

OSCE Human Dimension Commitments

Volume 1
Thematic Compilation

4th Edition

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ODIHR

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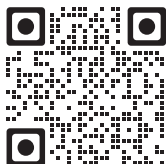
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Foreword to the Fourth Edition

It is a great pleasure to be introducing this fourth edition of the OSCE Human Dimension Commitments and acknowledge the progress that has been made in so many areas, while remaining acutely aware of the challenges facing democracy and human rights across the OSCE region.

This publication, the latest updated compilation of the OSCE's commitments on democracy and human rights, has over the years become a vital resource not just for government officials or OSCE staff, but also for civil society and all those working to strengthen human rights within and beyond the borders of the OSCE region. This thematic compilation is accompanied by a chronological overview, both of which can also be found on the website of the OSCE Office for Democratic Institutions and Human Rights (ODIHR).

The Helsinki Final Act and the many documents that followed have become a far-reaching set of standards that form the basis of what the OSCE calls the human dimension of security. In the 1990 Charter of Paris for a New Europe, states recognized formally that *“Human rights and fundamental freedoms are the birthright of all human beings, are inalienable and are guaranteed by law. Their protection and promotion is the first responsibility of government.”*

The commitments were developed and freely agreed to by all OSCE states, which took on themselves the obligation to uphold them without any force or coercion. They affirm the OSCE's comprehensive security concept, in which the human dimension has the same weight as politico-military co-operation or economic and environmental governance.

More than a decade has passed since the last edition of the Human Dimension Commitments was published. In that time, our societies and the ties that bind them have developed, and new and diverse challenges to human rights have emerged, bringing with them both opportunities and threats. OSCE states addressed a number of these during their yearly Ministerial Council meetings, which as always took place in the capital cities of the countries that held the annually rotating Chair of the OSCE: in Vilnius, Dublin, Kyiv, Basel, Belgrade, Hamburg, Vienna, Milan, and Tirana.

You will see these additions in the pages that follow. The fact that there have been new commitments in areas such as migration, human trafficking, combating violence against women, the prevention of torture or the role young people can play in contributing to a culture of dialogue, demonstrates an ongoing awareness across the OSCE region of the need to combat the most heinous abuses of human rights and improve their protection.

While digital technologies have strengthened human rights and bridged geographical divides, enabling democratic engagement on a scale previously unimaginable, we see that hatred can also spread easily and quickly via digital platforms, and tools developed to fight crime or manage borders can be misused to limit fundamental freedoms, restrict human rights, and sometimes stifle critical voices. At the same time global migration trends, climate change, pandemics, and armed conflicts are proving a critical test for our societies and for the future of democratic principles

based on human rights. It is therefore more important than ever that we put genuine dialogue at the centre of efforts to work towards our common future.

It is my hope that this fourth edition of the commitments will be a valuable tool for political leaders, officials, experts, activists, and all those engaged in closing the gap between commitment and implementation. ODIHR, as one of the leading human rights institutions worldwide, will continue to assist national and international efforts in building more democratic, more tolerant and more inclusive societies. Throughout the last three decades, ODIHR's directors have worked to ensure the future of democracy and respect for human rights that are anchored in the commitments. My sincere gratitude goes to all past directors who have headed ODIHR for their insight and commitment: Luchino Cortese (Italy, 1991–1994); Audrey Glover (United Kingdom, 1994–1997); Gerard Stoudmann (Switzerland, 1997–2002); Christian Strohal (Austria, 2003–2008); Janez Lenarčič (Slovenia, 2008–2014); Michael Georg Link (Germany, 2014–2017); and Ingibjörg Sólrún Gísladóttir (Iceland, 2017–2020).

For the first time, this edition of the Human Dimension Commitments is being published in all official OSCE languages, in the recognition firstly that knowledge of these groundbreaking commitments to protect the rights of every individual should be spread as widely as possible, and secondly in acknowledgement that there is no state of the OSCE that is fully implementing them. We all have our homework to do.

Matteo Mecacci

Director,

OSCE Office for Democratic Institutions and Human Rights (ODIHR)

Preface – How to Use this Compilation

Beginning with the Helsinki Final Act in 1975, the now 57 participating States of the OSCE region have adopted a large number of politically binding commitments relating to what has become known as the human dimension of the OSCE's comprehensive security concept.

The selection of commitments contained in the thematic and the chronological volumes of this publication was made on the basis of a definition of the term human dimension as it is used today, encompassing all aspects related to human rights and fundamental freedoms; democracy, including democratic elections and democratic governance and institutions; tolerance and non-discrimination; and the rule of law, as well as those related to national minorities, human contacts and international humanitarian law.* In addition, the compilation includes provisions for mechanisms to monitor the implementation of these commitments, as well as the basic mandates of the OSCE institutions active in the field of the human dimension.

The documents used for this publication were signed or otherwise adopted by various high-level CSCE/OSCE forums. While these documents do not have the character of legally binding treaties under international law, they represent political commitments, adopted by consensus and binding on each participating State. As they are all adopted by consensus, they are, as it were, of immediate effect, are immediately applicable and can be invoked by any citizen or OSCE government directly vis-à-vis any government of a participating State. Moreover, OSCE commitments reinforce, rather than duplicate, obligations contained in international law and conventions, as they contain a commitment to implement those and to do so in good faith.

The human dimension provisions contained in this compilation are laid down in the documents that emerged from summits, follow-up meetings, conferences on the human dimension and, where relevant, Ministerial Council meetings since 1975. Also included are documents that were produced by relevant expert meetings and later incorporated into the CSCE/OSCE body of commitments by other forums.

While the goal of this publication is to present a comprehensive account of the OSCE's normative basis in the field of the human dimension, no attempt has been made to produce a complete inventory of every part of a sentence that could possibly be conceived to have a human dimension aspect. It should be stressed that, while this compilation focuses on the human dimension and, therefore, human rights and democracy, OSCE commitments should always be read and understood in the context of the comprehensive security concept, which also encompasses politico-military issues, as well as economic and environmental aspects. The fact that a particular commitment has or has not been included in this compilation does not mean that it is not relevant. For reasons of pure practicality, a line had to be drawn somewhere, as the intention was to provide a user-friendly reference guide, rather than an encyclopaedia. It is intended for use by government officials and civil society organizations, academics, students and practitioners alike.

* This definition is also reflected in the agenda of the OSCE Human Dimension Implementation Meeting.

The Human Dimension of the OSCE: An Introduction

In 2025, the Organization for Security and Co-operation in Europe (OSCE) will commemorate the 50th anniversary of the signing of its founding document, the Helsinki Final Act. Since 1975, the OSCE has developed a large set of human rights norms and standards that are generally reflective of traditional human rights norms and concepts as enshrined in other international human rights treaties and declarations. Building on these, however, the OSCE has also developed a number of standards that are highly innovative both in terms of style and substance.

This publication is intended to make OSCE commitments more accessible to citizens and governmental officials alike, in keeping with one of the most important lessons learned in the Helsinki process. Human rights start with an element of empowerment, or with the “right to know your right”. When the Helsinki Final Act was adopted, participating States were committed to making the document widely accessible. This helped spark the creation of many important human rights groups, such as the Helsinki groups and Charter 77, which found the reference for their work in the Helsinki process and contributed to the transformation process in Central and Eastern Europe. The OSCE human rights framework has, therefore, been one of the most effective in existence, and it continues to play an important role today.

It is a unique framework, comprising a set of documents that, among other innovations, makes human rights an issue of legitimate concern between states. Its basis can be found in the Helsinki Final Act, but subsequent documents such as the 1990 Copenhagen Document, the 1990 Charter of Paris for a New Europe and the 1991 Moscow Document have added other important foundations that are necessary to understand the OSCE human dimension today.

The purpose of this introduction is to provide guidance on how to read and use these norms and to give an overview of some of the basic aspects of the human dimension of the OSCE.*

A. The main foundations

1. Human rights and the OSCE’s comprehensive concept of security

The OSCE was created as a security organization. However, it does not deal exclusively with issues of military security, disarmament, or border issues. Based on a broad concept of security, it deals equally with human rights. The OSCE considers security to be more than merely the absence of

* The Conference on Security and Co-operation in Europe (CSCE) was renamed the Organization for Security and Co-operation in Europe (OSCE) in 1994. For practical purposes, only the term OSCE will be used in this text.

war. Instead, it was the intention of the OSCE participating States to create a comprehensive framework for peace and stability in Europe.

The Helsinki Final Act acknowledges as one of its ten guiding principles the “respect for human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief”. This constitutes a milestone in the history of human rights protection. For the first time, human rights principles were included as an explicit and integral element of a regional security framework, on the same basis as politico-military and economic issues. This acknowledgement has been reinforced by numerous follow-up documents. It is therefore now well established and should be beyond question. There is no hierarchy among these principles, and no government can claim that they have to establish political or economic security before addressing human rights and democracy.

Recent history proves the validity of the OSCE concept that a free society allowing everyone to fully participate in public life is a safeguard against conflict and instability. A lack of respect for the territorial integrity of sovereign states, arbitrary arrests and imprisonment of peaceful protesters, or the exclusion of individuals or certain groups from society on ethnic or other grounds, has at times led to tensions and instability. Rapid increases in migration and refugee flows, due for example to conflict or climate change, are also having a major impact on security.

In OSCE terminology, the term “human dimension” is used to describe the set of norms and activities related to human rights, democracy and the rule of law, which is regarded within the OSCE as one of three dimensions of security, together with the politico-military, and the economic and environmental dimensions. The term also indicates that the OSCE norms in this field cover a wider area than traditional human rights law.

2. The OSCE “process”

Since its beginnings, the OSCE has followed a “process” approach. The Helsinki Final Act provides for regular follow-up conferences and meetings. This is very important for understanding the OSCE human rights framework.

First, it means that there is a forum for discussing the implementation of the standards agreed in previous meetings. Second, it has led to a set of successive OSCE documents specifying and elaborating the human dimension commitments adopted in past documents. As a result, the OSCE has developed a very flexible and dynamic norm-creating process in the human rights field, a process that is ongoing. This has led to the acknowledgement of trafficking in human beings, previously treated most often in an organized-crime context, as a human rights concern, and the recognition of hate crimes as a potential threat to domestic and international security.

OSCE commitments generally take the form of documents adopted by consensus at OSCE summits or ministerial meetings. Each meeting takes place in a particular political climate and context. Not surprisingly, the OSCE summits and ministerial meetings have, therefore, had differing characters in creating new commitments. Whereas some meetings, in particular in the early 1990s, created a large set of important new norms, others restricted themselves to making minor changes and additions.

This process approach has led to a large number of OSCE documents. As a result, it is not always easy for practitioners to identify which standards apply to a specific situation, particularly as each document contains, to a varying degree, both repetitions and innovations. As a basic guideline, the user should note that all of these documents, together, form the existing framework of the OSCE. Thus, a document does not become invalid when new documents are adopted. The documents build

on each other and constitute what could be called the OSCE acquis. They have been adopted by consensus and are, therefore, politically binding on all OSCE participating States. This also applies to participating States admitted later, which were required to accept the acquis upon accession.

Consequently, a user should not rely only on a single document, but should check the whole range of existing documents in order to find the actual scope of commitments on a given right or fundamental freedom. Often, an early document stipulates only a general principle that is then further elaborated in subsequent documents. However, since the commitments and documents build on each other, a commitment in an early document does not lose its force if a subsequent document has only a general reference to this right.

At the same time, each document, as a whole, reflects a specific historical context and its structure follows a certain logic that puts the different parts of the document in a wider context. Reading the document in its entirety can, equally, thus provide important information as to the understanding and interpretation of the norms concerned. This explains the dual approach in the two volumes of this compilation, one of which is thematic and the other chronological.

3. Human dimension commitments and pluralistic democracy based on the rule of law

In a number of cases, OSCE human dimension commitments go far beyond the level provided for in “traditional”, legally binding human rights instruments. In traditional human rights treaties, individual (or group) rights are formulated, and the state party has the obligation to respect and/or guarantee those rights. How to implement these obligations, however, is most often left to the discretion of the states.

The OSCE human dimension goes much further in linking human rights with the institutional and political system of a state. In essence, OSCE States have agreed through their human dimension commitments that pluralistic democracy based on the rule of law is the only system of government suitable to guarantee human rights effectively.

This explains why the OSCE human dimension has been described as a common pan-European public order (*ordre public*). In other words, the OSCE is not simply an organization of 57 participating States but a “community of values” jointly developing practice and normative custom. This linkage is also reflected in the strong commitment to the rule of law and in the way it is formulated, as a concept based on the dignity of the human person and a system of rights through laws and legal structures.

4. Politically binding commitments

The OSCE process is essentially a political process that does not create legally enforceable norms or principles. Unlike many other human rights documents, OSCE human dimension commitments are politically, rather than legally, binding. This is an important distinction, since it limits the legal enforceability of OSCE standards. In other words, OSCE commitments cannot be enforced in a court of law.

However, this should not be mistaken as indicating that the commitments lack binding force. The distinction is between legal and political, and not between binding and non-binding. This means that the OSCE commitments are more than a simple declaration of will or good intentions; rather, they are a political promise to comply with these standards.

While deliberations on international legal documents usually take considerable time before agreement on a final text is reached, and the final documents are subject to ratification and reservations, this does not apply to OSCE documents. Their political nature leads to the unique situation that, once consensus among the states has been achieved, decisions enter into force immediately and, in principle, are binding upon all OSCE States (the so-called universality principle).

This allows the OSCE to react quickly to new needs. For example, when human rights violations in regard to minorities increased in the beginning of the 1990s, it was the OSCE that reacted first and drafted a comprehensive set of standards in the field of minority protection. Later, these political standards served as the basis for the legally binding Council of Europe Framework Convention on the Protection of National Minorities.

5. Human rights as a matter of international concern

A fundamental aspect of the OSCE's human dimension is that human rights and pluralistic democracy are not considered the internal affairs of a state. The participating States have stressed that issues relating to human rights, fundamental freedoms, democracy, and the rule of law are of international concern, as respect for these rights and freedoms constitutes one of the foundations of the international order.

In fact, the participating States “categorically and irrevocably” declared that the “commitments undertaken in the field of the human dimension of the OSCE are matters of direct and legitimate concern to all participating States and do not belong exclusively to the internal affairs of the State concerned” (Moscow Document, 1991). Therefore, OSCE participating States cannot invoke the non-intervention principle to avoid discussions about human rights issues within their countries. This explains why the OSCE is not only a community of values but also a community of responsibility. And it has to be stressed that this responsibility focuses not only on the right to criticize other States in relation to violations of human dimension commitments but also on the duty to assist each other in solving specific problems.

6. Limitations and relation to international human rights treaties

OSCE commitments reflect traditional human rights and freedoms, as well as some areas beyond the scope of traditional human rights law. As in other human rights treaties, an important question is the extent to which rights can be limited. This is important for any practitioner trying to identify whether or not a specific right has been violated. Some of the freedoms stipulated by the OSCE contain specific limitation clauses. However, the OSCE Copenhagen Document stipulates an important general rule for those rights mentioned in this document: They will not be subject to any restrictions except those provided for by the law and consistent with other obligations under international law, such as the International Covenant on Civil and Political Rights. Restrictions must not be applied in an arbitrary manner, and they always have to be understood as exceptions to the general rule that individual freedom must be respected. Any limitation must be strictly proportionate to the aim of the law. This proportionality test requires a narrow interpretation, particularly since any interference must be evaluated against the great value of such fundamental freedoms to a free and open democratic society. These questions became particularly relevant to ensure the continued functioning of democratic institutions and respect for human rights following the outbreak of the Covid-19 pandemic.

B. Institutions and implementation

1. *The responsibility to implement OSCE human dimension commitments*

The human rights framework described above exists for the benefit of all people living in the OSCE area and, indeed, describes human rights and fundamental freedoms as “birth rights of all individuals”. The first responsibility for guaranteeing these rights lies with the OSCE participating States. The OSCE human dimension commitments are addressed – in line with other international human rights treaties – to the participating States. The commitments reinforce this general principle in stressing that the protection and promotion of human rights and fundamental freedoms is “the first responsibility of government” (Charter of Paris, 1990).

From the beginning, it was clear that formulating standards is not, alone, always sufficient for the effective implementation of human dimension commitments. International procedures should play an important complementary function in this regard. Consequently, the OSCE has created a set of procedures, conferences, and institutions that help to monitor and assist with the implementation of OSCE human dimension commitments.

Unlike other human rights treaties,* the OSCE has not created a court or other individual petition body to ensure the implementation of OSCE commitments. This reflects the political character of the OSCE process and the intention not to duplicate existing mechanisms. On the contrary, the OSCE reinforces these important mechanisms and calls upon participating States to subscribe to these mechanisms and to abide by standards set by other international organizations. It is also important to note that the absence of an individual-complaints process does not preclude that individual cases might be brought to the attention of the political bodies of the OSCE.

2. *Summits and other follow-up meetings*

As already mentioned, the Helsinki Final Act provided for regular follow-up conferences, reflecting the understanding that a continuous dialogue is needed to make the agreement effective. This process approach has, over time, created a refined system of political summits and other conferences where the implementation of OSCE commitments is discussed.†

This complex structure of summits, meetings, conferences, and seminars generates two important effects. First, it enables the participating States to embark on a dynamic norm-creating process. The participating States can react quickly to new needs and build on previous OSCE commitments to specify their application. Second, it provides a forum for discussing the actual implementation of human dimension commitments by OSCE participating States. This reflects the principle that compliance with OSCE commitments is a subject of direct and legitimate concern for all OSCE participating States and does not belong to the internal affairs of any particular State.

* See, for example, the European Convention of Human Rights establishing the European Court of Human Rights, or the UN International Covenant on Civil and Political Rights establishing the UN Human Rights Committee.

† OSCE summits and Ministerial Council meetings usually adopt new declarations and documents. Review conferences precede OSCE summits and discuss the compliance with OSCE standards and prepare the final document to be adopted at the subsequent summit. OSCE human dimension implementation meetings should take place in years when no OSCE summit is scheduled and provide the forum for discussing the implementation of OSCE human dimension commitments. It is also foreseen that a human dimension seminar and three supplementary human dimension meetings are organized every year. For more information, see the ODIHR website at www.osce.org/odihr.

An important feature of OSCE human dimension meetings is that they are open to the active participation of non-governmental organizations (NGOs). Thus, NGOs can and do participate in addressing concerns about the actual implementation of OSCE human dimension commitments and make suggestions on how to solve problems.

3. *The human dimension mechanism*

In addition to these regular meetings, the OSCE has also created a so-called human dimension mechanism, in the Vienna Mechanism* and the Moscow Mechanism,† the latter partly constituting a further elaboration of the Vienna Mechanism. Together, they set out a process for supervising the implementation of human dimension commitments to be invoked on an *ad hoc* basis by any individual OSCE participating State.

The Vienna Mechanism allows a participating State, through a set of procedures, to raise questions relating to the human dimension in another OSCE participating State. The Moscow Mechanism builds on this and provides for the additional possibility to establish ad hoc missions of independent experts to assist in the resolution of a specific human dimension issue. This includes the right to investigate alleged violations of human dimension commitments, even, in exceptional circumstances, without the consent of the accused state.

4. *OSCE institutions with relevance to the human dimension*

Departing from the conference approach of its early years, the OSCE has established a number of permanent institutions to assist participating States with the implementation of OSCE human dimension commitments. The following gives a basic overview of the main institutions dealing with human dimension issues without giving a full account of their roles and activities.

A. THE OFFICE FOR DEMOCRATIC INSTITUTIONS AND HUMAN RIGHTS

Originally established as the Office for Free Elections in 1991‡, the OSCE's Office for Democratic Institutions and Human Rights (ODIHR), based in Warsaw, is the main institution of the OSCE for the human dimension. The 1992 Helsinki Document set out the ODIHR's mandate to help OSCE participating States "ensure full respect for human rights and fundamental freedoms, to abide by the rule of law, to promote principles of democracy and ... to build, strengthen and protect democratic institutions, as well as promote tolerance throughout society."

In accordance with its mandate and tasks contained in a variety of documents, ODIHR promotes democratic election processes through the in-depth observation of elections, conducts election assistance projects that enhance meaningful participatory democracy, and assists OSCE participating States in the implementation of their human dimension commitments by monitoring other democratic processes and human rights compliance, as well as providing expertise and practical support in building up democratic institutions. This is done through longer-term programmes to strengthen the rule of law, democratic governance and civil society, with which ODIHR has

* As established in the Vienna Concluding Document of 1989.

† The Moscow Mechanism was agreed upon at the last meeting of the Conference on the Human Dimension of the CSCE in Moscow (1991). The responsible OSCE institution, the Office for Democratic Institutions and Human Rights, maintains an active list of experts as required by the Moscow Mechanism.

‡ The decision to create the Office for Free Elections was made at the Summit of Paris in 1990. The Office was opened in 1991.

permanent and close co-operation. ODIHR also assists OSCE field missions in their human dimension activities, through training, the exchange of experiences, and regional co-ordination, and contributes to early warning and conflict prevention through its monitoring of the implementation of OSCE human dimension commitments by participating States. For this purpose, it also provides regular human rights training for government authorities, civil society, and OSCE staff.

ODIHR also assists participating States with the implementation of international legal obligations and OSCE commitments on anti-terrorism, in compliance with international human rights standards, and in implementing their commitments on tolerance and non-discrimination. In this context, it also supports efforts to respond to and combat hate crimes and incidents of racism, anti-Semitism, and other forms of intolerance, including against Muslims. ODIHR serves as the OSCE Contact Point for Roma and Sinti Issues and seeks to promote the full integration of Roma and Sinti into the societies in which they live. In all its activities, ODIHR develops policies and activities to ensure gender mainstreaming and implements activities designed to improve the situation of women in the OSCE region.

In order to structure its human dimension activities, ODIHR organizes regular meetings that take stock of OSCE human dimension commitments and recommends follow-up. In all its activities, ODIHR reaches out to a network of partners active in related areas, including international and local non-governmental human rights organizations, as well as international governmental organizations, in particular the United Nations Office of the High Commissioner for Human Rights and the Council of Europe.

B. THE HIGH COMMISSIONER ON NATIONAL MINORITIES

The OSCE High Commissioner on National Minorities, established in The Hague in 1992, is tasked to identify – and seeks early resolution of – ethnic tensions that might endanger peace, stability, or friendly relations between OSCE participating States.

Operating independently of all parties involved, the High Commissioner conducts on-site missions and engages in preventative diplomacy at the earliest stage of tensions. In addition to seeking first-hand information, the High Commissioner seeks to promote dialogue, confidence, and co-operation.

C. THE REPRESENTATIVE ON FREEDOM OF THE MEDIA

The OSCE Representative on Freedom of the Media assists participating States in furthering free, independent, and pluralistic media as one of the basic elements of a functioning pluralistic democracy. The Representative, whose office is in Vienna, observes media developments in all participating States and advocates and promotes compliance with relevant OSCE principles and commitments.

5. Concluding remarks

The OSCE participating States have created an impressive corpus of norms and principles in the area of the human dimension. OSCE documents constitute a wealth of important human rights commitments that have marked the Organization as a leading innovator in this field. It is hoped that the present publication will further promote the knowledge, as well as the implementation, of the many, often very detailed commitments that the OSCE participating States have entered into in the sphere of human rights and fundamental freedoms, the rule of law, and democracy.

