

THE 1999 OSCE SUPPLEMENTARY HUMAN DIMENSION MEETINGS



**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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THE 1999 OSCE SUPPLEMENTARY HUMAN DIMENSION MEETINGS

BACKGROUND

As part of an effort to enhance its review of the implementation of OSCE human dimension commitments, the OSCE Permanent Council decided on July 9, 1998 (PC DEC/241) to restructure (by, in effect, tightening the schedule for) the Human Dimension Implementation Meetings periodically held in Warsaw.¹ In addition, it was decided to convene annually three informal Supplementary Human Dimension Meetings in the framework of the Permanent Council. Holding these meetings in Vienna, at the site of the weekly meetings of the Permanent Council – the OSCE's standing decision-making body – is intended to foster greater consideration of human dimension issues by the Permanent Council which, as a rule, convenes behind closed doors.

The subjects for the Supplementary Human Dimension Meetings are to reflect key substantive issues raised at the previous Human Dimension Implementation Meeting or Review Conference.² The selection of topics is made by the OSCE Chairman-in-Office. For 1999, the chosen topics were religious liberties, gender issues, and Roma and Sinti issues.

These meetings are, as a rule, one-day meetings. As informal meetings, they need not be held in all six official OSCE languages (German, English, Spanish, French, Italian, and Russian), resulting in a considerable reduction in the cost of convening these meetings. The meetings may be attended by representatives of OSCE participating States, international organizations, and non-governmental organizations.

The OSCE Chairman-in-Office is mandated to provide the Permanent Council with a presentation on the proceedings of each Supplementary Human Dimension Meeting. In addition, the OSCE's Office for Democratic Institutions and Human Rights (ODIHR) is mandated to compile any written statements circulated through the Secretariat at the Supplementary Human Dimension Meeting and re-distribute them to OSCE participating States in advance of the next Human Dimension Implementation Meeting or Review Conference.

¹For a discussion of the shortcomings of the implementation review process, see *THE OSCE AFTER THE LISBON SUMMIT* (1997) and *THE 1997 OSCE MEETING ON HUMAN DIMENSION ISSUES* (1998). For a discussion of improvements to the review process, see *THE 1998 OSCE Implementation Meeting on Human Dimension Issues*, (1999) (all reports prepared by the staff of the Commission on Security and Cooperation in Europe, available at <www.house.gov/csce>).

²Review Conferences precede summits of OSCE Heads of State or Government. They are usually held every two years. Review Conferences are mandated to review implementation of OSCE commitments in all areas (military security, economic and environmental cooperation, and the human dimension). In every year in which there is not a Review Conference, there is a Human Dimension Implementation Meeting. (“Human Dimension Implementation Meetings” were originally called, in the 1992 Helsinki Document, “Implementation Meetings on Human Dimension Issues.” For no particular reason, a 1998 PC decision changed their name to the slightly more straightforward “Human Dimension Implementation Meetings.”)

This report provides a summary of the three Supplementary Human Dimension Meetings convened during 1999.

SUPPLEMENTARY HUMAN DIMENSION MEETING ON RELIGIOUS LIBERTY

The OSCE held the first of its three 1999 Supplementary Human Dimension Meetings on the issue of religious liberty on March 22. Approximately 200 people attended the meeting, including several participants from the United States.³ The U.S. Delegation was headed by Robert A. Seiple, Ambassador at Large (Designate), Office of International Religious Freedom, Department of State, and included staff from the U.S. Mission to the OSCE and the Commission on Security and Cooperation in Europe. The working languages were English and Russian.

The OSCE's Office for Democratic Institutions and Human Rights established an Expert Group on Religious Liberties in 1997 which, to date, has met three times and produced a report for the 1997 Implementation Review Meeting. In addition, a side event on religious liberties was organized during the 1998 Implementation Meeting on Human Dimension Issues.⁴ All human dimension issues, including religious liberties, are discussed at the regular, annual implementation fora.

The day-long Supplementary Human Dimension Meeting was divided into three discussion topics: (1) religion and conflict resolution; (2) religious pluralism and tolerance; and (3) the OSCE Expert Panel and recommendations for action. Each topic was introduced by one to three experts who delivered short statements to help crystalize the issues for discussion. The meeting was moderated by Norwegian Ambassador Leif Mevik.

During the meeting, participants raised a number of concerns, including intolerance toward "non-traditional" religions, restrictive or discriminatory legislation, anti-Semitism, and the issue of "sects." However, due to the large number of attendees – especially non-governmental representatives(NGOs) – and the fact that delegations generally delivered prepared statements, the discussion was not dynamic. Except for the rights of reply exercised by a number of national delegations, there was very little constructive discussion on actions that ought to be taken. Although speeches often raised specific problems within specific OSCE participating States, these interventions rarely offered concrete suggestions for remedying these problems.

³Delegates to the Permanent Council were able to enter the meeting site with their regular badges and, therefore, did not necessarily have to register for this meeting in order to attend or participate. Accordingly, the numbers of participants are estimates based on the numbers of people who registered; the actual number is higher, but by an uncertain amount.

⁴A consolidated summary of the meeting, including brief descriptions of roundtables is available at the ODIHR website, <www.osceprag.cz/inst/odihr/index.htm>. Other ODIHR materials mentioned in this report are also available on-line.

