

REPORT ON THE 2005 HUMAN DIMENSION IMPLEMENTATION MEETING



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

WASHINGTON:2005

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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 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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Europe's Largest Annual Human Dimension Meeting closes with Joint NGO Call for Investigation of the Uzbekistani Massacre

Overview

From September 19-30, 2005, the participating States of the Organization for Security and Cooperation in Europe (OSCE) met in Warsaw, Poland, for a Human Dimension Implementation Meeting (HDIM). The HDIM forum, which meets each year, is convened by the OSCE to discuss the compliance of participating States with the full range of the human dimension commitments to which they had previously agreed.

This year's HDIM drew record attendance by 331 nongovernmental organizations from across the OSCE region.¹ In addition, on October 20, the OSCE Permanent Council in Vienna held a follow-up discussion to the HDIM discussions.

U.S. Delegation

The U.S. delegation to the 2005 HDIM Conference included:

- Head of Delegation Lorne Craner, former Assistant Secretary for Democracy, Human Rights, and Labor and former Helsinki Commissioner; currently President of the International Republican Institute
- Ambassador Julie Finly, Head of the U.S. Mission to the OSCE
- Ambassador Glyn T. Davies, Acting Assistant Secretary of State for Democracy, Human Rights and Labor
- Ambassador Edward O'Donnell, Department of State Special Envoy for Holocaust Issues
- Paul S. DeGregorio, Vice Chairman of United States Election Assistance Commission
- Joseph K. Grieboski, Founder and President, Institute on Religion and Public Policy
- Felice D. Gaer, Co-Vice Chair of the U.S. Commission on International Religious Freedom
- Michelle Kelso, Fulbright Fellow
- Members of the staff of the U.S. Commission on Security and Cooperation in Europe

The Global Background

It was perhaps not surprising that global events cast into sharp relief many of the human rights problems that were addressed during the HDIM meeting. For example, on September 20, show trials began in Uzbekistan of individuals arrested following the May 13 government massacre in Andijrn. On September 27, Pinchas Goldschmidt, Chief Rabbi of Moscow, was denied re-entry to Russia after he had made a visit to Israel, thereby depriving his congregation of their spiritual leader just before the Jewish High Holy Days. In Bulgaria, although government plans to

¹ This is the only multinational human rights meeting in Europe where non-governmental organization representatives and government representatives may speak with equal status.

destroy a section of Romani homes were temporarily stayed by the courts, the threat of additional large-scale evictions of Roma not only in Bulgaria, but in Greece and elsewhere persists.

A Diverse Agenda and a Heightened Focus

In accordance with HDIM procedures, three days of the conference were devoted to topics chosen by the Chair-in-Office in consultation with the participating States. This year, the special topics were:

1. The situation of the media in the OSCE region and the role of state and non-state actors in promoting media freedom;
2. Methods to prevent and combat torture; and,
3. The promotion of tolerance and non-discrimination (following up on extra-ordinary conferences held earlier this year on anti-Semitism, racism, xenophobia and discrimination).

As at past HDIMs, some sessions generated such strong interest that the time allotted was insufficient to accommodate all those who wished to contribute to the discussion.

Although Belarus had urged, in opening remarks, that participants should not use the meeting “to shame or blame” individual governments, the contrary perspective was voiced by Kyrgyzstan’s representative, who said that countries should not shy away from raising concerns with each other and commended the OSCE for assisting his country in dealing with its own accumulated problems. Seconding this view, the Polish Undersecretary of State Secretary, Piotr A. Switalski, argued, “This meeting can only be useful if the spirit of candidness truly prevails.”

The value gap, which has recently paralyzed the OSCE, is increasing. Let us be frank – the OSCE has become a proxy target. Some participating States have been indirectly questioning not the OSCE as such, but the vitality of the OSCE standards – democracy, freedom of media, good governance.

**Opening Statement, Piotr A. Switalski,
Undersecretary of State, Ministry of
Foreign Affairs, Poland**

In that spirit of candor, during the two weeks of formal sessions, participants were fairly assertive in raising specific cases and situations of concern. In addition, this year’s meeting was marked by a significant increase in the willingness of EU countries, particularly France and Greece, to contribute to the discussion not only by joining common EU statements, but also by articulating specific positions in their capacity as separate states.²

² At this HDIM, EU statements were usually submitted not only on behalf of the 25 member states, but also on behalf of most of the following (but never all at the same time): the acceding countries Bulgaria and Romania; candidate countries Turkey and Croatia; the countries of the Stabilization and Association Process and potential candidates Albania, Macedonia, and Serbia and Montenegro; European Free Trade Association countries Norway, Liechtenstein, and Iceland; and, finally, Ukraine and Moldova. Joint opening and closing statements were also submitted by Azerbaijan on behalf of Georgia, Ukraine and Moldova (known as collectively as “GUAM”).

