

# **THE 1998 OSCE IMPLEMENTATION MEETING ON HUMAN DIMENSION ISSUES**



**A Report Prepared by the Staff of the  
Commission on Security and Cooperation in Europe**

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## **ABOUT THE ORGANIZATION (OSCE)**

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 55, reflecting the breakup of the Soviet Union, Czechoslovakia, and Yugoslavia. (The Federal Republic of Yugoslavia, Serbia and Montenegro, has been suspended since 1992, leaving the number of countries fully participating at 54.) 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 (CSCE)**

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 of approximately 15 persons 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.

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*“Recognizing the importance of the OSCE implementation meetings on Human Dimension issues as a central element in promoting compliance with OSCE commitments, Ministers decided to task the Permanent Council with elaborating a new set of modalities for these meetings in order to increase their impact.”*

—OSCE Chairman’s Summary, Sixth Meeting of the Ministerial Council  
December 17, 1997

## **SUMMARY**

From October 26 through November 6, 1998, the OSCE participating States met in Warsaw, Poland for their fourth Implementation Meeting on Human Dimension Issues (hereinafter, Implementation Meeting).<sup>1</sup> Acting on warnings from both governments and non-governmental organizations that the OSCE’s implementation review process was seriously in need of repair and reinvigoration, the participating States held the 1998 Implementation Meeting under a new set of modalities designed to enhance consideration of human rights concerns and to remedy some of the problems of past Implementation Meetings.<sup>2</sup>

The changes were effective and the 1998 meeting was stronger and more dynamic than other Implementation Meetings held in recent years. In particular, this meeting benefitted from a skilled moderator with extensive experience in the Helsinki process; a new set of speakers’ modalities that put governments and non-governmental organizations (NGOs) on a more level playing field; increased representation by NGOs; and more effective representation from a number of governments. The increased quality and quantity of participation facilitated government-to-government bilateral meetings on the margins of the formal discussions. In addition, NGOs (either independently or in conjunction with the Office of Democratic Institutions and Human Rights (hereinafter, ODIHR)) organized briefings and roundtables on specific themes or countries.

The overall success of the meeting was marred, however, by a violent attack on Talib Yakubov, Secretary General of the Human Rights Society of Uzbekistan. Yakubov had participated in the first days of the meeting and had made critical comments regarding the human rights record of Uzbekistan. On the morning of November 3, he was severely beaten outside of his hotel—while en route to the meeting—in broad daylight by two unknown assailants. The circumstances of the attack fueled speculation that Yakubov was targeted because of his criticism of his government. (A hastily organized “information meeting” on ODIHR and UNDP human rights projects by the Uzbekistan delegation, announced on the morning of November 3, did little to counter this impression.) Among his criticisms, Yakubov asserted that there were dozens of political prisoners in Uzbekistan, including Meli Kobilov (a former People’s Deputy of Uzbekistan) and that three religious activists had disappeared without a trace.

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<sup>1</sup> The term “human dimension” was coined in the 1989 Vienna Concluding Document to refer to the human rights and humanitarian concerns contained in the Principles and so-called “third basket” of the 1975 Helsinki Final Act, as well as subsequent OSCE agreements in this field.

<sup>2</sup> For information about the previous meetings, see *The CSCE Implementation Meeting on Human Dimension Issues* (1993), *The 1995 OSCE Meeting on Human Dimension Issues* (1995), and *The 1997 OSCE Meeting on Human Dimension Issues* (1998) (reports prepared by the staff of the Commission on Security and Cooperation in Europe).

## **BACKGROUND ON THE IMPLEMENTATION REVIEW PROCESS**

From roughly 1975 to 1990, human dimension issues were raised as part of the periodic “Follow-up Meetings” that were held to review the OSCE participating States’ compliance with the commitments they had undertaken in all areas (i.e., military security, economic and environmental cooperation, and human rights and humanitarian concerns) and to negotiate new agreements. In addition, the participating States met during this period at inter-sessional meetings designed to address specific aspects of the human dimension (such as human contacts or culture) and, between 1989 and 1991, at three separate meetings of the CSCE Conference on the Human Dimension (Paris, 1989; Copenhagen, 1990, and Moscow, 1991).

The desire to hold meetings devoted specifically to human dimension issues reflects both the Helsinki process’ traditional focus on actual performance—i.e., the belief that public review of a country’s record in implementing its commitments serves to foster compliance—as well as the desire to balance the ongoing military-security negotiations that have taken place on a continuous basis in Vienna since 1989. In addition, implementation review was a driving force behind negotiations which took place in the Helsinki process between 1975 and 1990: the negotiation of new agreements reflected the issues raised during the review of compliance with previously agreed commitments.

Beginning with the 1990 signing of the Charter of Paris for a New Europe, the participating States initiated a still-evolving process of institutionalization and reorganization, changing the framework for comprehensive implementation review. Periodic “Follow-up Meetings” were recast as “Review Conferences” which conclude with summits of Heads of State or Government. The Review Conferences and summits were mandated to take place, as a rule, every two years.

The Review Conferences are tasked with “review[ing] the entire range of activities within the CSCE, including a thorough implementation debate, and consider[ing] further steps to strengthen the CSCE process; [and] prepar[ing] a decision-oriented document to be adopted at the meeting.”<sup>3</sup> Accordingly, human dimension issues, along with all other issues falling within the scope of the OSCE, are raised and discussed at Review Conferences. While Follow-up Meetings had been of unlimited duration (i.e., negotiators stayed at the negotiating table until there was something worth adopting), Review Conferences are mandated not to exceed three months (unless otherwise agreed by consensus) and always lead to the adoption of a summit document.<sup>4</sup> In years when no Review Conference is scheduled, meetings designed specifically to review compliance with human dimension commitments are held in Warsaw, the site of the OSCE Office for Democratic Institutions and Human Rights (ODIHR).<sup>5</sup>

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<sup>3</sup> CSCE Helsinki Document 1992 The Challenges of Change, Helsinki Decisions, Section I, Para. 4.

<sup>4</sup> All decisions in the Helsinki process continue to be adopted by consensus. In theory, it is possible that a summit could be held and no agreement would be reached on a document. As a practical matter, once agreement has been reached to convene a meeting at such a high level, it is a foregone conclusion that a document of some kind will be achieved. Arguably, the failure of the OSCE participating States to produce truly “summit worthy” documents may be related to the unwillingness of the U.S. President to attend the 1996 summit, and the unwillingness of the U.S. Secretary of State to attend the 1997 and 1998 Ministerial Council meetings.

<sup>5</sup> The decision to hold three-week implementation meetings on human dimension issues in each year in which there is not a review conference was taken at the 1992 Helsinki Summit.

In 1994, an 8-week Review Conference was held in Budapest, followed by a two-day summit in that location; in 1996, a truncated 3-week Review Conference was held in Vienna, followed by a 1-week preparatory meeting and a 2-day summit in Lisbon. Implementation Meetings on Human Dimension Issues were held in 1993, 1995, and 1997. Following this pattern, a Review Conference and summit would have, in theory, been held in 1998. Several factors, however, led the OSCE to post-pone the next summit until 1999.

First, Turkey's longstanding offer (dating from late 1996) to host the next OSCE summit in Istanbul was met with concern by some within the human rights community because of Ankara's poor human rights record. This proposal also met with resistance from Armenia, which asserted that it could not join a consensus on an Istanbul venue since Armenia and Turkey lack diplomatic relations. In any case, support for holding summits on a biennial basis had somewhat diminished after the rather lackluster summit in Lisbon held in 1996. Finally, negotiations on a comprehensive security document—stemming from a 1994 Russian initiative—were unlikely to bear fruit in time for adoption at a 1998 summit meeting of Heads of State and Government.

Since consensus was not reached to convene a summit in 1998 and an Implementation Meeting on Human Dimension Issues is mandated to be held in every year in which there is not a Review Conference, an Implementation Meeting was held in Warsaw.<sup>6</sup>

## **MODALITIES AND ORGANIZATION OF THE 1998 IMPLEMENTATION MEETING**

The meeting was organized by the OSCE Office for Democratic Institutions and Human Rights and held at a building owned by the Polish Ministry of Defense and, at one time, used for meetings of the Warsaw Treaty Organization.

In advance of the 1998 meeting, a number of changes were made by the OSCE's Permanent Council to the modalities under which Implementation Meetings are convened.<sup>7</sup> These changes were made in response to criticism leveled at the 1995 and 1997 Implementation Meetings suggesting that the very survival of the human dimension implementation process depended on reinvigorating these meetings.

In particular, some government representatives had complained that the 3-week time-frame for Implementation Meetings was too long and that, as a consequence, officials from capitals could not attend a meeting of this duration.<sup>8</sup> This concern was addressed by shortening the length of the meeting from 3 to 2 weeks, largely by reducing the amount of time allotted to the more institutional aspects of the OSCE's human dimension work.

<sup>6</sup> Under considerable pressure from the United States and others, Armenia eventually relented. Provisional agreement was eventually reached, at the December 2-3, 1998 Ministerial held in Oslo, to convene a summit on November 14-15, 1999, in Istanbul.

<sup>7</sup> PC DEC/246/corr., 23 July 1998.

<sup>8</sup> At previous Implementation Meetings, discussions were held in plenary meetings and two subsidiary working bodies. Subsidiary Working Body I was devoted to "a thorough dialogue on the implementation of Human Dimension commitments by participating States in the OSCE area, as well as consideration of ways and means of improving implementation, on the basis of the broadest possible information, in particular from OSCE bodies and institutions." Subsidiary Working Body II focused on a "review of the Human Dimension of the OSCE with a special focus on monitoring and enhancing compliance with commitments and on the use of existing mechanisms and procedures." In general, Subsidiary Working Body II seemed to have a surplus of time; sessions devoted to this working body often concluded for a want of speakers. Accordingly, the PC reduced the time devoted to this subject area, while maintaining the time devoted to discussions of implementation of OSCE commitments.

NGO representatives had also complained that the standard speaking order—representatives of governments first, international organizations (IOs) second, and NGOs third—meant that NGOs were the most likely to be bumped off the agenda in the event that time did not permit all speakers to take the floor. Accordingly, the modalities for the 1998 Implementation Meeting were changed to permit the representatives of NGOs and IOs to take the floor at any time, putting them on a more level playing field with the representatives of governments.

In addition, the ODIHR ensured that the meeting was moderated by a skilled, senior diplomat with extensive experience in the Helsinki process, Norwegian Ambassador Leif Mevik. Efforts were also made by the ODIHR to ensure that those diplomats whose participation in the meeting was funded through the OSCE's Voluntary Fund were those whose portfolios included responsibility for OSCE issues.<sup>9</sup>

Finally, in a related action, the OSCE decided to convene, as a rule, "three informal Supplementary Human Dimension Meetings lasting one working day in order to discuss key substantive concerns raised at the previous Human Dimension Implementation Meeting or Review Conference and to ensure follow-up for them as well as for the OSCE Human Dimension seminars."<sup>10</sup> This decision was designed to ensure that the issues raised at the Implementation Meetings are more effectively integrated into the day-to-day work of the OSCE's principal decision-making body, the Permanent Council, in Vienna.

## **ODIHR MATERIALS**

Consistent with its past practice, the ODIHR issued background papers on several human dimension subjects. This year, papers were prepared on: 1) Ombudsman and Human Rights Protection Institutions in OSCE Participating States; 2) Freedom of Movement; 3) Women and Democratization; 4) Public Policies Concerning Roma and Sinti in the OSCE Region; 5) Freedom of Association: The Question of NGO Registration; 6) Combating Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment: The Role of the OSCE; and 7) Restrictions on Political Parties in the Election Process. According to each of the background papers, "These papers are intended to highlight key issues and to promote constructive discussion; the opinions and information they contain do not necessarily reflect the policy and position of the Office for Democratic Institutions and Human Rights or of the Organization for Security and Co-operation in Europe." In addition, the ODIHR made available other written materials, including information from OSCE missions or field presences regarding their human dimension activities.

## **PARTICIPATION**

The meeting was attended by 49<sup>11</sup> of the 54 countries fully participating in the Helsinki process,<sup>12</sup> two Mediterranean partners for cooperation,<sup>13</sup> both partners for cooperation (Japan and Korea), several international organizations or bodies,<sup>14</sup> representatives from the OSCE's own institutions (including representatives of 13 OSCE missions), and representatives of 186 non-governmental organizations.

<sup>9</sup> As at past Implementation Meetings on Human Dimension Issues, a special fund set up under the auspices of the ODIHR collected and disbursed voluntary contributions from OSCE participating States to help fund the participation of representatives from newly-admitted OSCE countries.

<sup>10</sup> PC DEC/241, 9 July 1998, Annex.

<sup>11</sup> Absent were Andorra, Belgium, Iceland, San Marino, and Tajikistan.

<sup>12</sup> Serbia-Montenegro was suspended in 1992 from full participation in the Helsinki process; it may send representatives to meetings, but may not take part in the decision-making process.

<sup>13</sup> Egypt and Israel sent representatives from their bilateral embassies in Warsaw.

<sup>14</sup> They were: the Council of Europe; the European Bank for Reconstruction and Development; the International Committee of the Red Cross; the International Labour Organization; the U.N. High Commissioner for Refugees; UNESCO; and the U.N. Development Programme.

The U.S. Delegation was headed by Ambassador Robert H. Frowick. Principal Deputy Assistant Secretary for Democracy, Human Rights, and Labor Gare A. Smith addressed the meeting on the subject of international humanitarian law; Anita Botti, Deputy Director and Senior Advisor on Trafficking, Office of the Senior Coordinator for International Women's Issues, addressed the subject of trafficking in women and children; Deputy Assistant Secretary for Democracy, Human Rights, and Labor Leslie Gerson made closing plenary remarks. Ambassador David T. Johnson, Head of the Vienna-based U.S. Mission to the OSCE, joined the U.S. Delegation during the second week of the meeting.

Other members of the delegation were drawn from the State Department in Washington, the Vienna-based U.S. Mission to the OSCE, and the Washington-based staff of the Commission on Security and Cooperation in Europe.

In addition, five public members served on the delegation: Dr. Laila A. Al-Marayati, Muslim Women's League; Professor Paula F. Gutlove, Institute for Resource and Security Studies; Arthur C. Helton, Forced Migration Project; Ronald Kovan, World Press Freedom Committee; Dr. Allen S. Keller, Belvue/New York University Program for Survivors of Torture; and Dr. Henry H. H. Remak, Indiana University. Their participation continued a longstanding U.S. practice of drawing on members of the public to provide U.S. delegations with valuable expertise. The inclusion of public members also reflects a U.S. desire to make information about OSCE activities more widely available to the American public.

## **DEBATE AND DISCUSSION**

Polish Foreign Minister Bronislaw Geremek, the OSCE Chairman-in-Office, opened the meeting with a keynote address. OSCE High Commissioner for National Minorities Max van der Stoel, OSCE Representative on Freedom of the Media Freimut Duve, and ODIHR Director Gerard Stoudmann also presented reports during the opening plenary. HCNM van der Stoel used the occasion to announce his plans to conduct, in early 1999, a study issues relating to Roma and Sinti. In particular, he said he envisioned that his report would result in specific recommendations with a view to contributing to "the international discussion on the situation of those groups which have too often been neglected." The Secretary General of the OSCE, Ambassador Giancarlo Aragona, addressed the closing plenary of the meeting, as did the Director of the OSCE Kosovo Verification Mission, Ambassador William Walker. Walker's remarks contributed a sense of urgency and timeliness to the Warsaw meeting.

Other representatives of OSCE missions also attended the meeting and some missions provided written summaries of their activities that relate to the human dimension. These materials provided welcome insight into the operations of the missions and how, in very practical ways, the missions address human dimension concerns. (There were also many informal contacts and meetings with mission representatives.)

Throughout the meeting, U.S. statements included references to specific problems and countries, often raising illustrative cases of violations. These addressed, for example: severe repression of the Kosovo Albanian minority in Serbia; restrictions of freedom of the press (notably in Serbia); the wave of intolerance towards minority religions or beliefs (e.g., in Uzbekistan); the persistent pattern of torture in Turkey; systematic violations of the rule of law in Belarus, contributing to a climate of fear; trafficking in women and children; continuing citizenship problems in newly independent States; and the specific acts of discrimination against Roma in several participating States. (The statements of the U.S. delegation are printed in full as an appendix to this report.)

During the meeting, the United States was also the subject of criticism. Portugal (speaking on behalf of the European Union<sup>15</sup>), Norway, and Switzerland called on the United States to join the growing worldwide movement to abolish the death penalty. Switzerland criticized the United States as the only OSCE country to continue to execute people who were under the age of 18 at the time their crimes were committed and called on the United States to cease this practice.

Discussion continued to be somewhat limited by the now common practice of the European Union to designate one of its 15 member states<sup>16</sup> to take the lead in preparing a common intervention for each agenda item, to be presented on behalf of all EU countries. Statements prepared by the European Union varied in their approach and specificity.

In contrast to past meetings, where inter-ethnic issues reappeared under various rubrics, from the rule of law to free elections to citizenship, there was no single dominant theme at the 1998 Implementation Meeting. Instead, virtually every agenda item received strong attention from governments and NGOs alike. (Culture and civic education stood as notable exceptions, with few speakers seeking to address these subjects.) Belarus and Turkey were frequently singled out for criticism on a broad range of issues. Similarly, the escalation of repression in Serbia before and during the Implementation Meeting led many delegations to give heightened attention to the human rights abuses there.

Suggestions were made during the course of the meeting for the topics that might be considered for the three Supplementary Human Dimension Meetings to be held in Vienna in 1998. The United States, for example, suggested that the meetings be held on Roma and Sinti, equality of opportunity for men and women, and freedom of religion. Other suggestions included racism, torture, trafficking of women, freedom of association, national minorities, and the place of the human dimension in the OSCE security charter.<sup>17</sup>

## **MEETINGS ON THE MARGINS: BILATERALS, BRIEFINGS AND ROUNDTABLES**

As at most OSCE meetings, the U.S. delegation used the occasion to hold bilateral meetings on the margins of the formal sessions in Warsaw. These bilaterals provided the United States an additional opportunity to exchange views on specific points of concern in greater detail than is possible during the course of the formal meeting.<sup>18</sup>

Delegations were also able to hold open meetings or briefings on subjects of interest to them. Arthur Helton, a public member with the U.S. Delegation, held a briefing on issues related to the OSCE's CIS Conference on Migration; a representative of the OSCE High Commissioner on National Minori-

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<sup>15</sup> In June 1998, the EU adopted a resolution calling for a universal abolition of the death penalty.

<sup>16</sup> The member states of the European Union are: Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, the Netherlands, Portugal, Spain, Sweden, and the United Kingdom.

<sup>17</sup> The OSCE is currently drafting what is, at present, called a "charter-document" on security; it may be ready for adoption by the time of the 1999 Summit of Heads of State or Government.