Under the topic of religious pluralism, two experts and a number of NGO representatives underscored the problems of religious intolerance in Western Europe, particularly in French-speaking countries. One expert and a number of NGOs also singled out Russia, Turkey, and Uzbekistan as participating States where religious intolerance continues. The European Union (EU) also emphasized growing religious intolerance, evidenced by unnecessary government surveillance and restrictions on new religious movements. The EU statement suggested that while there may be legitimate concern over the proliferation of “dangerous sects,” this should not lead to government labeling of all new religious movements as dangerous. Governments instead should focus on the practice of such groups.

Russia, Turkey, Uzbekistan, Austria, France, and Belgium all asserted in their rights of reply that there were no religious liberty violations occurring in their respective countries. The Russian delegation dismissed one NGO’s intervention as a “political” view and maintained that the new Russian law on religion does not discriminate in any way or limit religious practice in Russia. The Russian delegation also surmised that the current case⁵ against the Jehovah’s Witnesses in Moscow may move Russian jurisprudence in a positive direction and therefore cannot be seen as a negative factor. Turkey argued that any right, including religious liberty, has its limits and then launched into a discussion of the Lausanne Treaty. Uzbekistan maintained that it implemented all of the OSCE commitments and that it was a gross exaggeration to suggest that there were human rights violations in Uzbekistan. Austria was adamant on the point that the government’s role is the prevention of tragedies such as the 1978 mass suicide of over 900 people in Jonestown, Guyana, and stated that this was why there is an independent government agency in Austria to review and warn the public of dangerous groups. France specifically stated that two groups, the Church of Scientology and Jehovah’s, were problematic and that the Government of France was concerned regarding possible violations of the rights of children, the corruption of the financial system and the abuse of the tax system by these groups and others. Belgium defended its new law establishing an advice and information center on allegedly dangerous sects as being aimed at the practices of these groups. The Belgian delegation stressed that the harmful character of these groups is scrutinized based on constitutional principles.

Overall, the Supplementary Human Dimension Meeting had some of the same characteristics that the discussion of religious liberties during yearly implementation review fora have had: prepared statements by national delegations; non-governmental interventions which identify problems but do not necessarily focus on the ways to address them; and government rights of reply which become the final word on the subject. Some observers concluded that the discussion might have been more dynamic if the meeting had been broken into smaller, more informal groups to facilitate dialogue. In addition, some argued that the

⁵In 1998, a civil suit was filed by the Moscow Prosecutor against the Jehovah’s Witnesses under the 1997 law on religious associations charging that the confession ignites religious dissension, promotes the dissolution of families, encourages the refusal of medical aid in life-threatening situations, and recruits minors without their parents’ consent. After five weeks of testimony, the presiding judge referred the case to a five-member panel for further study and final determination of the case. This decision was appealed by the Jehovah’s Witnesses but the appeal was denied. As of September 16, 1999, the case is technically suspended pending review and decision by the five-member panel.

meeting did not succeed in creating a sufficiently informal atmosphere in which government representatives would feel comfortable moving away from their traditionally scripted texts.

SUPPLEMENTARY HUMAN DIMENSION MEETING ON GENDER ISSUES

On June 14-15, the OSCE held its second Supplementary Human Dimension Meeting, on the subject of “gender issues” with a focus on issues affecting women in the OSCE region. More than 200 people attended the meeting, including a large number of representatives of women’s NGOs. Only one U.S.-based NGO, Human Rights Watch/The Women’s Rights Division, was represented at the meeting. The U.S. Delegation was headed by Ambassador David T. Johnson, joined by Anita Botti, Deputy Director of the President’s Interagency Council on Women and Chair of the Interagency Taskforce to Combat Trafficking in Women, and staff from the U.S. Mission to the OSCE and the Commission on Security and Cooperation in Europe. The working languages were English and Russian.

The OSCE convened in October 1997 a seminar on “women’s participation in democracy,” as well as a regional meeting on “Women in Public Life,” held in Tashkent, Uzbekistan, in June 1998. (The June 1999 Supplementary Human Dimension Meeting was cast as follow-up to the 1997 seminar.) All human dimension issues, including women’s human rights, can be discussed at the regular, annual implementation fora.

In an effort to improve on the format used for the first Supplementary Human Dimension Meeting, the second supplementary meeting followed slightly different modalities intended to encourage more open discussion among participants and a more constructive iteration of recommendations. Accordingly, after a short plenary session with a keynote speech by Martina Vandenberg of the Women’s Rights Division of Human Rights Watch, each participant moved into one of three working groups: (1) the economic sphere; (2) the security sphere, with a focus on post-conflict rehabilitation; and (3) the political and public spheres. In each working group, a rapporteur led the group in identifying the key substantive concerns in that particular sphere and discussing examples of good and bad practices. In addition, participants were urged by the moderators to craft recommendations on the identified concerns for the OSCE or participating States.