OSCE Documents Referred to in this Compilation

Final Act of the Conference on Security and Co-operation in Europe, Helsinki, 1 August 1975
(hereafter referred to as **Helsinki 1975**)

Concluding Document of Madrid — The Second Follow-up Meeting, Madrid, 6 September 1983
(hereafter referred to as **Madrid 1983**)

Concluding Document of Vienna — The Third Follow-up Meeting, Vienna, 15 January 1989
(hereafter referred to as **Vienna 1989**)

Report on the Meeting on the Protection of the Environment , Sofia, 3 November 1989
(hereafter referred to as **Sofia 1989**)

Document of the Bonn Conference on Economic Co-operation in Europe, Bonn, 11 April 1990
(hereafter referred to as **Bonn 1990**)

Document of the Copenhagen Meeting of the Conference on the Human Dimension of the
CSCE, Copenhagen, 29 June 1990 (hereafter referred to as **Copenhagen 1990**)

Charter of Paris for a New Europe/Supplementary Document to give effect to certain provisions
contained in the Charter of Paris for a New Europe, Paris, 21 November 1990 (hereafter referred
to as **Paris 1990**)

Document of the Cracow Symposium on the Cultural Heritage of the CSCE Participating States,
Cracow, 6 June 1991 (hereafter referred to as **Cracow 1991**)

Report of the CSCE Meeting of Experts on National Minorities, Geneva, 19 July 1991 (hereafter
referred to as **Geneva 1991**)

Document of the Moscow Meeting of the Conference on the Human Dimension of the CSCE,
Moscow, 3 October 1991 (hereafter referred to as **Moscow 1991**)

Document of the Second Meeting of the CSCE Council, Prague, 30–31 January 1992 (hereafter
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Concluding Document of Helsinki — The Fourth Follow-up Meeting, Helsinki, 10 July 1992
(hereafter referred to as **Helsinki 1992**)

Document of the Third Meeting of the CSCE Council, Stockholm, 14–15 December 1992
(hereafter referred to as **Stockholm 1992**)

Document of the Fourth Meeting of the CSCE Council, Rome, 30 November–1 December 1993
(hereafter referred to as **Rome 1993**)

Concluding Document of Budapest, 6 December 1994 (hereafter referred to as **Budapest 1994**)

Lisbon Document, Lisbon, 3 December 1996 (hereafter referred to as **Lisbon 1996**)

Document of the Sixth Meeting of the Ministerial Council, Copenhagen, 18–19 December 1997
(hereafter referred to as **Copenhagen 1997**)

Document of the Seventh Meeting of the Ministerial Council, Oslo, 2–3 December 1998
(hereafter referred to as **Oslo 1998**)

Istanbul Document, Istanbul, 19 November 1999 (hereafter referred to as **Istanbul 1999**)

Document of the Eighth Meeting of the Ministerial Council, Vienna, 27–28 November 2000
(hereafter referred to as **Vienna 2000**)

Document of the Ninth Meeting of the Ministerial Council, Bucharest, 3–4 December 2001
(hereafter referred to as **Bucharest 2001**)

Document of the Tenth Meeting of the Ministerial Council, Porto, 6–7 December 2002
(hereafter referred to as **Porto 2002**)

Document of the Eleventh Meeting of the Ministerial Council, Maastricht, 1–2 December 2003
(hereafter referred to as **Maastricht 2003**)

Document of the Twelfth Meeting of the Ministerial Council, Sofia, 6–7 December 2004
(hereafter referred to as **Sofia 2004**)

Document of the Thirteenth Meeting of the Ministerial Council, Ljubljana, 5–6 December 2005
(hereafter referred to as **Ljubljana 2005**)

Document of the Fourteenth Meeting of the Ministerial Council, Brussels, 4–5 December 2006
(hereafter referred to as **Brussels 2006**)

Document of the Fifteenth Meeting of the Ministerial Council, Madrid, 29–30 November 2007
(hereafter referred to as **Madrid 2007**)

Document of the Sixteenth Meeting of the Ministerial Council, Helsinki, 4–5 December 2008
(hereafter referred to as **Helsinki 2008**)

Document of the Seventeenth Meeting of the Ministerial Council, Athens, 1–2 December 2009
(hereafter referred to as **Athens 2009**)

Astana Commemorative Declaration, Astana, 2 December 2010 (hereafter referred to as
Astana 2010)

Document of the Eighteenth Meeting of the Ministerial Council, Vilnius, 7 December 2011
(hereafter referred to as **Vilnius 2011**)

Document of the Nineteenth Meeting of the Ministerial Council, Dublin, 7 December 2012
(hereafter referred to as **Dublin 2012**)

Document of the Twentieth Meeting of the Ministerial Council, Kyiv, 6 December 2013
(hereafter referred to as **Kyiv 2013**)

Document of the Twenty-First Meeting of the Ministerial Council, Basel, 5 December 2014
(hereafter referred to as **Basel 2014**)

Document of the Twenty-Second Meeting of the Ministerial Council, Belgrade, 4 December
2015 (hereafter referred to as **Belgrade 2015**)

Document of the Twenty-Third Meeting of the Ministerial Council, Hamburg, 9 December 2016
(hereafter referred to as **Hamburg 2016**)

Document of the Twenty-Fourth Meeting of the Ministerial Council, Vienna, 8 December 2017
(hereafter referred to as **Vienna 2017**)

Document of the Twenty-Fifth Meeting of the Ministerial Council, Milan, 7 December 2018
(hereafter referred to as **Milan 2018**)

Document of the Twenty-Seventh Meeting of the Ministerial Council, Tirana, 4 December 2020
(hereafter referred to as **Tirana 2020**)



General Provisions Related to the Human Dimension



1.

An Introduction to the Human Dimension

1.1 The Nature and Importance of the Human Dimension

Helsinki 1975 (Questions Relating to Security in Europe: 1.(a) Declaration on Principles Guiding Relations between Participating States; Principles VII-IX)

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

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

Copenhagen 1990 (Preamble)

The participating States express their conviction that full respect for human rights and fundamental freedoms and the development of societies based on pluralistic democracy and the rule of law are prerequisites for progress in setting up the lasting order of peace, security, justice and co-operation that they seek to establish in Europe.

I

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

V

(41) The participating States reaffirm their commitment to the human dimension of the CSCE and emphasize its importance as an integral part of a balanced approach to security and co-operation in Europe (...)

Paris 1990 (A New Era of Democracy, Peace and Unity)

We declare our respect for human rights and fundamental freedoms to be irrevocable (...)

Helsinki 1992 (Summit Declaration)

6. We welcome the commitment of all participating States to our shared values. Respect for human rights and fundamental freedoms, including the rights of persons belonging to national minorities, democracy, the rule of law, economic liberty, social justice and environmental responsibility are our common aims. They are immutable (...)

7. We reaffirm the validity of the guiding principles and common values of the Helsinki Final Act and the Charter of Paris, embodying responsibilities of States towards each other and of governments towards their people. These are the collective conscience of our community.

(...)

21. Our approach is based on our comprehensive concept of security as initiated in the Final Act.

This concept relates the maintenance of peace to the respect for human rights and fundamental freedoms. It links economic and environmental solidarity and co-operation with peaceful inter-State relations. This is equally valid in managing change as it was necessary in mitigating confrontation.

Section VI: The Human Dimension

(2) The participating States express their strong determination to ensure full respect for human rights and fundamental freedoms, to abide by the rule of law, to promote the principles of democracy and, in this regard, to build, strengthen and protect democratic institutions, as well as to promote tolerance throughout society.

Budapest 1994 (Summit Declaration)

14. We confirm the significance of the Human Dimension in all the activities of the CSCE. Respect for human rights and fundamental freedoms, democracy and the rule of law is an essential component of security and co-operation in the CSCE region. It must remain a primary goal of CSCE action (...) We underline the importance of human contacts in overcoming the legacy of old divisions.

Budapest 1994 (Decisions: VIII. The Human Dimension)

2. Human rights and fundamental freedoms, the rule of law and democratic institutions are the foundations of peace and security, representing a crucial contribution to conflict prevention, within a comprehensive concept of security. The protection of human rights, including the rights of persons belonging to national minorities, is an essential foundation of democratic civil society. Neglect of these rights has, in severe cases, contributed to extremism, regional instability and conflict (...)

Istanbul 1999 (Charter for European Security: II. Our Common Foundations)

7. We reaffirm our full adherence to the Charter of the United Nations, and to the Helsinki Final Act, the Charter of Paris and all other OSCE documents to which we have agreed. These documents represent our common commitments and are the foundation for our work (...) They established clear standards for participating States' treatment of each other and of all individuals within their territories (...) Their implementation in good faith is essential for relations between States, between governments and their peoples, as well as between the organizations of which they are members (...) We regard these commitments as our common achievement (...)

(...)

9. We will build our relations in conformity with the concept of common and comprehensive security, guided by equal partnership, solidarity and transparency. The security of each participating State is inseparably linked to that of all others. We will address the human, economic, political and military dimensions of security as an integral whole.

Porto 2002 (Ministerial Declaration)

3. (...) our Organization must develop new responses to the changing nature of the threats to our security, embracing and enhancing all three dimensions of our comprehensive approach. Our efforts to promote peace and stability must go hand in hand with our determination to ensure full respect for human rights, fundamental freedoms and the rule of law, and to reinforce the conditions essential for sustainable development in all our States.

Maastricht 2003 (I. OSCE Strategy to Address Threats to Security and Stability in the Twenty-First Century; Threats to security and stability in the twenty-first century)

4. Respect for human rights and fundamental freedoms, democracy and the rule of law is at the core of the OSCE's comprehensive concept of security. Strong democratic institutions and the rule of law play an important role in preventing threats from arising. Weak governance, and a failure by States to secure adequate and functioning democratic institutions that can promote stability, may in themselves constitute a breeding ground for a range of threats. Equally, systematic violations of human rights and fundamental freedoms, including the rights of persons belonging to national minorities, can give rise to a wide range of potential threats.

(...)

8. Against this background, it is clear that the OSCE's comprehensive approach to security, covering the politico-military, economic and environmental and human dimensions retains its full validity and should be maintained and further strengthened.

9. (...) Non-compliance with international law and with OSCE norms and principles, as well as a range of factors within the politico-military, economic and environmental and human dimensions lie behind the immediate causes of violent conflict.

Astana 2010

1. We, the Heads of State or Government of the 56 participating States of the OSCE, have assembled in Astana, eleven years after the last OSCE Summit in Istanbul, to recommit ourselves to the vision of a free, democratic, common and indivisible Euro-Atlantic and Eurasian security community stretching from Vancouver to Vladivostok, rooted in agreed principles, shared commitments and common goals. As we mark the 35th anniversary of the Helsinki Final Act and the 20th anniversary of the Charter of Paris for a New Europe, we reaffirm the relevance of, and our commitment to, the principles on which this Organization is based. While we have made much progress, we also acknowledge that more must be done to ensure full respect for, and implementation of, these core principles and commitments that we have undertaken in the politico-military dimension, the economic and environmental dimension, and the human dimension, notably in the areas of human rights and fundamental freedoms.

2. We reaffirm our full adherence to the Charter of the United Nations and to all OSCE norms, principles and commitments, starting from the Helsinki Final Act, the Charter of Paris, the Charter for European Security and all other OSCE documents to which we have agreed, and our responsibility to implement them fully and in good faith. We reiterate our commitment to the concept, initiated in the Final Act, of comprehensive, co-operative, equal and indivisible security, which relates the maintenance of peace to the respect for human rights and fundamental freedoms, and links economic and environmental co-operation with peaceful inter-State relations.

(...)

4. These norms, principles and commitments have enabled us to make progress in putting old confrontations behind us and in moving us closer to democracy, peace and unity throughout the OSCE area. They must continue to guide us in the 21st century as we work together to make the ambitious vision of Helsinki and Paris a reality for all our peoples. These and all other OSCE documents establish clear standards for the participating States in their treatment of each other and of all individuals within their territories.(...)

(...)

6. The OSCE's comprehensive and co-operative approach to security, which addresses the human, economic and environmental, political and military dimensions of security as an integral whole, remains indispensable. Convinced that the inherent dignity of the individual is at the core of comprehensive security, we reiterate that human rights and fundamental freedoms are inalienable, and that their protection and promotion is our first responsibility.

(...)

1.2 The Human Dimension as a Matter of Direct and Legitimate International Concern

Moscow 1991 (Preamble)

The participating States emphasize that issues relating to human rights, fundamental freedoms, democracy and the rule of law are of international concern, as respect for these rights and freedoms constitutes one of the foundations of the international order. They categorically and irrevocably declare that the commitments undertaken in the field of the human dimension of the CSCE are matters of direct and legitimate concern to all participating States and do not belong exclusively to the internal affairs of the State concerned.

Lisbon 1996 (Declaration on a Common and Comprehensive Security Model for Europe for the Twenty-First Century)

5. We recognize that, within the OSCE, States are accountable to their citizens and responsible to each other for their implementation of OSCE commitments.

Istanbul 1999 (Charter for European Security: II. Our Common Foundations)

7. (...) All OSCE commitments, without exception, apply equally to each participating State (...) We regard these commitments as our common achievement and therefore consider them to be matters of immediate and legitimate concern to all participating States.

Astana 2010

3. (...) We further reaffirm that all OSCE principles and commitments, without exception, apply equally to each participating State (...) We regard these commitments as our common achievement, and therefore consider them to be matters of immediate and legitimate concern to all participating States.

6. (...). We reaffirm categorically and irrevocably that the commitments undertaken in the field of the human dimension are matters of direct and legitimate concern to all participating States and do not belong exclusively to the internal affairs of the State concerned. (...)



2.

Implementation Commitments

2.1 The Obligation to Implement

Helsinki 1975 (Questions relating to Security in Europe: 1.(a) Declaration on Principles Guiding Relations between Participating States – Principles VII-X)

[The participating States] (...) will constantly respect these rights and freedoms in their mutual relations and will endeavour jointly and separately, including in co-operation with the United Nations, to promote universal and effective respect for them.

(...)

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

(...)

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

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

Madrid 1983 (Questions Relating to Security in Europe: Preamble)

The participating States express their determination

(...)

To fulfil consistently all the provisions under the Final Act and, in particular, strictly and unreservedly to respect and put into practice all the ten principles contained in the Declaration on Principles Guiding Relations between Participating States, irrespective of their political, economic or social systems, as well as of their size, geographical location or level of economic development (...)

Madrid 1983 (Questions Relating to Security in Europe: Principles)

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

Paris 1990 (A New Era of Democracy, Peace and Unity)

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

Moscow 1991 (Preamble)

The participating States (...) express their determination to fulfil all of their human dimension commitments and to resolve by peaceful means any related issue, individually and collectively, on the basis of mutual respect and co-operation (...)

Helsinki 1992 (Summit Declaration)

6. (...) Adherence to our commitments provides the basis for participation and co-operation in the CSCE and a cornerstone for further development of our societies.

Istanbul 1999 (Charter for European Security: II. Our Common Foundations)

7. We reaffirm our full adherence to the Charter of the United Nations, and to the Helsinki Final Act, the Charter of Paris and all other OSCE documents to which we have agreed. These documents represent our common commitments and are the foundation for our work (...) All OSCE commitments, without exception, apply equally to each participating State. Their implementation in good faith is essential for relations between States, between governments and their peoples, as well as between the organizations of which they are members. Participating States are accountable to their citizens and responsible to each other for their implementation of their OSCE commitments. We regard these commitments as our common achievement and therefore consider them to be matters of immediate and legitimate concern to all participating States.

Brussels 2006 (Decision No. 19/06 on Strengthening the Effectiveness of the OSCE)

The Ministerial Council,
(...)

3. Reminds the participating States that they should keep their legislation and practices in line with OSCE commitments;

4. Takes note of the assessment regarding the present state of implementation of existing commitments by participating States and emphasizes, in particular, that participating States themselves are responsible for the effective implementation of their commitments undertaken in the OSCE. The ODIHR, in this respect, plays an important role in assisting them; (...)

Astana 2010

1. (...) As we mark the 35th anniversary of the Helsinki Final Act and the 20th anniversary of the Charter of Paris for a New Europe, we reaffirm the relevance of, and our commitment to, the principles on which this Organization is based. While we have made much progress, we also acknowledge that more must be done to ensure full respect for, and implementation of, these core principles and commitments that we have undertaken in the politico-military dimension, the economic and environmental dimension, and the human dimension, notably in the areas of human rights and fundamental freedoms.

2. We reaffirm our full adherence to the Charter of the United Nations and to all OSCE norms, principles and commitments, starting from the Helsinki Final Act, the Charter of Paris, the Charter

for European Security and all other OSCE documents to which we have agreed, and our responsibility to implement them fully and in good faith.

(...)

3. (...). We further reaffirm that all OSCE principles and commitments, without exception, apply equally to each participating State, and we emphasize that we are accountable to our citizens and responsible to each other for their full implementation. We regard these commitments as our common achievement, and therefore consider them to be matters of immediate and legitimate concern to all participating States.

4. These norms, principles and commitments have enabled us to make progress in putting old confrontations behind us and in moving us closer to democracy, peace and unity throughout the OSCE area. They must continue to guide us in the 21st century as we work together to make the ambitious vision of Helsinki and Paris a reality for all our peoples. These and all other OSCE documents establish clear standards for the participating States in their treatment of each other and of all individuals within their territories.

(...)

6. (...) Convinced that the inherent dignity of the individual is at the core of comprehensive security, we reiterate that human rights and fundamental freedoms are inalienable, and that their protection and promotion is our first responsibility.

2.2 Methods of Implementation

2.2.1 General Provisions, Including Human Rights Education

Helsinki 1975 (Follow-up to the Conference)

The participating States,

(...)

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

- (a) unilaterally, in all cases which lend themselves to such action;
- (b) bilaterally, by negotiations with other participating States;
- (c) multilaterally, by meetings of experts of the participating States, and also within the framework of existing international organizations, such as the United Nations Economic Commission for Europe and UNESCO, with regard to educational, scientific and cultural co-operation;

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

- (a) by proceeding to a thorough exchange of views both on the implementation of the provisions of the Final Act and of the tasks defined by the Conference (...)

(...)

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

Madrid 1983 (Questions Relating to Security in Europe: Principles)

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

(...)

They reaffirm the particular significance of the Universal Declaration of Human Rights, the international Covenants on Human Rights and other relevant international instruments of their joint and separate efforts to stimulate and develop universal respect for human rights and fundamental freedoms; they call on all participating States to act in conformity with those international instruments and on those participating States, which have not yet done so, to consider the possibility of acceding to the covenants.

Copenhagen 1990

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

(...)

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

Moscow 1991

(42) The participating States

(42.1) – affirm that human rights education is fundamental and that it is therefore essential that their citizens are educated on human rights and fundamental freedoms and the commitment to respect such rights and freedoms in domestic legislation and international instruments to which they may be parties;

(42.2) – recognize that effective human rights education contributes to combating intolerance, religious, racial and ethnic prejudice and hatred, including against Roma, xenophobia and anti-semitism;

(42.3) – will encourage their competent authorities responsible for education programmes to design effective human rights related curricula and courses for students at all levels, particularly students of law, administration and social sciences as well as those attending military, police and public service schools;

(42.4) – will make information on all CSCE human dimension provisions available to their educators;

(42.5) – will encourage organizations and educational establishments to co-operate in drawing up and exchanging human rights programmes at the national as well as the international level;

(42.6) – will seek to ensure that activities undertaken with a view to promoting human rights education in the broader sense take into account experience, programmes and forms of co-operation within existing international governmental and non-governmental bodies, such as the United Nations and the Council of Europe.

Ljubljana 2005 (Decision No. 11/05 on Promoting of Human Rights Education and Training in the OSCE Area)

The Ministerial Council,

(...)

Recognizing that the promotion of human rights through education and training in the whole OSCE area could be viewed in the context of the OSCE's comprehensive concept of security and is vital for the strengthening of respect for human rights and fundamental freedoms, as well as for the promotion of tolerance and non-discrimination,

Acknowledging the added value of multifaceted cooperation, including consultation, cooperation and coordination with relevant international and regional organizations, as well as the benefits that countries can derive from each other's experiences and capabilities in the field of human rights education and training,

Taking into account the efforts of other international organizations, including the UN's World Programme for Human Rights Education the Council of Europe's Programme on Education for Democratic Citizenship as well as its youth programme All Different, All Equal, and the EU's European Initiative for Democracy and Human Rights, as well as programmes undertaken at the national level,

Recognizing the contribution of the ODIHR and other OSCE structures, institutions and field operations, in promoting human rights education and training, in cooperation with participating States,

Dedicated to further strengthening the efforts by the OSCE to promote human rights education and training programmes in the OSCE area, as well as to extend the Organization's support to participating States upon their request in carrying out their respective national programmes in the field of human rights education,

Invites participating States with the involvement of civil society to further enhance systematic human rights education and training programmes designed to promote respect for the inherent dignity of all human beings, and to make human rights a reality for each person in every community and in society at large;

Decides to enhance the OSCE's efforts in co-operation with other international organizations and non-governmental organizations in taking necessary measures aimed at promoting human rights education and training, with special emphasis on the young people in the OSCE area;

(...)

2.2.2 Review of Implementation

Helsinki 1992 (Decisions: I. Strengthening CSCE Institutions and Structures)

(26) Thorough review of the implementation of CSCE commitments will continue to play a prominent role in CSCE activities, thus enhancing co-operation among participating States.

(27) Reviews of implementation will be held regularly at review conferences as well as at special meetings convened for this purpose at the ODIHR and the CPC (...) as provided for in the relevant CSCE documents.

(28) These reviews of implementation will be of a co-operative nature, comprehensive in scope and at the same time able to address specific issues.

(29) The participating States will be invited to offer contributions on their implementation experience, with particular reference to difficulties encountered, and to provide their views of implementation throughout the CSCE area. Participating States are encouraged to circulate descriptions of contributions in advance of the meeting.

(30) Reviews should offer the opportunity to identify action which may be required to address problems. Meetings at which reviews of implementation take place may draw to the attention of the CSO any suggestions for measures to improve implementation which they deem advisable.

Budapest 1994 (Summit Declaration)

14. (...) Periodic reviews of implementation of our commitments, fundamental throughout the CSCE, are critical in the Human Dimension.

Budapest 1994 (Decisions: VIII. The Human Dimension)

5. Building on the implementation review structures in the Helsinki Document 1992 and to improve human dimension implementation, the participating States will use the Permanent Council for an enhanced dialogue on the human dimension and for possible action in cases of non-implementation. To this end, the participating States decide that human dimension issues will be regularly dealt with by the Permanent Council (...)

6. They encourage the Chairman-in-Office to inform the Permanent Council of serious cases of alleged non-implementation of human dimension commitments, including on the basis of information from the ODIHR, reports and recommendations of the High Commissioner on National Minorities (HCNM), or reports of the head of a CSCE mission and information from the State concerned.

Istanbul 1999 (Charter for European Security: III. Our Common Response)

14. (...) We individually confirm our willingness to comply fully with our commitments. We also have a joint responsibility to uphold OSCE principles (...) We will co-operate in a spirit of solidarity and partnership in a continuing review of implementation (...)

Brussels 2006 (Decision No. 17/06 on Improvement of the Consultative Process)

The Ministerial Council,

(...)

Decides to establish the following committees as informal subsidiary bodies of the Permanent Council:

(...)

A Human Dimension Committee, which will perform the following tasks:

Discuss human dimension issues, including implementation of the commitments of the participating States;

Support the preparation of the Human Dimension Implementation Meetings and other human dimension meetings;

Consider, when so requested by the Chairmanship in consultation with participating States, cross-dimensional issues with a particular connection to the human dimension;

Discuss recommendations to the Permanent Council on the programme of work, including actions to follow up on recommendations made at the human dimension meetings;

Further decides that:

At the beginning of each year, the Chairmanship, in consultation with the participating States, will further clarify the tasks of the above-mentioned Committees and establish a work programme reflecting the objectives and priorities of the Organization, also taking into account the need to ensure adequate coverage of the cross-dimensional issues under consideration.