<sup>18</sup> Bilaterals were held with, *inter alia*: Bulgaria, Belarus, the Czech Republic, Greece, and Turkey.

ties participated in that briefing. Bulgaria used the occasion to show a film dealing with issues relating to Macedonian identity. Uzbekistan organized a briefing on ODIHR and UNDP human rights projects. In the second week, some delegations held a meeting on human dimension aspects of the Kosovo Verification Mission on the margins of the Implementation Meeting, for which high-level officials from Vienna and other capitals came to Warsaw.

Friemut Duve, the OSCE Representative on Freedom of the Media, held a briefing for NGOs and participating States at the beginning of the Implementation Meeting, providing an opportunity for open discussion with Duve. With respect to specific countries, Duve discussed press developments in Russia, Serbia and Turkey. More generally, Duve discussed the role of his office, arguing that it was his job to initiate the kind of public debate lacking in Russia. He also touched on the themes of hate speech (which he viewed as relating to security aspects of the OSCE), the possible dangers stemming from media conglomeration, and media responsibility. He particularly criticized as irresponsible a news film showing a person being killed and the media's reporting on matters relating to the report issued by U.S. Independent Counsel Kenneth Starr.

Two half-days were set aside specifically for NGO briefings. During this time, for example, the International Helsinki Federation organized a briefing by (among others) Veton Surroi, Editor-in-Chief of *Koha Ditore* (Prishtina). Amnesty International also held a briefing which focused exclusively on the United States; most of that briefing dealt with the death penalty and prison conditions.

Following a successful initiative launched by the Project on Ethnic Relations at the 1997 Implementation Meeting, roundtables were organized this year on freedom of religion, gender issues, redressing torture, and national policies on Roma and Sinti. These meetings provided an opportunity for additional discussion of implementation concerns but, for the most part, were more focused on consideration of approaches that might be explored, in the context of the OSCE, to resolving the human rights problems at issue.

### **Roundtable on Freedom of Religion**

The ODIHR convened a roundtable on religious freedom moderated by Karen Lord, Counsel for Freedom of Religion for the Commission on Security and Cooperation in Europe and a member of the ODIHR's Panel of Experts on Freedom of Religion<sup>19</sup> (hereinafter, the Experts Panel). The session was opened by ODIHR First Deputy Director Peter Eicher. Other members of the Experts Panel, as well as representatives of 15 participating States and various NGOs, also participated. Overall, the discussion focused on the role that the ODIHR and the Experts Panel can play in fostering dialogue and continuing the discussions of the Implementation Meetings. The roundtable participants discussed the activities of the Experts Panel and suggested projects for the ODIHR in the field of religious liberty and conflict prevention.

Dr. T. Jeremy Gunn, an Executive Fellow with the U.S. Department of State, summarized the international law in the area of religious liberty and reviewed the activities and conclusions of the interim report of the Experts Panel. Monsignor Ivan Jurkovic, a representative of the Holy See (which strongly

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<sup>19</sup> The Panel of Experts on Freedom of Religion was established in 1997 by the ODIHR, pursuant to a recommendation made at a 1996 ODIHR seminar on freedom of religion.

supported the Experts Panel's work at the initial stages) discussed the vision for the Experts Panel, the importance of its work especially for Central and Eastern Europe, and the clear commitments and framework that the OSCE commitments provide. He also stressed the importance of the Experts Panel focusing on juridical issues and not becoming a panel for solving inter-confessional disputes. Three members of the Experts Panel, Dr. Cole Durham, Dr. Axel Petri, and Dr. Michael Bordeaux, spoke briefly about the work of the Experts Panel. Dr. Rudiger Noll of the Council for European Churches presented a proposal as a framework for the roundtable discussion and highlighted the role of the Experts Panel to assist the participating States in carrying out conflict prevention and other mandates of the OSCE.

There was general agreement that the protection of religious liberty was a crucial part of the OSCE commitments and that the Experts Panel should continue its work on these issues. Representatives of a number of OSCE participating States were present and expressed their support of the continuing work of the Experts Panel, including the United Kingdom, Germany, Denmark, Russia, and Sweden. The Government of Norway indicated that it was willing to commit financially to the ongoing work of the Experts Panel. A few delegations stressed the need for practical and ongoing dialogue at the Permanent Council as follow-up from the discussions at the Implementation Review. It was further noted that no new legal standards or commitments are needed but rather new understanding of the commitments that already exist. Finally, it was argued that any ODIHR or Experts Panel project must be practical and have a clear mandate and schedule.

A number of concrete suggestions were outlined by representatives of participating States and NGOs, with several relating directly to the Experts Panel. For example, one person suggested that smaller NGOs and religious groups needed to have access to the Experts Panel, through special hearings or other methods. Several speakers stated that it was not necessary to include every group on the Experts Panel but that more open access to the experts would insure that all views were heard. Projects were also suggested, both for the ODIHR and for the Experts Panel, including a review of the laws on acquiring legal status for religious groups in the participating States and a review and clarification of the "limitations clauses"<sup>20</sup> found in the Helsinki commitments in order to better understand the contexts in which they can and are used. A number of speakers stressed the role of the OSCE and the ODIHR in conflict prevention and encouraged the ODIHR and the Experts Panel to explore its potential role as mediator in disputes and as a facilitator of dialogue between religious groups and the participating States.

### **Roundtable on Gender Issues**

The roundtable on gender issues was convened by the ODIHR and moderated by Monika Wohfeld, the Gender Focal Point at the OSCE Secretariat in Vienna. Alison Jolly, the ODIHR Advisor on Gender Mainstreaming and the Human Rights of Women, participated, along with representatives of OSCE participating States, NGOs, and international organizations. Barbara Lochbihler, Director of the Women's International League for Peace and Freedom, presented opening remarks.

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<sup>20</sup> The following example of a "limitations clause" comes from paragraph 17 of the section on Principles in the 1989 Vienna Concluding Document: "The participating States recognize that the exercise of the above-mentioned rights relating to the freedom of religion or belief may be subject only to such limitations as are provided by law and consistent with their obligations under international law and with their international commitments. They will ensure in their laws and regulations and in their application the full and effective exercise of the freedom of thought, conscience, religion or belief."

The discussion focused on a broad range of issues. A central point of concern was the (relatively low) number of women on the staff of the OSCE Secretariat and on missions. In this context, it was noted that much of the personnel for OSCE Missions or field activities comes through secondment from national governments. An NGO representative suggested a quota system might be helpful in addressing this; some others described positive experiences with such an approach. One speaker suggested that quotas have a negative connotation, considering their recent history; it is not productive simply having more women, she suggested, but what's needed is more skills. Another participant underscored that the OSCE looks to secondment for personnel and that the most important criterion has been the "skills-set" of prospective mission members. It was also suggested that mission members should be appropriately trained on gender issues.

Some of those present, particularly from NGOs, addressed concrete human rights violations of women or conflicts that have had a disproportionate impact on women. These included the trafficking of women (and children of both sexes); domestic violence against women in Bosnia, Croatia, Moldova, Russia and Ukraine, with conflict escalating the violence; and gender-based restrictions on the movement of women in Turkey. It was argued by several people that women must be more actively involved in conflict prevention, management and resolution activities. Some participants also stressed the need to increase women's involvement with electoral processes.

### **Torture Roundtable**

The ODIHR and its Advisory Panel for the Prevention of Torture (hereinafter Advisory Panel) organized a roundtable on redressing torture.<sup>21</sup> The meeting was moderated by Danielle Coquoz, Head of the Central Tracing Agency and Protection Division of the International Committee of the Red Cross and a member of the Advisory Panel. Other speakers included Claude Nicolay, Deputy Prosecutor General of Luxembourg and a member of the Advisory Panel, Inge Genefke, Secretary General of the International Rehabilitation Council for Torture Victims, and Douglas A. Johnson, Executive Director of the Center for Victims of Torture and a member of the Advisory Panel.

Discussion centered on brainstorming and collecting concrete proposals for possible follow-up. The roundtable was attended by members of the Advisory Panel and representatives of six delegations and several NGOs.

During the roundtable, it was emphasized that torture relates to the entire spectrum of the human dimension, including rule of law, minorities, and international humanitarian law. Several participants referred to the pending legal action against Augusto Pinochet and the symbolic importance of the case. Legal experts recommended the adoption of local legislation to provide for the prosecution of those responsible for torture. Others highlighted the important role played by members of the medical profession, particularly forensic experts. One participant raised the vulnerability of members of the Roma community against the historical background of the persecution at the hands of Nazi doctors; attempts might be made to work with Roma doctors in documenting torture.

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<sup>21</sup> The Advisory Panel was established by the ODIHR Director pursuant to a proposal introduced by a public member of the U.S. delegation at the 1997 implementation review meeting.

Particular concern was expressed over the need to educate members of OSCE missions, including those to be deployed in Kosovo, on identifying torture victims and directing these individuals to possible sources of professional care. There was widespread agreement on the importance of seeking to establish more centers for victims of torture in the participating States. It was suggested that briefing materials on torture-related issues be prepared by experts for the Chairman-in-Office and the President of the OSCE PA prior to their travel to states where torture is a problem. Several participants mentioned the designation of June 26 as UN International Day in Support of Victims of Torture and asked that OSCE serve as a clearinghouse for information on related activities in the participating States. It was suggested that one of the three special PC/human dimension sessions to be held in Vienna during 1999 could be devoted to an aspect of torture and that that meeting might take place around the June 26 date.

The roundtable on redressing torture was designed, like the other roundtables, to amplify and expand on the review of implementation of OSCE commitments held in the formal meeting. Significantly, none of the participating States criticized under the agenda item relating to torture sent representatives to the roundtable.

### **Roma Roundtable**

The ODIHR, along with the Council of Europe and the U.S.-based Project on Ethnic Relations (PER), organized a two-day roundtable on Roma and Sinti National Policies. PER had organized the first such roundtable during the 1997 Implementation Meeting.

The session was opened by ODIHR Director Gerard Stoudmann. Stoudmann emphasized that national policies demand attention and that protective legislation should be enacted at the national level to redress manifestations of violence. The roundtable was moderated by Romani representatives Andrzej Mirga (Poland), Nicolae Gheorghe (Romania) and Ian Hancock (U.S.), all of whom are members of PER's Romani Advisory Council. Alessandro Missir from the European Commission made a presentation on how Romani issues are addressed in the EU Agenda 2000. He suggested that, with regard to the treatment of minorities, applicant countries' practices are generally satisfactory—with the notable exception of the (mis-)treatment of Roma. Jacek Paliszewski, a Deputy Director of the ODIHR, presented remarks on cooperation among international organizations on Romani issues. At the close of the meeting, Jennifer Tanaka, an American researcher currently working on Romani issues in Romania, presented recommendations based on the discussions.

More than a dozen participating State participated in the meeting, along with a representative of the OSCE Mission to Skopje and representatives of several IOs. NGO participation was so great that, at times, the hall was filled to a standing-room-only capacity.

From the outset, it was clear that this year's meeting would not have the orderly flow of last year's meeting. At least twice as many Roma representatives attended, in part because the Roma had scheduled a meeting of the Standing Committee of Roma Representatives (an informal group of Roma activists) to coincide with the OSCE implementation meeting. As a consequence, there was less of a dialogue between Roma and government representatives than last year and more of a dialogue among Roma themselves. The large number of Roma present made the discussion of Roma and Sinti issues at the formal Implementation Meeting more lively and specific.

In addition to the presentation and discussion of a background paper prepared by Nicolae Gheorghe and Jennifer Tanaka, other highlights included:

- The European Roma Rights Center announced that, on October 28, the European Court of Human Rights had decided in favor of a Romani applicant from Bulgaria. This was the first time Rom had successfully sued a government before the Court and the Government of Bulgaria was ordered to pay financial damages to the plaintiff.
- A Slovak Rom announced that, during the preceding week, there had been an early morning police raid on a Slovak Roma community, similar to previously documented raids.
- A Romanian Romani lawyer described the case of a Romani community that had been forcibly settled by the Communists; he has been defending this small community of families from government efforts to prosecute them for living in the housing in which they had previously been forcibly settled.

Finally, there was some discussion of the recommendation included in the 1998 OSCE Parliamentary Assembly declaration that the OSCE establish a senior position at the ODIHR to deal specifically with Roma and Sinti issues. There was general support for this idea, although some drawbacks of establishing this position were also noted.

## **RAPPORTEURS' REPORTS**

Two rapporteurs were chosen by the ODIHR to prepare a report on the discussions devoted to the review of implementation.

The practice of preparing rapporteurs' reports originated at meetings and seminars convened by the ODIHR after 1992. Before then, documents could only be produced in the Helsinki process if they were negotiated and adopted by consensus. But when the OSCE became more institutionalized, it was argued that seminars and similar meetings that do not engage in decision making should be permitted to produce some kind of non-binding summary of the discussions. (Proponents of this view also noted that seminars convened by other international organizations, such as the Council of Europe, also often produce summaries or reports of meetings or conferences.)

The United States, at least early on, opposed efforts to provide such summaries, arguing that the process of drafting a summary might degenerate into a negotiating exercise that would detract from the exchange of views at these meetings.<sup>22</sup> Moreover, such records might create a mistaken impression for the public because 1) by their summary nature, they cannot reflect the full views of all participating States, let alone the NGOs which participate; and 2) they tend to record suggestions and proposals without regard to their real political viability. Eventually, however, the United States dropped its opposition.

The rapporteurs' report was forwarded to the OSCE Permanent Council in Vienna as part of a consolidated summary of the meeting, which also includes the Journals of the Day—a record of which representatives spoke on which subjects—and summaries of each of the roundtables. The consolidated summary is available from the Office for Democratic Institutions and Human Rights.

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<sup>22</sup> This was, in fact, the disastrous experience of the 1991 Oslo Seminar on Human Rights and Democratization.

The rapporteurs' report does not name the names of countries criticized or praised. It does not identify which participating States or non-governmental organizations made which proposals, nor does the report include all ideas or suggestions made. In some instances, the report gives equal time to alleged human rights violations (without naming names) and to the defenses offered by the criticized governments, in an effort to reflect the discussion without editorializing.

Although the rapporteurs' report includes recommendations made by representatives of participating States and NGOs attending the Implementation Meeting, the recommendations are not negotiated texts and do not represent consensus-based agreements of the participating States. Moreover, any recommendation regarding the practices of any specific country is not included, since no country is named by name. Specific recommendations of the kind generally found in U.S. statements<sup>23</sup> are not included. As a result, the recommendations that survive tend to be of a relatively general nature (e.g., "some delegations encouraged OSCE States to enhance locally-elected government in order to strengthen democracy") or are directed at the OSCE's and ODIHR's operational work or institutional framework (e.g., "some participating States asked that the ODIHR devote particular attention to the protection of the rights of children in its rule of law activities"). In any case, without sustained political interest on the part of the participating States in Vienna, it is unlikely that any of the recommendations reflected in the rapporteurs' report will lead to any decisions or action.

Interestingly, Switzerland argued this year that the final two days' discussion in Warsaw (held with higher level participation) should adopt recommendations which would then be presented to the Ministerial Council (held in Oslo, December 2-3, 1998) for action. As a practical matter, the delegations to the Warsaw meeting were simply not empowered to adopt recommendations. Moreover, such a step would have required that negotiations on recommendations be held in tandem with the implementation review, possibly detracting from the review process. Most delegations appear to remain opposed to re-introducing a negotiating element into the human dimension discussions.

## **IMPROVEMENTS AND PROSPECTS**

Overall, the 1998 Implementation Meeting was significantly better than the Implementation Meetings held in 1995 and 1997. Specifically:

- There was some improvement in the willingness of the participating States to engage in a frank and specific discussion of human dimension issues.
- NGOs were given greater access to the speakers' list. This helped make the discussions in the formal meeting more dynamic and, perhaps, was a factor in the increased attendance by NGOs at the meeting.
- During the discussion of the agenda item on Roma and Sinti issues, translation into the Romani language was provided, for the first time, to facilitate the participation of the unprecedented number of Roma attending the meeting.
- This year's moderator exercised extraordinary discretion in carrying out his task and was genuinely able to facilitate, rather than impede, discussion by NGO and government representatives.

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<sup>23</sup> For example: "We now urge the Greek Government to move quickly to restore citizenship to those who had been previously denied citizenship under Article 19. In addition, we hope the Greek Government will also repeal Article 20 of the citizenship code, which has been used to discriminate against some Greek citizens who assert a 'Macedonian' identity." Statement on citizenship, Dorothy Douglas Taft, U.S. Delegation, October 27, 1998.

- In contrast to most other OSCE fora (such as the military-security meetings or the decision-making meetings of the Permanent Council), the Implementation Meeting, roundtables and briefings were all open to the press and the public. The Implementation Meetings in Warsaw remain the only OSCE fora where these issues receive broad public scrutiny.

This said, there are other improvements to the organization of the Implementation Meetings that could be made. Among the suggestions made for consideration prior to the next Implementation Meeting were the following:

- The persisting imbalance on the agenda between the substantive implementation review—which remained crowded with speakers, especially during the first week—and the time devoted to the more institutional aspects of the OSCE’s work should be further addressed. The latter subject is regularly reviewed by the Permanent Council in Vienna and therefore evoked little interest in Warsaw on the part of the participating States.<sup>24</sup>
- The format could be changed—on a trial basis—to stimulate a more spontaneous dialogue. For example, it was suggested that two delegates and one NGO might be selected to make short, introductory statements on a specific subject, followed by a discussion that would *not* be based on prepared statements.
- While the increased NGO presence at this year’s meeting was generally welcomed, some argued that there should be changes in the NGO participation. At the close of this year’s meeting, one person stated that it would be helpful if NGOs could more effectively project a clearer identity or a more distinct sense of on whose behalf they speak.
- Greater effort should be made to engage and interest the media in the work of the Implementation Meetings.

Follow-up actions to the Implementation Meeting now moves to other fora. Higher-level participation from OSCE governments at the opening and closing of the Implementation Meeting, including participation of some delegates from Missions to the OSCE in Vienna, creates a greater potential that the discussions in Warsaw will be more fully reflected in the ongoing work of the OSCE. Supplemental human dimension meetings, to be convened by the Permanent Council in 1999, should also help ensure that the issues raised in Warsaw receive more regular consideration by the OSCE’s principal decision-making body in Vienna. Most importantly, the participating States themselves must take action on issues raised in Warsaw to improve compliance with their commitments.

Finally, 1999 will see implementation review of human dimension issues move to the Review Conference forum. The last Review Conference, held in Vienna in 1996, was an organizational disaster and led to a summit document that said precious little about human rights.<sup>25</sup> It remains to be seen whether the participating States will effectively remedy the problems associated with that meeting—a necessary step if there is to be an effective implementation review. It also remains to be seen if the human dimension issues raised during in 1997, 1998 and 1999 review fora will be addressed or overlooked by the next summit declaration (to be adopted in Istanbul in November 1999).