In the working group on action in the economic sphere, despite the emphasis on informal discussions, the session began with the reading of prepared statements on behalf of the Nordic countries and the European Union. Thanks in large part to NGO representatives from Central Asia and the Caucasus, a discussion eventually evolved and prepared statements were kept to a minimum thereafter. A prevailing concern voiced in this working group was the “feminization of poverty” and the disproportionate impact of unemployment on women. One participant described a 50% nationwide unemployment rate in Kazakhstan – noting that in some parts of the country the unemployment rate is as high as 80% – of which the majority are women. Others described rampant sex discrimination against women hindering their ability to gain employment and, for those fortunate enough to secure a job, blatant sexual harassment in the workplace. Legal recourse against such behavior is lacking in most countries. Several participants from eastern OSCE countries initially insisted that the laws in their countries are

“nondiscriminatory.” However, when asked specifically, the women acknowledged that there is no legislation which provides women with a legal remedy if they suffer discrimination. Participants from all OSCE regions also highlighted the issue of trafficking in women for forced prostitution, sweatshop labor, or other forms of indentured servitude as a tragic and violent consequence of women’s inability to earn a living wage in many post-communist countries.

The second working group, which focused on the security sphere, concentrated on the impact of conflicts on women and how the OSCE can address women’s needs in the context of post-conflict rehabilitation. Due to the loss of male family members in a conflict, many women have become heads of household during conflicts such as those in Kosovo, Bosnia and Herzegovina, Tajikistan and elsewhere in the OSCE region. Participants expressed frustration that, despite these new roles, women are often overlooked by the international community in the planning and implementation of democratization and economic reconstruction programs in post-conflict settings. By way of example, participants asserted that women have unequal access to loans and are commonly diverted into training programs for low-paying jobs in traditionally female occupations. In addition, participants emphasized the importance of responding to the needs of sexual or domestic violence victims during or after a conflict, including working to change societal attitudes which stigmatize rape victims and cause them to be ostracized from society. It was also noted that refugee women and women in post-conflict settings are particularly susceptible to trafficking. Participants emphasized the essential need to take legal and practical steps in Kosovo to protect women from crimes such as trafficking. Participants in this working group, as well as those in the first working group, suggested that the OSCE serve as a forum in which source, transit and destination countries for trafficking victims could work cooperatively on solutions to this problem.

The third and largest working group considered gender issues in the political and public spheres. It also began with a statement on behalf of EU member states. Participants discussed the under-representation of women in decision-making bodies and within the OSCE itself. Participants recognized that increasing the numbers of women in parliament and at regional and local levels of government represents only half the story; many women serving in elected positions find their participation marginalized because they are limited by male leadership to policy areas indicative of gender stereotyping, such as cultural and social affairs issues, at the expense of involvement in key policy areas such as trade, industry, transportation and economic affairs. In this working group, there was a marked difference between the approach of the NGOs from Western countries and those that came from Central Asia or the Caucasus. Many NGOs from Western European countries focused on issues such as the ratification or non-ratification of international treaties on women's rights, whereas NGOs from Central Asia and the Caucasus spoke more about the actual barriers they face to the effective protection of their rights. In addition, some of the NGOs from Central Asia and the Caucasus made constructive suggestions on ways the OSCE offices in their region might better promote women's rights.

In general, the informal discussion format employed at this second supplementary meeting was regarded as an improvement over the more static presentations that characterized the first Supplementary Human Dimension Meeting in March. In addition, stretching the Supplementary Human Dimension

Meetings over a two-day period – even while keeping the formal meeting time to just seven hours – created greater opportunities for NGOs to organize side events and for informal contacts between NGO representatives and government delegates. Given the expense of just coming to Vienna, this enabled many participants to get more value for the cost of their trip.

All this said, there continued to be some problems with this format, demonstrating the need for the OSCE to further refine the organization and modalities for the Supplementary Human Dimension Meetings.

First, while removing nameplates was designed to foster a more informal and spontaneous exchange of views, it also resulted in participants, especially in the largest of the three working groups, sometimes not knowing who was speaking. Second, the decision to divide participants into three working groups was intended to foster discussions at more than a superficial level on any given aspect of gender issues. By holding three working group meetings simultaneously, however, many NGOs and smaller national delegations could only participate in one group and were denied the possibility of listening and contributing to other groups. An alternative approach might have been to adopt a narrow agenda focused on a discrete set of issues. The decision to adopt a broad agenda – effectively trying to address all issues related to women's human rights in a time frame that spanned a mere seven hours – apparently stemmed from the inability of the participating States to agree on a common set of priorities. Another unfortunate side effect of holding three simultaneous working groups was the lack of sufficient facilities for simultaneous translation for all groups.

In addition, it became clear during the course of the meeting that many NGO participants had little or no experience at OSCE meetings or with the Helsinki process. For some, this appeared to be their first experience at any international gathering of this kind; for others, especially many of the Western NGOs, they appeared to be accustomed to raising women's rights issues in the context of United Nations or Council of Europe meetings – both bodies with markedly different structures than the OSCE. (Unlike the United Nations, for example, the OSCE does not engage in any development work and is unlikely to do so.) Accordingly, it was unfortunate that some speakers, including at least one person speaking on behalf of the ODIHR, misrepresented the nature of the suggestions made at the meeting by implying that they had the same status as consensus-based decisions adopted by the OSCE participating States, which they do not.