(...)

The above-mentioned Committees will meet in an informal format and will report, provide advice, make recommendations and prepare relevant decisions for the Permanent Council through the Preparatory Committee. The relevant provisions of the OSCE Rules of Procedure, in particular Chapter V(A), will apply to the work of the Committees.

(...)

As a rule, each Committee will meet at least once a month. At the initiative of the Chairmanship, or of the chairperson of the Committee, or at the request of one or more participating States, each Committee may meet as frequently as necessary, based on the need for consultations or the necessity to prepare for decision-making by the Permanent Council. The Chairmanship and chairpersons of the Committees will avoid convening meetings of informal subsidiary bodies simultaneously.

The Committees will examine issues within their competence at the request of the Chairmanship, the Permanent Council or one or more participating States.

Paragraphs 6 to 9 of Chapter V(A) of the OSCE Rules of Procedure will apply with regard to participation in meetings of the three newly established Committees in the same way as they apply to participation in meetings of the Preparatory Committee.

The Secretariat of the OSCE will provide support for the activities of the Committees.

This decision will be applicable for a period of one year from 1 January 2007. It will be subject to review by the Permanent Council at the end of 2007, with a view to deciding on its possible extension taking into account the experience gained with the new structure.

Brussels 2006 (Decision No. 19/06 on Strengthening the Effectiveness of the OSCE)

The Ministerial Council,

(...)

2. Recognizes that the ODIHR, in implementing its mandate, has demonstrated its ability to assist participating States in fulfilling their human dimension commitments;

3. Reminds the participating States that they should keep their legislation and practices in line with OSCE commitments;

4. Takes note of the assessment regarding the present state of implementation of existing commitments by participating States and emphasizes, in particular, that participating States themselves are responsible for the effective implementation of their commitments undertaken in the OSCE. The ODIHR, in this respect, plays an important role in assisting them;

5. Tasks the Permanent Council, taking into account the recommendations by ODIHR and other relevant OSCE institutions, to address the implementation challenges in the areas outlined in the report, considering making better use of ODIHR assistance;

(...)

2.2.3 Observation

Copenhagen 1990

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

(...)

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

2.2.4 Human Dimension Mechanisms and Other Relevant Mechanisms

Istanbul 1999 (Charter for European Security: III. Our Common Response)

14. (...) We individually confirm our willingness to comply fully with our commitments. We also have a joint responsibility to uphold OSCE principles. We (...) stand ready to use OSCE instruments, tools and mechanisms (...) We will co-operate in a spirit of solidarity and partnership in a continuing review of implementation.

A. Vienna Mechanism

Vienna 1989 (Human Dimension of the CSCE)

The participating States,

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

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

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

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

(...)

Copenhagen 1990

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

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

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

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

B. Moscow Mechanism

Moscow 1991 (Preamble & Section I – as modified by Rome 1993)

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

(...)

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

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

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

The experts will be appointed for a period of three to six years at the discretion of the appointing State, no expert serving more than two consecutive terms. Within four weeks after notification by

* The Council will take the decision on the institution.

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

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

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

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

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

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

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

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

These observations and any comments by the inviting State may be discussed by the Committee of Senior Officials, which may consider any possible follow-up action. The observations and comments will remain confidential until brought to the attention of the Senior Officials. Before the

circulation of the observations and any comments, no other mission of experts may be appointed for the same issue.

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

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

(10) The requesting State or States may appoint one person from the resource list to serve as a CSCE rapporteur. The requested State may, if it so chooses, appoint a further rapporteur from the resource list within six days after notification by the CSCE Institution of the appointment of the rapporteur. In such case the two designated rapporteurs, who will not be nationals or residents of, or persons appointed to the resource list by any of the States concerned, will by common agreement and without delay appoint a third rapporteur from the resource list. In case they fail to reach agreement within eight days, a third rapporteur who will not be a national or resident of, or a person appointed to the resource list by any of the States concerned, will be appointed from the resource list by the ranking official of the CSCE body designated by the Council. The provisions of the second part of paragraph 4 and the whole of paragraph 6 also apply to a mission of rapporteurs.

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

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

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

(13) Upon the request of any participating State the Committee of Senior Officials or the Permanent Committee of the CSCE may decide to establish a mission of experts or of CSCE rapporteurs.

In such case the Committee will also determine whether to apply the appropriate provisions of the preceding paragraphs.

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

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

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

Prague 1992 (Document on Further Development of CSCE Institutions and Structures: III. Human Dimension)

14. The Office for Democratic Institutions and Human Rights is designated as the CSCE institution charged with the tasks in connection with expert and rapporteur missions according to the Document of the Moscow Meeting of the Conference on the Human Dimension of the CSCE.

Helsinki 1992 (Decisions: VI. The Human Dimension)

(5) Under the general guidance of the CSO (...) the ODIHR will, as the main institution of the Human Dimension:

(5a) assist the monitoring of implementation of commitments in the Human Dimension by: serving as a venue for bilateral meetings under paragraph 2 and as a channel for information under paragraph 3 of the Human Dimension Mechanism as set out in the Vienna Concluding Document; (...)

(5b) act as a clearing-house for information on: a state of public emergency according to paragraph 28.10 of the Document of the Moscow Meeting of the Conference on the Human Dimension; (...)

(7) In order to align the Human Dimension Mechanism with present CSCE structures and institutions the participating States decide that:

Any participating State which deems it necessary may provide information on situations and cases which have been the subject of requests under paragraphs 1 or 2 of the chapter entitled the "Human Dimension of the CSCE" of the Vienna Concluding Document or on the results of those procedures, to the participating States through the ODIHR – which can equally serve as a venue for bilateral meetings under paragraph 2 – or diplomatic channels. Such information may be discussed at Meetings of the CSO, at implementation meetings on Human Dimension issues and review conferences (...)

Implementation meetings on Human Dimension issues

(8) Procedures concerning the covering of expenses of expert and rapporteur missions of the Human Dimension Mechanism may be considered by the next review conference in the light of experience gained.

(9) Every year in which a review conference does not take place, the ODIHR will organize a three-week meeting at expert-level of all participating States at its seat to review implementation of CSCE Human Dimension commitments. The meeting will perform the following tasks:

(9a) a thorough exchange of views on the implementation of Human Dimension commitments, including discussion on the information provided in accordance with paragraph 4 of the Human Dimension Mechanism (...)

Budapest 1994 (Decisions: VIII. The Human Dimension)

5. Building on the implementation review structures in the Helsinki Document 1992 and to improve human dimension implementation, the participating States will use the Permanent Council for an enhanced dialogue on the human dimension and for possible action in cases of non-implementation. To this end, the participating States decide that human dimension issues will be regularly dealt with by the Permanent Council. They will draw more widely on the possibilities offered by the Moscow Mechanism for examining or promoting the solution of questions relating to the human dimension on their territory.

6. They encourage the Chairman-in-Office to inform the Permanent Council of serious cases of alleged non-implementation of human dimension commitments, including on the basis of information from the ODIHR, reports and recommendations of the High Commissioner on National Minorities (HCNM), or reports of the head of a CSCE mission and information from the State concerned.

C. Counter-Terrorism Network

Maastricht 2003 (Decision No. 6/03 on Terms of Reference for the OSCE Counter-Terrorism Network)

The Ministerial Council,

Decides to establish the OSCE Counter-Terrorism Network (CTN) in accordance with the terms of reference for the Network contained in the annex to this decision.

(Annex to Decision No. 6/03: OSCE Counter-Terrorism Network: Terms of Reference)

The primary purpose of the OSCE Counter-Terrorism Network (CTN) is to promote the strengthening of co-ordination of counter-terrorism measures and information-sharing between OSCE participating States. In particular, it aims to strengthen the liaison between the delegations of participating States, counter-terrorism officials in capitals and the OSCE Action against Terrorism Unit (ATU).^{*} The Network facilitates timely exchanges of information on counter-terrorism

^{*} The United Nations Counter-Terrorism Committee (CTC) has supported the development of such regional networks to strengthen co-operation and co-ordination. The Secretariat of the Inter-American Committee against Terrorism (CICTE), within the Organization of American States, has already developed a regional hemispheric

programmes, training and legal developments initiated by the OSCE and participating States, as well as on open-source analyses concerning trends in terrorist phenomena. The primary emphasis will be placed on supporting and supplementing the work of the United Nations Security Council Counter-Terrorism Committee in implementing Security Council resolution 1373. The CTN is not intended to be a conduit for intelligence or other sensitive information, nor does it seek to duplicate functions of other international and regional law-enforcement networks.

Each government will designate a principal liaison to serve, through its OSCE delegation, as the principal contact point with the ATU on counter-terrorism matters. The principal liaison will ensure that communications from the ATU are forwarded to the appropriate government authorities in the capital concerned, and that the ATU and delegations are similarly informed in a timely manner of relevant developments in the participating State. In order to foster co-ordination, communications through the Counter-Terrorism Network passing between the ATU and a principal liaison will in principle be transmitted through the OSCE delegation of the State concerned.

Responsibilities of the ATU

1. Inform participating States of bilateral as well as multilateral training opportunities related to counter-terrorism matters, and work with principal liaisons to take full advantage of such programmes.
2. Co-ordinate and facilitate OSCE counter-terrorism activities, including capacity-building assistance programmes, training and contingency-preparedness workshops, with a view to effectively utilizing resources and averting duplication.
3. Respond to information and requests for action from principal liaisons in a timely manner.
4. Ensure that, through the delegations, the principal liaisons are kept fully informed of developments regarding significant counter-terrorism matters that affect the OSCE region, by means of regular distribution by email of an ATU newsletter and of regular updates of the OSCE ATU home page.
5. Co-ordinate with the principal liaison, through the delegation concerned, when an OSCE ATU official travels to a participating State in connection with terrorism-related matters.

Responsibilities of principal liaisons

1. Ensure that communications from the ATU reach the appropriate government offices, and that responses to the ATU are forwarded in a timely manner.
2. Provide information to the ATU about significant national developments regarding action to combat terrorism, including new counter-terrorism legislation*, counter-terrorism training or assistance programmes and examples of national “best practices”.
3. Communicate information on seminars, workshops and conferences related to counter-terrorism concerns that participating States may host, and that are open to outside participation.

network of national points of contact. The ATU is grateful for and acknowledges CICTE's advice and assistance in developing the OSCE Counter-Terrorism Network.

* The OSCE ATU relies on official notifications of ratification through the web sites of the relevant depositories of anti-terrorism instruments for the most accurate information on ratification.

4. Serve as the principal co-ordinator for OSCE anti-terrorism seminars, workshops and conferences involving the principal liaison's participating State.
5. Co-ordinate, prioritize and communicate, on behalf of the participating State concerned, training and assistance needs and requests related to counter-terrorism matters that the OSCE might support or facilitate (...)

D. Other Mechanisms

Prague 1992 (Document on Further Development of CSCE Institutions and Structures: IV. Safeguarding Human Rights, Democracy and the Rule of Law)

16. The Council decided, in order to develop further the CSCE's capability to safeguard human rights, democracy and the rule of law through peaceful means, that appropriate action may be taken by the Council or the Committee of Senior Officials, if necessary in the absence of the consent of the State concerned, in cases of clear, gross and uncorrected violations of relevant CSCE commitments. Such actions would consist of political declarations or other political steps to apply outside the territory of the State concerned. This decision is without prejudice to existing CSCE mechanisms.

Helsinki 1992 (Decisions: I. Strengthening CSCE Institutions and Structures)

(22) When dealing with a crisis or a conflict, the Chairman-in-Office may, on his/her own responsibility, designate a personal representative with a clear and precise mandate in order to provide support. The Chairman-in-Office will inform the CSO of the intention to appoint a personal representative and of the mandate. In reports to the Council/CSO, the Chairman-in-Office will include information on the activities of the personal representative as well as any observations or advice submitted by the latter.

Sofia 2004 (Decision No. 12/04 on Tolerance and Non-discrimination)

The Ministerial Council

(...)

5. Welcomes the intention of the Chairman-in-Office to appoint, in accordance with Porto Ministerial Council Decision No. 8, three personal representatives as part of the overall fight of the OSCE in combating discrimination and promoting tolerance. The personal representatives will have their costs covered by extra-budgetary contributions.

2.3 Partners in Implementation

2.3.1 Governments, Government Bodies and Institutions

Helsinki 1975 (Questions Relating to Security in Europe: 1.(a) Declaration on Principles Guiding Relations between Participating States – Principle IX)

[The participating States] (...) confirm that governments, institutions, organizations and persons have a relevant and positive role to play in contributing toward the achievement of these aims of their cooperation.

Copenhagen 1990 (Preamble)

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

Moscow 1991 (Preamble)

The participating States (...) express their determination to fulfil all of their human dimension commitments and to resolve by peaceful means any related issue, individually and collectively, on the basis of mutual respect and co-operation. In this context they recognize that the active involvement of persons, groups, organizations and institutions is essential to ensure continuing progress in this direction.

2.3.2 Governments of Other Countries and International Organizations

Helsinki 1992 (Summit Declaration)

7. We reaffirm the validity of the guiding principles and common values of the Helsinki Final Act and the Charter of Paris, embodying responsibilities of States towards each other and of governments towards their people. These are the collective conscience of our community. We recognize our accountability to each other for complying with them. We underline the democratic rights of citizens to demand from their governments respect for these values and standards.

Helsinki 1992 (Decisions: IV. Relations with International Organizations, Relations with Non-Participating States, Role of Non-Governmental Organizations (NGOs))

(1) (...) Successful efforts to build a lasting peaceful and democratic order and to manage the process of change require more structured and substantive input from groups, individuals, States and organizations outside the CSCE process.

To this end, the participating States have decided as follows:

Relations with international organizations

(2) The participating States, reaffirming their commitments to the Charter of the United Nations as subscribed to by them, declare their understanding that the CSCE is a regional arrangement in

the sense of Chapter VIII of the Charter of the United Nations and as such provides an important link between European and global security (...)

(3) Recalling the relevant decisions of the Prague Document, the participating States will improve contact and practical co-operation with appropriate international organizations.

(...)

Relations with non-participating Mediterranean States

(7) Recalling the provisions of the Final Act and other CSCE relevant documents and consistent with established practice, the non-participating Mediterranean States will continue to be invited to contribute to CSCE activities.

(...)

Relations with non-participating States

(9) (...) the participating States intend to deepen their co-operation and develop a substantial relationship with non-participating States...which display an interest in the CSCE, share its principles and objectives, and are actively engaged in European co-operation through relevant organizations.

Lisbon 1996 (Declaration on a Common and Comprehensive Security Model for Europe for the Twenty-First Century)

5. We recognize that, within the OSCE, States are (...) responsible to each other for their implementation of OSCE commitments.

Istanbul 1999 (Charter for European Security: III. Our Common Response)

14. (...) Today we commit ourselves to joint measures based on co-operation, both in the OSCE and through those organizations of which we are members, in order to offer assistance to participating States to enhance their compliance with OSCE principles and commitments. We will strengthen existing co-operative instruments and develop new ones in order to respond efficiently to requests for assistance from participating States (...)

Maastricht 2003 (OSCE Strategy to Address Threats to Security and Stability in the Twenty-First Century)

Co-operation with other international organizations and institutions

52. (...) The OSCE's interaction with other organizations and institutions is based on the Platform for Co-operative Security. In it, participating States have pledged themselves to seek to develop political and operational coherence among all the bodies dealing with security, both in responding to specific threats and in formulating responses to new threats and challenges (...)

53. Our co-operation with other organizations and institutions currently encompasses political dialogue, co-ordination, and structured co-operation on thematic or regional issues across the OSCE region, based on common values and objectives (...)

54. The OSCE seeks to expand its relations with all organizations and institutions that are concerned with the promotion of comprehensive security within the OSCE area (...)

Astana 2010

3. (...) We further reaffirm that all OSCE principles and commitments, without exception, apply equally to each participating State, and we emphasize that we are (...) responsible to each other for their full implementation.

(...)

10. We recognize that the security of the OSCE area is inextricably linked to that of adjacent areas, notably in the Mediterranean and in Asia. We must therefore enhance the level of our interaction with our Partners for Co-operation. In particular, we underscore the need to contribute effectively, based on the capacity and national interest of each participating State, to collective international efforts to promote a stable, independent, prosperous and democratic Afghanistan.

Vilnius 2011 (Decision No. 5/11 on Partners for Co-operation)

The Ministerial Council

(...)

Fully convinced that the security of the OSCE area is inextricably linked with security in the regions of the Partners for Co-operation, and reaffirming our commitment to intensifying our dialogue and co-operation with the Mediterranean and Asian Partners for Co-operation and to strengthening our capacity to respond to the needs and priorities identified by the Partners and on the basis of OSCE norms, principles and commitments,

Recognizing the democratic transition processes, political, economic and social changes that have taken place in some Mediterranean Partners in 2011,

Commending the voluntary reform processes undertaken by some Mediterranean Partner countries,

Recognizing that each country is different and has the right to develop its own political model, with respect for the universal values of human rights and dignity,

Agreeing that the OSCE's experience in different areas can be of interest and potential benefit to the Partners, while taking into full account their prime responsibility for making national political choices as well as their specific political, social, cultural and religious heritage and in accordance with their needs, goals and national priorities,

Reaffirming the readiness of the OSCE, (...) to assist the Partners for Co-operation, as appropriate, in their voluntary implementation of OSCE norms, principles and commitments,

Recognizing the important role played by civil society in Partners for Co-operation, in promoting democracy, the rule of law, and full respect for human rights and fundamental freedoms,

Welcoming the progress achieved in recent years through dialogue and co-operation with our Mediterranean and Asian Partners for Co-operation, including their enhanced participation in OSCE meetings and activities including the implementation of concrete mutual projects,
(...)

Reiterating support for the OSCE Parliamentary Assembly's co-operation with the Partners including through the holding of its annual Parliamentary Forum on the Mediterranean, and taking note of the work done by the OSCE Parliamentary Assembly in this respect,

1. Decides to enhance further the Partnership for Co-operation by broadening dialogue, intensifying political consultations, strengthening practical co-operation and further sharing best practices and experience gained in the development of comprehensive, co-operative and indivisible security, in the three OSCE dimensions, according to the needs and priorities identified by the Partners;
2. Encourages the OSCE executive structures, (...), to engage in action oriented co-operation with the Partner countries in all three dimensions, taking also into account the annual conferences of Partners, by providing expert advice and exchange of information on best practices and experiences upon request of the Partners based on relevant OSCE decisions when required and invites the Partners to increase the level of their participation in the OSCE activities;
3. Decides (...) to increase the efforts to promote OSCE norms, principles and commitments through the contacts in co-ordination with other relevant regional and international organizations, particularly the United Nations notably through the sharing of best practices and experiences and through joint projects and activities in all three dimensions, as appropriate;
4. Calls upon the OSCE (...) to strengthen and further develop regular high-level dialogue with the Partners for Co-operation, in order to enhance mutual understanding and ensure high-level political support and assistance for the Partners for Co-operation, taking into account their needs and priorities;
5. Calls upon the OSCE, (...), to facilitate a broader participation of officials and civil society representatives of Partners for Co-operation in relevant OSCE events, as well as through the use of the Partnership Fund as appropriate;
6. Tasks the Secretary General, in consultation with the OSCE Chairmanship, with exploring possible options for action oriented and results based co-operation with Partners, in co-ordination with the United Nations and other relevant regional and international organizations and institutions, and with making proposals, as appropriate, for further action by the Permanent Council;
7. Requests the Permanent Council to remain seized of the matter and to consider options for future engagement with the Partners for Co-operation at their request;
8. Encourages the participating States and the Partners for Co-operation to share their experiences and contribute to the OSCE activities in all three dimensions, including through contributions to the Partnership Fund, as appropriate, in order to promote further engagement with the Partners for Co-operation;
9. Reconfirms its openness to considering future potential applications for partnership from interested countries (...)

Belgrade 2015 (Ministerial Declaration on Preventing and Countering Violent Extremism and Radicalization that Lead to Terrorism)

16. To invite the OSCE Partners for Co-operation to actively engage with us to strengthen our dialogue and co-operation in preventing and countering violent extremism and radicalization that lead to terrorism, respecting and protecting human rights and fundamental freedoms in this

context, preventing and countering manifestations of intolerance and discrimination, including on the basis of religion or belief, xenophobia, violence, as well as promoting interfaith, interreligious and intercultural dialogue, (...), and to encourage the Partners for Co-operation to continue to make the best use of the OSCE principles, norms and commitments, as well as its relevant tools;

Hamburg 2016 (Decision No. 5/16 on OSCE Efforts related to Reducing the Risks of Conflict Stemming from the Use of Information and Communication Technologies)

11. Invites the OSCE Partners for Co-operation to enhance dialogue on efforts to reduce the risks of conflict stemming from the use of information and communication technologies.

2.3.3 Individuals, Human Rights Defenders and Non-Governmental Organizations

Helsinki 1975 (Questions Relating to Security in Europe: 1.(a) Declaration on Principles Guiding Relations between Participating States – Principle VII)

The participating States recognize the universal significance of human rights and fundamental freedoms (...) They confirm the right of the individual to know and act upon his rights and duties in this field.

(...)

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

Madrid 1983 (Questions Relating to Security in Europe: Principles)

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

Vienna 1989 (Questions Relating to Security in Europe: Principles)

(12) [The participating States] express their determination to guarantee the effective exercise of human rights and fundamental freedoms (...)

(13) In this context they will

(...)

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

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

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

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

(...)

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

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

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

(...)

(26) (...) To that end they will respect the right of persons to observe and promote the implementation of CSCE provisions and to associate with others for this purpose. They will facilitate direct contacts and communication among these persons, organizations and institutions within and between participating States and remove, where they exist, legal and administrative impediments inconsistent with the CSCE provisions. They will also take effective measures to facilitate access to information on the implementation of CSCE provisions and to facilitate the free expression of views on these matters.

Copenhagen 1990

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

(...)

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

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

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

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

(10.4) allow members of such groups and organizations to have unhindered access to and communication with similar bodies within and outside their countries and with international organizations, to engage in exchanges, contacts and co-operation with such groups and organizations and to solicit, receive and utilize for the purpose of promoting and protecting human rights and fundamental freedoms voluntary financial contributions from national and international sources as provided for by law.

Paris 1990 (A New Era of Democracy, Peace and Unity)

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

Moscow 1991

The participating States (...) express their determination to fulfil all of their human dimension commitments and to resolve by peaceful means any related issue, individually and collectively, on the basis of mutual respect and co-operation. In this context they recognize that the active involvement of persons, groups, organizations and institutions is essential to ensure continuing progress in this direction.

(...)

(43) The participating States will recognize as NGOs those which declare themselves as such, according to existing national procedures, and will facilitate the ability of such organizations to conduct their national activities freely on their territories; to that effect they will:

(43.1) endeavour to seek ways of further strengthening modalities for contacts and exchanges of views between NGOs and relevant national authorities and governmental institutions;

(43.2) endeavour to facilitate visits to their countries by NGOs from within any of the participating States in order to observe human dimension conditions;

(43.3) welcome NGO activities, including, *inter alia*, observing compliance with CSCE commitments in the field of the human dimension;

(43.4) allow NGOs, in view of their important function within the human dimension of the CSCE, to convey their views to their own governments and the governments of all the other participating States during the future work of the CSCE on the human dimension.

(43.5) During the future work of the CSCE on the human dimension, NGOs will have the opportunity to distribute written contributions on specific issues of the human dimension of the CSCE to all delegations.