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<sup>24</sup> Some time should continue to be given to the institutional and operational aspects of the OSCE human dimension work, as the Implementation Meeting is the only forum where NGOs can give their comments on this subject directly to representatives of the participating States.

<sup>25</sup> *The OSCE After the Lisbon Summit (1997)* (report prepared by the staff of the Commission on Security and Cooperation in Europe).

## APPENDIX: STATEMENTS OF THE U.S. DELEGATION

### Plenary Statement

**Statement of Ambassador Robert H. Frowick  
Head of Delegation  
U.S. Delegation to the  
OSCE Implementation Meeting on Human Dimension Issues**

*October 26, 1998*

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The United States delegation commends the superb organization of this timely seminar by Ambassador Stoudmann and his ODIHR colleagues, giving us the opportunity to exchange views on what has always been the highest priority of the CSCE/OSCE process—that is, its human dimension. American diplomacy has traditionally sought to champion the cause of individual liberty as an inalienable right of all people. It is particularly appropriate to consider the issues of human rights and fundamental freedoms that are on our agenda here in Poland, the home of exceptionally courageous people like Lech Walesa and now Foreign Minister Geremek who have dedicated their lives to their nation’s struggle for freedom.

As one who was present at the genesis of the CSCE and witnessed the signing of the Helsinki Final Act in 1975, I believe the OSCE participating States can take considerable satisfaction in overall progress achieved in helping bring the blessings of liberty to millions of Europeans in recent years—since the overcoming of the divisions of Europe, finally in 1989-90. The CSCE played a major role in bringing about those changes by steadfastly pressing for compliance with the Helsinki Final Act. Significantly, the Paris Summit of 1990 was a CSCE event, the high water mark of our process to date. The Charter of Paris which emanated from that historic gathering gave highest priority to strengthening respect for human rights, democracy, and the rule of law during the period of transition that was to follow the collapse of the old order—a period that continues to this day.

The Heads of State or Government at Paris solemnly affirmed, *inter alia*, that:

“Every individual has the right to: freedom of thought, conscience, religion or belief, freedom of expression, freedom of association and peaceful assembly, freedom of movement;”

and that:

“No one will be: subject to arbitrary arrest or detention, subject to torture or other cruel, inhuman or degrading treatment or punishment.”

Despite remarkable progress in some of our participating States, it must be noted that these guarantees of fundamental freedoms have been massively violated in other areas. In Bosnia and Herzegovina and most recently in Kosovo, in particular, policies of “ethnic cleansing” directed from Belgrade have included pervasive and even horrific violations of all these rights.

The participating States must find ways of improving compliance with OSCE's own precepts.

We will need to find ways for OSCE to work effectively in tandem with other European and Euro-Atlantic institutions. I believe that in crisis situations, this will necessarily require consideration of how we can enhance coordination with appropriate military authorities—like those of the Euro-Atlantic Implementation and Stabilization Force in Bosnia. All of us in OSCE, Europeans and North Americans alike, must do better, above all, in exercising a will to confront those who blatantly violate our commonly agreed principles. My delegation welcomes the remarks today of Foreign Minister Geremek in this regard.

It is in this spirit that the United States delegation participates in this meeting. We wish to take a realistic measure of current compliance with the human dimension of OSCE activities. In doing so, we welcome the increasingly substantive role for non-governmental organizations in both formal thematic discussions and informal round-table exchanges that has been spelled out today by Ambassador Stoudmann.

Among specific topics of particular interest to us will be:

- The resurgence of nationalism and the challenges it represents to the OSCE participating States;
- Forced migration, most egregiously exemplified by policies of “ethnic cleansing;”
- The continuing practice of torture—a cruel anachronism that we should surely be able to make progress towards eradicating;
- Denial of freedom of expression, including through heavy state controls over the media;
- Difficulties still encountered, especially by minorities, in attempts to realize longstanding OSCE precepts concerning freedom of religion;
- The struggle for dignity and equality of women. We will be particularly attuned to the continuing tragedy of trafficking.
- And the persistent need for enactment of anti-discrimination statutes in many of our participating States, so that internationally recognized standards of non-discrimination are not just slogans but are reality.

We have a significant opportunity here to make real progress on our human dimension agenda. This will be the last opportunity of this kind in the OSCE before we reach three further historic landmarks: the 25th anniversary of the signing of the Helsinki Final Act, commencement of the 21st century, and even the beginning of a new millennium—just a little over a year from now. We owe it to the citizens we represent, and especially to our children, the next generation to make the most of this opportunity.

## **Rule of Law, Independence of the Judiciary, Right To A Fair Trial**

### **Statement of Ronald McNamara U.S. Delegation to the OSCE Implementation Meeting**

*October 26, 1998*

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In the 1990 Copenhagen Document, the participating States declared their conviction that full respect for human rights and fundamental freedoms and the development of societies based on pluralistic democracy and *the rule of law* are prerequisites for progress in setting up the lasting order of peace, security, justice and co-operation that they seek to establish in Europe” (emphasis added). Significantly, the rule of law was identified in the Copenhagen Document not only in connection with human rights, but with the very foundations of the new Europe—with security, with justice, and with peace. For these same reasons, this principle was also specifically mentioned in the 1990 Bonn Document, where the participating States committed themselves to “[t]he rule of law and equal protection under the law for all, based on respect for human rights and effective, accessible and just legal systems.”

In short, the rule of law is central to all the issues we discuss here in Warsaw—everything from free and fair elections to preventing the trafficking of women—and the rule of law is central to everything we discuss in Vienna, from the security model to missions.

And yet, many OSCE participating States still act as though they can move forward with a market economy, move forward into the new Europe, move forward with new security agreements, while failing to establish or, in some cases, respect the rule of law. This is shortsighted at best.

Today, I would like to raise a particularly dangerous threat to the rule of law: efforts by states to prevent the establishment of, or to undermine an independent legal profession.

In Belarus, Vera Stremkovskaya, a prominent lawyer and human rights activist, has been threatened with loss of her license to practice law. The Belarusian Justice Ministry is pursuing this course of action solely as a means of punishing Stremkovskaya for her actions as a human rights activist and her criticisms of the Belarusian Government’s policies.

In Turkey, 25 lawyers from Diyarbakir continue to languish in drawn out proceedings, launched five years ago. Their prosecution appears to be a punishment for their legitimate activities as defence lawyers and, in particular, for publicizing information on violations of human rights in southeastern Turkey.

The Copenhagen Document states: “the independence of legal practitioners will be recognized and protected.” Mr. Moderator, this language is clear enough. We urge the Governments of Belarus and Turkey to implement this commitment by respecting the right of Vera Stremkovskaya to practice law and by dismissing longstanding charges against the Diyarbakir 25.

## **Democratic Institutions: Free and Fair Elections**

### **Statement of Chadwick R. Gore U.S. Delegation to the OSCE Implementation Meeting on Human Dimension Issues**

*October 27, 1998*

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The past year has seen some notable electoral events, from the change in government in Germany to the fourth successful round of elections held in Bosnia-Herzegovina conducted under the OSCE's auspices.

Assessment of these events must be undertaken in light of our agreement in the Charter of Paris for a New Europe that we would "...undertake to build, consolidate and strengthen democracy as the only system of government of our nations." Free and fair elections, coupled with the attendant freedoms of assembly, speech and belief, are the core of democracy. The United States has seen several developments in the past year that cause us some concern.

While the 1998 parliamentary elections in Ukraine did reflect the will of the citizens and were conducted under a generally adequate legal and administrative framework, the campaign was marred by some tension—including incidents of violence—and the government occasionally harassed some opposition newspapers. The elections produced contested results in a small number of constituencies. The Central Election Commission ignored a Supreme Court decision to halt repeat elections for former Justice Minister Serhiy Holovaty, whose election was invalidated in July. We agree with ODIHR recommendations on the Ukrainian elections that there "needs to be clarification of the election appeals process, particularly with regard to the jurisdiction of election commissions and the judiciary in resolving election disputes." Also, a dedicated effort must be made to extend the franchise to those Tatars stuck in the legal quagmire over their citizenship. We welcome the Ukrainian government decision to work with the ODIHR on a training program for judges tasked with responsibility for election appeals.

Moreover, we must underscore that in countries such as Croatia, the Czech Republic, and Macedonia, when individuals are wrongfully denied the right to citizenship, they are wrongfully denied the right to vote. As cited in the most recent State Department Country Report on Croatia, "although significant progress was made in the provision of citizenship documents to ethnic Serbs in Eastern Slavonia, the last remaining Serb-held enclave, the Government refused to allow ethnic Serbs who had fled Croatia during the military conflict in 1995 to return or vote, effectively exiling and disenfranchising at least 180,000 people." The Government of Croatia adopted new refugee return procedures in May 1998 which address these citizenship concerns. So far, however, only approximately 3,000 ethnic Serbs have returned to Croatia under these specific procedures.

As a reflection of the general political climate in Belarus, the Belarusian Government needs to cooperate more actively with the OSCE Advisory and Monitoring Group's efforts to create the conditions for free and fair elections.

In Turkmenistan and Uzbekistan, elections have recalled Soviet-era charades, with near unanimous voter approval of whatever initiative or candidate the president wants. Although Uzbekistan and Turkmenistan have scheduled parliamentary elections for 1999, no opposition parties are allowed to function in either country. We strongly urge Tashkent and Ashgabat to move quickly to permit such parties to register and function, consistent with the provisions of the 1990 Copenhagen Document.

International observers have characterized past elections in Kazakstan as not corresponding to international norms. Opposition or inconvenient candidates were arbitrarily barred from participating. Moreover, President Nazarbaev appoints 7 of 43 members of the upper chamber, limiting opportunities for democratic expression of the population. On October 8, President Nazarbaev announced early presidential elections for January 10, which will leave very little time for other candidates to mount a campaign.

In Turkmenistan, Kazakstan and Uzbekistan, presidents have canceled scheduled elections and extended their tenure through referenda. There is reason to be concerned that Central Asian leaders have no intention of ever leaving their posts through the rule of law. In upcoming elections, they may try to legalize their permanent status, either by declaring themselves presidents-for-life [Turkmenistan] or by having parliaments or other institutions (such as Assemblies of the People) do so [Kazakstan]. Moreover, experience has demonstrated a copy-cat pattern in the region—one president-for-life is likely to engender more.

“Referenda” which purport to extend presidential tenure — thereby frustrating the holding of presidential elections—are inconsistent with paragraph 5 of the 1990 Copenhagen Document. In addition, constitutional term limits must be observed. In Uzbekistan, President Karimov should allow Erk and Birlik, currently banned opposition parties, to participate in the December 1999 elections.

In Armenia and Azerbaijan, OSCE observers have called elections in 1995, 1996 and 1998 as “not corresponding to international norms” and the October 11 Azerbaijan Presidential Election, according to the ODIHR, fell short of the international standards for a genuine election competition. In fact, these observations are mild when compared to the reality. Parliamentary elections are scheduled for 1999 in Armenia, we can only hope they will be better conducted than those in the past.

At the beginning of my remarks, I recalled the participating States’ commitment to democracy as the “only system of government of our nations” in the Charter of Paris for a New Europe. However, the common thread running through the compliance problems just discussed is the practice of some states of preserving democratic forms while intentionally diluting or even denying their substance.

After all, ensuring an accurate mechanical process of voting, tally of the votes, and announcement of the results, is only one step in the democratic process. The substance of democracy is the daily life of civil society wherein fundamental freedoms we recognize in the Final Act and subsequent documents are protected, enjoyed, and may be exercised fully by all citizens. True civil society allows individuals to advance ideas and argue for them, organize together in support of, or opposition to these ideas and their proponents, and freely receive and provide information. An individual voter is then empowered to make a rational choice between competing policies and leaders. The democratically elected government is entrusted with power by the citizens, exercises that power within the limits of its mandate, and stands prepared to surrender power through democratic constitutional processes if the citizens choose a different direction or different leaders in a subsequent election.

The United States continues to support objective international election assistance, observation and reporting, based on OSCE standards, by the ODIHR, the OSCE Parliamentary Assembly, and other observing entities. In particular, we encourage the development of conditions for free and fair elections in Kosovo. This includes not only early ODIHR involvement in assessing and assisting the development of the electoral framework and process, but also a strong focus on human rights monitoring by the OSCE mission to ensure the foundation exists for successful OSCE supervision of elections in Kosovo. We believe that this assistance, observation and reporting, coupled with full and frank discussion of compliance issues at fora such as this meeting, are vital tools “to build, consolidate and strengthen democracy.”

We must all recommit ourselves to the standards of the Paris Charter if we hope to remedy and prevent the compliance problems reviewed here today.

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## **Democratic Institutions: Citizenship**

### **Statement of Dorothy Douglas Taft U.S. Delegation to the OSCE Implementation Meeting on Human Dimension Issues**

*October 27, 1998*

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Last year my delegation began our statement on citizenship by noting the persistent failures of many states, particularly newly independent states, to address citizenship problems in the OSCE community. I am happy to say that this year, there are many positive steps to report.

In June, Article 19 of the Greek citizenship code, which had been used to discriminate against non-ethnic Greeks, was repealed. This is a welcome step. We now urge the Greek Government to move quickly to restore citizenship to those who had been previously denied citizenship under Article 19. In addition, we hope the Greek Government will also repeal Article 20 of the citizenship code, which has been used to discriminate against some Greek citizens who assert a “Macedonian” identity.

In September, agreement was reached between Ukraine and Uzbekistan to further facilitate the naturalization procedures for Crimean Tatars. We welcome this effort to ease the hardships that resulted from Stalin’s wrongful population transfers and to diminish instances of statelessness.

In an October referendum, the voters of Latvia signaled their intent to put citizenship issues behind them, once and for all. When the results of this referendum are implemented by the Latvian Government—and barring any unforeseen developments—we believe it will not be necessary to revisit the issue of Latvia’s citizenship law at next year’s implementation review.

We also urge Estonia’s prompt enactment of legislation which would ease restrictions on the naturalization of stateless children born in Estonia after Estonia’s reestablishment of independence. This step, in conjunction with the creation of an ombudsman’s office to address resident non-citizens’ practical concerns, would fulfill all of the OSCE’s recommendations.

We are also heartened by the statement of Czech Deputy Minister Pavel Rychetsky, who recently told representatives of the Council of Europe that the law should be amended so that “each person who was a Czechoslovak citizen on the day of the dissolution of the Czechoslovak Federation has a legal right to be a Czech citizen with full rights.” Such an amendment would bring the Czech Republic’s law into conformity with the Czech Republic’s international obligations. Unfortunately, until changes in the Czech citizenship law are fully implemented, many people, mostly Roma, will remain wrongfully deprived of citizenship. According to the Czech Helsinki Committee, there are still more than 4,000 former Czechoslovaks who have applied for but have not yet received citizenship. The Czech Helsinki Committee estimates that as many as 15,000 former Czechoslovaks may still be without Czech citizenship.

Regrettably, a number of countries have not made any progress in redressing citizenship problems over the past year. In the Former Yugoslav Republic of Macedonia, for example, some long-term residents still find themselves without any citizenship at all; this is disproportionately the case among Roma. The current requirements, including 15 years of residence and demonstration of a “permanent source of funds,” added to the government’s failure to adequately publicize citizenship opportunities, have unduly impeded those who seek Macedonian citizenship.

Similarly, in Slovenia, an estimated 5,000 to 10,000 former Yugoslav citizens are without legal residency status due to the Government’s slow processing of their applications for Slovene citizenship.

In Croatia, the Government’s inability to create secure conditions in formerly occupied areas, the complete absence of a true atmosphere of reconciliation, and slow issuing of identity papers to Serbs abroad have combined to leave as many as 180,000 ethnic Serb former citizens of Croatia effectively without citizenship. While progress was made in the issuance of documents for Serbs in Eastern Slavonia, ethnic Muslims and Serbs currently living in Croatia often had difficulty in obtaining citizenship, were denied citizenship or residency permits regardless of their previous residence, and were subject to exclusion and even deportation.

Finally, Mr. Moderator, I would like to underscore again that the obligations of countries addressing citizenship in the context of state succession are *not* the same as the obligations of countries towards ordinary immigrants. As the Council of Europe’s Venice Commission stated in its 1996 *Declaration on the Consequences of State Succession for the Nationality of Natural Persons*, “[i]n all cases of State succession, the successor State shall grant its nationality to all nationals of the predecessor State residing permanently on the transferred territory.” Consistent with this view, we urge the Governments of Croatia, the Czech Republic, Macedonia, and Slovenia to quickly resolve citizenship problems in their countries. Such moves are long overdue.

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## Relevant Agreements, Commitments and Statements Regarding Citizenship

“In no case should new citizenship laws be drafted and implemented in such a way as to discriminate against legitimate claimants for citizenship, or even to withhold citizenship from possibly tens of thousands of life-long and long-term inhabitants of the state, most of whom are Roma. As a result, the status of these persons is essentially ‘foreigner’ in their own country. This would greatly undermine what I would consider to be in the long-term interest of the state: the unequivocal establishment of a loyal bond between the state and its inhabitants and the prospect that they would be able to participate fully in the political, economic, and social life of the state. I would strongly urge that the clearly negative impact of such legislation be considered, and that appropriate changes be made.”

— Max van der Stoep, CSCE High Commissioner for National Minorities Seminar on Roma, jointly convened by the Council of Europe and the OSCE (CSCE), September 1994

“The OSCE Parliamentary Assembly . . .

31. Recalls the commitments under the 1992 Helsinki Document not to increase statelessness;
32. Affirms that citizenship may be only extended or bestowed by a State subject to the consent of the individual concerned,
33. Calls on the participating States to give equal rights to individuals as citizens, not as members of a particular national or ethnic group. Accordingly, they should ensure that all citizens be accorded equal respect and consideration in their constitutions, legislation and administration and that there be no subordination, explicit or implied, on the basis of ethnicity, national origin, race, or religion; further calls on the participating States to acknowledge that citizenship itself is based on a genuine and effective link between a population and a territory and should not be based on race or ethnicity and must be consistent with the state’s international obligations in the field of human rights;
34. Urges that, upon a change in sovereignty, all persons who have a genuine and effective link with a new State should acquire the citizenship of that State.”

— Ottawa Declaration of the OSCE Parliamentary Assembly, July 8, 1995

“States shall ensure that, through the operation of national laws, all persons who were citizens of a predecessor State and who are permanently residing on the territory of a successor State, enjoy or be granted citizenship.”