The HDIM formal sessions were devoted to a review of the implementation by participating States of the full range of their human rights and fundamental freedoms commitments. In this connection, the “re-Sovietization” of Belarus and the deplorable state of human rights in Chechnya, Uzbekistan, and Turkmenistan were recurring themes. The United States noted that, in several countries, conditions for human rights defenders and non-governmental organizations have worsened and argued that civil society must be able to participate freely in government and politics without fear of reprisals. (The full texts of all U.S. statements are on the website of the U.S. Mission to the OSCE, www.usosce.gov.)

During the special session focusing on promotion of tolerance and non-discrimination, the United States expressed its satisfaction with the Cordoba OSCE Conference on Anti-Semitism and on Other Forms of Intolerance. The United States did, however, voice its regret that several countries had not fulfilled their Maastricht and Sofia Ministerial commitments to forward to the Office for Democratic Institutions and Human Rights (ODIHR) information on hate crimes statistics and legislation. Pursuant to these concerns, the United States, in its written statement, listed the 13 countries that had failed to comply with the reporting requirement.³ The U.S. statement also encouraged participating States to take advantage of ODIHR’s assistance in training frontline police officers to recognize, respond to, and prevent hate crimes.

As at past human dimension meetings and meetings of the OSCE Permanent Council, the United States was criticized for retaining the death penalty, contrary to the abolitionist trend among other OSCE participating States. At present, the only other OSCE countries that still officially apply the death penalty are Belarus and Uzbekistan, with the latter recently announcing that it will introduce a moratorium on the death penalty beginning in 2008.

A U.S.-based nongovernmental organization also criticized the United States for failing to provide citizens of the District of Columbia the right to full voting representation in the Congress. Finally, at a side event organized in connection with the one-day focus on freedom of the media, the case of jailed *New York Times* reporter Judith Miller was discussed at length.

Spotlight on Turkmenistan

In addition to general issues, questions relating to Turkmenistan were raised in several U.S. statements, including those on refugees, freedom of movement, freedom of assembly and association, freedom of the media, freedom of thought, conscience, religion or belief, and national minorities.

During the meeting’s mid-way plenary session, the United States and the United Kingdom (on behalf of the European Union), singled out Turkmenistan as a country of particular concern. In 2003, ten OSCE participating States had taken the unusual step of invoking the “Moscow

³ At the time of the HDIM, the countries with overdue submissions were: Andorra, Armenia, Azerbaijan, Bosnia and Herzegovina, Georgia, Iceland, Kyrgyzstan, Portugal, San Marino, Tajikistan, Macedonia, Turkmenistan, and Uzbekistan.

Mechanism"⁴ for the first time in a decade. They were prompted to do so after a November 25, 2002, attack on the motorcade of President Saparmurat Niyazov's, caused Turkmenistan authorities to respond with a widespread human rights crackdown marked by torture, disappearances, and an escalation of "Stalin-era" practices. Turkmenistan refused to cooperate with the mission established under the mechanism and, in 2004, refused to renew the accreditation of the Head of the OSCE Office in Ashgabat, Ambassador Parachiva Badescu.

In contrast to other recent HDIMs to which Turkmenistan had declined to send representatives, this year the Head of Turkmenistan's Mission to the OSCE participated in the HDIM – as did several Turkmenistan non-governmental organizations in exile. The United States has previously argued that sustained OSCE engagement is necessary to counter Turkmenistan's increasing self-isolation.

The Uzbekistan Problem

Unlike their Turkmenistani counterparts, Uzbekistani officials did not participate in any of the formal implementation review sessions. However, the Charge D'Affaires from Uzbekistan's bilateral Embassy in Poland did arrange the screening of a propaganda film regarding the May events in Andijon. The film claimed that foreign journalists in Andijon were waging a "media war" against Uzbekistan.

Foreign journalists had been in Andijon to cover the trial of the 23 Uzbek businessmen whose case was the flashpoint for the May crisis. It was the public's lack of confidence in the handling of the trial that was one factor in what became the tragedy of Andijon. Protestors who believed that the trials were being politicized organized demonstrations leading to an unusually tense atmosphere in Andijon. Ultimately this led to a confrontation that was met by disproportionate police violence.

"We urge the OSCE participating States, in accordance with the spirit of these provisions and as a matter of urgency, to initiate a mission of international experts to examine the May events in Andijon, as well as related subsequent developments, in an impartial and comprehensive manner. Invoking the Moscow Mechanism would attest to the commitment of the OSCE participating States to human rights protection in Uzbekistan and demonstrate their resolve to ensure that the Uzbek government lives up to its OSCE commitments."

Amnesty International
International Federation for Human Rights (FIDH)
International Helsinki Federation for Human Rights (IHF)
International League for Human Rights (ILHR)

⁴ The original OSCE "mechanism" (established by the 1989 Vienna Concluding Document) provided for states to raise cases and situations with each other and to bring them to the attention of all participating States. As expanded in Moscow in 1991, a state may request a panel to be formed from a list of experts nominated by participating States to serve as a good-offices mission by investigating the human dimension problem of concern and to take actions it deems desirable to further dialogue and a resolution of the problem. If the panel is not successful, or if a state refuses to invite a panel onto its territory after it was requested to do so by another state, a state may be required to receive a rapporteur mission if six participating States support its creation for fact finding, and, in extraordinary cases, to do so immediately if 10 participating States agree.