In fact, while there were constructive and useful recommendations made during the meeting (which were summarized by the moderators at the end of the meeting), it is clear that some suggestions would never be accepted by the OSCE participating States. For example, in one working group a participant argued that because women face unfavorable stereotyping by the media, the mandate of the OSCE Representative on Freedom of the Media should be expanded to address this problem by giving him, in effect, a censorship role. Such a recommendation would not gain a consensus among the OSCE participating States and, in all likelihood, would be strongly opposed by NGOs that monitor freedom of the media. (Recommendations advocating some form of media censorship actually came up in not one but *two* of the working groups.)

Finally, the hoped-for dialogue on solutions failed to materialize. Although this meeting produced a wealth of recommendations, there was no in-depth discussion of any of the specific ideas put forward. In the largest of the three working groups (on gender issues in the political and public spheres), for example, recommendations were presented *seriatim*, with most speakers making no reference to what had been just said or proposed but simply moving on to their own suggestions. To some extent, the breadth of the agenda probably contributed to this phenomenon.

SUPPLEMENTARY HUMAN DIMENSION MEETING ON ROMA AND SINTI ISSUES

The third Supplementary Human Dimension Meeting of 1999 was held on September 6. More than 300 people participated in the meeting, including several NGOs from the United States. The U.S. Delegation was headed by Ambassador David Johnson, head of the U.S. Mission to the OSCE, joined by staff from the U.S. Embassies in Prague and Bratislava, from the Department of State's Bureau on Democracy, Human Rights and Labor, and from the Commission on Security and Cooperation in Europe. The working languages were English and Romani.

In 1994, the OSCE had convened a seminar on Roma and Sinti human rights issues. In addition, the New Jersey-based Project on Ethnic Relations had organized side events on Romani concerns at the 1997 and 1998 implementation meetings.⁶ All human dimension issues, including human rights violations of the Roma, can be discussed at the regular, annual implementation fora.

The opening plenary session was moderated by Norwegian Ambassador Leif Mevik. Following introductory remarks by Nicolae Gheorghe, OSCE Advisor on Roma Issues, the OSCE High Commissioner on National Minorities, Max van der Stoel, presented a keynote speech in which he profiled the results of his year-long study of Roma issues in the OSCE.⁷ Van der Stoel emphasized that "discrimination and exclusion are fundamental features of the Roma experience" and presented preliminary recommendations for OSCE participating States and the OSCE as an institution to address problems faced by Roma. (A full report by the High Commissioner is expected to be released in conjunction with the OSCE summit of Heads of State or Government, to be held in Istanbul in November 1999.)

The meeting then broke into two working groups: (1) Roma and Sinti policies from ideas to implementation: putting "best practices" in the Human Dimension into operation; and (2) confronting crisis situations: building and implementing a platform for action to approach new problems in emergency situations.

⁶The success of the 1997 Round Table on Roma and Sinti concerns led to the organization of similar side events on other issues at the 1998 Human Dimension Meeting.

⁷The High Commissioner on National Minorities had announced, at the 1998 Human Dimension Implementation Meeting, he would be preparing a set of recommendations on Romani issues that fall within his mandate.

Working group 1, drawing roughly equal numbers of participants as working group 2, hosted more than 20 speakers over the course of three hours. Government representatives from Finland, Romania, and Slovakia, at the request of the ODIHR, began the meeting by outlining his or her government's approach to Romani issues. In addition, prepared statements were presented by representatives of the European Roma Rights Center (a Budapest-based NGO) and the Project on Ethnic Relations (a New Jersey-based NGO). Although intended to jump start and help direct constructively the discussion, NGOs complained that the government speakers held the floor for too long and failed to reflect realistic self-criticism. Several other government representatives, notably from Macedonia, Germany, and Hungary, also presented prepared statements.

Romani NGOs, for their part, ignored the "best practices" rhetoric, apparently reflecting the widespread belief that there really are not any best practices – only, perhaps, "least bad practices" or, exceptionally "isolated instances where good triumphs over evil and somehow the right thing gets done."⁸ Notwithstanding having been admonished by the organizers to focus on solutions and not descriptions of problems, NGO representatives proceeded to raise a variety of criticisms which were generally directed at their own countries. A Bulgarian-Romani NGO argued, for example, that there should be more transparency in government policy making with regard to Roma and greater dissemination of information about government action on Roma issues. One of the most common concerns voiced by Roma participating in the meeting was discrimination against Roma in the education system.

As an illustration of the growing practice of Roma to speak for their ethnic kin beyond their own borders, Romani Rose (from Germany) voiced concern for the Roma of Kosovo and Slovak Roma flood victims. He also criticized the 1998 Oslo ministerial document's language which "classi[fies] the entire Sinti and Roma population in Europe as an 'integration problem' . . . in the Central Council's [of German Sinti and Roma] view, the OSCE Ministerial Council would not characterize any other minority in Europe like this."