— Section I, para. 15 (b), Programme of Action, adopted by the Regional Conference to address the problems of refugees, displaced persons, other forms of involuntary displacement and returnees in the countries of the Commonwealth of Independent States and relevant neighbouring States (the OSCE Conference on Migration), Geneva, May 30-31, 1996

“In all cases of State succession, the successor State shall grant its nationality to all nationals of the predecessor State residing permanently on the transferred territory.”

5. Declaration on the Consequences of State Succession for the Nationality of Natural Persons, adopted by the European Commission for Democracy through Law (the Venice Commission), at its 28<sup>th</sup> Plenary Meeting, Venice, September 13-14, 1996

**Right of Reply:  
Exchange of Information on the Question of  
the Abolition of Capital Punishment**

**Statement of Ambassador Robert H. Frowick  
Head of Delegation  
U.S. Delegation to the  
OSCE Implementation Meeting on Human Dimension Issues**

*October 27, 1998*

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The United States delegation understands the sentiments that have motivated the opposition to the use of the death penalty in the United States. The question of whether capital punishment should be imposed in connection with the most heinous crimes is an important one. It is a subject of an on-going, sometimes intensive, debate within our own country, as it has been in many others.

But it is important that our consideration here preserve the respect for the rights of each state to decide this issue through its own democratic processes, in accordance with international standards. Article 6 of the International Covenant on Civil and Political Rights specifically recognizes the right of states to impose the death penalty for the most serious crimes, provided it is done in a manner consistent with their laws and is carried out with the appropriate safeguards and observance of due process. Notably, within OSCE, there is no established commitment to abolish capital punishment.

We believe that in a democratic society, the criminal justice system, including the punishments prescribed for the most serious crimes, should reflect the will of the people freely expressed and appropriately implemented. Within the United States, the issue of capital punishment continues to be freely debated and is the subject of strongly-held views. At present, a majority of the constituent states of the United States, some 38 of 50, retain the option of capital punishment for the most serious crimes.

We recognize that many other countries have abolished the death penalty under their domestic laws and that a number have accepted treaty obligations to that effect. We respect those decisions.

However, we must reject overzealous allegations that the United States policy on this issue reflects a “systematic disregard for international human rights standards.” OSCE participating states are well aware of the vigorous and effective championing of human rights standards by the United States over many years. Internally, the American system provides human rights protections that continue to attract untold numbers of aspiring immigrants from all parts of the world. We are prepared to discuss these serious and important issues. But as we do so, we would look to others to reciprocate the spirit of respect that we extend to them.

## **Freedom of Thought, Conscience, Religion or Belief**

### **Statement of Dr. Laila Al-Marayati U.S. Delegation to the OSCE Implementation Meeting on Human Dimension Issues**

*October 27, 1998*

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At previous OSCE meetings, the U.S. Delegation has applauded the expansion of religious liberty in this historic decade. At the same time, we want to address concerns we have regarding the increasing intolerance toward religious and belief groups in many OSCE participating States. The U.S. Delegation has three areas of concern:

- 1) laws that hinder religious practice and discriminate among religious groups;
- 2) governmental actions that perpetuate discrimination against minority religious groups; and
- 3) increasing manifestations of intolerance toward Muslims and other religious minorities.

#### ***Laws That Hinder Religious Practice and Discriminate Among Religious Groups***

Recently, several participating States have enacted legislation disproportionately and adversely affecting minority religious communities. The enactment of these laws, the progression toward more state control of religious institutions, and the similarity of these legal provisions in restricting religious communities considered less desirable reflects disturbing intolerance of minority faiths.

Since our last meeting, two new laws have been enacted that restrict religious liberty in Uzbekistan. On May 1, 1998, the parliament of Uzbekistan passed amendments to the 1991 law on religious organizations and the Criminal Code, which blatantly violate virtually every Helsinki commitment on religious liberty. Among other restrictions, the amendments now require 100 Uzbek citizens to sign a religious community's application for registration, criminalize any unregistered religious activity, and penalize free speech based on its religious content. The new amendments particularly affect both non-Russian Orthodox Christian minorities and Muslim communities who want to practice their faith outside Uzbekistan's religious establishment.

Observers note that these amendments to the law merely legalize what has been the practice of the Government of Uzbekistan toward religious groups over the last few years. In December 1997, the Government engaged in a series of crackdowns in the Farghona Valley, in gross violation of human rights and Helsinki principles. Muslims were arbitrarily arrested, detained, tortured, and confessions were forced while in police custody. A number of well-documented cases exist of Muslim leaders who have simply disappeared, under extremely suspicious circumstances. The U.S. Delegation calls on the Government of Uzbekistan to repeal the new law and insure that governmental practices comply with international law and Helsinki principles.

In August 1997, the Parliament of Macedonia passed a religion law that prohibits religious work and rituals from being performed by unregistered communities or groups and requires the signature of 50 citizens for registration. One of the more disturbing sections of the law prohibits the existence of two “religious communities” with the same creed, which in effect establishes the government as the arbiter between religious factions. Some harassment of non-Orthodox religious groups has been reported and Protestant groups complain of being unable to register their churches and obtain regular employment status for their employees in violation of Macedonia’s commitment in Paragraph 16.3 of the Vienna Concluding Document to “grant upon their request to communities of believers, practicing or prepared to practice their faith within the constitutional framework of their States, recognition of the status provided for them in the respective countries.”

On September 26, 1997, President Boris Yeltsin signed a law containing discriminatory provisions against “new” religious faiths, onerous registration requirements, and vague criteria for “liquidating” religious organizations. Although this law has not led to widespread repression of religious believers and sections of the law are being challenged in the Constitutional Court, it is clear that Russian citizens now have less religious freedom than in 1991. Furthermore, it is clear that certain local officials in Russia are using this law arbitrarily to discriminate against religious organizations whose presence or practices are not to their taste. The Lutheran Church in Tuim, Khakassia, is experiencing a series of harassing lawsuits under the rubric of violation of this law, and was recently ordered closed by local officials. Even in Moscow, city officials have commenced a civil court case to ban a local Jehovah’s Witness organization under article 14 of the law presumably because the Jehovah’s Witnesses believe they should not accept blood transfusions. The U.S. Delegation acknowledges that there are instances when a government may contravene a fundamental right in the interest of health and safety of society. However, as agreed in the Copenhagen Concluding Document Paragraph 24, any restriction on a fundamental freedom is an exception, must be limited and narrowly tailored to the problem. Banning a religious group based on an aspect of their belief violates this OSCE principle of proportionality.

While no new laws have been passed in Greece and in Turkey, it should be noted that these countries have had constitutional provisions, laws and government policies for many years that violate OSCE commitments on religious liberty. With respect to Greek law, especially onerous are the anti-proselytism provisions, including Article 13 of the Constitution and the Metaxas-era Laws of Necessity 1363/1938 and 1672/1939, which have been used almost exclusively against religious minorities. These statutes have an adverse impact on religious liberty in the Hellenic Republic and are inconsistent with numerous OSCE commitments, including paragraph 16 of the Vienna Document and paragraph 9 of the 1990 Copenhagen Document. We urge repeal of these laws in order to help ensure the freedom of all individuals in Greece to profess and practice their religion or belief.

We are well aware of the controversy surrounding the selection of individuals to serve as Mufti in the Hellenic Republic and understand that relevant Muslim practices vary from country to country. In this regard, we stress the importance of respecting the right of members of the Muslim community to organize themselves according to their own hierarchical and institutional structure, including in the selection, appointment, and replacement of their personnel in a manner consistent with relevant OSCE commitments. We are particularly disturbed over the lengthy prison sentences—a total of 49 months—handed down against Mehmet Emin Aga for “usurping the title of Mufti.”

We are also concerned by the burdensome Greek requirements imposed on minority religious communities to obtain special permits issued by “competent ecclesiastical authorities” and the Ministry of National Education and Religious Affairs for the establishment or operation of churches, including places of worship. Reportedly, permission for the construction or repair of places of worship is often difficult or impossible to obtain despite the commitment of OSCE participating States to respect the right of religious communities to establish and maintain freely accessible places of worship or assembly.

Historically non-Orthodox churches have encountered difficulties in securing so-called “House of Prayer” permits although it appears the record for approval of permits is improving. Members of the Muslim community have similarly reported difficulty in securing permission for the repair of mosques, including the Suleymaniye Mosque on Rhodes. The rights of individuals belonging to minority religions or beliefs must be fully respected without discrimination or subordination. In this regard, we are aware of the pending request submitted by a community of the Macedonian Orthodox Church seeking to open a church building to conduct worship services in the Florina area.

The United States remains concerned over the inclusion of religious affiliation on Greek national identity cards. The inclusion of such information on this widely used document could lead to discrimination against individuals from minority religions or beliefs. Accordingly, we urge the repeal of the 1993 identity law. In addition, we urge further action to implement the recommendations of the advisory committee on anti-Semitic references in public school textbooks.

In a positive development, we note the Greek law on conscientious objection that came into force earlier this year and understand that the authorities are instituting arrangements whereby those objectors imprisoned under the old law will be given the option of engaging in alternative civilian social service.

The situation in Turkey remains largely unchanged. Minority religious communities face significant challenges and are occasionally targeted for acts of violence and vandalism. Members of the majority Muslim community may even face restrictions on some religious practices or customs in certain settings. Minority religions not recognized under the 1923 Lausanne Treaty, for example, generally may not acquire additional property for worship services. Even some recognized communities are prevented from fully utilizing existing facilities, such as the Ecumenical Patriarchate’s Halki Seminary and the Armenian Apostolic Orthodox Church’s Holy Cross Seminary, both closed to theological studies since 1971. In other cases, property of religious communities has been confiscated by the state without compensation. Securing the necessary permission to build new houses of worship or the renovation of existing churches is often difficult, if not impossible, to secure.

While proselytism is not outlawed per se, activist Muslims and evangelical Christians have been jailed in Turkey on the pretext of disturbing the peace for sharing their faith in public. Eight Americans were arrested briefly in March for handing out New Testaments on the streets of Eskisehir.

The United States also takes note that even among states with a longstanding tradition of support for human rights and fundamental freedoms, there have been unfortunate developments legalizing discrimination among religious groups. For example, in December 1997, the Austrian Parliament passed legislation on the “Legal Status of Religious Belief Communities” that established a two-tier system for receiving state funds and other privileges. In the first tier are 12 legally recognized communities, only a

few of which could satisfy the pre-requisites to gain such recognition under the new law. For instance, the religious community must have existed for at least twenty years and have a minimum number of members, equal to 0.02% of the population or about 16,000 members.

Organizations that place themselves under government observation for a period of time with the hope of becoming legally recognized comprise the second tier. During the observation period, legal status is denied and the religious organization is liquidated if the government ascertains that the beliefs of the group violate, among other criteria, democratic interests, public security, public order, health and morals, or the protection of the rights and liberties of others. The groups in this tier cannot sponsor foreign religionists for visas and do not have other privileges that the 12 legally recognized communities enjoy. The requirement that the statutes of a religious body must include a description of religious doctrine which is different from the doctrines of existing religious belief communities or churches is of concern to the U.S. Delegation because this establishes the government as the arbiter in theological disputes.

Some religious groups, including a number of independent Protestant churches, are granted the status of “association” and have rudimentary juridical personality to open bank accounts and own property. However, they do not have visiting rights in prisons or hospitals, cannot sponsor foreign co-religionists for visas, and do not have other privileges that the 12 legally recognized communities enjoy. A few groups have been denied “association” status, including the Unification Church, which is barred from countering potentially libelous reports in the press because they do not have legal status under Austrian law. The inherent inequality of this legal structure is of concern to the U.S. Delegation, especially in light of Austria’s own authorship of the language in Paragraph 16 of the 1989 Vienna Concluding Document, which calls on the participating States to “foster a climate of mutual tolerance and respect” for all religious groups.

### ***Governmental Actions that Perpetuate Discrimination Against Minority Religious Groups***

Several western European parliaments, most notably France, Belgium and Germany, have investigated and reported on the beliefs and activities of minority religious groups in the last few years. These parliamentary investigations have had a detrimental effect on religious liberty as many groups being investigated or labeled “dangerous” have experienced a public backlash. The French Parliament’s 1996 report contained a list of “dangerous” groups in order to warn the public against them. The Belgian Parliament’s 1997 report had a widely circulated informal appendix that listed 189 groups and included various allegations against many Protestant and Catholic groups, Quakers, Hasidic Jews, Buddhists, and the YWCA (Young Women’s Christian Association).

In Belgium, some public officials have relied upon the unofficial appendix to justify denial of access to publicly rented buildings for Jehovah’s Witnesses and Bahai’s merely because they were identified in this appendix. A German Bundestag “Enquete Commission” on June 18, 1998, issued a report on its two-year investigation into “so-called sects” and “psycho-groups.” While concluding that such groups pose no danger to German society, the report did recommend continued investigation and surveillance of Scientology. A number of religious and belief groups, such as the Jehovah’s Witnesses, the Church of Scientology, and independent Pentecostal Protestant churches have complained about harassment, discrimination, and biased media reports in Germany in connection with this Commission and its work.

Also of concern is the establishment of government information centers to alert the public about groups deemed by the government to be “dangerous.” The Austrian and French Governments have set up hotlines for the public and, through government-sponsored and funded advisory centers, distribute information on groups. The German Enquete Commission recommended that such a center be created there as well. The Belgian information is scheduled to open in early 1999. We note that the Government of France, only this month, created a new Interministerial Mission to Battle Against Sects” (“Mission interministerielle de lutte contre les sectes”). The very name of this mission suggests confrontation with religious minorities rather than tolerance.

The U.S. Delegation notes that characterizations of religious beliefs by government-operated centers, particularly the publication of unproved or potentially libelous materials, create a climate of intolerance towards members of groups. Government dissemination of information that may be construed as propaganda through these centers calls into questions the commitments that Austria, France, Belgium, and Germany have made to “foster a climate of mutual tolerance and respect.” Furthermore, these activities excessively entangle the government in the public discussion on religious beliefs that foists the government into the role of religious arbitrator.

### ***Religious Liberty Of Muslims And Other Minorities In The Osce Participating States***

The status of both immigrant and indigenous Muslim minorities and majorities in the OSCE participating States is often precarious. Many countries, such as Spain, Austria and Belgium, are adopting a variety of measures to accommodate and integrate their Muslim populations. Elsewhere, religious persecution and intolerance of Muslims in the OSCE region is closely linked to racial and ethnic hatred, xenophobia, social malaise, and international political conflicts. Fear of potential violence or terrorism spawned by “Islamic” fundamentalism or extremism is often used as a pretext to justify gross violations of the human rights of Muslims who are practicing their faith. Mindful of the broad spectrum of religious and ethnic oppression of Muslims in several participating States, the U.S. Delegation calls on those countries to re-examine their policies in light of existing OSCE commitments. We are not seeking special rights for Muslims or any other group for that matter. We seek to uphold the human rights and fundamental freedoms of all of our citizens without distinction of any kind.

A combination of ethnicity and religion underlie human rights violations against Muslim populations in Europe. The most extreme form of anti-Muslim sentiment manifested in Europe was the brutal assault against Bosnian Muslims, today increasingly referred to as Bosniaks, by Serbian forces of the former Yugoslavia. Recently, the inhabitants of Kosovo, the vast majority of whom are ethnic Albanians and Muslims, have suffered mass killings, arbitrary detention, rape, destruction of property and forced migration at the hands of the Belgrade regime. These atrocities yet again test the will of the international community to take a strong stand against such assault.

Muslims who are members of an ethnic minority, such as North Africans in France, and Turks in Germany are subjected to violent crimes often perpetrated by racists and sometimes by police. Indo-Pakistanis have occasionally been the subject of racist attacks in the United Kingdom. Inadequate efforts to convict the perpetrators of these violent acts contributes to a climate of impunity for such crimes.

Religious education is often abridged or denied to Muslims in the OSCE region in direct violation of OSCE commitments expressed in paragraph 16 of the 1989 Vienna Concluding Document. In Turkey, the parliament enacted measures designed to eliminate the system of state-funded Islamic education by extending compulsory primary secular education. In Uzbekistan, religious teachers Obidkhon Nazarov, Rahim Otagulov, Olinjon Glofurov have been harassed, evicted and arrested by government authorities repeatedly over the past 2 years. In addition, unofficial Islamic teaching institutions have been closed.

Economic and political discrimination against Muslims is common in the OSCE region. In Greece, particularly in Thrace, Muslims experience discrimination through loss of promotion opportunities, confinement to low-paying jobs, inadequate political representation and prevention from advancement in the military. Similarly, in the Bulgarian military, Muslims are consistently assigned only to construction units. The Muslim minority in Russia, which represents 10% of the population, also faces societal discrimination in the workplace and in housing. Some Muslim minorities, like other minorities, have difficulty obtaining citizenship in countries such as Germany, Croatia, Serbia and Greece. There are numerous reports that Muslims in Serbia, particularly in the Sandzak region and in Montenegro, are arbitrarily fired from their jobs and often driven from their homes.

In Turkey, some Muslims are labeled by the military and the government as “extremist” and thereafter experience widespread discrimination. Political participation is significantly denied, most notably by the banning of the Welfare (Refah) Party earlier this year and the recent conviction and banning of Istanbul Mayor Erdogan. Observant Muslims are excluded from certain jobs, demoted or expelled from the military and marginalized politically.

Throughout much of the OSCE area, wearing the *hijab* in a particular way is interpreted as a sign of extremism, although the wearing of the *hijab* normally represents to the woman modest dress and an expression of faith. In Uzbekistan, Muslim women in *hijab* have been expelled from universities. In France, the Ministry of Education issued a decree stating that a headscarf is an “ostentatious display of a religious symbol” that should be strongly discouraged in public schools. There has been a controversy in Baden-Wurttemberg regarding a proposal to ban headscarves worn by teachers, reflecting societal trends of intolerance against Muslims. In Turkey, women who wear headscarves may become targets of discrimination and be banned from public sector jobs such as nursing, teaching, and judicial posts, and are prohibited from registering at public universities.

Efforts to respond to global threats of terrorism may lead to further restrictions and continued marginalization of Muslim populations in the OSCE region. The U.S. Delegation notes the disturbing tendency of some OSCE participating States to assume arbitrarily that Muslims are responsible for violence and threats to national security. In the United States, Muslims are too often victims of negative stereotypes in the media, as seen in the recent movies *GI Jane* or *True Lies*, which contributes to societal assumptions equating violence and terrorism with Islam. Arbitrary detention of over 100 North African Muslims in France at the opening of the World Cup similarly reflects a disregard of rights in the name of security.

The United States supports freedom of religion, not criminal behavior. The blanket condemnation of Muslims, or any other marginalized group, is not only a violation of Helsinki principles, but is counterproductive and dangerous policy. Such policies could contribute to desperation in some quarters and lead to radicalization that might not have occurred otherwise. If this growing problem is to be addressed,

OSCE participating States must comply fully with their OSCE obligations, the core of which is that the government cannot and should not control all aspects of society and certainly not matters of faith and must accept religious groups as a positive, integral part of society.