(43.6) The CSCE Secretariat will, within the framework of the resources at its disposal, respond favourably to requests by NGOs for non-restricted documents of the CSCE.

Helsinki 1992 (Summit Declaration)

7. We reaffirm the validity of the guiding principles and common values of the Helsinki Final Act and the Charter of Paris, embodying responsibilities of States towards each other and of governments towards their people. These are the collective conscience of our community (...) We underline the democratic rights of citizens to demand from their governments respect for these values and standards.

Helsinki 1992 (Decisions: IV. Relations with International Organizations, Relations with Non-Participating States, Role of Non-Governmental Organizations (NGOs))

(1) (...) Successful efforts to build a lasting peaceful and democratic order and to manage the process of change require more structured and substantive input from groups, individuals, States and organizations outside the CSCE process.

To this end, the participating States have decided as follows:

(...)

Increasing openness of CSCE activities, promoting understanding of the CSCE, expanding the role of NGOs

(12) The participating States will increase the openness of the CSCE institutions and structures and ensure wide dissemination of information on the CSCE.

(...)

(14) The participating States will provide opportunities for the increased involvement of non-governmental organizations in CSCE activities.

(15) They will, accordingly:

- apply to all CSCE meetings the guidelines previously agreed for NGO access to certain CSCE meetings;
- make open to NGOs all plenary meetings of review conferences, ODIHR seminars, workshops and meetings, the CSO when meeting as the Economic Forum, and human rights implementation meetings, as well as other expert meetings. In addition each meeting may decide to open some other sessions to attendance by NGOs;
- instruct Directors of CSCE institutions and Executive Secretaries of CSCE meetings to designate an “NGO liaison person” from among their staff;
- designate, as appropriate, one member of their Foreign Ministries and a member of their delegations to CSCE meetings to be responsible for NGO liaison;
- promote contacts and exchanges of views between NGOs and relevant national authorities and governmental institutions between CSCE meetings;
- facilitate during CSCE meetings informal discussion meetings between representatives of participating States and of NGOs;
- encourage written presentations by NGOs to CSCE institutions and meetings, titles of which may be kept and provided to the participating States upon request;
- provide encouragement to NGOs organizing seminars on CSCE-related issues;

- notify NGOs through the CSCE institutions of the dates of future CSCE meetings, together with an indication, when possible, of the subjects to be addressed, as well as, upon request, the activations of CSCE mechanisms which have been made known to all participating States.

(16) The above provisions will not be applied to persons or organizations which resort to the use of violence or publicly condone terrorism or the use of violence.

(17) The participating States will use all appropriate means to disseminate as widely as possible within their societies knowledge of the CSCE, its principles, commitments and activities.

Budapest 1994 (Decisions: VIII. The Human Dimension)

18. The participating States emphasize (...) the need for protection of human rights defenders and look forward to the completion and adoption, in the framework of the United Nations, of the draft declaration on the “Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms”.

Istanbul 1999 (Charter for European Security: III. Our Common Response)

27. Non-governmental organizations (NGOs) can perform a vital role in the promotion of human rights, democracy and the rule of law. They are an integral component of a strong civil society. We pledge ourselves to enhance the ability of NGOs to make their full contribution to the further development of civil society and respect for human rights and fundamental freedoms.

Helsinki 2008 (Ministerial Declaration on the Occasion of the 60th Anniversary of the Universal Declaration of Human Rights)

(...)

We recognize that human rights are best respected in democratic societies, where decisions are taken with maximum transparency and broad participation. We support a pluralistic civil society and encourage partnerships between different stakeholders in the promotion and protection of human rights.

(...)

Astana 2010

6. (...) We value the important role played by civil society and free media in helping us to ensure full respect for human rights, fundamental freedoms, democracy, including free and fair elections, and the rule of law.

Vilnius 2011

(...) Recognizing the important role played by civil society in Partners for Co-operation, in promoting democracy, the rule of law, and full respect for human rights and fundamental freedoms,

(...)

2.3.4 OSCE Institutions/Structures with Particular Relevance to the Human Dimension

Istanbul 1999 (Charter for European Security: III. Our Common Response)

14. (...) We individually confirm our willingness to comply fully with our commitments. We also have a joint responsibility to uphold OSCE principles. We are therefore determined to co-operate within the OSCE and with its institutions and representatives ... We will co-operate in a spirit of solidarity and partnership in a continuing review of implementation.

Maastricht 2003 (OSCE Strategy to Address Threats to Security and Stability in the Twenty-First Century)

The OSCE response

20. The OSCE will continue to be an active player across its region, using its institutions — the Office for Democratic Institutions and Human Rights (ODIHR), the High Commissioner on National Minorities (HCNM), and the Representative on Freedom of the Media (RFM) — its field operations and its Secretariat to the full. They are important instruments in assisting all participating States to implement their commitments, including respect for human rights, democracy and the rule of law. In all relevant activities, possibilities for strengthening co-operation with the Parliamentary Assembly, and through it, national parliaments will be actively pursued.

Astana 2010

5. (...) We stress the importance of the work carried out by the OSCE Secretariat, High Commissioner on National Minorities, Office for Democratic Institutions and Human Rights and Representative on Freedom of the Media, as well as the OSCE field operations, in accordance with their respective mandates, in assisting participating States with implementing their OSCE commitments. We are determined to intensify co-operation with the OSCE Parliamentary Assembly, and encourage its efforts to promote security, democracy, and prosperity throughout the OSCE area and within participating States and to increase confidence among participating States.

(...)

A. The Office for Democratic Institutions and Human Rights (ODIHR)

I. GENERAL MANDATE, INCLUDING ADDITIONAL GENERAL TASKS

Paris 1990 (A New Era of Democracy, Peace and Unity)

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

Paris 1990 (Supplementary Document to Give Effect to Certain Provisions Contained in the Charter of Paris for a New Europe)

G. The Office for Free Elections

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

2. To this end, the Office will

- compile information, including information provided by the competent authorities of the participating States, on the dates, procedures and official results of scheduled national elections within participating States, as well as reports of election observations, and provide these on request to governments, parliaments and interested private organizations;
- serve to facilitate contact among governments, parliaments or private organizations wishing to observe elections and competent authorities of the States in which elections are to take place;
- organize and serve as the venue for seminars or other meetings related to election procedures and democratic institutions at the request of the participating States.

3. The Office will take into account the work of and co-operate with other institutions active in this field.

4. The Office will carry out other tasks assigned to it by the Council.

Annex 1 (Copenhagen 1990)

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

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

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

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

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

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

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

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

(7.7) ensure that law and public policy work to permit political campaigning to be conducted in a fair and free atmosphere in which neither administrative action, violence nor intimidation bars

the parties and the candidates from freely presenting their views and qualifications, or prevents the voters from learning and discussing them or from casting their vote free of fear of retribution;

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

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

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

Prague 1992 (Document on Further Development of CSCE Institutions and Structures: III. Human Dimension)

9. In order to extend practical co-operation among participating States in the human dimension, the Ministers decided to give additional functions to the Office for Free Elections which will henceforth be called the Office for Democratic Institutions and Human Rights.

10. Under the general guidance of the CSO, the Office should, *inter alia*:

- organize a short CSCE meeting at the seat of the Office for Democratic Institutions and Human Rights to address implementation of CSCE human dimension commitments every year in which a follow-up meeting does not take place (...)
- serve as an institutional framework for sharing and exchanging information on available technical assistance, expertise, and national and international programmes aimed at assisting the new democracies in their institution-building;
- facilitate contacts between those offering such resources and those wishing to make use of them;
- develop co-operation with the Council of Europe in order to make use of its database of such resources and services;
- establish contacts with non-governmental organizations active in the field of democratic institution-building, with a view to enabling interested participating States to make use of their extensive resources and expertise;
- facilitate co-operation in training and education in disciplines relevant to democratic institutions;
- organize meetings and seminars among all participating States on subjects related to the building and revitalization of democratic institutions, such as a short seminar on free media and, at an appropriate time, one on migration. These meetings and seminars will be held in Warsaw unless otherwise decided.

11. In order to avoid duplication of work specially in the fields enumerated above, the Ministers directed the Office to work closely with other institutions active in the field of democratic

institution-building and human rights, particularly the Council of Europe and the European Commission for Democracy through Law.

12. The CSO will on an annual basis examine the need for meetings and seminars on the human dimension and democratic institutions and will establish a work programme.

(...)

14. The Office for Democratic Institutions and Human Rights is designated as the CSCE institution charged with the tasks in connection with expert and rapporteur missions according to the Document of the Moscow Meeting of the Conference on the Human Dimension of the CSCE.

Helsinki 1992 (Decisions: VI. The Human Dimension)

(2) The participating States express their strong determination to ensure full respect for human rights and fundamental freedoms, to abide by the rule of law, to promote the principles of democracy and, in this regard, to build, strengthen and protect democratic institutions, as well as to promote tolerance throughout society. To these ends, they will broaden the operational framework of the CSCE, including by further enhancing the ODIHR, so that information, ideas, and concerns can be exchanged in a more concrete and meaningful way, including as an early warning of tension and potential conflict. In doing so, they will focus their attention on topics in the Human Dimension of particular importance. They will therefore keep the strengthening of the Human Dimension under constant consideration, especially in a time of change.

(...)

Framework for monitoring compliance with CSCE commitments and for promoting co-operation in the human dimension

(4) In order to strengthen and monitor compliance with CSCE commitments as well as to promote progress in the Human Dimension, the participating States agree to enhance the framework of their co-operation and to this end decide the following:

Enhanced role of the ODIHR

(5) Under the general guidance of the CSO and in addition to its existing tasks as set out in the Charter of Paris for a New Europe and in the Prague Document on Further Development of CSCE Institutions and Structures, the ODIHR will, as the main institution of the Human Dimension:

(5a) assist the monitoring of implementation of commitments in the Human Dimension by:

- serving as a venue for bilateral meetings under paragraph 2 and as a channel for information under paragraph 3 of the Human Dimension Mechanism as set out in the Vienna Concluding Document;
- receiving any comments from States visited by CSCE missions of relevance to the Human Dimension other than those under the Human Dimension Mechanism; it will transmit the report of those missions as well as eventual comments to all participating States with a view to discussion at the next implementation meeting or review conference;
- participating in or undertaking missions when instructed by the Council or the CSO;

(5b) act as a clearing-house for information on:

- a state of public emergency according to paragraph 28.10 of the Document of the Moscow Meeting of the Conference on the Human Dimension;

- resource lists, and assistance, e.g. in the field of censuses or on democracy at a local and regional level, and the holding of national seminars on such issues;
- (5c) assist other activities in the field of the Human Dimension, including the building of democratic institutions by:
- fulfilling the tasks as defined in the “Programme of co-ordinated support to recently admitted participating States”;
 - arranging “Seminars on the democratic process” at the request of participating States. The same procedural provisions as set out in the “Programme of co-ordinated support for recently admitted participating States” will also apply to these seminars;
 - contributing, within the resources at its disposal, to the preparation of seminars at the request of one or more participating States;
 - providing, as appropriate, facilities to the High Commissioner on National Minorities;
 - communicating, as appropriate, with relevant international and non-governmental organizations;
 - consulting and co-operating with relevant bodies of the Council of Europe and those associated with it, and examining how they can contribute, as appropriate, to the ODIHR’s activities. The ODIHR will also, at the request of participating States, supply them with information about programmes within the framework of the Council of Europe which are open to all participating States.
- (6) The activities on Human Dimension issues undertaken by the ODIHR may, *inter alia*, contribute to early warning in the prevention of conflicts.

Human Dimension Mechanism

(7) In order to align the Human Dimension Mechanism with present CSCE structures and institutions the participating States decide that:

Any participating State which deems it necessary may provide information on situations and cases which have been the subject of requests under paragraphs 1 or 2 of the chapter entitled the “Human Dimension of the CSCE” of the Vienna Concluding Document or on the results of those procedures, to the participating States through the ODIHR – which can equally serve as a venue for bilateral meetings under paragraph 2 – or diplomatic channels. Such information may be discussed at Meetings of the CSO, at implementation meetings on Human Dimension issues and review conferences.

(...)

Implementation meetings on Human Dimension issues

(9) Every year in which a review conference does not take place, the ODIHR will organize a three-week meeting at expert-level of all participating States at its seat to review implementation of CSCE Human Dimension commitments. The meeting will perform the following tasks:

(9a) a thorough exchange of views on the implementation of Human Dimension commitments, including discussion on the information provided in accordance with paragraph 4 of the Human Dimension Mechanism and on the Human Dimension aspects of the reports of CSCE missions, as well as the consideration of ways and means of improving implementation;

(9b) an evaluation of the procedures for monitoring compliance with commitments.

(10) The implementation meeting may draw to the attention of the CSO measures to improve implementation which it deems necessary.

- (11) The implementation meeting will not produce a negotiated document.
- (12) Written contributions and information material will be of a non-restricted or restricted character as indicated by the submitting State.
- (13) Implementation meetings will be organized to meet in formal and informal sessions. All formal sessions will be open. In addition, the participating States may decide, on a case-by-case basis, to open informal sessions.
- (14) The Council of Europe, the European Commission for Democracy through Law and the European Bank for Reconstruction and Development (EBRD), as well as other relevant international organizations and institutions will be encouraged by the implementation meeting to attend and make contributions.
- (15) Non-governmental organizations having relevant experience in the field of the Human Dimension are invited to make written presentations to the implementation meeting, e.g. through the ODIHR, and may be invited by the implementation meeting, on the basis of their written presentations, to address specific questions orally as appropriate.
- (16) During two half days in the course of the implementation meeting no formal session will be scheduled in order to provide better opportunities for possible contacts with NGOs. To this purpose, a hall at the meeting site will be placed at the disposal of NGOs.

CSCE Human Dimension seminars

- (17) Under the general guidance of the CSO, the ODIHR will organize CSCE Human Dimension seminars which will address specific questions of particular relevance to the Human Dimension and of current political concern. The CSO will establish an annual work programme including the titles and dates of such seminars. The agenda and modalities of each seminar will be approved by the CSO at the latest three months before the seminar. In doing so, the CSO will take into account views expressed by the ODIHR. Unless otherwise decided, seminars will be held at the seat of the ODIHR and will not exceed one week. The work programme will take into account work by relevant international organizations and institutions.
- (18) These seminars will be organized in an open and flexible manner. Relevant international organizations and institutions may be invited to attend and to make contributions. So may NGOs with relevant experience. Independent experts attending the seminar as members of national delegations will also be free to speak in their own capacity.
- (19) CSCE seminars will be organized to meet in formal and informal sessions. All formal sessions will be open. In addition, the participating States may decide, on a case-by-case basis, to open informal sessions.
- (20) CSCE seminars will not produce a negotiated document or follow-up programmes.
- (21) Contributions by independent experts will be of a non-restricted character.

Rome 1993 (Decisions: IV. The Human Dimension)

- (3) The political consultation process and CSCE missions

(...)

- Further emphasis will be given to human dimension issues in mandates of CSCE missions as well as in the follow-up of mission reports. To this end the ODIHR will be given an enhanced role in the preparation of CSCE missions, *inter alia*, in providing information and advice to missions in accordance with its expertise.

(...)

4. Office for Democratic Institutions and Human Rights

The Ministers decided to strengthen the ODIHR's functions and operations. *Inter alia*, the ODIHR will enhance its activities under its mandate in the following areas:

- the building of an expanded database of experts in fields relevant to the human dimension. Participating States and non-governmental organizations are requested to inform the ODIHR of experts available in fields relevant to the human dimension;

(...)

- strengthened co-operation with relevant international organizations in order to co-ordinate activities and identify possible areas of joint endeavour;
- receiving information provided by NGOs having relevant experience in the human dimension field;
- serving as a point of contact for information provided by participating States in accordance with CSCE commitments;
- disseminating general information on the human dimension, and international humanitarian law.

Budapest 1994 (Decisions: VIII. The Human Dimension)

8. The ODIHR, as the main institution of the human dimension, in consultation with the Chairman-in-Office, will, acting in an advisory capacity, participate in discussions of the Senior Council and the Permanent Council, by reporting at regular intervals on its activities and providing information on implementation issues. It will provide supporting material for the annual review of implementation and, where necessary, clarify or supplement information received. Acting in close consultation with the Chairman-in-Office, the Director of the ODIHR may propose further action.

9. The participating States recognize the need for enhanced co-operation through the ODIHR with other international organizations and institutions active in the human dimension, including among others the United Nations High Commissioner for Human Rights, for the exchange of information, including reports, and for further developing of future-oriented activities, such as outlined in the present document.

10. The participating States decide to

(...)

- task the ODIHR to act as a clearing-house for the exchange of information on media issues in the region, and encourage governments, journalists and NGOs to provide the ODIHR with information on the situation of the media.

11. The ODIHR will be consulted on a CSCE mission's mandate before adoption and will contribute to the follow-up of mission reports as decided by the Permanent Council. The ODIHR's knowledge of experts on the human dimension should be used to help to staff CSCE missions.

These missions will also designate a mission member to liaise with the ODIHR and with NGOs on human dimension issues.

(...)

13. The provisions mentioned in the human dimension chapter of this document do not in any way constitute a change in the mandate of either the ODIHR or the HCNM.

ODIHR seminars

14. The number of large-scale human dimension seminars will as a rule be reduced to two per year. They will focus on topics which are of the broadest interest.

There will be more emphasis on regional seminars. Where appropriate they will form part of the Programme of Co-ordinated Support. These seminars should seek full participation from States in the region in which they are held (...)

Budapest 1994 (Decisions: VIII. The Human Dimension)

43. They agreed that the ability of the ODIHR to provide in-depth expertise on human dimension issues under the Programme of Co-ordinated Support should be further developed. In order to respond to requests for advice by newly independent States concerned on all aspects of democratization, they decided that using experts-at-large within the framework of the Programme of Co-ordinated Support would be a useful enhancement of the ODIHR's role.

Ljubljana 2005 (Decision No. 11/05 on Promoting of Human Rights Education and Training in the OSCE Area)

The Ministerial Council,

(...)

Tasks the ODIHR, drawing on the relevant expertise and experience acquired by the OSCE structures, institutions and field operations, as well as the OSCE participating States:

- To produce a compendium of best practices for participating States on enhancing the promotion of human rights education and training, including the promotion of tolerance, mutual respect and understanding, and non-discrimination in the OSCE area.

Ljubljana 2005 (Decision No. 12/05 on Upholding Human Rights and the Rule of Law in Criminal Justice Systems)

The Ministerial Council,

(...)

Tasks the ODIHR and other relevant OSCE structures to:

Assist the participating States to share with one another successful examples, expertise and good practices to improve criminal justice systems;

Assist the participating States upon their request to strengthen the institutional capacity of defence lawyers to protect and defend the rights of their clients.

Brussels 2006 (Decision No. 5/06 on Organized Crime)

The Ministerial Council,

(...)

(d) Tasks the Secretary General and the ODIHR to brief the participating States regularly and to present a joint written report to the participating States before the summer recess in 2007, on the implementation of the abovementioned tasks;

(e) Tasks the Permanent Council to take note of the above-mentioned report and to consider, if appropriate, a possible follow-up;

(f) Tasks the Secretary General and the relevant OSCE executive structures including ODIHR, as appropriate in coordination and cooperation with other international organizations and institutions, to stand ready to respond to project proposals and requests for cooperation from participating States and to consider facilitating training programmes, all within their respective mandates and as contributions are available for this purpose;

(...)

II. ADDITIONAL TASKS RELATED TO ELECTIONS

Rome 1993 (Decisions: IV. The Human Dimension)

4. Office for Democratic Institutions and Human Rights

The Ministers decided to strengthen the ODIHR's functions and operations. *Inter alia*, the ODIHR will enhance its activities under its mandate in the following areas:

(...)

- enhancement of its role in comprehensive election monitoring (...)

Budapest 1994 (Decisions: VIII. The Human Dimension)

12. The ODIHR will play an enhanced role in election monitoring, before, during and after elections. In this context, the ODIHR should assess the conditions for the free and independent functioning of the media.

The participating States request that co-ordination between the various organizations monitoring elections be improved, and task the ODIHR to consult all relevant organizations in order to develop a framework for co-ordination in this field.

In order to enhance election monitoring preparations and procedures, the ODIHR will also devise a handbook for election monitors and set up a rolling calendar for upcoming elections.

Maastricht 2003 (Decision No. 5/03 on Elections)

The Ministerial Council

(...)

Tasks the ODIHR to consider ways to improve the effectiveness of its assistance to participating States in following up recommendations made in ODIHR election-observation reports.

Brussels 2006 (Decision No. 19/06 on Strengthening the Effectiveness of the OSCE)

The Ministerial Council,

(...)

1. Thanks the ODIHR for the work carried out under Ministerial Council Decision No. 17/05 paragraph 2 and takes note of its report issued on 10 November 2006;

2. Recognizes that the ODIHR, in implementing its mandate, has demonstrated its ability to assist participating States in fulfilling their human dimension commitments;

(...)

7. Recognizes ODIHR's expertise in assisting the participating States through its election-related activities, including reviewing election legislation and carrying out election observations;

8. Commits to further develop OSCE's election related activities,

(...)

10. Reaffirms the commitments of the participating States to invite observers to elections from other participating States, the ODIHR, the OSCE Parliamentary Assembly and appropriate institutions and organizations that wish to observe;

(...)

12. Recognizes the ongoing need to ensure accountability, objectivity, transparency and professionalism of election observation;

13. Agrees that ODIHR should put into practice the improvements and recommendations concerning election related activities, including as contained in the report, and particularly as listed below, and will regularly submit reports on their implementation, through its Director, for review by the Permanent Council as appropriate:

- To further strengthen the observation methodology and assistance programmes;
- To ensure as wide as possible geographical coverage in ODIHR's election activities;
- To further diversify the participation of short-term, long-term and "core team" observers based on increased support of a wider range of participating States, by encouraging the participating States to contribute to the diversification fund, by supporting national training efforts and by developing OSCEwide networks of election observation practitioners;
- While maintaining the highest professional standards, to further increase the transparency of recruitment of members of observation teams, including by active advertising, training, competitive procedures and open rosters for heads of election observation missions and "core team" members, which are regularly communicated to participating States and available through publicly accessible databases;
- To give utmost attention to the independence, impartiality and professionalism of ODIHR's election observation;

- To enhance the linguistic inclusiveness and ensure that languages used would not affect in any way the effectiveness of the observation;

14. Stresses that election observation is a common endeavour involving the OSCE/ODIHR, the OSCE Parliamentary Assembly and other parliamentary institutions;

15. Recognizes that close cooperation with the OSCE Parliamentary Assembly considerably enhances the visibility of the OSCE's election observation efforts, and calls on the ODIHR to continue to work in partnership with the Parliamentary Assembly on election observation missions on the basis of the 1997 Co-operation Agreement;

(...)

III. ODIHR CONTACT POINT FOR ROMA AND SINTI ISSUES

See also:

I. 2.3.4.A.IV: Additional Tasks Related to Tolerance and Non-discrimination, Including Roma and Sinti Issues

Budapest 1994 (Decisions: VIII. The Human Dimension)

23. The participating States decide to appoint within the ODIHR a contact point for Roma and Sinti (Gypsies) issues. The ODIHR will be tasked to:

- act as a clearing-house for the exchange of information on Roma and Sinti (Gypsies) issues, including information on the implementation of commitments pertaining to Roma and Sinti (Gypsies);
- facilitate contacts on Roma and Sinti (Gypsies) issues between participating States, international organizations and institutions and NGOs;
- maintain and develop contacts on these issues between CSCE institutions and other international organizations and institutions.