Although the meeting organizers had anticipated that working group 1 would address several specific aspects under the "best practices" rubric – participation of Roma in policy making; policing issues; international/multinational cooperation; and asylum – participants failed to exhaust even the first of these

⁸At a hearing of the Commission on Security and Cooperation in Europe, when asked which country had the best record on Romani human rights, Dr. David Crowe said, "If we are talking just about Central and Eastern Europe, I think you are talking about varying degrees of bad or worse. I think Hungary, if you had to make a list, from positive to negative, I guess we would list Hungary as the best of the worst. From that point on, it is just varying degrees of bad." Dr. Ian Hancock concurred; James Goldston argued, "I would have to say in response to the question of any success stories bluntly no." ROMANI HUMAN RIGHTS IN EUROPE, Hearing before the Commission on Security and Cooperation in Europe (July 21, 1998). See <www.house.gov/csce/>, link to publications.

four points. Although non-Kosovo related asylum issues⁹ were expected to be discussed in this group, to the regret of many, were not discussed at all.

The second working group focused on “confronting crisis situations: building and implementing a platform for action to approach new problems in emergency situations” – in short, a forum to address the plight of Roma in and from Kosovo. Organizers of this working group had expected to focus primarily on ways in which the OSCE Mission in Kosovo might address Romani concerns in the field. Roma, however, used the meeting first and foremost as an opportunity to underscore what those concerns were. Roma from Kosovo, for example, described the ways in which they had been the victims of ethnically motivated violence and the targets of retaliation for alleged cooperation with Serbs. They argued that U.N. forces had failed to protect Roma from violence. NGOs also discussed the particular concerns of Roma asylum seekers from Kosovo. Although Roma are not safe in Kosovo, refugee camps in Macedonia are about to close, leaving some 3,000 Roma from Kosovo with no where to go.

A number of suggestions were made by governments and non-governmental representatives, including training OSCE Mission members on issues relating to Roma, seconding Roma staff to the OSCE Mission,¹⁰ and establishing lines of communication between Roma and KFOR.

A closing plenary included presentations by moderators summing up the recommendations made in their respective working groups and final comments from governments and non-governmental organizations.

The third and final Supplementary Human Dimension Meeting of 1999 suffered from some of the same organizational flaws that undermined earlier meetings, particularly an overly broad agenda. NGOs criticized the meeting for failing to “produce concrete results” and being too full of uncritical, self-serving statements by governments. A few government representatives complained after the meeting that they could not understand the points made by Roma – a phenomenon that often occurs when Roma make points that governments do not want to hear. There were, however, some positive aspects of the meeting. First and foremost, the Supplementary Meeting provided an opportunity for Roma to register human rights concerns before the OSCE’s principal decision makers. This was especially important with respect to the OSCE’s on-going engagement in Kosovo. Second, it provided a forum for Roma to meet across borders, exchange views on common issues of concern, and to learn more about the OSCE. Finally, the meeting offered some symbolic, but important victories: at a time when some OSCE government officials denigrate

⁹Since 1990, significant numbers of Bulgarian, Czech, Hungarian, Polish, Romanian and Slovak Roma have sought asylum in a number of western countries, including Belgium, Denmark, Germany, Norway, the United Kingdom and the United States. In July 1999, approximately 1600 Slovak Roma sought asylum in Finland.

¹⁰Most Mission members are not direct hires (with the exception of local interpreters or drivers) but are seconded by OSCE participating States.

the Romani language, history and culture,¹¹ the third Supplementary Human Dimension Meeting offered exemplary interpretation between Romani and English.

OBSERVATIONS AND RECOMMENDATIONS

The decision to convene Supplementary Human Dimension Meetings responded, i.a., to two specific complaints about the implementation review process. First, critics argued the process was in need of invigoration. Second, they argued that the Permanent Council needed to be more fully seized with human dimension concerns. The three Supplementary Human Dimension Meetings held this year have, to a certain extent, been an experiment in addressing those concerns. Each of the three meetings was organized slightly differently, taking into consideration problems with the format of the preceding meeting.

Looking at all three meetings together, a few observations are in order:

- If it is taken as a given that at least 100 NGOs will come to any given Supplementary Human Dimension Meeting, joining delegates from the twenty or more countries (out of 54 fully participating OSCE states) that will send representatives, perhaps it is unrealistic to expect that the dialogue among such a large group would be spontaneous or dynamic.
- Many NGOs have questioned the value of long interventions by “experts,” preferring more time for their own interventions.
- In a few instances, the moderators degenerated into brow-beating the participants into formulating recommendations. While it is useful for the OSCE to welcome the views of the non-governmental community, excessive focus on producing “recommendations” detracts from other important aspects of the meeting including the exchange of information about human dimension issues and improved contacts between delegates and NGOs, and among NGOs. Moreover, the overemphasis placed on recommendations to be produced by the meeting may create an unrealistic expectation among NGOs (especially those with little experience with the OSCE) that the OSCE actually intends to implement, word for word, the recommendations. While the recommendations may constitute food for thought, they are not binding decisions. More to the point, virtually none of the recommendations made at any of the three meetings was discussed in any depth and the summary reports prepared by the ODIHR may mask serious divisions among meeting participants.
- Although the practice of delivering prepared interventions was somewhat discredited at the religious liberties Supplementary Human Dimension Meeting held in March, it was slightly revived again at the Supplementary Human Dimension Meeting on Roma Issues in September. It may be unrealistic to think that governments will not prepare statements – at a minimum for use as rights of reply if not

¹¹See, for example, *Story on Hungary’s Gypsies ‘ill-informed, malicious,’* letter to the editor of the WASHINGTON TIMES by Hungarian Ambassador Geza Jeszenszy, in which he dismisses “Gypsy” as “not a modern written language” arguing “[t]o assign Gypsy [sic] children to a life in that language would . . . perpetuate their disadvantaged status.”

preemptive statements – when they know their records are under critical scrutiny. In addition, some government statements, while perhaps undesirably long for oral iteration, offered insight into policy nuances or presented useful information; such statements can always be circulated in full form.