### **Conclusion**

The U.S. Delegation:

- calls on the Governments of Uzbekistan, Russia, and Macedonia, to repeal or amend significantly their laws on religious associations to comply with OSCE commitments;
- calls on the Governments of Turkey and Greece to ensure that their laws and practices conform with OSCE principles of freedom of belief, association, and expression;
- calls on the Government of Austria to recognize the potential that its law has for encouraging other states to enact prejudicial legislation and urges the Government to amend its current law;
- calls on the Governments of Austria, Belgium, France, and Germany to foster a climate of tolerance and respect toward minority religion or belief groups and insure through law and governmental practice that religious freedoms for minorities are protected;
- calls on all OSCE participating States to re-examine their laws, governmental practices, and societal trends that discriminate against Muslims and other religious minorities.

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## **Freedom of Expression, Free Media and Information**

### **Statement by Ronald Koven U.S. Delegation to the OSCE Implementation Meeting on Human Dimension Issues**

*October 27, 1998*

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I appear here as a public member of the U.S. delegation, that is to say a private representative of civil society in general and more particularly of the independent news media. It should be clear that, while my organization, the World Press Freedom Committee is based in the United States and that some of its top officers are Americans, we consider ourselves a voice for the free press everywhere. Our 44 affiliates are from all over the globe. In the OSCE area, they include international and national groups based in Austria, Canada, the Czech Republic, Hungary, the Netherlands, Poland, Spain and the United Kingdom. These groups represent both labor and management and broadcasting and print journalists, united, whatever their other differences, in their dedication to promoting and defending press freedom.

The WPFC has most usually found itself in agreement with the press freedom positions of the U.S. government, but not always. This includes some recent actions concerning media in Bosnia. We will not hesitate to spotlight any differences now or in the future. I do take this opportunity to thank the U.S. delegation for inviting a WPFC representative to join it to speak out on this fundamental subject.

When I spoke before this forum a year ago, I highlighted eight areas of concern that the WPFC has identified in the OSCE area. First was the proliferation in transition countries of “insult laws” affording special protection to chiefs of state, officialdom, state bodies and national symbols. These laws are

usually modeled on bad examples set by West European countries that have such laws but invoke them very rarely if at all any more—Austria, Belgium, Denmark, France, Germany, Italy, Norway, the Netherlands and Portugal—and by two West European countries that do resort to such laws—Greece and Turkey.

These laws need to be struck down in the Western part of the European continent as well as the Eastern and Central parts. That this is not a utopian demand is demonstrated by the abrogation of insult laws in recent years in Hungary, Moldova and Sweden and, in part, in the Czech Republic and Spain.

Freimut Duve, the OSCE Representative on Freedom of the Media, is to be commended for speaking out against new insult laws and their functional equivalents, criminal defamation laws, notably in Belarus, Bulgaria and Romania. Current enforcement and attempts to strengthen insult laws in Greece need particular attention.

Second, we also spoke last November of the need for statutes of journalistic independence for public service broadcasting, and the need for rules insuring against political favoritism in privatization of broadcast services or in frequency allocation for private or associative broadcasters. Political, economic and personal cronyism on the broadcast band is a special problem in transitional countries. The latest examples include all three Baltic republics, despite their good press freedom records. In Lithuania, there have even been two television broadcasting chiefs claiming the job simultaneously for two rival power blocs. Lack of unquestioned independence from the state is also a problem in some long-established democracies.

Third, we spoke of the need for privatization and/or statutes of journalistic independence for national news agencies.

Fourth was the need for Freedom of Information laws guaranteeing public access to officially held data and information. Happily, there has been progress on this front with the action of the new British government to institute such a law, which dates from 1766 in Sweden. But even where they exist, these laws are often honored in the breach. The current Russian press law contains broad freedom of information provisions, but no Russian bureaucrat has yet to be sanctioned for withholding information, and, in France, the existence of the law is practically a public secret. Not only must FOI laws be enacted, they must be honored.

Fifth, free movement of journalists, the speedy issue of visas to allow effective press coverage. We see the opposite of that now in Serbia, where the entire foreign press corps is under official threat, along with the Serbian press as a whole.

Sixth, activation of speedy and effective investigation of murders, woundings, detainments and other harassment of news media personnel. It is heartening to see that the Russian authorities have finally begun to take vigorous steps against murderers of journalists in a few key cases. More needs to be done.

Seventh, application of press freedom principles to new electronic media, guarding against regulations to control them, both in Western and Eastern Europe. The rage to codify special new rules continues unabated in national and intergovernmental fora, even though existing general laws on fraud, por-

nography, pedophilia, incitement to violence and the like are perfectly adequate and need only be applied to the new circumstances. Too often, calls to regulate the new communication media are transparent back-door attempts to limit press freedom in general—attempts that would not be tolerated if they were openly advocated for the traditional news media.

Eighth, continued practical obstacles to journalistic and financial independence of news media through governmental or para-governmental control of newsprint supplies, printing and transmission facilities, distribution, discretionary registration and authorization procedures and discriminatory taxation or subsidy systems.

The country where the press is under the most direct and dramatic threat today is Serbia. Serbian government officials have threatened publicly, after having brought the Serbian-language independent press to heel, that they would now go after the Albanian-language press in Kosovo, even though the new independent press there has in general tried to be a moderating influence, while standing up for the rights of the Kosovars. There has been police harassment even of some of the most moderate Kosovo journalists.

The recent actions in Belgrade demonstrate that when a regime means to curb democracy, one of its first targets is a free press. It also illustrates that the much-vaunted power of the press is a fragile reed that needs strong legal and practical safeguards against dictatorial determination. The Serbian situation also shows that, contrary to what the press-bashers would have us believe, it is not the truly independent press that is guilty of bloodthirstiness and incitement to violence but the

propaganda organs of parties to conflicts that pave the way for warlike behavior. The blanket refusal of the independent press of Serbia to do so is undoubtedly one of the Belgrade government's chief reproaches against that press.

Last Thursday, the White House in Washington reacted immediately to passage in Belgrade of the new repressive law on information designed to limit the Serbian citizenry's exposure to news from home and abroad. President Clinton's Press Secretary issued a special statement condemning the law as a measure to intimidate the independent press. The White House called upon the Belgrade leadership to halt such repressive measures.

The Serbian government's refusal to grant a visa to the OSCE Media Freedom Representative to discuss the growing campaign against the press shows that in one short year Mr. Duve has taken an approach to press freedom that authoritarians fear. It also shows that the state of press freedom is indeed an early warning system for the state of democracy in general.

The proper conclusion for the OSCE and other intergovernmental bodies should be that the throttling of press freedom is grounds for sanctions, up to and including suspension and/or expulsion of countries that attack the independent press.

Aside from Serbia, the OSCE should be specially concerned with the press freedom situations in Azerbaijan, Belarus, Croatia, the Central Asian republics, Greece and Turkey. There is now hope of a return to a healthier atmosphere for the press in Armenia and Slovakia. This should be closely watched and encouraged. But even post-Communist countries with relatively good records, like Russia and Ukraine,

have lapses. In Russia, there are twin cases at opposite ends of the country that are especially disturbing—those of Alexander Nikitin and Grigori Pasko, both of whom are threatened with conviction and imprisonment for the alleged crime of reporting on the environmental hazards of military nuclear waste disposal in the waters off Murmansk to the west and Vladivostok to the east.

The OSCE's new Media Freedom Representative seems to be having a positive effect, and his focus on Azerbaijan, Belarus, Croatia, Slovakia and the Central Asian republics is just right. He needs to take a serious look at Greece and Turkey as well.

I'm not altogether sure, however, that he was right to conclude that his acceptance of the chairmanship of the new Independent Media Commission in Bosnia involved no potential conflict of interest. The commission is working with some very strange rules, including the right to enter the premises of media outlets and seize equipment. Again, one should not underestimate the power of negative example. When the Belgrade government seizes equipment, it can unfortunately point to precedents in Bosnia. It is clear that anything the allied forces in Bosnia do there to control the press can also be cited as a precedent against the press in the Former Republic of Yugoslavia and elsewhere, and should not be undertaken anywhere.

Another of Mr. Duve's approaches that we deem to be unhelpful is his insistence on underlining supposed differences in attitudes toward press freedom between the United States and Europe. U.S. and European press freedom values share the same Enlightenment roots exemplified by Voltaire, Milton and Locke. Those ideas are summed up succinctly in Article 19 of the Universal Declaration of Human Rights, to which we should all subscribe with equal fervor. Any contrary suggestion, for example, in a roundtable seminar in Washington to explore European and American differences, would be a serious distraction from the real work of counteracting authoritarian assaults on the press here in Europe. The examples set here in Europe are watched throughout the rest of the world as well.

We were reserved and skeptical about the creation of Mr. Duve's post, but we do pay tribute to his energy and dynamism and to the dedication he has brought to furthering the fundamental rights of freedom of expression and press freedom in the instances I've noted.

The Media Freedom Representative should be concentrating his fire where it belongs—on countries where press freedom is seriously endangered and on cases that constitute offensive actions against free speech and a free press.

It also seems unfortunate that the Office of Democratic Institutions and Human Rights, our host here in Warsaw, has largely dropped work in promoting press freedom since the advent of the new Media Freedom Representative. We believe that ODIHR could still play an important role in fostering a press freedom environment. The Media Representative's mission does not encompass everything that could or should be done, and there is certainly room for ODIHR to resume some of its good work in a mutually complementary way. Current events show us that there is never too much attention to the defense and promotion of press freedom and that that effort is the vital front line of democracy.

## **International Humanitarian Law**

**Statement of Gare A. Smith  
Principal Deputy Assistant Secretary of State  
Bureau of Democracy, Human Rights and Labor  
U.S. Delegation to the  
OSCE Implementation Meeting on Human Dimension Issues**

*October 27, 1998*

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Thank you, Mr. Moderator. As someone who has dedicated a significant portion of his career to human rights issues, it is a particular pleasure to be here today. These annual assessments of our compliance with the commitments we have accepted as OSCE participating States are important. The meetings underscore that participating in the OSCE is not so much a question of signing a set of commitments, but of actually implementing them. That is why the United States has been a particular champion of implementation review. Not to focus on implementation of OSCE commitments would reduce participation in the OSCE to a sterile and static human rights exercise. We need to take stock of where we have been and where we are going.

We freely concede that the United States can improve its own human rights record, and we are prepared to discuss frankly our successes and failures. We are pleased that non-governmental organizations are so well-represented this year, and look forward to their input across the board. Over the period of this review of human dimension implementation, we look forward to honest and direct discussion that is focused and rewarding for all participating States.

### ***International Humanitarian Law***

Respect for the rule of law is a prerequisite for pluralistic democracy, and a foundation for implementation of OSCE commitments. International humanitarian law is perhaps the most basic of all legal underpinnings of civil society. If such basic issues as impunity for war crimes or respect for noncombatants in times of conflict are not addressed, then the whole legal framework of a society is called into doubt. This year has borne witness to great strides in international justice, but also great steps backwards, particularly in Kosovo.

One of Secretary of State Madeleine Albright's first achievements at the United Nations in 1993 was her leadership in the creation of the International Criminal Tribunal for the Former Yugoslavia. Our support for the War Crimes Tribunal is second to none. Through the efforts of allied governments and the Stabilization Force in Bosnia, we have helped ensure that over 30 indictees have been taken into custody.

Many, however, remain at liberty. Radovan Karadzic and Ratko Mladic remain at large. Croatian authorities have failed to apprehend and transfer Ivica Rajic to the Tribunal. The Serbian Government has a record of compliance with the Tribunal that is close to zero.

The continued freedom of persons indicted for war crimes is frustrating both to us and to the victims of these crimes. But the day will come when *all* indictees will face justice in The Hague. None of these indictees should assume otherwise. If the charges are unfounded, they can clear their names in The Hague. In the meantime, they live a shadowy existence and we are confident of the Tribunal's continuing progress. Six judicial proceedings covering a large number of indictees currently are underway in The Hague in three courtrooms, one of which was recently built with voluntary contributions from the United States and the Netherlands.

The United States is working to increase the number of indictees brought into custody in The Hague. Our diplomatic pressure one year ago led to the voluntary surrender of ten Bosnian Croat indictees as well as other voluntary surrenders. Last week Congress adopted new legislation to establish a reward program for information leading to the arrest of indictees. The United States is dedicated to working with our allies to ensure that, ultimately, every single person indicted by the Tribunal has his day in court.

The United States is the largest financial supporter of the Yugoslav Tribunal—since its creation, U.S. funding has exceeded \$64 million. We have also seconded more than thirty lawyers, investigators, and analysts to the Tribunal. In addition to our assessed contributions through the United Nations, we also provide support for translation of documents, computer equipment and software, mass grave exhumations, and the review of case files submitted by the Parties to the conflict as part of the “Rules of the Road” process. Our timely donation of money for investigations in Kosovo facilitated the Tribunal's engagement on this issue. I am particularly proud of the leadership role my office, the Bureau of Democracy, Human Rights, and Labor, has played to bring further assistance to the Tribunal.

Another way we support the Tribunal is through information, which we provide to the Yugoslav Tribunal through special procedures that have been worked out under Rule 70 of the Tribunal's Rules of Procedure and Evidence. This information is used by the Prosecutor for background and investigative leads.

In many ways, we have turned the corner with the Tribunal. An enormous amount still needs to be done—more investigations, more indictees, and more trials. But we have made progress and the Tribunal's professionalism and credibility are well established.

### ***Kosovo***

Events in Kosovo have drawn new attention to the Tribunal. We commend Chief Prosecutor Arbour for her efforts to investigate allegations of crimes in Kosovo. Since last March, the United States and other OSCE participating States have provided the Prosecutor with financial, diplomatic, and information support. We strongly back her declaration that the Tribunal has jurisdiction to investigate and prosecute violations of international humanitarian law in Kosovo.

In September, Assistant Secretary for Democracy, Human Rights and Labor John Shattuck traveled to Kosovo with former Senator Bob Dole. Afterwards, both men reported horrendous human rights violations, violations of humanitarian law, and acts of punitive destruction on a massive scale in Kosovo. Serbian authorities have since agreed to observe the terms of U.N. Security Council Resolution 1199, which demands the withdrawal of security forces, alleviation of the humanitarian crisis, and cooperation with the Yugoslav Tribunal. We are waiting for them to fulfill this commitment. All OSCE participating States should do what we can to alleviate the death and suffering in Kosovo, and hold Milosevic to his promises.

The OSCE should affirm the central role human rights play in developing a mandate for the OSCE Kosovo Verification Mission in Vienna. The Verification Mission can make an important contribution to the Tribunal's investigation of atrocities in Kosovo, and the OSCE can play a decisive role in bringing Kosovo back from the edge. But we must note that, as of today, Belgrade has yet to issue visas for American forensic experts to visit Kosovo. Nor has Belgrade issued more than a dozen visas request by the Tribunal. Serbian authorities should know that we are closely monitoring their record of compliance.

The problems in Kosovo are only symptoms of a larger problem in Serbia—just this weekend, \$ 230,000 in fines were assessed against the editors of European Magazine, in the first prosecution under Belgrade's new information law. By any democratic standards of justice, the defendants were denied a fair trial. By working against the Tribunal and squelching independent media, Serbia is taking a decisive step away from democracy, and away from re-integration into the OSCE and the family of European states.

### **Conclusion**

Mr. Moderator, the Yugoslav War Crimes Tribunal can address the serious violations of international humanitarian law in Kosovo. It is a viable court that has jurisdiction. Our challenge is to make international justice work. By putting our resources into an OSCE Kosovo Verification Mission that upholds the human rights values of the Helsinki Decalogue, we can build a framework for the better application of international humanitarian law. Those who have committed human rights crimes must know that they will be held accountable by the OSCE.

Thank you.

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## **Freedom of Assembly and Association**

### **Statement of Dr. Tamara Resler U.S. Delegation to the OSCE Implementation Meeting on Human Dimension Issues**

*October 28, 1998*

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While the right to freedom of association and assembly is generally respected in most of the OSCE region, problems persist within some participating States. These problems raise serious questions about the commitment of a number of our governments to civil society and democracy, as the right of citizens to meet and express their views and concerns forms the bedrock of genuine democracy. It does not matter whether this right is exercised through political parties, trade unions, non-governmental organizations, or in peaceful rallies – all are expressions of the will of the people that forms the basis of democratic societies.

In Turkmenistan, freedom of assembly and association is not respected. Peaceful assembly and association for political purposes independent of the one-party state are harshly punished. Durdymurad Khojamammedov, the head of Turkmenistan's banned Party of Democratic Development, was released along with other political prisoners from a psychiatric institution in April of this year. Since then,

he has lived in Ashgabad, where his phone is disconnected and visitors to his home are harassed. On August 4, after leaving the British Embassy, Mr. Khojamammedov was seized by three men and beaten unconscious.

In Uzbekistan, freedom of association is severely limited. No opposition parties can function. The authorities have even refused to register an independent human rights monitoring organization, although some international human rights non-governmental organizations have been operating in Uzbekistan since 1996. And in Kazakhstan, a presidential decree remains in force which limits the ability of citizens to participate in unsanctioned demonstrations. Gaining permission for such gatherings is difficult, and authorities have jailed violators.

In Belarus, the government seriously restricts freedom of assembly. Authorities arbitrarily manipulate routes of venues to public demonstrations and peaceful demonstrators are subjected to exorbitant fines, excessive force, beatings, detention, and harassment by uniformed and plain-clothed police after demonstrations. Whereas earlier, participants of opposition rallies were beaten on-site, police now mistreat individuals out of public view. With respect to freedom of association, the government continues to pressure genuinely independent NGOs both directly and indirectly through the use of such measures as intrusive and questionable tax audits, denial of registration, and denial of or exorbitant surcharges on rental properties. There have been instances where individuals who affiliate themselves with opposition organizations, or who simply criticize the government, have been physically attacked, dismissed from work, expelled from school, or detained.

In Georgia, peaceful rallies by members of political opposition groups have been dispersed, sometimes by force.

In Turkey, the right of assembly is also restricted by authorities. On August 28, a demonstration by the “Mothers Group on Disappeared Persons” was forcibly disrupted by police, and as many as 100 individuals were taken into custody. Some of the mothers were reportedly beaten in the Beyoglu district of Istanbul. On September 9, at least 22 human rights activists from this group were arrested by police as they gathered for peaceful protest. Such actions are part of a broader pattern of harassment and even violence against those who speak out against human rights violations in Turkey. Also in September, for example, a group of 120 demonstrators were detained by police in Istanbul. The group had evidently gathered to call for a peaceful end to the conflict in the southeast.