To fulfil these tasks, the ODIHR will make full use of existing resources. In this context they welcome the announcement made by some Roma and Sinti (Gypsies) organizations of their intention to make voluntary contributions.

24. The participating States welcome the activities related to Roma and Sinti (Gypsies) issues in other international organizations and institutions, in particular those undertaken in the Council of Europe.

Oslo 1998 (Decision on Enhancement of the OSCE's Operational Capabilities Regarding Roma and Sinti Issues)

The Ministerial Council,

Bearing in mind the existing OSCE commitments regarding Roma and Sinti, and

Recalling the decision taken by the Budapest Summit to appoint within the ODIHR a Contact Point for Roma and Sinti (Gypsies) Issues,

1. Decides to enhance the capability of the OSCE regarding those issues by strengthening the existing ODIHR Contact Point for Roma and Sinti Issues. Among its priorities will be:

- to enhance the OSCE's interaction with the governments of the participating States, with representatives of Roma and Sinti communities, as well as with international organizations, initiatives and NGOs relevant to Roma and Sinti issues, and in particular to secure further mutual reinforcement of co-operation with the Co-ordinator for Roma in the Council of Europe with a view to avoiding duplication of effort, including the establishment of regular consultations with those organizations, initiatives and NGOs in order to develop synergies and common approaches designed to facilitate full integration of Roma and Sinti communities into the societies they live in, while preserving their identity;
- to enhance co-operation among OSCE institutions and mission/field presences with respect to Roma and Sinti, if applicable;
- to develop, on the basis of input from participating States, the OSCE institutions, and in particular the HCNM, Roma and Sinti communities, NGOs, and international organizations and other institutions and initiatives, a work programme which should include, *inter alia*, seminars, workshops and clearing houses;
- to collect information from the participating States on legislative and other measures related to the situation of Roma and Sinti with a view to making it available to the OSCE community, as well as to other interested international organizations, and to elaborating additional reports on the situation of Roma and Sinti in the OSCE area.

2. Further decides that the Contact Point should deal solely with matters concerning Roma and Sinti.

Maastricht 2003 (Annex to Decision No. 2/03 on Combating Trafficking in Human Beings; OSCE Action Plan to Combat Trafficking in Human Beings)

Action for OSCE Institutions and Bodies

6. Data collection and research

(...)

6.2 Tasking ODIHR's Contact Point on Roma and Sinti with continuing to gather data regarding trafficking in human beings, especially children, and its effects on Roma and Sinti communities.

Maastricht 2003 (Annex to Decision No. 3/03; Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area)

III COMBATING RACISM AND DISCRIMINATION

Legislation and law enforcement

Recommended action by OSCE institutions and structures:

(...)

23. The ODIHR/Contact Point for Roma and Sinti Issues (CPRSI) will promote better relations between Roma and Sinti non-governmental organizations (NGOs) and the participating States.

24. The ODIHR-CPRSI will serve as a clearing house on initiatives undertaken by participating States and facilitate exchanges of information on best practices.

25. The ODIHR-CPRSI will, in close co-operation with participating States, Roma and Sinti communities, and where possible with other international organizations, and in full respect of the laws on the protection of personal data, collect documentation for the purpose of developing more precisely targeted policies.

Police

Recommended action by OSCE institutions and structures:

(...)

34. The ODIHR-CPRSI and the Strategic Police Matters Unit will, within their respective mandates, produce a compilation of police “best practices” in the OSCE region with respect to policing and Roma and Sinti communities.

35. The HCNM, the ODIHR-CPRSI and the Strategic Police Matters Unit will assist the participating States in developing codes of conduct to prevent racial profiling and improve interethnic relations.

IV. ADDRESSING SOCIO-ECONOMIC ISSUES

Housing and living conditions

Recommended action by OSCE institutions and structures:

47. The ODIHR-CPRSI and the Office of the Co-ordinator of OSCE Economic and Environmental Activities (OCEEA) are encouraged to play a larger role in facilitating the provision of information about and access to resources made available by foreign donors for specific projects, particularly those generated by Roma and Sinti groups, addressing the social and economic development of Roma and Sinti communities.

Unemployment and economic problems

Recommended action by OSCE institutions and structures:

54. At the request of participating States, the ODIHR-CPRSI and the OCEEA will support development of the employability and entrepreneurial skills of Roma and Sinti people through the establishment of training and retraining programmes in participating States. Successful practices, particularly relating to the development of entrepreneurial skills and small and medium-sized enterprises (SMEs) (e.g., the Youth Entrepreneurship Seminars programme) could be adapted to the needs of Roma and Sinti people (...)

(...)

56. The ODIHR-CPRSI and the OCEEA will draw upon the research developed by UNDP and other agencies to assess the needs of Roma and Sinti people with a view to fostering policies that take into account the extent and nature of their specific needs in each participating State.

57. In co-ordination with relevant international organizations (in particular UNDP and the World Bank), the ODIHR-CPRSI and the OCEEA will examine ways to stimulate better access by Roma and Sinti people to regular training programmes. Workshops or round-table discussions tailored

to the needs of Roma and Sinti people can be organized, with a view to informing and educating community members regarding the economic and social rights of individuals and entrepreneurs.

Health care

Recommended action by OSCE institutions and structures:

(...)

65. The ODIHR-CPRSI and, where appropriate, other OSCE institutions and structures, including OSCE field operations, will assist participating States in launching educational initiatives to help Roma and Sinti people make full use of regular health services. They will, *inter alia*, collect, produce and disseminate relevant information on good practices.

66. The ODIHR-CPRSI will pay special attention to ensuring that Roma and Sinti people have access to programmes aimed at prevention and/or treatment of drug abuse and addiction and AIDS and related diseases.

VII. ROMA AND SINTI IN CRISIS AND POST-CRISIS SITUATIONS

(...)

Recommended action by OSCE institutions and structures:

(...)

114. In accordance with its mandate, the ODIHR-CPRSI is called upon to respond effectively to crisis situations by, *inter alia*, co-operating with relevant governments, inter-governmental bodies and international organizations, in particular the UNHCR, to ensure protection of Roma communities at risk.

115. The ODIHR-CPRSI will raise awareness among public officials, journalists and others of the situation of Roma and Sinti people in crisis or conflict areas.

VIII. ENHANCING CO-OPERATION AND CO-ORDINATION WITH OTHER INTERNATIONAL ORGANIZATIONS AND NGOS 118. THE ODIHR-CPRSI WILL CONTINUE TO PARTICIPATE ACTIVELY IN THE INFORMAL CONTACT GROUP ON ROMA OF THE INTERGOVERNMENTAL ORGANISATIONS.*

(...)

121. The ODIHR-CPRSI will seek to consolidate the “International Roma Contact Group”† and will further contribute to the Council of Europe’s initiative for a possible European Forum for Roma and Travellers.

122. The ODIHR-CPRSI will provide information and co-ordination services to relevant national and international institutions, and will facilitate dialogue among them and with Roma NGOs.

* The *Informal Contact Group on Roma of the Intergovernmental Organisations* is composed of representatives from OSCE/ODIHR, the Council of Europe, the European Commission and the European Union.

† The International Roma Contact Group was established in October 2000 at the initiative of the ODIHR Contact Point for Roma and Sinti Issues. The Contact Group includes representatives of the International Romani Union, the Roma National Congress, elected Romani representatives, Romani experts and the ODIHR-CPRSI.

123. The ODIHR-CPRSI will seek to develop relations with Roma and Sinti organizations and help them to co-ordinate their efforts and resources, both within individual States and across borders, and to avail themselves fully of opportunities provided by existing national and international policies affecting Roma and Sinti people.

124. The ODIHR-CPRSI will draw upon the experience and input of existing monitoring projects developed by other international organizations.

IX. THE ODIHR CONTACT POINT FOR ROMA AND SINTI ISSUES

125. Where necessary, the ODIHR-CPRSI will facilitate information-sharing among OSCE participating States that have developed or are seeking to improve national policies on Roma and Sinti people.

126. Upon request, ODIHR-CPRSI will advise participating States on future policies related to Roma and Sinti people and will stimulate debates between governments and Roma NGOs.

127. The ODIHR-CPRSI will support capacity-building for Roma and Sinti NGOs.

128. The ODIHR-CPRSI will establish a database of best practices in OSCE participating States.

129. The ODIHR-CPRSI should assume a proactive role in analysing measures undertaken by participating States, as well as in particular situations and incidents relating to Roma and Sinti people. Towards this end CPRSI will establish and develop direct contacts with participating States and will offer advice and opinions to them.

130. Governments concerned will co-operate with the ODIHR-CPRSI in identifying effective solutions to crisis situations.

131. The ODIHR-CPRSI will provide Roma and Sinti communities with more information on OSCE resources and activities.

132. In co-operation with relevant OSCE institutions and structures, the ODIHR will develop appropriate action aimed at tackling the root causes of trafficking in human beings, especially in children, and raise awareness of its consequences among Roma and Sinti communities.

(...)

138. The ODIHR-CPRSI will disseminate information on this Plan to Roma and Sinti communities and organizations as well as to other international organizations.

Mass Media

Recommended action by OSCE institutions and structures:

(...)

41. The ODIHR-CPRSI and the RFOM will organize round tables with journalists on the image that Roma and Sinti communities have in society.

VI. ENHANCING PARTICIPATION IN PUBLIC AND POLITICAL LIFE

Recommended action by OSCE institutions and structures:

(...)

100. The ODIHR-CPRSI should help to organize training for and by Roma NGOs, including media organizations, for wider Roma communities on the issues of democratic processes and participation.

(...)

105. The ODIHR-CPRSI and, where appropriate, other OSCE institutions and structures, including OSCE field operations, will design programmes that encourage Roma and Sinti representatives to stand as candidates for elected bodies or will identify creative solutions that would ensure the participation of Roma and Sinti representatives in national and local decision-making processes.

Kyiv 2013 (Decision No. 4/13 on enhancing OSCE efforts to implement the action plan on improving the situation of Roma and Sinti within the OSCE area, with a particular focus on Roma and Sinti women, youth and children)

5. Encourage the relevant OSCE executive structures to enhance their activities meant to build the capacities of Roma and Sinti women and youth organizations, with a view to promoting empowerment, education and non-discrimination among Roma and Sinti women and youth, and to encourage the participation of Roma and Sinti women on an equal footing with men in all areas of their interest;

IV. ADDITIONAL TASKS RELATED TO TOLERANCE AND NON-DISCRIMINATION, INCLUDING ROMA AND SINTI ISSUES

See also:

I. 2.3.4.A.III: ODIHR Contact Point for Roma and Sinti Issues

Rome 1993 (Decisions: X. Declaration on Aggressive Nationalism, Racism, Chauvinism, Xenophobia and Anti-Semitism)

1. Recalling their decisions taken at the Stockholm Council Meeting, the Ministers noted with deep concern the growing manifestations of aggressive nationalism, such as territorial expansionism, as well as racism, chauvinism, xenophobia and anti-semitism. (...)

6. The Ministers decided to keep this issue high on the agenda of the CSCE and therefore decided: (...)

to request the ODIHR to pay special attention to these phenomena and to apply resources as necessary on addressing these problems.

Budapest 1994 (Decisions: VIII. The Human Dimension)

25. The participating States condemn manifestations of intolerance, and especially of aggressive nationalism, racism, chauvinism, xenophobia and anti-semitism, and will continue to promote effective measures aimed at their eradication. They request the ODIHR to continue to pay special

attention to these phenomena, collecting information on their various manifestations in participating States.

Bucharest 2001 (Decision No. 5/01)

The Ministerial Council

(...)

Calls on OSCE institutions, particularly the ODIHR, the High Commissioner on National Minorities, and the Representative on Freedom of the Media, to pay increased attention to manifestations of aggressive nationalism, racism, chauvinism, xenophobia, anti-semitism and violent extremism, to countering intolerance and discrimination on the ground of racial or ethnic origin, religious, political or other opinion and to fostering respect for rule of law, democratic values, human rights and fundamental freedoms, including freedom of expression, thought, conscience, religion or belief;

Maastricht 2003 (Annex to Decision No. 3/03: Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area)

III Combating racism and discrimination

Legislation and law enforcement

Recommended action by OSCE institutions and structures:

20. The ODIHR and, where appropriate, other OSCE institutions and structures, including OSCE field operations, will assist participating States, at their request, in developing anti-discrimination legislation, as well as in establishing anti-discrimination bodies.

(...)

22. Upon request, the ODIHR will provide advice on how a participating State's existing mechanisms, such as ombudsman offices, commissions for combating discrimination, police disciplinary commissions, and other relevant bodies can alleviate tensions between Roma and Sinti and non-Roma communities.

Police

Recommended action by OSCE institutions and structures:

33. The Strategic Police Matters Unit in the Secretariat and the ODIHR will assist participating States in developing programmes and confidence-building measures — such as community policing — to improve the relations between Roma and Sinti people and the police, particularly at the local level.

Mass Media

Recommended action by OSCE institutions and structures:

39. In co-operation with the ODIHR as well as relevant international organizations, the Representative on Freedom of the Media (RFOM) should consider how the OSCE could contribute to the establishment of a European Roma Radio which would broadcast throughout Europe. The ODIHR

and the RFOM should organize public debates, anti-discrimination campaigns and joint training programmes with and for the media.

(...)

Health care

Recommended action by OSCE institutions and structures:

64. In co-operation with other international organizations and NGOs, the ODIHR will draw upon existing research data to identify socio-economic, political and cultural factors that have an impact on the health status of particular Roma and Sinti populations, and will advise participating States regarding public health programmes which would respond to needs identified.

VI. ENHANCING PARTICIPATION IN PUBLIC AND POLITICAL LIFE

Recommended action by OSCE institutions and structures:

99. The ODIHR and, where appropriate, other OSCE institutions and structures, including OSCE field operations, will develop programmes aimed at fostering the registration necessary for full political participation.

(...)

101. The ODIHR and, where appropriate, other OSCE institutions and structures, including OSCE field operations, will develop and implement voter education and voter registration programmes.

102. The ODIHR will act as a catalyst for exchanges of information and best practices among participating States and other international organizations.

103. The ODIHR will continue and strengthen the practice of examining the involvement of Roma people in voting and election processes, and will continue the practice of including Roma and Sinti experts in its election observation missions in the OSCE area.

(...)

106. The ODIHR will devote particular attention to activities aimed at increasing access by Roma women to all areas of public and political life.

VII. ROMA AND SINTI IN CRISIS AND POST-CRISIS SITUATIONS

Recommended action by OSCE institutions and structures:

113. The ODIHR will make use of its specific role in addressing conflict prevention and identifying areas of potential crisis requiring early intervention.

(...)

116. The ODIHR will assume a proactive role in analysing measures undertaken by participating States relating to Roma and Sinti people and offer its advice with a view to better tackling those elements of tension in particular local contexts which may evolve, if not prevented, into open conflict situations.

Maastricht 2003 (Decision No. 4/03 on Tolerance and Non-discrimination)

The Ministerial Council

(...)

6. Encourages all participating States to collect and keep records on reliable information and statistics on hate crimes, including on forms of violent manifestations of racism, xenophobia, discrimination, and anti-Semitism, as discussed and recommended in the above-mentioned conferences. Recognizing the importance of legislation to combat hate crimes, participating States will inform the ODIHR about existing legislation regarding crimes fuelled by intolerance and discrimination, and, where appropriate, seek the ODIHR's assistance in the drafting and review of such legislation;

7. Tasks the ODIHR, in full co-operation, *inter alia*, with the United Nations Committee on the Elimination of Racial Discrimination (UNCERD), the European Commission against Racism and Intolerance (ECRI) and the European Monitoring Centre on Racism and Xenophobia (EUMC), as well as relevant NGOs, with serving as a collection point for information and statistics collected by participating States, and with reporting regularly on these issues, including in the format of the Human Dimension Implementation Meeting, as a basis for deciding on priorities for future work. The ODIHR will, *inter alia*, promote best practices and disseminate lessons learned in the fight against intolerance and discrimination;

(...)

16. Tasks the Permanent Council, the ODIHR, the HCNM and the RFoM, in close co-operation with the Chairmanship-in-Office, with ensuring an effective follow-up to the relevant provisions of the present decision, and requests the Permanent Council to address the operational and funding modalities for the implementation of this decision.

Sofia 2004 (Annex to Decision No. 12/04 on Tolerance and Non-discrimination; Permanent Council Decision No. 607: Combating Anti-Semitism)

The Permanent Council,

(...)

In order to reinforce our common efforts to combat anti-Semitism across the OSCE region,

Decides

(...)

2. To task the ODIHR to:

- Follow closely, in full co-operation with other OSCE institutions as well as the United Nations Committee on the Elimination of Racial Discrimination (UNCERD), the European Commission against Racism and Intolerance (ECRI), the European Monitoring Centre on Racism and Xenophobia (EUMC) and other relevant international institutions and NGOs, anti-Semitic incidents in the OSCE area making use of all reliable information available;
- Report its findings to the Permanent Council and to the Human Dimension Implementation Meeting and make these findings public. These reports should also be taken into account in deciding on priorities for the work of the OSCE in the area of intolerance;

- Systematically collect and disseminate information throughout the OSCE area on best practices for preventing and responding to anti-Semitism and, if requested, offer advice to participating States in their efforts to fight anti-Semitism;

(...)

Sofia 2004 (Annex to Decision No. 12/04 on Tolerance and Non-discrimination; Permanent Council Decision No. 621: Tolerance and the Fight against Racism, Xenophobia and Discrimination)

The Permanent Council,

(...)

In order to reinforce our common efforts to fight manifestations of intolerance across the OSCE region,

Decides,

(...)

2. To task the ODIHR to:

- Follow closely, in full co-operation with other OSCE institutions as well as the United Nations Committee on the Elimination of Racial Discrimination (UNCERD), the United Nations Office of the High Commissioner for Human Rights (UNHCHR), the European Commission against Racism and Intolerance (ECRI), the European Monitoring Centre on Racism and Xenophobia (EUMC) and other relevant international institutions and NGOs, incidents motivated by racism, xenophobia, or related intolerance, including against Muslims, and anti-Semitism in the OSCE area making use of all reliable information available;
- Report its findings to the Permanent Council and to the Human Dimension Implementation Meeting and make these findings public. These reports should also be taken into account in deciding on priorities for the work of the OSCE in the area of intolerance;
- Systematically collect and disseminate information throughout the OSCE area on best practices for preventing and responding to racism, xenophobia and discrimination and, if requested, offer advice to participating States in their efforts to fight racism, xenophobia and discrimination;
- Support the ability of civil society and the development of partnerships to address racism, xenophobia, discrimination or related intolerance, including against Muslims, and anti-Semitism (...)

Ljubljana 2005 (Decision No. 10/05 on Tolerance and Non-Discriminations: Promoting Mutual Respect and Understanding)

The Ministerial Council,

(...)

6. Tasks the ODIHR to:

6.1 Assist participating States upon their request in developing appropriate methodologies and capacities for collecting and maintaining reliable information and statistics about hate crimes and violent manifestations of intolerance and discrimination, with a view to helping them to collect comparable data and statistics;

6.2 Continue its co-operation with other OSCE structures and institutions, as well as with the United Nations Committee on the Elimination of Racial Discrimination (UNCERD), the United Nations Office of the High Commissioner for Human Rights (UNHCHR), the European Commission against Racism and Intolerance (ECRI), the European Monitoring Centre on Racism and Xenophobia (EUMC), the Task Force for International Cooperation on Holocaust Education, Remembrance and Research, and with other relevant institutions and civil society, including non-governmental organizations;

6.3 Through its Advisory Panel of Experts on Freedom of Religion or Belief, to continue providing support to the participating States, upon their request, in their efforts to promote freedom of religion or belief, and to share the Panel's conclusions and opinions with OSCE participating States, both bilaterally and at relevant OSCE conferences and events;

(...)

Ljubljana 2005 (Decision No. 11/05 on Promoting of Human Rights Education and Training in the OSCE Area)

The Ministerial Council,

(...)

Tasks the ODIHR, drawing on the relevant expertise and experience acquired by the OSCE structures, institutions and field operations, as well as the OSCE participating States:

- To produce a compendium of best practices for participating States on enhancing the promotion of human rights education and training, including the promotion of tolerance, mutual respect and understanding, and non-discrimination in the OSCE area.

Brussels 2006 (Decision No. 13/06 on Combating Intolerance and Discrimination and Promoting Mutual Respect and Understanding)

The Ministerial Council,

(...)

14. Encourages the Office for Democratic Institutions and Human Rights (ODIHR), based on existing commitments, including through cooperation with relevant OSCE executive structures:

(a) To further strengthen the work of its Tolerance and Non-Discrimination Programme, in particular its assistance programmes, in order to assist participating States upon their request in implementing their commitments;

(b) To further strengthen the work of the ODIHR's Advisory Panel of Experts on Freedom of Religion or Belief in providing support and expert assistance to participating States;

(c) To continue its close cooperation with other relevant intergovernmental agencies and civil society working in the field of promoting mutual respect and understanding and combating intolerance and discrimination, including through hate crime data collection;

(d) To continue to serve as a collection point for information and statistics on hate crimes and relevant legislation provided by participating States and to make this information publicly available through its Tolerance and NonDiscrimination Information System and its report on Challenges and Responses to Hate-Motivated Incidents in the OSCE Region;

(e) To strengthen, within existing resources, its early warning function to identify, report and raise awareness on hate-motivated incidents and trends and to provide recommendations and assistance to participating States, upon their request, in areas where more adequate responses are needed;
 (...)

Helsinki 2008 (Decision No. 6/08 on Enhancing OSCE Efforts to Implement the Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area)

The Ministerial Council,

(...)

Determined to enhance OSCE efforts to implement the Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area,

(...)

2. Calls upon the ODIHR, within existing resources, to assist participating States upon their request in promoting access of Roma and Sinti children to early education. In this regard, urges participating States when appropriate to undertake awareness raising initiatives, also including Roma and Sinti communities, on the benefits of early education;

(...)

Athens 2009 (Decision No. 8/09 on Enhancing OSCE Efforts to ensure Roma and Sinti Sustainable Integration)

The Ministerial Council,

(...)

6. Tasks the ODIHR, in co-operation and co-ordination with the HCNM and the Representative of Freedom of the Media and other relevant OSCE executive structures, within their mandates and within existing resources, to continue to assist participating States to combat acts of discrimination and violence against Roma and Sinti, to counter negative stereotypes of Roma and Sinti in the media taking into account relevant OSCE freedom of the media commitments, and to implement fully OSCE commitments pertaining in particular to the implementation of the Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area as well as to address the challenges linked to the sustainable and successful integration of Roma and Sinti;

(...)

8. Tasks the ODIHR, in consultation with the participating States and in close co-operation with other relevant OSCE institutions, within their mandates, to develop and implement relevant projects on the issue of Roma and Sinti early education, such as projects on teacher training and on overcoming low school attendance;

9. Encourages the relevant OSCE institutions to enhance their co-operation and co-ordination with other relevant international actors such as the Council of Europe and the European Union, when appropriate, as well as civil society actors focusing on Roma and Sinti related issues;

10. Invites the Director of the ODIHR to keep the participating States informed about the ODIHR's work in assisting participating States to promote Roma and Sinti sustainable integration during his or her regular reporting to the Permanent Council.

Athens 2009 (Decision No. 9/09 on Combating Hate Crimes)

The Ministerial Council,

(...)

12. Tasks the ODIHR to explore, in consultations with the participating States and in co-operation with relevant international organizations and civil society partners, the potential link between the use of the Internet and bias-motivated violence and the harm it causes as well as eventual practical steps to be taken;

13. Invites the Director of the ODIHR to keep the participating States informed about the ODIHR's work in assisting the participating States to combat hate crimes during his or her regular reporting to the Permanent Council.