- The agenda for each of the three meetings (with the exception of the working group on Kosovo at the meeting on Roma) was entirely too broad, a fact immediately apparent upon the adoption of each agenda. As a consequence, the discussions were relatively superficial as participants did not have a chance to discuss specific issues in great depth.
- Breaking down into working groups (an innovation of the second and third Supplementary Human Dimension Meetings) was intended allow discussion of more specific issues; it did not. First, many governments and NGOs do not have the personnel resources to staff two or three working groups at the same time. Going to one group meant, automatically, being excluded from the other(s). Second, the themes for the working groups at the gender meeting and, in the first working group at the Roma meeting, remained overly broad. (That is, one single, overly broad agenda was replaced by two or three overly broad agendas.) The working group on Kosovo, held during the Supplementary Human Dimension Meeting on Roma, stands as perhaps the best example of how an agenda *could* be constructively selected: the subject was 1) a narrow, focused issue; 2) related to an urgent and ongoing crisis; and 3) related to an area where the OSCE has an active operation mission.

In spite of their shortcomings, most observers argue the Supplementary Human Dimension Meetings have been a useful addition to the OSCE's tool chest and most critics seem to believe that holding the meetings -- albeit with improvements -- is better than not holding them. The following recommendations might be considered for future Supplementary Human Dimension Meetings.

- The OSCE/ODIHR websites should be made more user friendly to better disseminate information about the Supplementary Human Dimension Meetings (as well as other OSCE information) prior to the meetings themselves.
- Supplementary Human Dimension Meetings must either 1) have more narrowly tailored agendas.
- Supplementary Human Dimension Meetings should split the time allotted for formal meetings over a two-day period (as was the case at the Supplementary Human Dimension Meeting on gender issues).
- More Permanent Council delegates should attend the Supplementary Human Dimension Meetings.

- Follow-up discussion by the Chairman-in-Office at Permanent Council meetings has been relatively superficial. The Permanent Council should plan to engage in a fuller discussion of the issues raised during Supplementary Human Dimension Meetings.

STATEMENTS OF THE U.S. DELEGATION

Statement of Ambassador (Designate) Robert A. Seiple
Office of International Religious Freedom, Department of State
OSCE Supplementary Human Dimension Meeting on Religious Liberty
March 22, 1999

Ambassador Mevik, members of the Permanent Council, and distinguished Delegates, I am honored to be here today to deliver the intervention of the United States on the topic of religious pluralism. I am particularly pleased to observe the NGO representation here today. Before I was appointed to head the new Office of International Religious Freedom in the United States Department of State, I worked for an NGO. I know, from my personal experience, that NGOs are often the voice of conscience that speak to the world of power and prestige.

OSCE participating states have been profoundly enriched by the many religious faiths that have prospered in their lands. For almost two thousand years, Christianity has shaped lives, history, and culture from Istanbul to Rome. For one thousand years the Roman Catholic Church has sometimes thrived (and sometimes merely survived) in Poland. For one thousand years, the Orthodox Church has been the dominant spiritual influence in Ukraine, Russia, and other countries of Eastern Europe and the Balkans. The Protestant Reformation, which once precipitated violent conflicts in Western Europe, ultimately prompted a reinvigoration of the Catholic Church. Islam - the cherished faith of more than one billion people - has altered the course of history from Spain, to Bosnia, to the Central Asian Republics, to Turkey. Judaism's profound impact on Europe's cultural, spiritual, and intellectual development is indisputable.

All of these great faiths were once new or minority religions. Russian Orthodoxy, for example, was once a foreign religion imported by Greek Orthodox missionaries to the Kievan Rus. When the world's large faiths were new, they were often accused of being disreputable sects. Mohammed's early converts in Mecca were ostracized and ridiculed. Protestants were required to fight, literally, for recognition in Germany. The founder of Christianity was executed and his small band of followers were persecuted for their religious beliefs. Judaism has always been a minority faith in Europe and faced persecution on a scale in our own century unmatched by any other religion in any other place the world over.

The faithful of all of the world's great religions have suffered from laws and governmental regulations that discriminate against religious minorities. All of the great religions - when they were young - experienced scorn from older and more established religions. Unfortunately, once minorities become majorities, they sometimes discriminate against others in the way that others discriminated against them. Although some religions constitute a majority in particular countries, all religions are minorities in the world as a whole.