Violations of freedom of association have also occurred in Greece. Individuals in Florina, for example, had prevented from registering the Macedonian Culture Center. It now appears that after several years, the case at long last has been dropped and we will look forward to see this organization’s right to association respected in practice. It has also been reported that Greek citizens have been prevented from registering their associations because the word “Turkish” appeared in the title and we hope the Greek Government will take steps to remove those barriers.

The above examples are only indicative, and by no means exhaustive. In various OSCE agreements, we have committed ourselves to uphold the rights of freedom of assembly and association. In the 1990 Copenhagen Document, the participating States unequivocally affirm that: “Everyone will have the right of peaceful assembly and demonstration,” and that “the right of association will be guaranteed.” It is my delegation’s hope that those OSCE states still in violation of these fundamental rights will begin to act in accordance with commitments that they have freely undertaken.

## Freedom of Movement

### Statement of Ronald McNamara U.S. Delegation to the OSCE Implementation Meeting on Human Dimension Issues

October 28, 1998

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Mr. Moderator, the right to liberty of movement and freedom to choose one's residence is widely respected in the majority of participating States. It is easy to lose sight of the fact that violations of these cherished fundamental freedoms persist despite clear OSCE commitments, including provisions of the 1991 Moscow Document.

While the pretexts for limiting freedom of movement vary from state to state, some of the common bureaucratic obstacles are: possession of alleged "state secrets;" military service obligations; and financial claims by relatives. In some instances, restrictions on freedom of movement have been imposed against members of the political opposition. Meanwhile, the "*propiska*" or residence registration requirement—a legacy of the Soviet period—continues to be used as a means of control and has developed into a true "*doynaya korova*," or cash cow, for corrupt officials and police in several participating States.

#### ***Impediments to Freedom on Movement***

Individuals in Armenia, Azerbaijan, Belarus, Hungary, Kazakhstan, Kyrgyzstan, Moldova, the Russian Federation, and Ukraine still can be denied—in principle, if not in all cases in practice—their right to leave their country based on alleged access to "state secrets," possible military service obligations, or financial claims by relatives. In Azerbaijan, members of the Armenian minority have reportedly been harassed when seeking to emigrate while others have been refused passports by some government authorities. Similar difficulties have been experienced by ethnic Albanians, Sandjak Muslims, and Vojvodina Croats in Serbia.

Exit visa requirements—a source of potential bureaucratic harassment and a possible impediment to freedom of movement—remain in effect in Belarus, Hungary, Kazakhstan, Kyrgyzstan, Serbia-Montenegro, Tajikistan, Turkmenistan, Ukraine, and Uzbekistan, though some of these states have not denied emigration to their citizens. Russian citizens seeking to emigrate must still obtain a stamp permitting "permanent residence abroad." On occasion the Government of Uzbekistan has created problems for human rights activists who sought to enter or leave the country, including Abdoumannob Pulat and Mikhail Ardzinov. In the interest of freer movement, the U.S. delegation urges those participating States that have not already done so to consider the elimination of exit visas requirements.

Prominent political opposition figures in Azerbaijan have faced bans on travel outside Baku. Limits on freedom of movement by opposition figures have been employed in Belarus and Turkmenistan.

Citizens face certain restrictions on their internal movements in countries such as Bulgaria, Greece, Romania, Kazakhstan, Turkey, and Turkmenistan.

In Bosnia-Herzegovina, movement across the inter-entity boundary line has improved significantly, though restrictions such as unauthorized “visas” and transit fees imposed by some Republika Srpska authorities have impeded the free flow of people.

Movement on the divided island nation of Cyprus is often burdensome with numerous obstacles to travel by Greek Cypriots and Turkish Cypriots alike. Despite modest improvements, Turkish Cypriot authorities continue to impose significant limitations on visits by northern residents to the south as well as on visits from close relatives to Greek Cypriots in the north. Similar restrictions apply to members of the Maronite community. Regrettably, the Turkish Cypriot authorities have prohibited nearly all Turkish Cypriot participation in bicomunal programs since last December. Only day travel to the north by tourists is permitted by the Republic of Cyprus authorities. Progress on reciprocal visits to religious sites is worth noting.

Another important factor impacting an individual’s ability to exercise his or her right to freedom of movement is citizenship. Non-ethnic Greeks stripped of their citizenship under the recently repealed Article 19 of the Citizenship Code have not had their citizenship restored, a fact that could impede their freedom of movement, including their right to return to the Hellenic Republic. Those stripped of their citizenship but still living in Greece find it difficult if not impossible to travel abroad without identity documents. Ethnic Macedonians stripped of their citizenship under Article 20 of the Code are frequently prevented from entering Greece. The United States urges the Government of Greece to abolish Article 20 and restore full citizenship to those stripped of their citizenship under Article 19.

### ***Limits on Freedom to Choose One’s Residence***

At the outset, Mr. Moderator, I wish to acknowledge the important work undertaken by Human Rights Watch in documenting the pervasive human rights problems arising from obligatory residence registration, or “*propiska*.” Such cumbersome and often costly registration regimes remain in place in several participating States, including Belarus, Kazakhstan, Kyrgyzstan, parts of the Russian Federation, Turkmenistan and Ukraine. The *propiska* is not simply a residency document, but it is the key to access to a wide range of services. Its presentation is typically required for legal employment, purchase of property, securing a driver’s license, entrance to schools and universities, access to health care and social services, marriage documents, voting, and, in the case of Moscow—to burial.

As far back as 1991 *propiska* laws were ruled to violate freedom of movement in the USSR. Following this decision regional authorities in Moscow, St. Petersburg, Krasnodar, and Staropol instituted registration requirements at the local level. These laws were ruled unconstitutional by the Constitutional Court in on April 4, 1996. The following year, the Constitutional Court ruled exorbitant registration fees charged by the Moscow authorities—as much as \$7,500—unconstitutional. Despite these and other high court rulings, *propiska* laws remain in place. Mayor Yuri Luzhkov of Moscow continues to defiantly implement the capital’s stringent registration requirements.

A series of reports televised earlier this year on MSNBC, and available via the network’s internet homepage, describe in detail the shakedowns that have become a part of daily life for those unable to secure legal registration. In addition to limiting access to certain services, failure to secure a much coveted *propiska* makes one vulnerable to various forms of harassment and intimidation. The *propiska* system can be a major obstacle to family reunification and has further fueled extortion and arbitrary detention as well as corruption and abuse by officials and the police.

Moscow police, including special-duty OMON units, conduct frequent document checks, particularly of persons who appear to be from the Caucasus or are otherwise dark-skinned. In an ironic twist, Diederick Lohman, Moscow director of Human Rights Watch, observed that the police are not interested in deporting those lacking a *propiska*. It's a good system for the police because officers know that migrants and refugees probably do not have a *propiska*, making them ready sources of income, Lohman concluded.

Mr. Moderator, the U.S. delegation calls upon those participating States concerned to fully respect the right of all of their citizens to freely choose their place of residence by abolishing the onerous *propiska*, or residency registration systems.

Members of the Roma community continue to experience serious obstacles which prevent them from exercising their right to choose their place of residence in countries such as Greece, Hungary, and Slovakia. Particularly alarming are incidents such as the forced eviction of an estimated 100 families by order of the mayor of Ano Liossia and bulldozing of their makeshift housing. Similar incidents have occurred elsewhere in the Hellenic Republic as well, in Agia Paraskevi, Kriti, Trikala, and Evosmos.

In Turkey, the systematic practice of village destruction over the last decade has resulted in the partial or complete depopulation of an estimated 2,685 villages and hamlets by the military in the south-east where Turkish forces have been engaged in armed conflict with the terrorist Kurdistan Workers Party (PKK). Estimates of the number of individuals forcibly displaced in the region run as high as 2 million. Resettlement efforts by the government in recent years have been inadequate.

In conclusion, Mr. Moderator, the fact that more individuals are freer to exercise their fundamental freedom of movement can be of little consolation to those who are still denied this basic human right. The U.S. delegation calls upon those participating States where the above mentioned violations occur to remove remaining barriers to freedom of movement.

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## **Prevention of Torture**

### **Statement of Dr. Allen S. Keller U.S. Delegation to the OSCE Implementation Meeting on Human Dimension Issues**

*October 29, 1998*

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I am honored to be here with you today as a public member of the U.S. delegation. In my remarks today, I will briefly discuss the scope of the problem of torture, and the critical work which lies ahead to end torture and to care for those who have suffered from torture. I am the director of the Bellevue/NYU Program for Survivors of Torture, a program based in New York City, jointly sponsored by New York University School of Medicine and Bellevue Hospital, our nation's oldest public hospital. Our program is one of 14 centers in the United States caring for victims of torture.

On December 10, we celebrate the fiftieth anniversary of the Universal Declaration of Human Rights. The Universal Declaration states that "Recognition of the inherent dignity and of the equal and

inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world.”

Tragically, the need for us to speak about torture arises out of a fundamental disregard for the principles enunciated in the Universal Declaration. Torture continues to be a serious problem in more than 90 countries around the world, including many OSCE states such as Armenia, Azerbaijan, Belarus, the Federal Republic of Yugoslavia, Georgia, Russia, Turkey and Uzbekistan. And as the case last year of the Haitian immigrant who was brutalized by police in New York City demonstrates, no country’s record is perfect. Every country can do more to prevent torture.

Those often singled out for torture include students, academicians, scientists and political activists, religious believers and journalists. Anyone daring to question the ruling powers. In addition, members of minorities, including Roma, find themselves the victims of torture, excessive use of force and police brutality. Torture is a sobering reminder of the interrelationship between health and human rights. That is when human rights are promoted, health is promoted. When human rights are violated, there are devastating health consequences for both the individual and the community. It is said that when one individual is tortured, the entire community is tortured as well through a ripple effect of fear and terror. As Dr. Inge Genefke, General Secretary of the International Rehabilitation Council for Torture Victims, has so eloquently said “Torture is the most effective weapon against democracy.”

Torture can have devastating consequences on the victim’s physical and mental well-being. Severe beatings or being shackled in painful positions can result in bruises and broken bones. Burns from cigarettes can result in scars. One patient of mine, a six year-old girl from Albania, suffered burns on her arm at the age of four when government henchmen immersed her arm in scalding water after her father refused to cooperate with them.

Many forms of torture, however, such as electric shocks with cattle prods, may leave no physical scars. Torturers, in fact, are becoming increasingly sophisticated with the methods which they use, in order to leave no marks.

Even more potentially devastating than the physical effects, however, can be the psychological consequences of abuse. If someone is forced to witness the rape or torture of a family member, or a gun is held to someone’s head and the trigger pulled in a mock execution, there may be no physical scars, but the flashbacks and nightmares can go on indefinitely. One patient of mine, who was repeatedly submerged in a vat of water, would feel like he was gasping for air whenever he showered or went out in the rain.

What torture does is attempt to destroy an individual’s dignity and his/her sense of trust. What our program and what other treatment centers try to do is to restore to torture survivors their dignity, restore their sense of trust and help them get on with their lives. One of our patients, a woman who was repeatedly raped after attending a peaceful demonstration, once told me, “For a long time after what I suffered, I felt so alone. But your program made me again feel part of society.”

In many countries, however, physicians evaluating and caring for torture survivors are under undue government pressure. In the former Soviet Union, forensic doctors are often denied access to pre-trial detention facilities to investigate allegations of torture. In Azerbaijan and Russia, for example, it is a clear conflict of interest that lawyers who want forensic doctors to see their clients must first get the permission of the state investigator.

In Turkey, where torture continues to be widespread, Physicians for Human Rights documented that Turkish physicians examining detainees are coerced to ignore, misrepresent and omit evidence of torture. Furthermore, those doctors who seek to assist torture victims in Turkey have been subjected to harassment and intimidation by Turkish authorities. Last year, the Turkish government convicted and fined the medical director of the Adana branch of the Human Rights Foundation of Turkey for refusing to provide government officials with the names of the foundation's clients. The case is currently pending before the Supreme Court of Appeals.

In another case, a doctor who documented signs of torture among Turkish prisoners was charged with insulting the police. Although the judge found her not guilty, the Turkish government's willingness to prosecute such a case is another example of a pattern of intimidating physicians who speak out against torture. In June, the Turkish government closed the Diyarbakir Treatment center only days after it opened. International condemnation was universal. Subsequently, the government allowed the center to reopen portraying this as simply a bureaucratic problem of permits.

Critical work lies ahead in ending torture and caring for the victims of torture. First, all OSCE members should ratify the United Nations Convention Against Torture. Members which have not yet done so include Andorra, Belgium, the Holy See, Ireland, San Marino and Turkmenistan. States should comply with the reporting procedures they have accepted under this Convention. In keeping with Article 15 of the U.N. Convention, evidence obtained through torture should be inadmissible in legal proceedings.

States which are party to the European Convention for the Prevention of Torture, a convention which creates a unique mechanism of preventive character, should ratify Protocol I. This would open the Convention to countries that are not members of the Council of Europe.

Transparency and national scrutiny are paramount in an effective policy of preventing torture and ill-treatment. The vast majority of states which have published reports established by the European Committee for the Prevention of Torture are to be congratulated. Turkey, which to date has not authorized the publication of the CPT's reports, must show the same spirit of transparency as the other State parties.

Human rights are interdependent. In order to insure the right not to be tortured, other fundamental rights, such as the right to freedom of expression must be promoted. Conditions in Turkmenistan and Uzbekistan, for example, stand in stark contrast to this.

A great deal is needed to meet the needs of those who have suffered torture. In order to recover from the physical and psychological wounds inflicted on them, torture survivors need and deserve appropriate services. It is essential that each OSCE nation have at least one treatment center for torture victims. Such centers provide critical, multidisciplinary care restoring torture victims to a state of health: a state of physical, mental and social well-being. In addition to providing direct client services, treatment centers provide independent documentation, and serve as critical training, educational and resource centers.

In the former Yugoslavia, which has known devastation on such a wide scale, clearly there is a critical need for the reconstruction of material resources, such as buildings, bridges and roads. But there is also a critical need for the reconstruction of human resources, including those who have suffered from torture. Services for survivors of torture there must be greatly expanded.

OSCE members, particularly the wealthier member states, must dramatically increase their contributions to the United Nations Voluntary Fund for Victims of Torture. This fund, which provides support to torture treatment centers around the world, is woefully under-funded. Recently, the United States Congress passed the Torture Victims Relief Act. This legislation will authorize desperately needed support for treatment programs in the United States and abroad, as well as increased contributions to the U.N. Voluntary Fund for Victims of Torture.

All states, including the United States, who are party to the United Nations Convention Against Torture must honor their commitment to assuring for the safety and asylum of torture victims within their borders who have fled from their torturers. The United States, as well as a number of other countries, have recently imposed restrictions on access to asylum. In the case of the United States this means requiring a demonstration of a credible fear of persecution at the outset. This, in my judgment, particularly victimizes victims of torture who for many reasons are unable to easily articulate their claims.

Those who have committed torture, must be held accountable for their actions. Justice is paramount in preventing torture and in the healing process of those who have been victims of torture.

The experts panel on torture, established last year by the OSCE, is an important step in developing a strategy to end torture in OSCE countries. Their work in preventing torture should include recommendations for expanding training for law enforcement officials and prison officers.

In my work with torture survivors, I am reminded of the darker side of humanity and the potential for cruelty in this world. But I am also reminded of the extraordinary resilience of the human spirit. It is for the sake of all of those who have suffered from torture or continue to face the risk of being tortured, that we must commit ourselves to speaking out against torture and to ending this assault on human dignity.

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### **Right of Reply: Prevention of Torture**

#### **Statement of Dr. Allen S. Keller U.S. Delegation to the OSCE Implementation Meeting on Human Dimension Issues**

*October 29, 1998*

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The United States would like to commend the delegate from Kyrgyzstan for the candor of his statement. We would like to support his call for assistance from ODIHR.

The United States is encouraged by the statement of our esteemed colleague from Turkey concerning the commitment of his country to ending torture. The United States looks forward to the realization of the Turkish government's aspiration to ending torture.

The representative from Turkey likened requirements of Turkish doctors who care for torture survivors to disclose the names of their clients, with mandatory reporting requirements of doctors in the

United States for gun shot injuries. The United States has a different perception. When a person suffers a gun shot injury, there is, in all likelihood, not the underlying fear of retaliation as there is in reporting a crime in which a government official may be implicated.

This past June, the United States, along with embassies of many other OSCE States, sent a representative to the opening of a new treatment center for torture survivors in Diyarbakir. Four days later, the police closed this office of the Human Rights Foundation of Turkey. The excuse offered then was a lack of proper permits. Yet the Foundation had received its permits. The Turkish government should be facilitating the work of the foundation and the access of torture survivors to rehabilitation, rather than erecting barriers.

We will not challenge the Turkish delegate's knowledge of laws in Turkey that can be used to hinder the work of doctors, lawyers and rehabilitation centers that assist torture victims. Our point is simple. Given the Turkish government's stated commitment to fighting torture, we believe the government should look for ways to work with these brave doctors and lawyers, rather than prosecuting them. Working in this way with those dedicated to fighting torture would more effectively signal the Turkish government's commitment to eliminating the scourge of torture in Turkey.

The United States calls upon the Turkish government to support the torture treatment centers in Turkey, finding ways to work together to end torture. We also urge the Turkish government to make a significant contribution to the U.N. Voluntary Fund for Victims of Torture as evidence of its commitment to ending torture.

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## **Trafficking in Women and Children**

**Statement of Anita Botti  
Deputy Director and Senior Advisor on Trafficking  
Office of the Senior Coordinator for International Women's Issues  
Department of State  
U.S. Delegation to the  
OSCE Implementation Meeting on Human Dimension Issues**

*October 30, 1998*

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One of the most egregious human rights violations of our time is trafficking in human beings worldwide, particularly among women and children, for purposes of forced labor and sexual exploitation. At its core, trafficking in women and children is a form of modern day slavery. It is about abduction, violence, and exploitation of human beings. It is reprehensible.

The United States Government defines trafficking in human beings, specifically women and children, to consist of all acts involving the recruitment, transport, harboring, or sale of persons within national or across international borders, typically by deception, coercion, or force, and for the purposes of placing persons in situations of forced sexual exploitation or coerced labor.

At the Moscow Meeting of the Conference on the Human Dimension of the CSCE in 1991, we committed ourselves to “seek to eliminate all forms of violence against women, and all forms of traffic in women and exploitation of prostitution of women including by ensuring adequate legal prohibitions against such acts and other appropriate measures.”

Yet, seven years later, conservative estimates indicate that last year alone 700,000 women of all nationalities were trafficked worldwide; 100,000 of these originated in the former Soviet Union. The main OSCE countries of origin for trafficking are Russia, Ukraine, Poland, and the Baltic States; other places of origin include Belarus and Moldova. Main countries of transit include Poland, Hungary, Romania, and the Czech Republic. The women are brought mainly to Western Europe, The United States, and Japan. Attracted by the huge market, enormous profits, and minimal risks, criminal groups of all levels of sophistication are involved in trafficking in women.