Basel 2014 (Declaration on enhancing efforts to combat anti-semitism)

We call upon the ODIHR to:

Offer to participating States best practices on efforts to counter anti-Semitism, including by consulting civil society, to effectively identify and address contemporary manifestations of anti-Semitism;

Facilitate co-operation between governmental officials and civil society on issues related to anti-Semitism, including hate crime and Holocaust remembrance;

Assist participating States in their efforts to collect data on anti-Semitic hate crimes, in co-operation with civil society, as appropriate;

Facilitate the exchange of best practices among participating States on educational initiatives and other measures to raise awareness of anti-Semitism and overcome challenges to Holocaust education;

Promote dialogue and strengthen the capacity of civil society to foster mutual respect and understanding in order to advance the cause of co-operation between different communities.

V. ADDITIONAL TASKS RELATED TO GENDER EQUALITY

Sofia 2004 (Annex to Decision No. 14/04; 2004 OSCE Action Plan for the Promotion of Gender Equality)

V. SUPPORTING OSCE PARTICIPATING STATES IN IMPLEMENTING RELEVANT COMMITMENTS TO PROMOTING EQUALITY BETWEEN WOMEN AND MEN

(...)

44. Priorities

(a) Developing projects in OSCE States not hosting missions

- In countries without missions, the ODIHR will identify projects to support measures in the areas of prevention of violence against women, promotion of women in the public, political, and economic spheres, and support for national gender-mainstreaming.

(b) Ensuring non-discriminatory legal and policy frameworks

- The ODIHR, in co-operation with other international organizations and relevant national bodies and institutions, will assist OSCE participating States in complying with international instruments for the promotion of gender equality and women's rights, and in reviewing legislation to ensure appropriate legal guarantees for the promotion of gender equality in accordance with OSCE and other commitments;
- The ODIHR will assist in the development and implementation of specific programmes and activities to promote women's rights, to increase the role of women at all levels of decision-making, and to promote equality between women and men throughout the OSCE area, particularly through education in gender awareness;
- The ODIHR will assist in the implementation and assessment of national strategies and action plans on measures to promote gender equality and gender-mainstreaming;

(...)

(d) Ensuring equal opportunity for participation of women in political and public life

- The ODIHR will assist participating States in developing effective measures to bring about the equal participation of women in democratic processes and will assist in developing best practices for their implementation;
- The ODIHR and the OSCE field operations will assist, as appropriate, in building up local capacities and expertise on gender issues as well as networks linking community leaders and politicians;
- The ODIHR will continue to assist participating States in promoting women's political participation. It will continue, as a part of its Election Observation Mission, to monitor and report on women's participation in electoral processes. When possible, additionally, the ODIHR will commission and publish reports specifically analysing the situation of women in electoral processes;

(g) Building national mechanisms for the advancement of women

- The ODIHR will continue to provide know-how and support for the building-up of democratic institutions for advancing gender equality, such as Ombudsman's offices at local and national levels, as appropriate;
- The ODIHR will facilitate dialogue and co-operation between civil society, media and government in promoting gender-mainstreaming.

VI. ADDITIONAL TASKS RELATED TO COMBATING TRAFFICKING IN HUMAN BEINGS

Vienna 2000 (Decision on Enhancing the OSCE'S Efforts to Combat Trafficking in Human Beings)

The Ministerial Council

(...)

7. Calls on OSCE institutions, in particular the ODIHR, and field operations, to develop and implement anti-trafficking programmes and to promote co-ordinated efforts in the areas of prevention, prosecution and protection, in co-operation with non-governmental organizations as well as international organizations and other relevant institutions;

(...)

13. Calls on the OSCE Secretariat, in co-operation with the ODIHR, to intensify anti-trafficking training in its induction programmes for OSCE field personnel in order to enhance their capacity to monitor, report and respond to the problem of trafficking through regular OSCE activities; and to raise awareness within OSCE institutions and among OSCE personnel of the problems of trafficking; these training programmes should also be made available to participating States and other international organizations;

(...)

Maastricht 2003 (Annex to Decision No. 2/03 on Combating Trafficking in Human Beings; OSCE Action Plan to Combat Trafficking in Human Beings)

III. INVESTIGATION, LAW ENFORCEMENT AND PROSECUTION

(...)

9. Legislative review and reform

9.1 The ODIHR, and where appropriate the field operations, will continue to promote and support legislative review and reform efforts in compliance with international standards.

(...)

10.4 As part of its assistance in the development of National Referral Mechanisms the ODIHR will continue to promote and encourage co-operation between law enforcement and civil society.

(...)

12. Training

12.1 The ODIHR and the OSCE Strategic Police Matters Unit will continue to develop training materials targeted at law enforcement authorities on trafficking and sex crimes investigation, consult with the International Law Enforcement Academy (ILEA) in Budapest regarding possibilities for incorporating this training into ILEA programs, identify law enforcement trainers to conduct training, and facilitate funding training sessions for law enforcement authorities in OSCE participating States.

IV. PREVENTION OF TRAFFICKING IN HUMAN BEINGS

8. Awareness-raising

8.1 The ODIHR and, where appropriate, field operations will continue to contribute to research efforts as well as promoting and carrying out awareness-raising initiatives in co-operation with relevant partners throughout the OSCE region.

8.2 (...) The ODIHR will enhance training activities with regard to the responsibility of the media for dealing with the topic of trafficking in a sensitive manner and without reinforcing negative stereotypes. Training will stress the complexity of the trafficking phenomenon and the need for a comprehensive response.

V. PROTECTION AND ASSISTANCE

11. National Referral Mechanism

11.1 Enhancing the activities of the OSCE, especially the ODIHR, in assisting participating States, upon their request, in establishing the NRM.

11.2 Tasking the OSCE Strategic Police Matters Unit, together with the ODIHR, with the further development of guidelines or a manual on the identification of suspected victims and of evidence of THB, in order to assist participating States, as appropriate.

(...)

14. Training

(...)

14.2 Tasking the ODIHR with the collection and dissemination of information on measures, training programmes and materials already in place in OSCE participating States.

15. Legislative measures

15.1 In co-ordination with the United Nations Office on Drugs and Crime, the Council of Europe and other relevant actors, the ODIHR will continue to assist participating States, upon their request, in bringing their national legislation into compliance with international norms and standards, particularly by promoting a humanitarian and compassionate approach to the victims of THB.

VI. FOLLOW-UP AND CO-ORDINATING MECHANISMS

7. Tasks the ODIHR with rendering necessary technical assistance to participating States, when appropriate, in developing National Anti-Trafficking Plans of Action, including legislative and other assistance measures aimed at effective prevention and combating trafficking and protection of victims;

(...)

9. Tasks the ODIHR with the further development of its clearing-house function for the exchange of information, contacts, materials and good practices and with the enhancement of its project activities.

VII. ADDITIONAL TASKS RELATED TO COMBATING TERRORISM

Bucharest 2001 (Annex to Decision 1 on Combating Terrorism; The Bucharest Plan of Action for Combating Terrorism)

II. INTERNATIONAL LEGAL OBLIGATIONS AND POLITICAL COMMITMENTS

(...)

6. Office for Democratic Institutions and Human Rights (ODIHR): Will, on formal request by interested participating States and where appropriate, offer technical assistance/advice on legislative drafting necessary for the ratification of international instruments, in close co-operation

with other organizations, including the United Nations Office for Drug Control and Crime Prevention (UNODCCP).

(...)

III. PREVENTIVE ACTION AGAINST TERRORISM IN THE OSCE AREA

(...)

10. Institution building, strengthening the rule of law and state authorities: ODIHR: Will continue and increase efforts to promote and assist in building democratic institutions at the request of States, *inter alia* by helping to strengthen administrative capacity, local and central government and parliamentary structures, the judiciary, ombudsman institutions and civil society. Will facilitate exchanges of best practices and experience between participating States in this regard. Will continue to develop projects to solidify democratic institutions, civil society and good governance.

(...)

Strengthening national anti-terrorism legislation: (...)

18. ODIHR: Will, on request by interested participating States and where appropriate, offer technical assistance/advice on the implementation of international anti-terrorism conventions and protocols as well as on the compliance of this legislation with international standards, in accordance with Permanent Council decisions, and will seek co-operation with other organizations, especially the UNODCCP, to this end. Will consider facilitating contacts between national experts to promote exchange of information and best practices on counter-terrorism legislation.

(...)

Supporting law enforcement and fighting organized crime: (...)

22. ODIHR: Will provide continued advice to participating States, at their request, on strengthening domestic legal frameworks and institutions that uphold the rule of law, such as law enforcement agencies, the judiciary and the prosecuting authorities, bar associations and defence attorneys. Will expand its efforts to combat trafficking in human beings and to support victims of trafficking. Will, where appropriate, support prison reform and improvements in criminal procedure.

Ljubljana 2005 (Ministerial Statement on the International Convention for the Suppression of Acts of Nuclear Terrorism)

1. We, the Ministers for Foreign Affairs of the OSCE participating States, welcome the adoption by the United Nations General Assembly of the International Convention for the Suppression of Acts of Nuclear Terrorism.

(...)

4. We urge the (...) Office for Democratic Institutions and Human Rights to offer to the requesting participating States, on their formal demand and where appropriate, technical assistance/advice on the swift ratification, acceptance or approval of this International Convention, in close co-operation with the United Nations Office on Drugs and Crime.

(...)

Madrid 2007 (Ministerial Statement on Supporting the United Nations Global Counter-Terrorism Strategy)

(...)

22. The Office for Democratic Institutions and Human Rights will continue to assist participating States, at their request, in ensuring that their counterterrorism initiatives are human rights compliant, pursuant to their OSCE commitments. The ODIHR will continue to offer technical assistance and advice on the human rights aspects of the drafting and implementation of national legislation aimed at countering the threats posed by terrorism, violent extremism and radicalization that lead to terrorism, and will continue to facilitate dialogue between State and non-governmental actors with a view to exploring areas of cooperation and mutual assistance;

(...)

B. The High Commissioner on National Minorities

Helsinki 1992 (Decision II. CSCE High Commissioner on National Minorities)

(1) The participating States decide to establish a High Commissioner on National Minorities Mandate

(2) The High Commissioner will act under the aegis of the CSO and will thus be an instrument of conflict prevention at the earliest possible stage.

(3) The High Commissioner will provide “early warning” and, as appropriate, “early action” at the earliest possible stage in regard to tensions involving national minority issues which have not yet developed beyond an early warning stage, but, in the judgement of the High Commissioner, have the potential to develop into a conflict within the CSCE area, affecting peace, stability or relations between participating States, requiring the attention of and action by the Council or the CSO.

(4) Within the mandate, based on CSCE principles and commitments, the High Commissioner will work in confidence and will act independently of all parties directly involved in the tensions.

(5a) The High Commissioner will consider national minority issues occurring in the State of which the High Commissioner is a national or a resident, or involving a national minority to which the High Commissioner belongs, only if all parties directly involved agree, including the State concerned.

(5b) The High Commissioner will not consider national minority issues in situations involving organized acts of terrorism.

(5c) Nor will the High Commissioner consider violations of CSCE commitments with regard to an individual person belonging to a national minority.

(6) In considering a situation, the High Commissioner will take fully into account the availability of democratic means and international instruments to respond to it, and their utilization by the parties involved.

(7) When a particular national minority issue has been brought to the attention of the CSO, the involvement of the High Commissioner will require a request and a specific mandate from the CSO.

Profile, appointment, support

(8) The High Commissioner will be an eminent international personality with long-standing relevant experience from whom an impartial performance of the function may be expected.

(9) The High Commissioner will be appointed by the Council by consensus upon the recommendation of the CSO for a period of three years, which may be extended for one further term of three years only.

(10) The High Commissioner will draw upon the facilities of the ODIHR in Warsaw, and in particular upon the information relevant to all aspects of national minority questions available at the ODIHR.

Early warning

(11) The High Commissioner will:

(11a) collect and receive information regarding national minority issues from sources described below (see Supplement paragraphs (23)-(25));

(11b) assess at the earliest possible stage the role of the parties directly concerned, the nature of the tensions and recent developments therein and, where possible, the potential consequences for peace and stability within the CSCE area;

(11c) to this end, be able to pay a visit, in accordance with paragraph (17) and Supplement paragraphs (27)-(30), to any participating State and communicate in person, subject to the provisions of paragraph (25), with parties directly concerned to obtain first-hand information about the situation of national minorities.

(12) The High Commissioner may during a visit to a participating State, while obtaining first-hand information from all parties directly involved, discuss the questions with the parties, and where appropriate promote dialogue, confidence and co-operation between them.

Provision of early warning

(13) If, on the basis of exchanges of communications and contacts with relevant parties, the High Commissioner concludes that there is a *prima facie* risk of potential conflict (as set out in paragraph (3)) he/she may issue an early warning, which will be communicated promptly by the Chairman-in-Office to the CSO.

(14) The Chairman-in-Office will include this early warning in the agenda for the next meeting of the CSO. If a State believes that such an early warning merits prompt consultation, it may initiate the procedure set out in Annex 2 of the Summary of Conclusions of the Berlin Meeting of the Council ("Emergency Mechanism").

(15) The High Commissioner will explain to the CSO the reasons for issuing the early warning.

Early action

(16) The High Commissioner may recommend that he/she be authorized to enter into further contact and closer consultations with the parties concerned with a view to possible solutions, according to a mandate to be decided by the CSO. The CSO may decide accordingly.

Accountability

(17) The High Commissioner will consult the Chairman-in-Office prior to a departure for a participating State to address a tension involving national minorities. The Chairman-in-Office will consult, in confidence, the participating State(s) concerned and may consult more widely.

(18) After a visit to a participating State, the High Commissioner will provide strictly confidential reports to the Chairman-in-Office on the findings and progress of the High Commissioner's involvement in a particular question.

(19) After termination of the involvement of the High Commissioner in a particular issue, the High Commissioner will report to the Chairman-in-Office on the findings, results and conclusions. Within a period of one month, the Chairman-in-Office will consult, in confidence, on the findings, results and conclusions the participating State(s) concerned and may consult more widely. Thereafter the report, together with possible comments, will be transmitted to the CSO.

(20) Should the High Commissioner conclude that the situation is escalating into a conflict, or if the High Commissioner deems that the scope for action by the High Commissioner is exhausted, the High Commissioner shall, through the Chairman-in-Office, so inform the CSO.

(21) Should the CSO become involved in a particular issue, the High Commissioner will provide information and, on request, advice to the CSO, or to any other institution or organization which the CSO may invite, in accordance with the provisions of Chapter III of this document, to take action with regard to the tensions or conflict.

(22) The High Commissioner, if so requested by the CSO and with due regard to the requirement of confidentiality in his/her mandate, will provide information about his/her activities at CSCE implementation meetings on Human Dimension issues.

Supplement

Sources of information about national minority issues

(23) The High Commissioner may:

(23a) collect and receive information regarding the situation of national minorities and the role of parties involved therein from any source, including the media and non-governmental organizations with the exception referred to in paragraph (25);

(23b) receive specific reports from parties directly involved regarding developments concerning national minority issues. These may include reports on violations of CSCE commitments with respect to national minorities as well as other violations in the context of national minority issues.

(24) Such specific reports to the High Commissioner should meet the following requirements:

- they should be in writing, addressed to the High Commissioner as such and signed with full names and addresses;
- they should contain a factual account of the developments which are relevant to the situation of persons belonging to national minorities and the role of the parties involved therein, and which have taken place recently, in principle not more than 12 months previously. The reports should contain information which can be sufficiently substantiated.

(25) The High Commissioner will not communicate with and will not acknowledge communications from any person or organization which practises or publicly condones terrorism or violence.

Parties directly concerned

(26) Parties directly concerned in tensions who can provide specific reports to the High Commissioner and with whom the High Commissioner will seek to communicate in person during a visit to a participating State are the following:

(26a) governments of participating States, including, if appropriate, regional and local authorities in areas in which national minorities reside;

(26b) representatives of associations, non-governmental organizations, religious and other groups of national minorities directly concerned and in the area of tension, which are authorized by the persons belonging to those national minorities to represent them. Conditions for travel by the High Commissioner

(27) Prior to an intended visit, the High Commissioner will submit to the participating State concerned specific information regarding the intended purpose of that visit. Within two weeks the State(s) concerned will consult with the High Commissioner on the objectives of the visit, which may include the promotion of dialogue, confidence and co-operation between the parties. After entry the State concerned will facilitate free travel and communication of the High Commissioner subject to the provisions of paragraph (25) above.

(28) If the State concerned does not allow the High Commissioner to enter the country and to travel and communicate freely, the High Commissioner will so inform the CSO.

(29) In the course of such a visit, subject to the provision of paragraph (25) the High Commissioner may consult the parties involved, and may receive information in confidence from any individual, group or organization directly concerned on questions the High Commissioner is addressing. The High Commissioner will respect the confidential nature of the information.

(30) The participating States will refrain from taking any action against persons, organizations or institutions on account of their contact with the High Commissioner.

High Commissioner and involvement of experts

(31) The High Commissioner may decide to request assistance from not more than three experts with relevant expertise in specific matters on which brief, specialized investigation and advice are required.

(32) If the High Commissioner decides to call on experts, the High Commissioner will set a clearly defined mandate and time-frame for the activities of the experts.

(33) Experts will only visit a participating State at the same time as the High Commissioner. Their mandate will be an integral part of the mandate of the High Commissioner and the same conditions for travel will apply.

(34) The advice and recommendations requested from the experts will be submitted in confidence to the High Commissioner, who will be responsible for the activities and for the reports of the experts and who will decide whether and in what form the advice and recommendations will be communicated to the parties concerned. They will be non-binding. If the High Commissioner decides to make the advice and recommendations available, the State(s) concerned will be given the opportunity to comment.

(35) The experts will be selected by the High Commissioner with the assistance of the ODIHR from the resource list established at the ODIHR as laid down in the Document of the Moscow Meeting.

(36) The experts will not include nationals or residents of the participating State concerned, or any person appointed by the State concerned, or any expert against whom the participating State has previously entered reservations. The experts will not include the participating State's own nationals or residents or any of the persons it appointed to the resource list, or more than one national or resident of any particular State.

Stockholm 1992 (Decisions: 3. High Commissioner on National Minorities)

(...) The Ministers expressed their support for the High Commissioner and their readiness to co-operate with him in the execution of his complex but crucial task of identifying and containing at the earliest possible stage tensions involving national minority issues which have the potential to develop into a conflict within the CSCE area.

The Ministers encouraged the High Commissioner to analyse carefully potential areas of tension, to visit any participating State and to undertake wide-ranging discussions at all levels with parties directly involved in the issues. In this context, the High Commissioner may discuss the questions with the parties and, where appropriate, promote dialogue, confidence and co-operation between them at all levels, to enhance political solutions in line with CSCE principles and commitments.

The Ministers undertook to provide the High Commissioner with relevant information at their disposal on national minority issues, fully respecting the independence of the High Commissioner in accordance with the mandate.

Rome 1993 (Decisions: III. High Commissioner on National Minorities)

Bearing in mind the close interrelationship between questions relating to national minorities and conflict prevention, the Ministers encouraged the High Commissioner on National Minorities (HCNM) to pursue his activities under his Mandate (...) The Ministers stressed the importance of participating States co-operating fully with the High Commissioner and supporting follow-up and implementation of his recommendations (...)

Bucharest 2001 (Decision No. 5/01)

The Ministerial Council,

(...)

Calls on OSCE institutions, particularly the ODIHR, the High Commissioner on National Minorities, and the Representative on Freedom of the Media, to pay increased attention to manifestations of aggressive nationalism, racism, chauvinism, xenophobia, anti-semitism and violent extremism, to countering intolerance and discrimination on the ground of racial or ethnic origin, religious, political or other opinion and to fostering respect for rule of law, democratic values, human rights and fundamental freedoms, including freedom of expression, thought, conscience, religion or belief;

Maastricht 2003 (Annex to Decision No. 3/03: Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area)

III COMBATING RACISM AND DISCRIMINATION

Legislation and law enforcement

Recommended action by OSCE institutions and structures:

(...)

21. The HCNM, within its mandate, will continue to follow the development of anti-discrimination legislation and provide advice and assistance to the participating States in this respect, as appropriate.

Police

Recommended action by OSCE institutions and structures:

(...)

35. The HCNM, the ODIHR-CPRSI and the Strategic Police Matters Unit will assist the participating States in developing codes of conduct to prevent racial profiling and improve interethnic relations.

Mass Media

Recommended action by OSCE institutions and structures:

(...)

42. The HCNM will continue to elaborate and disseminate guidelines for policy-makers on the use of the State broadcast media in multicultural communities, aimed, *inter alia*, at encouraging support for minority broadcasters, including Roma and Sinti broadcasters, and improving their access to the media.

V. IMPROVING ACCESS TO EDUCATION

Recommended action by OSCE institutions and structures:

85. The HCNM will encourage participating States to comply with their commitments to provide free and equal access to public education to all members of society, and will encourage them to take steps to improve the situation of Roma and Sinti people in this respect.

86. The HCNM will continue to provide guidance on educational models, curriculum content and the teaching of, or in, the mother tongue, including the Romani language.

VI. ENHANCING PARTICIPATION IN PUBLIC AND POLITICAL LIFE

Recommended action by OSCE institutions and structures:

(...)

104. The HCNM, within its mandate, will continue to advise States on appropriate ways and means of facilitating the participation of Roma and Sinti people in all areas of public life.

VII. ROMA AND SINTI IN CRISIS AND POST-CRISIS SITUATIONS

(...)

Recommended action by OSCE institutions and structures:

(...)

117. The HCNM will continue to exercise his mandate of conflict prevention at the earliest possible stage.

Sofia 2004 (Annex to Decision No. 14/04, 2004 OSCE Action Plan for the Promotion of Gender Equality)

V. SUPPORTING OSCE PARTICIPATING STATES IN IMPLEMENTING RELEVANT COMMITMENTS TO PROMOTING EQUALITY BETWEEN WOMEN AND MEN

(...)

(d) Ensuring equal opportunity for participation of women in political and public life

(...)

- The High Commissioner on National Minorities (HCNM) will address specific issues relating to the participation in public and private life of women belonging to national minorities and, in policies and projects developed by his/her office, take steps necessary to counter the double discrimination suffered by these women, as appropriate within the context of his/her conflict prevention mandate;

C. The Representative on Freedom of the Media

Copenhagen 1997 (Annex 1: Permanent Council Decision No. 193, Mandate of the OSCE Representative on Freedom of the Media)

1. The participating States reaffirm the principles and commitments they have adhered to in the field of free media. They recall in particular that freedom of expression is a fundamental and internationally recognized human right and a basic component of a democratic society and that free, independent and pluralistic media are essential to a free and open society and accountable systems of government. Bearing in mind the principles and commitments they have subscribed to within the OSCE, and fully committed to the implementation of paragraph 11 of the Lisbon Summit Declaration, the participating States decide to establish, under the aegis of the Permanent Council, an OSCE Representative on Freedom of the Media. The objective is to strengthen the implementation of relevant OSCE principles and commitments as well as to improve the effectiveness of concerted action by the participating States based on their common values. The participating States confirm that they will co-operate fully with the OSCE Representative on Freedom of the Media. He or she will assist the participating States, in a spirit of co-operation, in their continuing commitment to the furthering of free, independent and pluralistic media.