OSCE participating states have agreed to hold themselves accountable to each other for the commitments they have made. The unique implementation process of the OSCE calls upon participating

states to identify problems of implementation with the hope that each state can learn from its own and others' mistakes. The United States certainly has made its share of mistakes. In the United States, the road to racial equality, for example, has been difficult - and we have much further to go. We have had our own experiences with religious bigotry and majority religions persecuting minorities. Just forty years ago, it was widely believed that a Roman Catholic could never be elected President. President Kennedy dispelled that myth. In the eighteenth century, religions competed with each other to obtain special privileges from the state. Some religions and nationalities within our country continue to have difficulties in being treated as fully equal. The United States welcomes constructive criticism and comment on how we might better improve our society.

OSCE participating states have committed themselves to implement certain standards. In the Vienna Concluding Document, all agreed to:

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

These are profound words and a profound challenge. All OSCE participating states should congratulate themselves for having made a political commitment to implement this standard. We all must endeavor to eliminate discrimination on the basis of religion and belief.

The United States has observed two significant problems in the implementation of this commitment: first, legal systems within several OSCE participating states frequently discriminate among religions; and, second, governments have increasingly taken actions that discriminate against certainly minority religions that are broadly, and pejoratively, described as "sects" or "cults."

First, legal systems that discriminate. Several OSCE participating states have legal systems that grant special privileges to certain recognized religions that are denied to newer and smaller religions. Such privileges include tax benefits; access of clergy to schools, hospitals, prisons, and the military; juridical personality; and financing by the state for schools. The United States understands that such privileges may derive from the history, traditions, and cultures of the states. Nevertheless, tradition is no more justifiable for discrimination on the basis of religion than is tradition justifiable for discrimination on the-basis of race or sex.

Second, governmental actions against "sects" and "cults." There have been some notorious examples where, in the name of religion, people have engaged in unconscionable behavior. The examples of Jonestown, Aum Shinrikyo, and the Solar Temple come to mind. Governments should, of course, properly enforce the law against anyone who is guilty of murder, suicide, or tax evasion - regardless whether the person's motivation is religious, political, or social. But the fact that individuals belonging to

some small groups break the law in the name of "religion" does not mean that governments should target other groups simply because they are new, small, or have unusual beliefs.

Governments should not investigate, harass, or discriminate against individuals or groups because of their beliefs. Governments are justified only in investigating and prosecuting illegal behavior. Unfortunately, there has been a tendency for some governments to establish commissions of inquiry that target religious minorities that they refer to as "sects" or "cults." These groups are targeted by governments not because of their illegal activities, but simply because they seem different or unusual.

The United States has had its own shameful history in this regard. To our regret, after the Japanese military bombed Pearl Harbor in 1941, the United States incarcerated thousands of loyal Americans who happened to be of Japanese descent. The leaders of the United States wrongly assumed that because Japan was a threat to the United States that Americans of Japanese descent should be investigated and incarcerated - simply because they were Japanese. The United States was wrong to incarcerate people for who they were rather than for what they had done.

The United States strongly urges OSCE participating states, including those states that have shown a strong respect for human rights and the rule of law, to reconsider their laws and actions that discriminate against groups on the basis of their religion or beliefs.

I now head the new office of International Religious Freedom at the Department of State. Our goal is to work with all governments and NGOs to promote religious freedom and to work against discrimination on the basis of religion or belief. I welcome your suggestions as to how we might work together.

I would like to offer to you an example of an initiative that we have launched in the United States that other states may wish to consider. The United States is fortunate to have among its citizens several million Muslims. Unfortunately, the religion of Islam is not always well understood in the United States. Moreover, many actions of the United States have either been - or were perceived to have been - insensitive to Islam. In order to improve this situation, the Department of State has recently launched an initiative to begin a dialogue between members of Muslim communities in the United States and the Department of State. Although this program is new, we have already begun to profit by the candid comments that the participants in the dialogue have made. Whether the dialogue leads to changes in policy positions, or whether it only helps to reduce unwarranted suspicions, it has already generated better communication and understanding.

For other countries that have misunderstandings with minority religious communities, we urge you to begin a dialogue. Religious pluralism will be strengthened by efforts to promote genuine understanding and communication

Statement of Anita Botti
Deputy Director for International Initiatives
President's Interagency Council on Women, Department of State
OSCE Supplementary Human Dimension Meeting on Gender Issues
June 15, 1999

Mr. Chairman, I would like to thank the Chair-in-Office for organizing this supplemental human dimension meeting. The rich discussions here illustrate the value of bringing the human dimension to Vienna and to the seat of the Permanent Council. I hope the next supplemental meeting will be able to engage even more of the permanent delegations here.

This meeting has produced an abundance of creative and stimulating ideas that are reflected in the summary of recommendations that our moderators have prepared.

The ideas generated here today are, of course, still just that: they have not yet been translated into consensus-based decisions adopted by the participating States. But they have certainly provided the basis for further discussion and, possibly, negotiation, especially as the participating States prepare for the November Summit in Istanbul.

It will also be possible and desirable to have a full discussion of the OSCE participating States' implementation of their commitments relating to the equality of men and women at the OSCE Review Conference which will be held in Vienna from September 20 through October 1. That meeting, of course, is open to participation by NGOS.

At the November Summit of Heads of State and Government, I hope it will be possible to demonstrate that women's human rights issues are a real priority for the OSCE participating States. But to do that, it will probably be necessary to sharpen our focus on specific areas of concern if we are to avoid having a statement that is broad but not deep.