These criminal networks lure women by posting advertisements for jobs overseas involving prospects for money and travel. They are sent abroad using a variety of legitimate visas (supported by fraudulent documents) and then entrapped by their hosts, who take away their passports, let their visas expire, and force them into prostitution to work off their “debts” and regain their passports. The penalty for non-compliance is often harsh—including beatings, rape, confinement with minimal food or liberties, and occasionally death.

Victims often are reluctant to turn to local authorities for help because of an entrenched distrust of law enforcement officials and a fear of being jailed because they are in a country illegally. Government attitudes in some countries sometimes inadvertently aggravate the problem by viewing these females as more of an illicit migration problem than as a human rights problem. Many governments are under tremendous pressure to limit migration, so they detain and deport women without further investigation. Corruption also prevents prosecution of traffickers; corrupt government or law enforcement officials sometimes benefit or profit from the trade.

We believe we must adopt a comprehensive and integrated approach focused on prevention, protection and assistance for victims, and prosecution of traffickers. An enforcement agenda that emphasizes crime and border enforcement must simultaneously protect victims.

What can the OSCE do to help combat this egregious problem?

President Clinton issued a directive last spring charging the U.S. Attorney General to review existing U.S. criminal laws and their current use to determine if they are adequate to prevent and deter trafficking in women and to recommend any appropriate legal changes to ensure that it is criminalized. In addition, the Attorney General is to examine current treatment of victims of trafficking and determine ways to ensure the provision of services for victims and witnesses, provide for their safe return, and consider temporary and/or permanent legal status for victims and witnesses of trafficking who lack legal status. This work is underway.

The United States also has set up a coordinating body for the fight against trafficking, under the leadership of Secretary Albright and the President’s Interagency Council on Women.

We are actively expanding collaborative efforts with source, transit, and destination countries to combat this problem. In the OSCE region, we are working jointly with the European Union, the United Nations, Italy, states of the former Soviet Union, particularly Ukraine, and Finland to combat trafficking. With Ukraine, we are developing and implementing a comprehensive and integrated strategy to combat trafficking. The United States and Italy have launched an initiative focusing on the protection of victims, cooperation with NGOs, training for law enforcement, and strengthening cooperation of our criminal justice systems. Recently, the United States and Finland agreed to collaborate on an initiative to assist in the prevention of trafficking and violence against women in the Baltic countries.

We also recognize the critical role played by nongovernmental organizations and we are committed to working together as we develop our policies and programs. We are building on the excellent work already being done by them.

To further enable the OSCE to assist in the fight against trafficking in women, the United States is offering to second to the ODIHR a legal expert to conduct an assessment of legislation in the OSCE region on trafficking and violence against women. We hope that the results of this assessment could serve as a basis to develop future OSCE programs to assist participating States in combating trafficking.

We have an ambitious agenda in front of us; we must work together and fully commit ourselves to combating trafficking in women and children.

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## **Migration, Refugees, and Displaced Persons**

### **Statement of Arthur C. Helton U.S. Delegation to the OSCE Implementation Meeting on Human Dimension Issues**

*October 30, 1998*

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Issues of forced migration are increasingly important in the OSCE region.

In the former Yugoslavia, conflict in Kosovo has displaced approximately 300,000 persons. Hundreds of ethnic Albanians have been killed by paramilitary police and troops of the Federal Republic of Yugoslavia. Winter is coming, putting at risk over 50,000 persons who remain without shelter. Avoiding a humanitarian catastrophe will require the continuing attention and resolve of the international community, and in particular the commitment of OSCE participating states to ensure that the terms of the agreement signed recently in Belgrade are met in full.

While the conflict in Bosnia and Herzegovina has abated, approximately 1.8 million people still remain displaced within and outside the countries of the former Yugoslavia. Bosnia and Herzegovina is the country from which there is the largest number of refugees, and it faces a grave problem of internal displacement. The largest number of refugees from Croatia is hosted by Yugoslavia. Yugoslavia itself hosts the largest number of refugees in the region.

Yet, the underlying causes of the situations which led to the conflicts and the ensuing forced displacement of people have not yet been removed. Accordingly, three years after the advent of peace, so-called “minority” returns, where the repatriates would be in the ethnic minority, are still hampered, despite substantial efforts by the international community. Strengthened human rights monitoring and effective remedies will be needed; as will increased support for indigenous independent sector efforts such as the Coalition for Return and Bosfam. A sustained international involvement will be needed.

One of the most serious impediments to return has been the failure to fully implement property law amendments in the Federation of Bosnia and Herzegovina. A most serious problem remains in Republika Srpska, where discriminatory war-time property laws have not even yet been revised. Until such changes are made, many of those wishing to return will be unable to repossess their property or re-assume occupancy.

Clearly, a regional approach will be needed to facilitate voluntary return or other solutions compatible with human dignity. The experience of the Commission for Real Property Claims established under the Dayton peace agreement should be taken into account in formulating a regional response on property rights. Also, appropriate citizenship arrangements must be made by successor states in the OSCE region, including the former Yugoslavia, in order to avoid the tragedy of statelessness and to facilitate durable solutions.

Crucial issues have also arisen in the former Soviet Union, where there is growing political and economic upheaval. More than 9 million people have been displaced since 1989. The deteriorating economic conditions and growing political uncertainty will likely result in increased xenophobia, erode the embryonic capacities that have developed to manage forced migration, and may produce further displacement.

Stability must be fostered and unnecessary hardship avoided in the region, and the response of the international community must be robust. Specifically, a re-commitment is needed to follow-up the 1996 Geneva Regional Conference to Address the Problems of Refugees, Displaced Persons, Other Forms of Involuntary Displacement and Returnees in the Countries of the Commonwealth of Independent States and Relevant Neighboring States. This includes encouraging broad engagement by relevant international organizations, including the lending institutions, as well as investing in the development of the capacity of the independent sector.

Indeed, local NGOs should be better utilized in the effort to ease the hardships faced by refugees and displaced persons in the former Soviet Union, including through support from a special NGO fund to which the United States has contributed. A robust independent sector would assist the uprooted and promote civil society—perhaps the optimal approach to crisis prevention.

## Culture and Education

### Statement of Dr. Henry H.H. Remak U.S. Delegation to the OSCE Implementation Meeting on Human Dimension Issues

*November 2, 1998*

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I am one of thousands of Europeans who received their primary, secondary, and part of their tertiary education in Europe, were uprooted by Hitler, rescued by the United States, concluded their education in North America, and have dedicated their professional and personal lives to increased American understanding of European cultural history and vice versa. I am a free scholar. In what I have to say, I address myself as much to my American compatriots as to Europeans.

The United States is an inter-ethnic immigrant country *par excellence*, although some immigrant groups to the United States, especially those of color, have faced serious problems with their integration into our society. The majority of immigrants came to the United States because they were dissatisfied with conditions at home. They had little incentive to look back at past history: their existential challenge was to shape their future in a richly endowed, endless and wild continent. With only two immediate, friendly neighbors and a vast oceanic coastline to provide security from potential, distant enemies, we have not experienced, luckily, a direct invasion of our borders for almost two hundred years. Compared to older cultures, we have few landmarks to remind us constantly of history.

Our visually-oriented, instant-effect media don't help much, and our ample historic reading materials get read less and less by a consumer public that is inclined to believe that if it happened yesterday it is already ancient history. "How will it play in Peoria?" at home is, for Members of Congress who want to be reelected, more existential than how it will play in nebulously distant Paris, Warsaw, or Singapore. Our electoral constituencies want their representatives to protect them from noxious fires, domestic and foreign, but they are much less interested in facing the long-term, complex historical causes of trouble. Pardon me for saying that even in this richly informed body, representing cultures of awesome continuity, I have heard few observations relating current problems to their roots in the 19th and 20th centuries. Now and then it is necessary to get a little distance from symptoms and see them in perspective.

I choose as my illustration the controversial notion of nation-building. This conference is traumatically but also hopefully aware of the travails of establishing or re-establishing numerous nations which are just emerging from between 45 or 70 or more years in large areas dominated by Soviet Communism, not even counting the centuries of preceding Czarist autocracies in areas controlled by Russia or by the relatively benign Habsburg Empire. But let us not forget that just about every nation in Europe—North, East, South, and West—has had to go through the ecstasy and the agony (for themselves and for others) of nation-building.

It took my own country, despite one of the most secure political systems of the world for over two hundred years, a century and a terrible civil war to outlaw slavery which separated north and south, and another century to come to equitable grips with its citizens of color. All of us must still work on these problems.

In Canada, Francophones continue to debate their future as a community within or separated from Canada as we have known it for a long time. In Europe, Germany has its first chance in half a century to re-establish a divided nation. Spain must reconcile Castilian culture with Catalan and Basque. Italy has vast cultural differences between North and South. Belgium must deal with endemic tensions between its Flemish- and French-speaking citizens. Seemingly idyllic Switzerland has the quasi-daily task, on a small territory, of keeping four cultures sharing the ancient confederation. And on the bloody soil of the northern part of the emerald isle we are right now witnessing the almost miraculous spectacle of the birth of a new nation or some kind of equivalent. Even the Scandinavian nations, justly admired for their steadiness and fairness, have to adjust their legendary homogeneity in order to accommodate recent immigrants from sharply contrasting cultures.

Kosovo, our foremost immediate concern, represents an example of an extreme form of the intimidation of a roughly 90 percent ethnic majority by an approximately 10 percent ethnic minority. But even there, in what we must all hope will be justice for the suppressed, we have to leave room for a reasonable accommodation of the ruling minority and its historic and religious recollections and emotions.

Mr. Moderator, a wise Latin proverb advises us to give the other side a chance to be heard before we judge: “*Semper ultra pars auditur.*” Thank you for hearing me.

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## **National Minorities**

### **Statement of Orest Deychakiwsky U.S. Delegation to the OSCE Implementation Meeting on Human Dimension Issues**

*November 2, 1998*

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Mr. Moderator, Alexis de Tocqueville once observed that democracy attaches all possible value to each man and extends the sphere of individual freedom. This maxim of classical liberal thought, enshrined in the Charter of Paris, is particularly appropriate to today’s discussion on national minorities. As our leaders solemnly declared, “Democracy is the best safeguard of freedom of expression, tolerance of all groups of society, and equality of opportunity for each person.” While the participating States have devoted considerable attention to the problems faced by persons belonging to national minorities, the emphasis has been rightly placed on the individual. Simply put, the rights we consider under this rubric are no different than those accorded to all of our citizens, whether or not they identify with a particular group. The equitable treatment of all citizens is an important measure of the strength of democracy in each of our countries. In the United States, we continue to struggle with the legacy of slavery, and overcoming this and other injustices of our past.

Some participating States have adopted a novel approach to the real life problems of individuals belonging to national minorities—denial. As though repeating the mantra that there are no “national minorities” or only selected groups on their territory will somehow exempt these governments from their responsibility to protect and promote the human rights and fundamental freedoms of all. Others pursue

policies that effectively marginalize individuals belonging to national minorities. As the Heads of State or Government concluded in the 1992 Helsinki Document, “gross violations of CSCE commitments in the field of human rights and fundamental freedoms, including those related to national minorities, pose a special threat to the peaceful development of society. . .” On this point, the United States attaches particular importance to the vital work of the High Commissioner on National Minorities operating within the parameters of his existing and somewhat limited mandate.

Mr. Moderator, members of Turkey’s significant Kurdish minority who publicly or politically assert their Kurdish ethnic identity risk harassment or prosecution. The use of minority languages, including Kurdish, in television and radio broadcasts by political parties and in schools is severely restricted and Kurdish language publications are often subject to closure by the authorities. The Mesopotamian Cultural Center—established to promote Kurdish language and culture—has been the subject of continued police harassment and numerous events sponsored by the group have been disrupted by the authorities. Instruction in the Kurdish language is prohibited as it is not included on the Ministry of Education’s list of approved languages, and private classes, including those offered by the Kurdish Research and Cultural Foundation, have been closed. The U.S. delegation is particularly concerned over the continued denial of basic political, cultural and linguistic rights to ethnic Kurds in Turkey. Persistent human rights abuses can have a boomerang effect, fostering the extremism many governments seek to curb. Terrorism, in any case, can never be an acceptable means to achieve political ends.

In Greece—the most ethnically homogeneous country in the Balkans region—individuals identifying themselves with various ethnic minorities commonly face various forms of harassment by the authorities. Primary school teacher Rasim Hint was suspended for one year earlier this year for a 1996 statement in which he referred to the school he was working at in Xanthi as a “Turkish” rather than “minority” school. As Athens formally recognizes only the “Muslim minority,” the use of the word “tourkos” in the title of organizations and associations is prohibited. Educational opportunities for members of the Turkish community in Greece remain limited. Government harassment and intimidation of some of those identifying themselves as “Macedonian” has a chilling effect on other members of that community raising the fear of loss of employment and other sanctions. In this regard, it is worth recalling the commitment contained in the Copenhagen Document that “to belong to a national minority is a matter of a person’s individual choice and no disadvantage may arise from the exercise of such choice.”

In Croatia, Greece, and Macedonia provisions of the constitution or other laws distinguish between those who have claim to the dominant ethnicity and those who do not. The Government of Kazakhstan typically discriminates in favor of ethnic Kazakhs in such fields as employment in the public sector as well as in education, housing, and other areas. Similar practices are also common in the Kyrgyz Republic and Turkmenistan.

The situation faced by many individuals belonging to national minorities throughout much of the former Yugoslavia remains bleak. The U.S. delegation has discussed in detail the gross violations of the rights of Kosovar Albanians earlier and will return to this pressing matter before the end of the Warsaw meeting. In Serbia, credible reports of attempts to illegally evict or otherwise pressure non-Serbs, including ethnic Hungarians in Vojvodina, to leave are of grave concern. The situation faced by ethnic minorities in neighboring Montenegro stands in stark contrast to oppressive policies pursued by Serbia. In Bosnia-Herzegovina, ethnic identity remains the most powerful social force with frequent instances of harassment and discrimination, many centered on property disputes. Manipulation of the movement of

people has contributed to a concentration of ethnic populations and impeded the process of returns. In an ironic twist, those belonging to groups other than the dominant Bosniak, Serbian, and Croat communities are prevented from holding positions on the national collective presidency under terms of the Dayton Accords. The Government of Croatia continues to pursue a variety of policies that blatantly discriminate against ethnic Serbs who fled the country in 1995, contributing to a low rate of return of these individuals to Croatia. In Macedonia, a major grievance of the large ethnic Albanian community remains their under-representation in various institutions, including the military and police.

Beyond basic issues of ethnic identification, many of the problems encountered by individuals belonging to national minorities fall within the fields of culture, language and religion. The responsibility of the participating States, in this regard, is summed up in the 1989 Vienna Concluding Document: "They will protect and create conditions for the promotion of the ethnic, cultural, linguistic and religious identity of national minorities on their territory."

In addition to the difficulties encountered by Turkey's ethnic Kurds discussed above, it should also be pointed out that the Turkish Ministry of Education tightly controls the curriculum in foreign-language schools, including those operated by members of the Armenian, Greek and Syrian communities in Turkey. Ethnic Hungarians in Serbia have reportedly faced increasingly limited opportunities for Hungarian language instruction. A restrictive law on minority languages is also in place in Croatia. Laws governing minority languages in Romania remain in a state of flux, a source of continued concern particularly to that country's substantial ethnic Hungarian population.

In northern Cyprus, Greek-language educational facilities for Greek Cypriot or Maronite children is limited to elementary grades, forcing parents in many instances to choose between keeping their children with them or sending them to the south for further education. Meanwhile, in Belarus, the government continues to close schools that teach in the Belarusian language and suppresses elements of Belarusian history and culture that do not support its program.

Mr. Moderator, we appreciate the desire of many governments to ensure the full participation by members of minorities in the political process. At the same time, we believe that such efforts must strike careful balances and remain consistent with the Copenhagen and other relevant documents. We are concerned by reports, for example, that some local governments in Hungary have abdicated their responsibilities for concerns relating to the Romani minority, claiming that these issues must now be addressed by under funded minority self-governments. In Slovakia, we are gratified to see that the Constitutional Court has struck down provisions of the controversial local election law which purported to establish an ethnic quota system at the expense of the Hungarian minority. We hope the Slovak Government will move quickly now to adopt a comprehensive minority language law, consistent with the recommendations of the HCNM.

Several positive developments in the treatment of minorities are worth mention. There are ongoing efforts in Bulgaria to overcome the legacy of the forced assimilation campaign of the late 1980s directed against members of the Turkish minority. In a development designed to address one aspect of Stalin's legacy, Ukraine and Uzbekistan last month concluded an agreement to facilitate the return of Crimean Tartars to Crimea. Finally, the Government of Macedonia has made significant progress in address in the demands of ethnic Albanians for greater access to higher education, including instruction in the Albanian language.

The U.S. delegation urges the participating States to redouble efforts to ensure the protection and promotion of the rights of all citizens, including individuals belonging to national minorities. As the Charter of Paris rightly concluded, respect for human rights and fundamental freedoms is an essential safeguard against an over-mighty State. In conclusion, Mr. Moderator, as history should teach us when the human rights and fundamental freedoms of selected individuals in a society are abridged, the rights of all are ultimately at risk.

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## **Roma and Sinti**

### **Statement of Erika B. Schlager U.S. Delegation to the OSCE Meeting on Human Dimension Issues**

*November 3, 1998*

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I think most people here are already familiar, in general terms, with the kinds of problems faced by Roma and Sinti.

Generally speaking, Roma face widespread and unremedied discrimination in housing, employment, military service, education, and public places. They are disproportionately subjected to police brutality and torture. In some states, Roma continue to be identified by their race in police and other official documents, following the discredited practices of previous totalitarian regimes.

These problems are well documented by non-governmental organizations such as the European Roma Rights Center, the Tolerance Foundation, and Amnesty International, as well as by the Council of Europe's Committee on Torture, the European Commission against Racism and Intolerance, the U.N. Committee on the Elimination of All Forms of Racial Discrimination, and others.

This year, Mr. Moderator, we must move from the general to the specific.

Specifically, my delegation is concerned about the reported attack on Branislav Baranyi, a 16-year-old Romani high school student from the Slovak village of Lucenec. According to reports we have received, Mr. Baranyi was attacked on May 7, 1998, in front of witnesses. It has been reported that the police in this village have refused to pursue an investigation into this matter.

My delegation is concerned about the reports of police abuse, brutality and harassment against Roma in Romania. We are concerned, for example, by the recent reports of the European Roma Rights Center which document police harassment of Mr. Gheorghe Notor in Tirgu Mures and repeated police abuses against Sebastian Muntean and his family, also in Tirgu Mures.