Non-governmental representatives have pleaded with the OSCE participating States to conduct an independent investigation into the massacre in Andijon and to observe the trials of those persons who were accused by the Government of Uzbekistan in relation those events. NGO representatives have also expressed fear for the lawyers defending those on trial, suggesting that, although Uzbekistan has stated it will introduce a death penalty moratorium in 2008, the government may try to rush opposition figures to the death chamber before that moratorium comes into effect.

Beyond the Conference Room

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

Issues relating to Roma received particular scrutiny both in the formal sessions and side events, including the situation of Kosovo Roma, Romani electoral participation, housing issues, and gender-related issues. On September 26, U.S. Fulbright grantee Michelle Kelso presented a documentary she has produced entitled "Hidden Sorrows." The film is about the deportation of Roma from Romania to Transnistria during World War II. A second side event focused on teaching about the genocide of Roma during World War II war.

A side event was also held to discuss media freedom in Kazakhstan. During the event, non-governmental representatives described various measures by the Kazakhstan Government to harass the independent press, including a newly passed law that will enhance Kazakhstan's ability to restrict Internet access. (These issues notwithstanding, Kazakhstan has bid to serve as OSCE Chair-in-Office in 2009.)

In addition to these topical issues, there were multiple side events on the general issue of religious freedom. Two events, one of which was hosted by ODIHR, specifically focused on challenges facing Muslims. Other related events addressed limitations on religious dress, as well as efforts to increase the engagement of international organizations on the issue of religious freedom.

In addition to these side events, the United States held extensive bilateral meetings with government representatives, as well as with OSCE officials and representatives of nongovernmental organizations. In the second week of the HDIM, Human Rights Directors from the OSCE countries also held a working meeting to discuss issues of mutual concern. Also on the margins of the HDIM, a newly formed "Central Asian Congress" met in Warsaw with the goal of preparing for the eventual demise of dictatorships in their region.

Looking Ahead

During the course of the HDIM, some issues relating to the larger ongoing debate about reforming the OSCE were raised. In this connection, Belarus and Russia punctuated the discussion of free and fair elections with complaints about the OSCE's election observation methods. Slovakia, in contrast, defended ODIHR's autonomy. Alluding to the perceived desire of Russia and Belarus to water down the OSCE's election commitments, the Slovak delegate stated that his country is "ready to consider possible additional commitments on elections but under the precondition that the [1990] Copenhagen document will remain the basis for the OSCE electoral commitments without diminishing or even leaving out any of them."

The looming prospect of Kazakhstan's bid to be Chair-in-Office in 2009 was referenced by Ambassador to the OSCE Julie Finly. In her opening remarks, she noted:

Regrettably, some participating States – including Kazakhstan, a country seeking the OSCE chairmanship – still seek to deflect attention from their human rights practices. They resort to the Soviet-era argument that these matters are "internal affairs." In fact, Principle VI of the Helsinki Final Act prohibits intervention in the internal affairs of other participating States, particularly armed intervention. In contrast, in the 1991 Moscow Concluding Document, the participating States "categorically and irrevocably declare[d] that the commitments undertaken in the field of the human dimension of the CSCE are matters of direct and legitimate concern to all participating States and do not belong exclusively to the internal affairs of the State concerned."

With respect to recommendations made during the HDIM concerning the role of women in conflict management and in preventing violence against women and trafficking in human beings, the United States argued that priority should be given to ensuring that peacekeeping troops and international mission members of the various OSCE participating States do not contribute to trafficking or engage in sexual exploitation or abuse. The United States reiterated its interest in a Ministerial Council decision regarding the responsibilities of participating States to prevent military and civilian peacekeepers from contributing to the problem of trafficking in human beings.

Citing the ongoing challenges in fighting intolerance and anti-Semitism, the United States argued that the OSCE should follow-up on the Sofia tolerance decision and the Cordoba conference through regional seminars or expert-level meetings. The United States added that it would support these meetings in 2006 and 2008, and would welcome an agreement to hold high-level conferences in 2007 and 2009. The United States also noted and welcomed the willingness of Romania to host such a conference in 2007.

Regarding the Chair-in-Office's three Personal Representatives on Tolerance Issues, the United States urged Belgium to reappoint them – with the same distinct portfolios – when it assumes the OSCE Chair in 2006. While the Russian Federation questioned the need for maintaining all three positions, the Belgian Government shared for comment with the Personal Representatives a draft "Protocol on Working Methods under the Belgian Chairmanship." Although this document

set forth a markedly more bureaucratic framework for the Personal Representatives' activities than had been the previous norm, it nevertheless signaled Belgium's desire to reappoint all three representatives and to continue their distinct mandates.

Finally, with a view to next year's human dimension activities, the United States signaled support for supplementary meetings on judicial reform and independence, combating corruption, strengthening civil society and promoting democratic governance.

This is a U.S. Government publication produced by
the **Commission on Security and Cooperation
in Europe (CSCE)**.

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individuals and organizations about developments
within and among the participating States of the
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