One such area relates to the absence of effective legal remedies in national legislation for employment discrimination against women; I believe this issue was raised in at least two of the working groups here.

We also encourage OSCE participating States to make combating the trafficking of women and children a priority. Source, transit, and receiving countries must work together to find economic alternatives, legal remedies, and reintegration and protection programs for victims. The United States will be looking at this issue and will raise it at the Permanent Council. We hope other participating States will do the same.

One concrete action the OSCE itself can take is to ensure that the trafficking of women and children is addressed as part of the peace process in Kosovo. As was raised in working group two,

women and children in post-conflict situations – those displaced from their homes and particularly in refugee camps – are extremely vulnerable to trafficking.

Once again Mr. Chairman, thank you.

Statement of Ambassador David T. Johnson

Head of the U.S. Mission to the OSCE

OSCE Supplemental Human Dimension Meeting on Roma and Sinti Issues

September 6, 1999

Ambassador Mevik, I would like to thank you, as the representative of Foreign Minister Vollabaek, for scheduling this meeting. We say a lot about wanting OSCE to be in the vanguard of early warning. Today's meeting gives that pledge a ring of truth. The challenges of Roma and Sinti throughout our region cry out for attention, and for a common effort to counter the discrimination our Roma citizens face. I would also like to thank today's special interpreters who have so ably taken on a special challenge.

I also want to commend Mr. van der Stoel for the exemplary craftsmanship of the report and recommendations he presented at today's meeting. His address provides an important framework for OSCE States to address the conditions of Romani communities in our countries.

Ultimately, of course, changes must be made at the national level. International organizations cannot adopt anti-discrimination laws, create a climate of tolerance, discipline police who brutalize Roma or fail to protect them, or end school segregation. But the OSCE can be a partner for those countries seeking to tackle these problems. And it can make clear that current practice falls far short of the standards to which we have all pledged. The report of the High Commissioner provides useful guidance to help us address that challenge.

I also wish to thank the Romani non-governmental organizations that have participated in today's meeting. The unprecedented public participation in this supplementary human dimension meeting underscores the need for greater attention to be paid to Romani human rights issues by the OSCE. This is particularly true in the context of our work in Kosovo, where Roma experience unique vulnerabilities.

Although the crisis in Kosovo warrants our focused attention, we cannot allow it to overshadow the many other places where Roma face human rights violations each day. Those situations may not grab headlines, but we ignore them at our own peril. The discrimination Roma face in every walk of life must be remedied. That remedy should begin with adoption of comprehensive anti-discrimination and equal protection laws in those countries which do not already have them. And it should be supplemented by educational programs and political leadership that makes clear that Roma are citizens, and they have rights, just like everyone else.

Finally, I wish to thank Mr. Nicolae Gheorghe, for his dedication and tireless work since assuming his position at the Office for Democratic Institutions and Human Rights.

Roma communities are found in virtually all OSCE states. In most cases, they are both an integral part of a larger society, as well as a distinct culture within that society. What we are dealing with here today are Roma who, through hardship and discrimination, are prevented from fully participating in the societies in which they live. We believe the OSCE can and should help. We must take an active approach toward ending discrimination. We cannot expect overnight miracles and we cannot be afraid to make mistakes.

First we need the goodwill and the advice of the Roma to succeed. Second, We know from experience that good legislation can make a difference. Active enforcement of existing and new laws is necessary. Finally, leadership is crucial; it is the key ingredient. Without it, these other steps become only window dressing.

I remember the newspaper photo of former Austrian Chancellor Vranitzky in 1995, shaking the hand of the leader of the Roma community just south of Vienna after members of their community had been injured during a bomb attack against "outsiders." By his well-publicized gesture, the chancellor sent the clear message that this would not be tolerated in his Austria.

I also think of the recent courageous article by Kosovar journalist Veton Surroi. It called on the Kosovo community to end the reign of ethnic terror which has gripped Kosovo for too long. He wrote that he knew how the Roma felt because he, himself, just weeks before had been the target of ethnic cleansing. Action against people, only on the basis of their ethnicity, he termed "fascism."

But there are also stories of people reaching beyond their prejudices as well. A recent article in the British newspaper The Guardian, describing ethnic hatred in Kosovo, concluded with this anecdote: a class of 25 Roma children had met in an old barracks as the school year began. Their teacher, an ethnic Albanian named Berisha was not a trained educator but a former power station worker. But he knew the important lessons. Said Mr. Berisha of his students, "All I want is for everybody to be treated equally, and have the freedom to go to school. I want to tell the world where we are and what we do."

If we can do half as well, we should be satisfied.

Finally, Mr. Chairman, many of you have asked us if there are Roma communities in the United States. The answer is a definite "yes." We estimate over one million U.S. citizens are Roma. They have immigrated to the United States since colonial times. We are also working to overcome discrimination against Roma. It has been only in this decade that the last of the anti-Roma state laws have been removed. Roma tell our Congress that they continue to face racial profiling as well as stereotyping in the media. These are the problems we are working to address. Such issues require not only vigilance, but also effort to overcome the legacy of the past. Thank you, Mr. Chairman.