My delegation is alarmed by the report that Alexander Pavlov from Lom, Bulgaria set himself on fire to protest the plight of the Romani community.

My delegation is concerned about school segregation in Hungary. Last year, the Hungarian Helsinki Committee identified 132 segregated schools in Hungary. We would like to know from the Hungarian delegation what steps are being taken to address this problem and, in particular, what the position of the Hungarian Government has taken with respect to the pending law suit against the Ferenc Pethe Primary School, which is alleged to have held segregated graduation ceremonies last year.

My delegation is concerned by the move by some officials in Usti nad Labem in the Czech Republic who have announced plans to wall off two small Romani apartment buildings from other neighboring buildings. We would like to echo the views of the Chairwoman of the Council of Europe's Specialist Group on Romani Issues, Mrs. Josephine Verspaget, who called such plans "a step towards apartheid." Nine years after the fall of the Berlin Wall, we would like to know from the Czech delegation what steps their government is taking to prevent new walls from being created in the new Europe.

I mention each of these specific cases not because they are so singular, but because each is typical of cases from throughout the region. These human rights cases have faces. We know the names of Roma whose rights are denied. We know the names and significance of villages like Usti nad Labem.

This knowledge carries with it the obligation to act. It is time and past time to move from general statements of concern to specific remedies. It is time to bring participating States' conduct into compliance with their OSCE human dimension obligations and to bring justice to these victims.

Finally, Mr. Moderator, I would like to express my interest in the Slovak delegation's announcement this morning that his country intends to coordinate Roma policies with other countries in the region. We hope that Roma representatives will be fully represented in this effort and that fuller implementation of OSCE human rights obligations will be a priority in this effort.

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## **Human Dimension Mechanisms and Other Relevant Procedures**

### **Statement of Dr. Elizabeth Bonkowsky U.S. Delegation to the OSCE Implementation Meeting on Human Dimension Issues**

*November 3, 1998*

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As the OSCE has developed over the past several years from a "Conference" to an "Organization," a main focus has been how to implement more fully OSCE principles and commitments in the human dimension. We have honed several mechanisms and procedures—including the modalities for this Implementation Meeting—in constructive ways. But we must not forget that the most important and effective mechanism the OSCE has for implementation of our human rights commitments is our political will.

Each participating State has taken on all of the OSCE commitments freely and fully. This meeting is one of our most important mechanisms to strengthen implementation of human rights commitments.

This year, we revised the modalities for the human dimension implementation review to include three supplementary meetings a year dealing with human dimension topics of particular concern. We suggest that three subjects well suited for further discussion are 1) non-discrimination legislation at the national level, to ensure that equality of men and women is realized in practice, 2) Romani human rights issues, and 3) freedom of religion. These meetings should add to, but not replace, the regular discussion of human dimension issues by the Permanent Council.

The OSCE's missions and field activities form the heart of its operations. We need to ensure that mission members have the knowledge and training they need to effectively carry out their duties. The OSCE's Conflict Prevention Center, with the help of Ambassador Danielsson, has been working on a training program for mission members. The United States strongly supports this. Already, a thorough and effective two-day introductory course runs every two-weeks in Vienna.

This training program should be supplemented by courses conducted in the field on specific human rights topics that are tailored for each country and mission. We believe several missions would benefit, in particular, from a fuller understanding of OSCE commitments relating to the equality of men and women and relating to the human rights of Roma. Such courses could be jointly developed and even given by other international organizations and NGOs, which have expertise in certain areas. We believe this also presents an opportunity to develop relations between the OSCE, other international organizations, and NGOs.

Human rights training should, of course, be closely coordinated with the ODIHR. The ODIHR is one of the most effective tools we have at our disposal to assist us in implementing our commitments. We strongly support its activities in election assistance and monitoring. We would like to see it further develop its programs for follow-up on recommendations made after elections. We hope, for example, that the governments of Armenia and Azerbaijan will move quickly to address some of the specific aspects of their electoral laws or practices that were criticized by their respective OSCE election observation missions.

The OSCE has other vehicles to foster human dimension implementation as well. These include the ODIHR's rule of law programs, the High Commissioner on National Minorities, the Representative on Freedom of the Media and the experts' panels on torture and freedom of religion. While we welcome the potential benefit from each of these resources, we do not believe we should confuse the establishment of assistance resources at the multilateral level for implementation at the national level. At the end of the day, the participating States themselves are responsible for their compliance, or non-compliance, with OSCE commitments.

Finally, I would like to say a few words about dissemination of information. In this age of the Internet, it is relatively easy to widely distribute information. We commend the OSCE for the development of its website and look forward to its continued evolution. We also would like to point out to any of you who are not aware of it, that the U.S. Mission to the OSCE has its own website, on which you can find statements made by the U.S. at the weekly Permanent Council, as well as other U.S. statements and information concerning the OSCE.

## **Human Dimension Mechanisms**

### **Statement of Ambassador Robert Frowick Head of Delegation U.S. Delegation to the OSCE Implementation Meeting on Human Dimension Issues**

*November 4, 1998*

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#### ***Progress to Date***

Agenda items for these current sessions of this unusually lively and, I hope, productive seminar are so general that I would like to take a moment to reflect on progress being achieved in the OSCE process. I can't help recalling a visit I made to Warsaw ten years ago in 1988 to discuss with Foreign Ministry officials the problems then facing the CSCE Follow-up Meeting in Vienna.

At the American Ambassador's Residence one afternoon I met with Bronislaw Geremek, who told us of the struggle of Solidarnosc for Poland's recovery of independence and freedom.

With the historic changes of 1989-90, to which the CSCE Vienna Follow-up Meeting contributed very significantly, we have seen dramatic progress. Notwithstanding the serious work still to be done that we have been debating here, Mr. Geremek now meets us as Foreign Minister of his country and indeed as Chairman-in-Office of OSCE.

We discuss current issues with representatives of a fully independent Republic of Poland. Distinguished representatives of the Russian Federation speak candidly, and nobly in my view, of the extraordinary difficulties they are encountering in the wake of the collapse of Communism and make convincing statements of their government's efforts to correct acknowledged injustices. And we do all this in facilities that no longer represent the premises of the Warsaw Pact but have been effectively taken over by OSCE's Office of Democratic Institutions and Human Rights for seminar after seminar on strengthening the human dimension of OSCE endeavors.

Clearly, we are collectively making major advances. One of the main reasons we have done so is that sustained realistic debate within CSCE and OSCE has steadily opened up previously closed societies and stimulated the universal desire of ordinary people everywhere truly to enjoy the human rights and fundamental freedoms emphasized by CSCE since its inception. I think we are getting somewhere, although we still encounter very troubling situations, like the severe beating of Talib Yakubov of the Human Rights Society of Uzbekistan after his speech here. We must persist in these frank and full exchanges of opinion.

#### ***Towards a Democratic Institution-Building Mechanism***

I have noted the request at this session by the distinguished representative of Ireland, speaking for the European Union, that experiences in OSCE field missions should be brought to the attention of participating States here.

With regard to human dimension mechanisms, I should like to draw upon direct experiences of the OSCE Mission to Bosnia and Herzegovina to offer some thoughts on what might be called the functioning of a “democratic institution-building mechanism” for use in inter-ethnic societies—like Bosnia—caught in the turmoil of transition afflicting many of Europe’s formerly Communist countries.

The OSCE needs to shape coherent mechanisms of this kind for dealing with the far-reaching challenges it has encountered in Bosnia and Herzegovina, is facing in Kosovo, and no doubt will be confronting elsewhere. With nearly a quarter century of championing increased respect for human rights, it appears natural for OSCE Missions to be able to shape “human rights mechanisms” with demonstrably effective programs for monitoring, reporting and, as called for, intervening on human rights problems. Indeed, OSCE is widely regarded as the most effective organization in the field in this area of activity.

As for OSCE work on elections, its activity has recently grown from monitoring to completely supervising electoral processes as in Bosnia. And it has learned a great deal about shaping elections mechanisms capable of achieving stipulated objectives.

But I have the impression that more could be done to conceptualize “democratic institution-building mechanisms.” My own experiences in Bosnia, where it took our Mission an inordinate amount of time to get an in-depth, pro-active democratization program fully up to speed, lead me to this view.

I applaud ODIHR’s efforts to meet these evolving demands upon OSCE missions and wish only to offer some food for thought.

I would suggest beginning with a conceptualizing of realistic goals, and strategies for reaching them.

Specifically, democratization and institution-building objectives would include, *inter alia*:

- Efforts to ensure the functioning of free and independent media;
- Initiatives to stimulate inter-ethnic dialogue aimed at a progression of steps from contacts to communication to reconciliation;
- Construction of a rule of law;
- Helping shape democratic political institutions;
- Creation of police forces committed to respect for democratic norms;
- Establishment of an independent judicial system;
- Establishment of an educational system commanding the support of the public at large;
- And helping develop democratic non-governmental organizations.

OSCE supervision of elections should be viewed as but an early stage of a democratization program. Elections are of pivotal importance in overcoming centrifugal political forces and in providing the means for forming democratic governmental institutions.

Strategies to advance all this activity should include attention to political, economic, cultural and politico-military factors. Essential to success is the organization of solid teamwork and effective synergies with other international organizations. Close coordination is needed with non-governmental organizations, both foreign and domestic. Effective articulation of OSCE policies must be ensured through the media.

Mr. Moderator, these are some conclusions that we reached in the pioneering work of the OSCE Mission in Bosnia and Herzegovina. I would hope they may prove helpful to efforts of ODIHR and participating States to develop increasingly effective democratic institution-building mechanisms—which will surely continue to be needed in this ongoing period of transition toward a viable new order in Europe.

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## **The Role of NGOs**

### **Statement of Dr. Paula Gutlove U.S. Delegation to the OSCE Implementation Meeting on Human Dimension Issues**

*November 4, 1998*

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At the 1994 Budapest Summit, the participating States declared that “Respect for human rights and fundamental freedoms, democracy and the rule of law is an essential component of security and cooperation in the [OSCE] region. It must remain a primary goal of [OSCE] action.”

Nowhere is this more true than in the OSCE’s efforts to prevent, mitigate, transform or resolve conflicts, including initiatives to stimulate inter-ethnic dialogue, as stated by Ambassador Frowick this morning and others this afternoons. Initiative aimed at a progression of steps from contact, to communication, to dialogue and finally to reconciliation. These efforts I summarize here as “conflict management.” Human rights violations are often a principal cause of conflicts, and when conflicts escalate, humanitarian violations usually spiral. In the search for ways to maintain and restore peace—and thereby protect and promote human rights—non-governmental organizations have been prominent.

In my remarks today, I will focus on cooperation between NGOs and relevant OSCE institutions and instruments. In particular, in the field of conflict management, I believe there is more the OSCE states can do to utilize the resources that NGOs can provide.

#### ***Developing indigenous conflict management capacity***

Conflict management has emerged as a distinct, professional field, with NGOs in a leading role. Practical and ethical considerations now argue for a progressive strengthening of the roles and capabilities of indigenous conflict management practitioners. The OSCE could provide crucial financial and logistical support and could help international conflict management organizations to provide training, consultation, research, and evaluation for indigenous programs.

### ***Integrating conflict management with other humanitarian actions***

Peace keeping, peace building and other humanitarian programs have always involved some degree of conflict management work. However, integration of the various approaches has often been done on an ad hoc basis. The deliberate integration of conflict management, through “integrated action” programs, is a recent development. Through integrated action, conflicting parties are brought together to work on a humanitarian program that involves super-ordinate goals, and are provided with significant, concrete incentives for cooperation. At the same time, the humanitarian program receives the benefit of conflict management expertise.

For example, medical professionals, with training and assistance from the conflict management community, can create “health bridges for peace” in conflict-prone areas, whereby health can become a common objective and evoke a binding commitment that is shared by conflicting parties. The Institute for which I work is using this approach in Former Yugoslavia and in Chechnya, at times with critical assistance from the local OSCE mission.

### ***Suggested actions for OSCE participating states***

At the January 1994 ODIHR Seminar on Early Warning and Preventive Diplomacy, I had the honor to address this body from this platform as a public member of the United States delegation. I called for improved communication and cooperation between the then-CSCE and conflict management NGOs. I was pleased that then-Secretary Hoynck and others embraced this proposal. I am gratified that since then my lone voice has become a part of a larger chorus, as we hear this afternoon.

OSCE has taken significant steps to develop cooperation with non-government conflict management specialists. My Institute has worked with both the OSCE Secretariat and the Conflict Prevention Centre to bring together OSCE delegates and officials with conflict management specialists, to explore the potential for meaningful, effective cooperation. I have been a public member of the United States’ delegation to the 1994 and 1996 Review Conferences in Budapest and Vienna. At these conferences, I have asked OSCE to increase its commitment to conflict management by supporting cooperative actions and improved information exchange between the OSCE and non-government conflict management specialists. At each conference, these recommendations were heartily supported. Today, the needs for practical action and increased commitment have never been greater. Accordingly, I ask that OSCE participating states at this meeting resolve to:

1. provide greater resources for building and sustaining indigenous conflict management capabilities;
2. promote “integrated action”, in which conflict management is integrated with other functions; and
3. support improved communication, coordination and information exchange, both within the conflict management field and between this field and related fields.

OSCE is well placed to be the leading intergovernmental conflict management actor in Europe, and by utilizing the resources that conflict management NGOs have to offer, it will certainly make a major contribution to a sustainable, peaceful world. One practical suggestion that could be implemented immediately is that, as OSCE assembles its mission to Kosovo, it work with conflict management NGOs to incorporate conflict management techniques in the mission’s operation, to aid efforts to reconcile inter-

ethnic relations, to assist in the development of integrated action programs and to include in the mission staff, as suggested this morning by the representative of Human Rights Watch/Helsinki and others, specialists in inter-ethnic relations.

I strongly encourage OSCE participating states to work closely and cooperatively with NGOs, particularly in the area of conflict management.

To do so will enhance efforts to forge peace and promote human rights.

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## **Plenary Statement**

### **Statement of Leslie Gersen Deputy Assistant Secretary Bureau of Democracy, Human Rights and Labor U.S. Delegation to the OSCE Implementation Meeting on Human Dimension Issues**

*November 6, 1998*

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On behalf of the U.S. delegation, I first want to express our appreciation for the fine leadership of ODIHR Director Gerard Stoudmann, and the integral work of his staff, in improving and conducting this implementation meeting. I should also take this opportunity to thank the Polish Government for providing the ODIHR with new facilities and building a base for even stronger ODIHR performance in the future.

The United States has long been a strong champion of implementation review—we see these annual meetings as an opportunity to make the Helsinki Final Act and other OSCE commitments a living institution, rather than simply an exchange of words. We support ODIHR's assistance to participating States in advancing the human dimension and welcome the advent of advisory panels, such as the panel on religious liberty and that on torture. For us, implementation is the keystone of what makes the OSCE an organization that works, rather than one that talks. But we also need to ask ourselves some fundamental questions about the process itself. Why are we here? Why have we committed resources and people to this effort? I think there are two answers:

- **Accountability:** Plato's aphorism that an unexamined life is not worth living applies as much to states as it does to individuals. By holding nations accountable, we ensure that promises made are promises kept.
- **Honesty:** We not only measure other states' performance, we invite other nations as well as NGOs to assess our strengths and weaknesses. This can be a humbling process, but it is one that advances our own efforts to strengthen the protection of human rights and fundamental freedoms at home.

As OSCE states, we have committed ourselves to establishing and honoring a higher standard on human rights: to encourage free media to flourish even when they do not favor our agendas or our leaders; to promote religious freedom as an integral part of the fabric of our foreign policy; to elect our leaders democratically; to integrate diversity, respect differences among people and encourage their full participation in our social, economic and political life; to encourage the full flowering of civil society, including the development of groups that may criticize us for our failure to live up to these very goals.

When an OSCE state fails to meet these standards, we owe it to each other to discuss, criticize, evaluate, and encourage change. We talk to bring about change, not maintain the status quo.

As all of you know, the United States has received its share of criticism during this meeting. We welcome these comments as part of the long tradition of human rights activism that has characterized our history. We are a stronger, more vital, more diverse nation as a result. We can not only take the criticism, we can and will profit from it.

Even as we come here to evaluate our own progress in the human dimension, much of our discussion has focused on Kosovo.

For most of the past decade, the ethnic Albanian majority in Kosovo has suffered from a system of political, cultural and economic oppression. And this year, Serbian President Slobodan Milosevic unleashed a campaign that brought the province to the brink of humanitarian disaster. The recent agreement negotiated under the threat of NATO air strikes has begun to have impact. A cease-fire is now being observed and thousands of displaced persons are returning to their homes. An OSCE mission will soon be in place to verify the agreement's implementation.

The Kosovo Verification mission's credibility will hinge on a rapid, successful, broad-based human rights, election supervision, and democratization effort. What we, the international community, can promote in terms of pluralism, participatory democracy and human rights protection will be a measure of the entire verification and settlement implementation effort. This will require sustained engagement on the part of all OSCE states.

We should also highlight the role of the International Criminal Tribunal for the Former Yugoslavia. The United Nations Security Council has reaffirmed the Tribunal's jurisdiction over matters in Kosovo, and in the agreement brokered by Ambassador Holbrooke and Slobodan Milosevic, Belgrade agreed to comply with U.N. Security Council Resolution 1199 and provide the Tribunal with full cooperation.

In this context, we are disturbed by the Serbian government's failure to issue unrestricted visas to Tribunal investigators, and entirely agree with Tribunal President MacDonald's and Prosecutor Arbour's statements that Serbia is failing to comply with its obligations. We categorically reject the Serbian government view that the Tribunal does not have jurisdiction in Kosovo, and we raise the Serbian noncompliance in the Security Council and other fora.

In addition to its effect on Kosovo itself, the crisis in Kosovo has overflowed to affect the people of Serbia as well. Under the guise of a new information law, President Milosevic has closed many of the country's independent media outlets. He has also silenced academic dissent. These moves are not in the interest of protecting and promoting Serbian nationhood. And they further remove Serbia from Europe.

Montenegro's democratic steps forward confirm that there is nothing inherently anti-democratic or anti-human rights about the Yugoslav people. When the people of Serbia move peacefully from dictatorship to democracy, they will once again be welcomed into the European family of nations.

It is ironic to have the final United States intervention of this conference focus on a state that is not represented here—but it underscores our fundamental point that observing OSCE commitments is a dynamic process and means much more than just signing the Helsinki Final Act and then moving on to other business.

We are here because if we cannot speak freely and frankly about our adherence to OSCE principles, then we invite future breakdowns of civil society. All of us are here of our own free will as sovereign states. We are here because security is indivisible from human rights, and the human dimension is an essential part of the OSCE's comprehensive approach to security. The promises we have made are promises we must keep.