2. Based on OSCE principles and commitments, the OSCE Representative on Freedom of the Media will observe relevant media developments in all participating States and will, on this basis,

and in close co-ordination with the Chairman-in-Office, advocate and promote full compliance with OSCE principles and commitments regarding freedom of expression and free media. In this respect he or she will assume an early-warning function. He or she will address serious problems caused by, *inter alia*, obstruction of media activities and unfavourable working conditions for journalists. He or she will closely co-operate with the participating States, the Permanent Council, the Office for Democratic Institutions and Human Rights (ODIHR), the High Commissioner on National Minorities and, where appropriate, other OSCE bodies, as well as with national and international media associations.

3. The OSCE Representative on Freedom of the Media will concentrate, as outlined in this paragraph, on rapid response to serious non-compliance with OSCE principles and commitments by participating States in respect of freedom of expression and free media. In the case of an allegation of serious non-compliance therewith, the OSCE Representative on Freedom of the Media will seek direct contacts, in an appropriate manner, with the participating State and with other parties concerned, assess the facts, assist the participating State, and contribute to the resolution of the issue. He or she will keep the Chairman-in-Office informed about his or her activities and report to the Permanent Council on their results, and on his or her observations and recommendations.

4. The OSCE Representative on Freedom of the Media does not exercise a juridical function, nor can his or her involvement in any way prejudge national or international legal proceedings concerning alleged human rights violations. Equally, national or international proceedings concerning alleged human rights violations will not necessarily preclude the performance of his or her tasks as outlined in this mandate.

5. The OSCE Representative on Freedom of the Media may collect and receive information on the situation of the media from all bona fide sources. He or she will in particular draw on information and assessments provided by the ODIHR. The OSCE Representative on Freedom of the Media will support the ODIHR in assessing conditions for the functioning of free, independent and pluralistic media before, during and after elections.

6. The OSCE Representative on Freedom of the Media may at all times collect and receive from participating States and other interested parties (e.g. from organizations or institutions, from media and their representatives, and from relevant NGOs) requests, suggestions and comments related to strengthening and further developing compliance with relevant OSCE principles and commitments, including alleged serious instances of intolerance by participating States which utilize media in violation of the principles referred to in the Budapest Document, Chapter VIII, paragraph 25, and in the Decisions of the Rome Council Meeting, Chapter X. He or she may forward requests, suggestions and comments to the Permanent Council, recommending further action where appropriate.

7. The OSCE Representative on Freedom of the Media will also routinely consult with the Chairman-in-Office and report on a regular basis to the Permanent Council. He or she may be invited to the Permanent Council to present reports, within this mandate, on specific matters related to freedom of expression and free, independent and pluralistic media. He or she will report annually to the Implementation Meeting on Human Dimension Issues or to the OSCE Review Meeting on the status of the implementation of OSCE principles and commitments in respect of freedom of expression and free media in OSCE participating States.

8. The OSCE Representative on Freedom of the Media will not communicate with and will not acknowledge communications from any person or organization which practises or publicly condones terrorism or violence.

9. The OSCE Representative on Freedom of the Media will be an eminent international personality with long-standing relevant experience from whom an impartial performance of the function would be expected. In the performance of his or her duty the OSCE Representative on Freedom of the Media will be guided by his or her independent and objective assessment regarding the specific paragraphs composing this mandate.

10. The OSCE Representative on Freedom of the Media will consider serious cases arising in the context of this mandate and occurring in the participating State of which he or she is a national or resident if all the parties directly involved agree, including the participating State concerned. In the absence of such agreement, the matter will be referred to the Chairman-in-Office, who may appoint a Special Representative to address this particular case.

11. The OSCE Representative on Freedom of the Media will co-operate, on the basis of regular contacts, with relevant international organizations, including the United Nations and its specialized agencies and the Council of Europe, with a view to enhancing co-ordination and avoiding duplication.

12. The OSCE Representative on Freedom of the Media will be appointed in accordance with OSCE procedures by the Ministerial Council upon the recommendation of the Chairman-in-Office after consultation with the participating States. He or she will serve for a period of three years which may be extended under the same procedure for one further term of three years.

(...)

14. The Office of the OSCE Representative on Freedom of the Media will be located in Vienna.

Bucharest 2001 (Annex to Decision 1 on Combating Terrorism; The Bucharest Plan of Action for Combating Terrorism)

11. Promoting human rights, tolerance and multi-culturalism: (...)

12. Representative on Freedom of the Media Will consider developing projects aimed at supporting tolerance towards people of other convictions and beliefs through the use of the media. Will promote measures aimed at preventing and fighting aggressive nationalism, racism, chauvinism, xenophobia and anti-Semitism in the media. Will continue to encourage pluralistic debate and increased media attention to promoting tolerance of ethnic, religious, linguistic and cultural diversity and will, in this context, promote broad public access to media as well as monitor hate speech.

(...)

19. Supporting law enforcement and fighting organized crime: (...)

23. Representative on Freedom of the Media: Will co-operate in supporting, on request, the drafting of legislation on the prevention of the abuse of information technology for terrorist purposes, ensuring that such laws are consistent with commitments regarding freedom of expression and the free flow of information.

Bucharest 2001 (Decision No. 5/01)

The Ministerial Council,

(...)

Calls on OSCE institutions, particularly the ODIHR, the High Commissioner on National Minorities, and the Representative on Freedom of the Media, to pay increased attention to manifestations of aggressive nationalism, racism, chauvinism, xenophobia, anti-semitism and violent extremism, to countering intolerance and discrimination on the ground of racial or ethnic origin, religious, political or other opinion and to fostering respect for rule of law, democratic values, human rights and fundamental freedoms, including freedom of expression, thought, conscience, religion or belief;

Maastricht 2003 (Annex to Decision No. 3/03, Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area)

Mass Media

Recommended action by OSCE institutions and structures:

39. In co-operation with the ODIHR as well as relevant international organizations, the Representative on Freedom of the Media (RFOM) should consider how the OSCE could contribute to the establishment of a European Roma Radio which would broadcast throughout Europe. The ODIHR and the RFOM should organize public debates, anti-discrimination campaigns and joint training programmes with and for the media.

40. The RFOM should consider facilitating training seminars for Roma journalists.

41. The ODIHR-CPRSI and the RFOM will organize round tables with journalists on the image that Roma and Sinti communities have in society.

Sofia 2004 (Annex to Decision No. 12/04 on Tolerance and Non-discrimination; Permanent Council Decision No. 633: Promoting Tolerance and Media Freedom on the Internet)

4. The OSCE Representative on Freedom of the Media will continue an active role in promoting both freedom of expression and access to the Internet and will continue to observe relevant developments in all the participating States. The Representative will advocate and promote OSCE principles and commitments. This will include early warning when laws or other measures prohibiting speech motivated by racist, xenophobic, anti-Semitic or other related bias are enforced in a discriminatory or selective manner for political purposes which can lead to impeding the expression of alternative opinions and views;

Sofia 2004 (Annex to Decision No. 14/04, 2004 OSCE Action Plan for the Promotion of Gender Equality)

V. SUPPORTING OSCE PARTICIPATING STATES IN IMPLEMENTING RELEVANT COMMITMENTS TO PROMOTING EQUALITY BETWEEN WOMEN AND MEN

(...)

(d) Ensuring equal opportunity for participation of women in political and public life — The OSCE Representative on Freedom of the Media (RFOM) will be alert to allegations of serious intolerance towards women and incitement to gender discrimination in or by the media in participating States in accordance with Chapter 6 of the mandate of the RFOM. The Representative will inform the participating States of such cases in his/her regular reports.

Brussels 2006 (Decision No. 13/06 on Combating Intolerance and Discrimination and Promoting Mutual Respect and Understanding)

The Ministerial Council,

(...)

15. Encourages the Representative on Freedom of the Media, within available resources, to consider reviewing best practices in matters of his/her competency relating to combating intolerance;

(...)

Helsinki 2008 (Ministerial Declaration on the Occasion of the 60th Anniversary of the Universal Declaration of Human Rights)

On the occasion of the tenth anniversary of the Office of the Representative on Freedom of the Media, we recognize the work of this institution in promoting independent and pluralistic media essential to a free and open society and accountable systems of government. We call on participating States and Partners for Cooperation to create an environment where free and independent media can flourish.

(...)

Milan 2018 (Decision 3/18 on the Safety of Journalists)

Calls on participating States to:

(...)

13. Co-operate fully with the OSCE Representative on Freedom of the Media, including on the issue of safety of journalists;

14. Encourage the OSCE Representative on Freedom of the Media's continued advocacy and promotion of safety of journalists in all OSCE participating States, in line with his/her mandate.

D. The Secretariat, Special Representative for Combating Trafficking in Human Beings

Brussels 2006 (Decision No. 3/06 on Combating Trafficking in Human Beings)

The Ministerial Council,

(...)

Recalling Decision No. 2/03 of the Eleventh Ministerial Council Meeting in Maastricht on combating trafficking in human beings, which established, under the aegis of the Permanent Council, the OSCE mechanism to provide assistance to participating States to combat trafficking in human beings,

Reaffirming the importance of having an appropriate structure with adequate administrative and financial resources that can operate at the political level,

1. Decides that the OSCE mechanism to provide assistance to participating States to combat trafficking in human beings, established under the aegis of the Permanent Council, shall be changed

to form an integral part of the Secretariat. The structure will be headed by a prominent personality, who will act as a Special Representative and represent the OSCE at the political level, and will consist of contracted and seconded staff, including those of the present Anti-Trafficking Assistance Unit, appointed or assigned in accordance with the OSCE Staff Regulations and Rules;

The structure shall:

- (a) Assist OSCE participating States in the implementation of commitments and full usage of recommendations set forth in the OSCE Action Plan to Combat Trafficking in Human Beings, including its Addendum Addressing the Special Needs of Child Victims of Trafficking for Protection and Assistance;
- (b) Ensure coordination of the OSCE's efforts in combating trafficking in human beings across all three dimensions of the OSCE and act as a focal point for the OSCE's efforts in this area;
- (c) Strengthen cooperation among the relevant authorities of the participating States and between the OSCE and other relevant organizations;
- (d) Raise the public and political profile of combating trafficking in human beings;
- (e) Operate in the whole OSCE area and as appropriate, assist the participating States, in a spirit of cooperation and following consultations with the relevant authorities of the participating States concerned, in aiming at the implementation of their commitments in combating human trafficking;
- (f) Provide and facilitate advice and technical assistance in the field of legislation as well as policy development, together, as necessary, with other OSCE structures engaged in this field;
- (g) Be ready to offer advice to senior level authorities representing the legislative, judicial, and executive branches in participating States and discuss with them the implementation of the OSCE Action Plan to Combat Trafficking in Human Beings, including its Addendum, and commitments in the field of combating trafficking in human beings. In specific cases calling for special attention, seek direct contacts, in an appropriate manner with the participating State concerned and discuss the providing of advice and concrete assistance, if needed;
- (h) Cooperate with national co-ordinators, national rapporteurs or other national mechanisms established by participating States for coordinating and monitoring the antitrafficking activities of State institutions. It will also cooperate with relevant nongovernmental organizations in the participating States. Furthermore, it will assume responsibility within the OSCE for hosting and facilitating meetings for the exchange of information and experience between national coordinators, representatives designated by participating States, or experts on combating trafficking in human beings;
- (i) Closely cooperate, in a coordinating role and in full respect of their mandates, with the Office for Democratic Institutions and Human Rights (ODIHR) and other OSCE institutions, relevant structures of the Secretariat including the Office of the Coordinator of OSCE Economic and Environmental Activities (OCEEA), the Strategic Police Matters Unit (SPMU), the Senior Gender Adviser, as well as, where appropriate, the OSCE field operations. Drawing on the expertise within the OSCE, the OSCE structures that undertake activities in this field will closely consult with each other and the Special Representative in order to avoid duplication, ensure complementarity and coherence and, as appropriate, seek to develop an integrated approach;
- (j) Cooperate and seek synergies with relevant international actors, including regional organizations, intergovernmental agencies and non-governmental organizations; continue to convene, chair and organize joint initiatives of the Alliance against Trafficking in Persons;

2. Calls on the Secretary General and the Chairmanship-in-Office to consult each other regarding the appointment of a prominent personality with relevant professional and political expertise:

- The Secretary General will appoint the personality as co-ordinator (...), with the consent of the Chairmanship, in accordance with Decision No. 15/04 of the Twelfth Ministerial Council Meeting in Sofia;
- The Chairmanship-in-Office will confer on the co-ordinator the functions and title of Special Representative for Combating Trafficking in Human Beings in order to enable the incumbent to adequately represent the OSCE at the political level. The participating States will be consulted in accordance with Decision No. 8 of the Tenth Ministerial Council Meeting in Porto;

3. Affirms that the Special Representative will be politically accountable to, and will report regularly and when appropriate to the Permanent Council after consultation with the Chairmanship-in-Office and the Secretary General, as well as in accordance with Decision No. 13/05 of the Thirteenth Ministerial Council Meeting in Ljubljana;

(...)

5. Decides that this decision amends Decision No. 2/03 of the Eleventh Ministerial Council Meeting in Maastricht and, if necessary, may be amended by the Permanent Council.

Helsinki 2008 (Decision No. 5/08 on Enhancing Criminal Justice Responses to Trafficking in Human Beings through a Comprehensive Approach)

The Ministerial Council,

(...)

13. Tasks the Special Representative within existing resources as a part of regular reporting to the Permanent Council to recommend, in cooperation with the participating States, ways to further enhance criminal justice responses to trafficking in human beings.



3. Restrictions and Derogations

3.1 Scope and Character of Legitimate Restrictions

Vienna 1989 (Questions Relating to Security in Europe: Principles)

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

Copenhagen 1990

(16) The participating States

(...)

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

(...)

(24) (...) Any restriction on rights and freedoms must, in a democratic society, relate to one of the objectives of the applicable law and be strictly proportionate to the aim of that law.

3.2 Derogations from Obligations during a State of Public Emergency

Copenhagen 1990

(16) The participating States

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

(...)

(24) (...) Any restriction on rights and freedoms must, in a democratic society, relate to one of the objectives of the applicable law and be strictly proportionate to the aim of that law.

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

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

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

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

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

Moscow 1991

(28) The participating States consider it important to protect human rights and fundamental freedoms during a state of public emergency, to take into account the relevant provisions of the Document of the Copenhagen Meeting, and to observe the international conventions to which they are parties.

(28.1) The participating States reaffirm that a state of public emergency is justified only by the most exceptional and grave circumstances, consistent with the State's international obligations and CSCE commitments. A state of public emergency may not be used to subvert the democratic constitutional order, nor aim at the destruction of internationally recognized human rights and fundamental freedoms. If recourse to force cannot be avoided, its use must be reasonable and limited as far as possible.

(28.2) A state of public emergency may be proclaimed only by a constitutionally lawful body, duly empowered to do so. In cases where the decision to impose a state of public emergency may be lawfully taken by the executive authorities, that decision should be subject to approval in the shortest possible time or to control by the legislature.

(28.3) The decision to impose a state of public emergency will be proclaimed officially, publicly, and in accordance with provisions laid down by law. The decision will, where possible, lay down territorial limits of a state of public emergency. The State concerned will make available to its citizens information, without delay, about which measures have been taken. The state of public emergency will be lifted as soon as possible and will not remain in force longer than strictly required by the exigencies of the situation.

(28.4) A *de facto* imposition or continuation of a state of public emergency not in accordance with provisions laid down by law is not permissible.

(28.5) The participating States will endeavour to ensure that the normal functioning of the legislative bodies will be guaranteed to the highest possible extent during a state of public emergency.

(...)

(28.7) The participating States will endeavour to refrain from making derogations from those obligations from which, according to international conventions to which they are parties, derogation is possible under a state of public emergency. Measures derogating from such obligations ... will neither go further nor remain in force longer than strictly required by the exigencies of the situation; they are by nature exceptional and should be interpreted and applied with restraint (...)

(28.8) The participating States will endeavour to ensure that the legal guarantees necessary to uphold the rule of law will remain in force during a state of public emergency. They will endeavour to provide in their law for control over the regulations related to the state of public emergency, as well as the implementation of such regulations.

(28.9) The participating States will endeavour to maintain freedom of expression and freedom of information, consistent with their international obligations and commitments, with a view to enabling public discussion on the observance of human rights and fundamental freedoms as well as on

the lifting of the state of public emergency. They will, in conformity with international standards regarding the freedom of expression, take no measures aimed at barring journalists from the legitimate exercise of their profession other than those strictly required by the exigencies of the situation.

(28.10) When a state of public emergency is declared or lifted in a participating State, the State concerned will immediately inform the CSCE Institution* of this decision, as well as of any derogation made from the State's international human rights obligations. The Institution will inform the other participating States without delay.

* The Council will take the decision on the institution.



Specific Human Dimension Commitments

1.

Commitments Related to the Right of Peoples to Self-determination



Helsinki 1975 (Questions Relating to Security in Europe: 1.(a) Declaration on Principles Guiding Relations between Participating States – Principle VIII)

The participating States will respect the equal rights of peoples and their right to self-determination, acting at all times in conformity with the purposes and principles of the Charter of the United Nations and with the relevant norms of international law, including those relating to territorial integrity of States. By virtue of the principle of equal rights and self-determination of peoples, all peoples always have the right, in full freedom, to determine, when and as they wish, their internal and external political status, without external interference, and to pursue as they wish their political, economic, social and cultural development. The participating States reaffirm the universal significance of respect for and effective exercise of equal rights and self-determination of peoples for the development of friendly relations among themselves as among all States; they also recall the importance of the elimination of any form of violation of this principle.

Vienna 1989 (Questions Relating to Security in Europe: Principles)

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

2.

**Commitments Related to
Structural Components of
a Democratic Society**



2.1 General Provisions

Bonn 1990 (Preamble)

(...) the participating States,

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

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

Will endeavour to achieve or maintain the following (...)

Copenhagen 1990

[The participating States] recognize that pluralistic democracy and the rule of law are essential for ensuring respect for all human rights and fundamental freedoms, the development of human contacts and the resolution of other issues of a related humanitarian character. They therefore welcome the commitment expressed by all participating States to the ideals of democracy and political pluralism as well as their common determination to build democratic societies based on free elections and the rule of law.

(...)

(6) The participating States declare that the will of the people, freely and fairly expressed through periodic and genuine elections, is the basis of the authority and legitimacy of all government (...). They recognize their responsibility to defend and protect, in accordance with their laws, their international human rights obligations and their international commitments, the democratic order freely established through the will of the people against the activities of persons, groups or organizations that engage in or refuse to renounce terrorism or violence aimed at the overthrow of that order or of that of another participating State.

Paris 1990 (A New Era of Democracy, Peace and Unity)

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

Human rights and fundamental freedoms are the birthright of all human beings, are inalienable and are guaranteed by law. Their protection and promotion is the first responsibility of government. Respect for them is an essential safeguard against an over-mighty State. Their observance and full exercise are the foundation of freedom, justice and peace.

Democratic government is based on the will of the people, expressed regularly through free and fair elections. Democracy has as its foundation respect for the human person and the rule of law.

Democracy is the best safeguard of freedom of expression, tolerance of all groups of society, and equality of opportunity for each person.

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

(...)

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

Moscow 1991

(17) The participating States

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

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

Maastricht 2003 (OSCE Strategy to Address Threats to Security and Stability in the Twenty-First Century)

36. (...) Based on its human dimension commitments, the OSCE strives to promote conditions throughout its region in which all can fully enjoy their human rights and fundamental freedoms under the protection of effective democratic institutions, due judicial process and the rule of law. This includes secure environments and institutions for peaceful debate and expression of interests by all individuals and groups of society. Civil society has an important role to play in this regard, and the OSCE will continue to support and help strengthen civil society organizations.

Maastricht 2003 (OSCE Strategy Document for the Economic and Environmental Dimension)

2.2.1 Good public and corporate governance and strong institutions are essential foundations for a sound economy, which can attract investments, and thereby enable States to reduce poverty and inequality, to increase social integration and opportunities for all and to protect the environment. Good governance at all levels contributes to prosperity, stability and security. Peace, good international relations, the security and stability of the State and the security and safety of the individual within the State, based on the rule of law and respect for human rights, are crucial for the creation of the climate of confidence which is essential to ensure positive economic and social development.

2.2.2 Good governance is of critical importance for all the participating States, and we are agreed to work on a national basis, with the support of relevant international institutions, to strengthen good governance in all its aspects and to develop methods of co-operation to assist each other in achieving it.

2.2.3 Achieving good governance requires a comprehensive and long-term strategic approach, so that successes in one area are not undermined by weaknesses in others. We will co-operate in the development of our strategies for good governance and will share experience regarding best practices.

Helsinki 2008 (Ministerial Declaration on the Occasion of the 60th Anniversary of the Universal Declaration of Human Rights)

(...)

We recognize that human rights are best respected in democratic societies, where decisions are taken with maximum transparency and broad participation. We support a pluralistic civil society and encourage partnerships between different stakeholders in the promotion and protection of human rights.

(...)

Helsinki 2008 (Decision No. 7/08 on Further Strengthening the Rule of Law in the OSCE Area)

The Ministerial Council,

(...)

4. Encourages participating States, with the assistance, where appropriate, of relevant OSCE executive structures in accordance with their mandates and within existing resources, to continue and to enhance their efforts to share information and best practices and to strengthen the rule of law, *inter alia* in the following areas:

(...)

- The role of constitutional courts or comparable institutions of the participating States as an instrument to ensure that the principles of the rule of law, democracy and human rights are observed in all state institutions;

(...)

2.2 Elections

See also:

I. 2.3.4 A: The Office for Democratic Institutions and Human Rights (ODIHR)

Copenhagen 1990

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

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

(...)

(6) The participating States declare that the will of the people, freely and fairly expressed through periodic and genuine elections, is the basis of the authority and legitimacy of all government. The participating States will accordingly respect the right of their citizens to take part in the governing of their country, either directly or through representatives freely chosen by them through fair electoral processes (...)

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

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

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

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

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

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

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

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

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

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

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

Paris 1990 (A New Era of Democracy, Peace and Unity)

We affirm that, without discrimination, everyone (...) has the right:

(...)

to participate in free and fair elections

(...)

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

Geneva 1991

(...)

The participating States will consider favourably, to the extent permitted by law, the presence of observers at elections held below the national level, including in areas inhabited by national minorities, and will endeavour to facilitate their access. (...)

Lisbon 1996 (Summit Declaration)

9. (...) Among the acute problems within the human dimension, the continuing violations of human rights, such as (...) electoral fraud (...) continue to endanger stability in the OSCE region. We are committed to continuing to address these problems.

Istanbul 1999 (Summit Declaration)

26. With a large number of elections ahead of us, we are committed to these being free and fair, and in accordance with OSCE principles and commitments. This is the only way in which there can be a stable basis for democratic development. We appreciate the role of the ODIHR in assisting countries to develop electoral legislation in keeping with OSCE principles and commitments, and we agree to follow up promptly ODIHR's election assessments and recommendations. We value the work of the ODIHR and the OSCE Parliamentary Assembly – before, during and after elections – which further contributes to the democratic process. We are committed to secure the full right of persons belonging to minorities to vote and to facilitate the right of refugees to participate in elections held in their countries of origin. We pledge to ensure fair competition among candidates as well as parties, including through their access to the media and respect for the right of assembly.

Istanbul 1999 (Charter for European Security: III. Our Common Response)

25. We reaffirm our obligation to conduct free and fair elections in accordance with OSCE commitments, in particular the Copenhagen Document 1990. We recognize the assistance the ODIHR can provide to participating States in developing and implementing electoral legislation. In line with these commitments, we will invite observers to our elections from other participating States, the ODIHR, the OSCE Parliamentary Assembly and appropriate institutions and organizations that wish to observe our election proceedings. We agree to follow up promptly the ODIHR's election assessment and recommendations.

