, in many countries across the globe, and regrettably in some OSCE participating States, we see the adoption and application of restrictive NGO laws and burdensome regulations, or extralegal attempts to intimidate NGOs or shut them down. Just yesterday, we heard reports that the Russian Chechen Friendship Society was shut down by the Russian courts; this marks a troubling application of a restrictive NGO law. Despite such attempts, I am encouraged to note that many brave NGO representatives from a number of the participating States in question have participated in this meeting.

Mr. Chair, when NGOs are under siege, democracy is undermined. The OSCE has adopted some of the world's most advanced provisions regarding the role and rights of NGOs. A major focus of our efforts must be championing the efforts of NGOs as they foster peaceful, democratic change.

By insisting from the inception that the Helsinki Final Act's words become deeds, courageous human rights defenders greatly advanced the cause of freedom and peace on this continent. And here I would like to associate myself with the many expressions of shock, sadness and concern registered this week regarding the brutal murder of Anna Politkovskaya.

The Final Act's pioneering principles linking security among states to respect for human rights within states remain at the heart of the Helsinki process to this day. And our most compelling task as OSCE states remains to work with one another and with NGOs and other human rights defenders to put those principles into practice.

Thank you, Mr. Chair and Distinguished Colleagues, for the opportunity to address this body. On behalf of the entire U.S. Delegation, I also wish to thank the Government of Poland and the ODIHR for being such welcoming hosts.

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