Porto 2002 (Decision No.7/02 on Election Commitments)

The Ministerial Council,

Recalling the provisions of the 1990 Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE,

Noting that additional commitments...have supplemented those provisions,

Reaffirming the determination to implement these commitments,

Acknowledging that democratic elections can be conducted under a variety of electoral systems,

Recognizing the ODIHR's expertise in assisting participating States in the implementation of election-related commitments,

Taking into account PC Decision No. 509, on international standards and commitments: a practical guide to democratic elections best practice,

Calls upon participating States to strengthen their response to the ODIHR's recommendations following election observations (...)

Maastricht 2003 (Decision No. 5/03 on Elections)

The Ministerial Council,

(...)

Welcoming the continuing efficient co-operation between the ODIHR and the OSCE Parliamentary Assembly in election monitoring,

Welcoming the document "Existing Commitments for Democratic Elections in OSCE Participating States: A Progress Report" (ODIHR.GAL/39/03), which was prepared by the ODIHR and submitted to the participating States in June of this year,

Recognizing in particular the need for confidence by the electorate in the entire process, for transparency of election procedures, and for accountability on the part of authorities conducting elections, calls upon participating States to further enhance their co-operation with the ODIHR in this field,

Tasks the ODIHR to consider ways to improve the effectiveness of its assistance to participating States in following up recommendations made in ODIHR election-observation reports (...)

Brussels 2006 (Decision No. 19/06 on Strengthening the Effectiveness of the OSCE)

The Ministerial Council,

(...)

1. Thanks the ODIHR for the work carried out under Ministerial Council Decision No. 17/05 paragraph 2 and takes note of its report issued on 10 November 2006;

(...)

3. Reminds the participating States that they should keep their legislation and practices in line with OSCE commitments;

4. Takes note of the assessment regarding the present state of implementation of existing commitments by participating States and emphasizes, in particular, that participating States themselves are responsible for the effective implementation of their commitments undertaken in the OSCE. The ODIHR, in this respect, plays an important role in assisting them;

5. Tasks the Permanent Council, taking into account the recommendations by ODIHR and other relevant OSCE institutions, to address the implementation challenges in the areas outlined in the report, considering making better use of ODIHR assistance;
6. Takes note of the suggestions in the report relating to new commitments and requests the Permanent Council to advise on them, in time for the Ministerial Council meeting in Madrid in 2007;
(...)
8. Commits to further develop OSCE's election related activities, and in this context, reaffirms the provisions of the Document of the Copenhagen Meeting on the Human Dimension of the CSCE (1990) as the corner stone of the common OSCE commitments of the participating States to protect and promote human rights and fundamental freedoms, including those that are necessary for achieving democratic elections;
9. Notes that relevant provisions of the Budapest Summit Declaration (1994), the Lisbon Summit Declaration (1996), the Istanbul Summit Declaration (1999), the Charter for European Security (1999) and subsequent decisions of the Ministerial Councils of Porto (2002) and Maastricht (2003) have supplemented those commitments;
10. Reaffirms the commitments of the participating States to invite observers to elections from other participating States, the ODIHR, the OSCE Parliamentary Assembly and appropriate institutions and organizations that wish to observe;
11. Emphasizes that the participating States can themselves effectively contribute to enhance the integrity of the electoral process by seconding observers;
(...)

Astana 2010

6. (...) We value the important role played by civil society and free media in helping us to ensure full respect for human rights, fundamental freedoms, democracy, including free and fair elections, and the rule of law.

2.3 Democratic Institutions

2.3.1 General Provisions

Copenhagen 1990

- (3) [The participating States] reaffirm that democracy is an inherent element of the rule of law. They recognize the importance of pluralism with regard to political organizations.
- (4) They confirm that they will respect each other's right freely to choose and develop, in accordance with international human rights standards, their political, social, economic and cultural systems. In exercising this right, they will ensure that their laws, regulations, practices and policies conform with their obligations under international law and are brought into harmony with the provisions of the Declaration on Principles and other CSCE commitments.

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

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

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

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

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

(5.5) – the activity of the government and the administration as well as that of the judiciary will be exercised in accordance with the system established by law. Respect for that system must be ensured;

(5.6) – military forces and the police will be under the control of, and accountable to, the civil authorities;

(...)

(5.8) – legislation, adopted at the end of a public procedure, and regulations will be published, that being the condition for their applicability. Those texts will be accessible to everyone;

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

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

(...)

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

(...)

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

(...)

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

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

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

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

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

Moscow 1991

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

Athens 2009 (Decision No. 7/09 on Women's Participation in Political and Public Life)

The Ministerial Council,

(...)

Mindful of the continued under-representation of women in the OSCE area in decision-making structures within the legislative, executive, including police services, and judicial branches,

Concerned that widespread discrimination against women, continues to undermine their effective participation in political and public life at all levels,

(...)

Calls on the participating States to:

1. Consider providing for specific measures to achieve the goal of gender balance in all legislative, judicial and executive bodies, including security services, such as police services;

2. Consider possible legislative measures, which would facilitate a more balanced participation of women and men in political and public life and especially in decision-making;

3. Encourage all political actors to promote equal participation of women and men in political parties, with a view to achieving better gender-balanced representation in elected public offices at all levels of decision-making;

(...)

5. Develop and introduce where necessary open and participatory processes that enhance participation of women and men in all phases of developing legislation, programmes and policies;

(...)

7. Take necessary steps to establish, where appropriate, effective national mechanisms for measuring women's equal participation and representation;

8. Support, as appropriate, non-governmental and research bodies in producing targeted studies and awareness-raising initiatives for identifying specific challenges in women's participation in political and public life and, in promoting equality of opportunities between women and men;

9. Encourage shared work and parental responsibilities between women and men in order to facilitate women's equal opportunities to participate effectively in political and public life.

2.3.2 Decentralized Government and Special Structures and Bodies

Geneva 1991 (IV)

Aware of the diversity and varying constitutional systems among them, which make no single approach necessarily generally applicable, the participating States note with interest that positive results have been obtained by some of them in an appropriate democratic manner by, *inter alia*:

- advisory and decision-making bodies in which minorities are represented, in
- particular with regard to education, culture and religion;
- elected bodies and assemblies of national minority affairs;
- local and autonomous administration, as well as autonomy on a territorial
- basis, including the existence of consultative, legislative and executive bodies
- chosen through free and periodic elections;
- self-administration by a national minority of aspects concerning its identity in
- situations where autonomy on a territorial basis does not apply;

- decentralized or local forms of government;

Helsinki 1992 (Decisions: VI. The Human Dimension)

The participating States

(53) Will endeavour, in order to strengthen democratic participation and institution building and in developing co-operation among them, to share their respective experience on the functioning of democracy at a local and regional level, and welcome against this background the Council of Europe information and education network in this field;

(54) Will facilitate contacts and encourage various forms of co-operation between bodies at a local and regional level.

2.3.3 Democratic Civilian Control of Military, Paramilitary and Internal Security Forces, Intelligence Services and the Police

Copenhagen 1990

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

(...)

(5.6) – military forces and the police will be under the control of, and accountable to, the civil authorities;

Moscow 1991

(25) The participating States will

(25.1) – ensure that their military and paramilitary forces, internal security and intelligence services, and the police are subject to the effective direction and control of the appropriate civil authorities;

(25.2) – maintain and, where necessary, strengthen executive control over the use of military and paramilitary forces as well as the activities of the internal security and intelligence services and the police;

(25.3) – take appropriate steps to create, wherever they do not already exist, and maintain effective arrangements for legislative supervision of all such forces, services and activities.

Budapest 1994 (Decisions: IV. Code of Conduct on Politico-Military Aspects of Security)

20. The participating States consider the democratic political control of military, paramilitary and internal security forces as well as of intelligence services and the police to be an indispensable element of stability and security. They will further the integration of their armed forces with civil society as an important expression of democracy.

21. Each participating State will at all times provide for and maintain effective guidance to and control of its military, paramilitary and security forces by constitutionally established authorities vested with democratic legitimacy. Each participating State will provide controls to ensure that

such authorities fulfil their constitutional and legal responsibilities. They will clearly define the roles and missions of such forces and their obligation to act solely within the constitutional framework.

22. Each participating State will provide for its legislative approval of defence expenditures. Each participating State will, with due regard to national security requirements, exercise restraint in its military expenditures and provide for transparency and public access to information related to the armed forces.

23. Each participating State, while providing for the individual service member's exercise of his or her civil rights, will ensure that its armed forces as such are politically neutral.

24. Each participating State will provide and maintain measures to guard against accidental or unauthorized use of military means.

25. The participating States will not tolerate or support forces that are not accountable to or controlled by their constitutionally established authorities. If a participating State is unable to exercise its authority over such forces, it may seek consultations within the CSCE to consider steps to be taken.

(...)

36. Each participating State will ensure that any decision to assign its armed forces to internal security missions is arrived at in conformity with constitutional procedures. Such decisions will prescribe the armed forces' missions, ensuring that they will be performed under the effective control of constitutionally established authorities and subject to the rule of law.

2.3.4 Independent National Human Rights Institutions

Copenhagen 1990

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

Madrid 2007 (Decision No. 10/07 on Tolerance and Non-Discrimination: Promoting Mutual Respect and Understanding)

The Ministerial Council,

(...)

10. Encourages the establishment of national institutions or specialized bodies by the participating States which have not yet done so, to combat intolerance and discrimination (...), drawing on the expertise and assistance of the relevant OSCE institutions, based on existing commitments, and the relevant international agencies, as appropriate;

(...)

2.3.5 Non-Governmental Organizations

See also:

I. 2.3.3: Individuals, Human-Rights Defenders and Non-governmental Organizations

Moscow 1991

(43) The participating States will recognize as NGOs those which declare themselves as such, according to existing national procedures, and will facilitate the ability of such organizations to conduct their national activities freely on their territories; to that effect they will

(43.1) endeavour to seek ways of further strengthening modalities for contacts and exchanges of views between NGOs and relevant national authorities and governmental institutions;

(43.2) endeavour to facilitate visits to their countries by NGOs from within any of the participating States in order to observe human dimension conditions;

(43.3) welcome NGO activities, including, *inter alia*, observing compliance with CSCE commitments in the field of the human dimension;

(43.4) allow NGOs, in view of their important function within the human dimension of the CSCE, to convey their views to their own governments and the governments of all the other participating States during the future work of the CSCE on the human dimension.

Istanbul 1999 (Charter for European Security: III. Our Common Response)

27. Non-governmental organizations (NGOs) can perform a vital role in the promotion of human rights, democracy and the rule of law. They are an integral component of a strong civil society. We pledge ourselves to enhance the ability of NGOs to make their full contribution to the further development of civil society and respect for human rights and fundamental freedoms.

Maastricht 2003 (OSCE Strategy to Address Threats to Security and Stability in the Twenty-First Century)

36. (...) Based on its human dimension commitments, the OSCE strives to promote conditions throughout its region in which all can fully enjoy their human rights and fundamental freedoms under the protection of effective democratic institutions, due judicial process and the rule of law. This includes secure environments and institutions for peaceful debate and expression of interests by all individuals and groups of society. Civil society has an important role to play in this regard, and the OSCE will continue to support and help strengthen civil society organizations.

Astana 2010

6. (...) We value the important role played by civil society and free media in helping us to ensure full respect for human rights, fundamental freedoms, democracy, including free and fair elections, and the rule of law.

2.3.6 Promoting Transparency, Combating Corruption, and Improving the Management of Public Resources

Istanbul 1999 (Charter for European Security: III. Our Common Response)

33. We reaffirm our commitment to the rule of law. We recognize that corruption poses a great threat to the OSCE's shared values. It generates instability and reaches into many aspects of the security, economic and human dimensions. Participating States pledge to strengthen their efforts to combat corruption and the conditions that foster it, and to promote a positive framework for good government practices and public integrity. They will make better use of existing international instruments and assist each other in their fight against corruption. As part of its work to promote the rule of law, the OSCE will work with NGOs that are committed to a strong public and business consensus against corrupt practices.

Maastricht 2003 (OSCE Strategy Document for the Economic and Environmental Dimension)

Promoting transparency and combating corruption

2.2.4 Transparency in public affairs is an essential condition for the accountability of States and for the active participation of civil society in economic processes. Transparency increases the predictability of, and confidence in an economy that is functioning on the basis of adequate legislation and with full respect for the rule of law. Free and pluralistic media which enjoy maximum editorial independence from political and financial pressure have an important role to play in ensuring such transparency.

2.2.5 We will make our governments more transparent by further developing processes and institutions for providing timely information, including reliable statistics, about issues of public interest in the economic and environmental fields to the media, the business community, civil society and citizens, with a view to promoting a well-informed and responsive dialogue. This is essential for decision-making which is responsive to changing conditions and to the needs and wishes of the population.

2.2.6. Transparency is also important for the exposure and prosecution of all forms of corruption, which undermines our economies and our societies. In addition to transparency, the fight against corruption requires the adoption by the participating States of a comprehensive and long-term anti-corruption strategy.

2.2.7 We agree to make the elimination of all forms of corruption a priority. We will consider accession to, encourage ratification of, and support full implementation of, international conventions and other instruments in the field of combating corruption, in particular those developed by the Council of Europe and the Organisation for Economic Co-operation and Development (OECD). We welcome the adoption of the UN Convention against corruption and look forward to its early signature, ratification and entry into force.

Improving the management of public resources

2.2.8 Another component of good governance is the effective management of public resources by strong and well-functioning institutions, a professional and effective civil service and sound budgetary processes. Good management of public resources, including revenue collection, budget formation and execution and public procurement, is particularly important in order to provide the

best possible public and social services. We will seek to provide a solid financial basis for our public administration systems and to further strengthen their effectiveness and efficiency at all levels.

Sofia 2004 (Decision No. 11/04 on Combating Corruption)

The Ministerial Council,

(...)

Recognizing that the United Nations Convention against Corruption, adopted by the General Assembly of the United Nations on 31 October 2003 in New York, marks a major step forward in international co-operation against corruption and provides the opportunity for a global response to the problem,

Encourages the OSCE participating States, which have not yet done so, to sign and ratify the United Nations Convention against Corruption as soon as possible, in order to ensure its rapid entry into force, and implement it fully (...)

Dublin 2012 (Declaration on Strengthening Good Governance and Combating Corruption, Money-Laundering and the Financing of Terrorism)

(...)

We reiterate that good governance at all levels is fundamental to economic growth, political stability, and security. Good public and corporate governance, rule of law and strong institutions are essential foundations for a sound economy, which can enable our States to reduce poverty and inequality, to increase social integration and opportunities for all, to attract investment and to protect the environment.

We reaffirm that peace, good international relations, the security and stability of the State and the security and safety of the individual within the State, based on the rule of law and respect for human rights, are crucial for the creation of a climate of confidence which is essential to ensure positive economic and social development.

Transparency in public affairs is an essential condition for the accountability of States and for the active participation of civil society and the private sector in economic and development processes. Transparency increases the predictability of, and confidence in, institutions and economies which are functioning on the basis of adequate legislation and with full respect for the rule of law.

We agree that problems of governance, including corruption and money-laundering, deprive participating States of the capacity to effectively ensure sustainable economic, social and environmental development and undermine social cohesion, stability and security. (...) We therefore reaffirm our full commitment to tackling corruption and countering money-laundering, the financing of terrorism and related offences by making them policy priorities backed up by appropriate legal instruments, adequate financial, human and institutional resources and, where necessary, appropriate tools for their practical and effective implementation.

(...) We affirm that the OSCE political commitments related to good governance and transparency cut across all three dimensions, and we reiterate our full adherence to implementing these commitments through a comprehensive approach, as set forth in this and other relevant OSCE documents.

Good governance and transparency

We view a public sector based on integrity, openness, transparency, accountability and rule of law as being a major factor of sustainable economic growth, and recognize that such a public sector constitutes an important element for fostering citizens' trust in public institutions and government. Thus, we underline the importance of providing education and training on ethical behaviour for public officials, establishing and enforcing relevant codes of conduct and conflict-of-interest legislation, and adopting and implementing comprehensive income – and asset-disclosure systems for relevant officials. In particular, we recognize that both the development of and adherence to codes of conduct for public institutions are critical to reinforcing good governance, public-sector integrity and the rule of law, and to providing rigorous standards of ethics and conduct for public officials.

(...)

We recognize that achieving good governance and combating corruption will not succeed without the full and equal participation of women and men in political and economic processes and institutions, as stipulated in a number of OSCE documents. We underline the importance of empowering women to actively participate in and contribute to policies and activities related to good governance for the equal benefit of men and women.

(...)

II. COMBATING CORRUPTION, MONEY-LAUNDERING AND THE FINANCING OF TERRORISM

(...)

We recognize that combating corruption requires long-term and comprehensive strategic approaches and strong institutions. We are convinced that those in charge of the prevention, identification, investigation, prosecution and adjudication of corruption offences should be free from improper influence. In particular, we underline the central role that law enforcement bodies and judicial institutions play in fighting against corruption and in guaranteeing the rule of law. We recognize the critical importance of safeguarding the judiciary's independence in order to enable it to fulfil this function and the need to intensify efforts in this regard. We also acknowledge the importance of, and the need to ensure adequate resources for such institutions.

(...)

III. CIVIL SOCIETY AND THE PRIVATE SECTOR

We encourage the OSCE to further embrace its comprehensive approach to security and to continue to strengthen the dialogue and co-operation between governments, civil society and the private sector in order to support good governance efforts, including combating corruption, money-laundering and the financing of terrorism, in the participating States.

(...)

We encourage the business community to take into account in its activities the social, environmental, humanitarian and security needs of the participating States.

(...)

IV. WORKING TOGETHER FOR PROGRESS

We recognize that the OSCE provides a forum for political dialogue, information exchange and co-operation on good governance, as well as a platform on which to build the necessary political consensus and understanding regarding the importance of preventing and suppressing corruption, money-laundering and the financing of terrorism at all levels for sustainable socio-economic development and stability. We reaffirm our commitment to co-operating in the development of strategies for good governance and to sharing experience regarding best practices.

(...)

Basel 2014 (Decision No. 5/14 on Prevention of Corruption)

(...)

Recognizing that corruption at all levels is a potential source of political tension that undermines the stability and security of participating States, threatens the OSCE's shared values, and facilitates criminal activity,

(...)

Welcoming the fact that almost all the participating States have ratified or acceded to the United Nations Convention against Corruption (UNCAC) and are working towards meeting their commitments deriving from the Convention,

Highlighting the importance of co-operation with other relevant international organizations in preventing and combating corruption,

Encourages the participating States to:

- Further develop and implement preventive anti-corruption legislation and policies, and establish and promote practical measures and tools to address all forms and levels of corruption for both the private and the public sectors, and for other stakeholders;
- Take measures to enhance transparency, accountability and the rule of law in public administration, in accordance with the fundamental principles of their legal systems, including through the introduction of effective measures facilitating public access to information and the promotion of effective public service delivery;
- (...)
- Promote a culture of integrity, transparency and accountability, across all sectors of society in order to contribute to the prevention of corruption;
- Recognize the important role whistle-blowers play in identifying and preventing corruption and defending public interest, and intensify individual national efforts to provide sufficient protection for whistle-blowers;
- Contribute to strengthening awareness-raising measures with respect to corruption throughout all sectors of society, by providing training and educational programmes in the area of corruption prevention and integrity, with special attention being given to youth, and recognizing the role played in this regard by an engaged and well-informed civil society and an independent, free and pluralistic media;
- Take the necessary steps, in accordance with the fundamental principles of their legal systems, to establish or enhance appropriate systems of public procurement that are based on transparency, competition and objective criteria in decision-making, that are effective in preventing corruption;

- Support measures to strengthen the integrity of the judiciary and to prevent opportunities for corruption among members of the judiciary and prosecution services; (...)
- Make use of available OSCE tools, guidelines and projects in combating and preventing corruption;
- (...); Tasks the OSCE executive structures (...), to promote, within their available resources and mandates, the available OSCE tools and guidelines on combating and preventing corruption;

Hamburg 2016 (Decision No 4/16 on Strengthening Good Governance and Promoting Connectivity)

The Ministerial Council,

(...)

Recognizing that good governance, transparency and accountability are essential conditions for economic growth, trade, investment and sustainable development, thereby contributing to stability, security and respect for human rights in the OSCE area,

Recognizing that corruption and lack of good governance are potential sources of political tension that undermine the stability and security of participating States,

Acknowledging that good governance, rule of law, the prevention of and fight against corruption, money laundering and the financing of terrorism; sound regulatory frameworks, including adequate protection for whistle-blowers; a public sector based on integrity, openness, transparency and accountability as well as good corporate governance based on efficient management, proper auditing, accountability and adherence to and respect for laws, rules and regulations, business ethics and codes of conduct established in close consultation with business and civil society are critical components for promoting a positive business and investment climate in the OSCE area,

Welcoming the fact that almost all participating States have ratified or acceded to the United Nations Convention against Corruption (UNCAC) and are working towards fulfilling the commitments deriving from the Convention,

(...)

Affirming that transparent management of public resources by strong and well-functioning institutions, a professional and effective civil service as well as sound budgetary and public procurement processes are major components of good governance,

Recognizing the importance of the active participation of the private sector, including small and medium-sized enterprises, civil society and media, in preventing and combating corruption and promoting a sound business and investment climate,

(...)

Recalling the 2030 Agenda for Sustainable Development and its Sustainable Development Goals and Targets as well as the Paris Agreement adopted in December 2015, including the role that good governance, among other factors, plays in their implementation,

Recognizing the importance of the public and private sectors' full adherence to labour, social, and environmental standards and its contribution to good governance and sustainable development,

(...)

Reaffirming the existing OSCE commitments in the field of good governance, stressing our determination to fight trafficking in human beings in all its forms, and recognizing the role that transparency and accountability in public procurement processes can play in preventing and combating human trafficking and labour exploitation,

Strengthening good governance, promoting transparency and improving the business climate

1. Encourages participating States to accede to, ratify and implement the United Nations Convention against Corruption (UNCAC) and to exchange information and best practices on the UNCAC Second Review Cycle process, as laid out in UNCAC;

2. Encourages participating States to, where appropriate, implement and adhere to other relevant international standards, such as those prescribed by the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions and the Financial Action Task Force's (FATF) "International Standards on Combating Money Laundering and the Financing of Terrorism and Proliferation", and to contribute to intensifying the involvement of all relevant stakeholders, including civil society and the business community in their implementation, as laid out in these international instruments;

3. Encourages participating States to promote the exchange of best practices among all relevant stakeholders that contribute to good public and corporate governance, the promotion of transparency, and the prevention and combating of corruption, also in the sphere of the environment;

4. Calls upon participating States to further promote integrity, accountability and cost-effectiveness in public procurement processes, also by ensuring that private interests are not unduly influencing decisions at relevant levels of government, and to ensure adequate transparency requirements for companies participating in public tenders;

5. Calls upon participating States to facilitate access to appropriate government information by increasing the accountability of the public sector and by stimulating public participation through e-governance;

6. Tasks relevant OSCE executive structures, including field operations, within their mandates and available resources, to contribute to enhancing co-operation between participating States, the private sector and civil society and to actively involve the private sector and civil society in their activities on strengthening good governance, promoting transparency and improving the business and investment climate;

(...)

18. Tasks relevant OSCE executive structures, including field operations, within their existing mandates and available resources, to support participating States in exchanging best practices on raising awareness of the relevance of internationally recognized labour, social and environmental standards, and on strengthening good governance and promoting transparency in public procurement processes;

Strengthening public-private partnerships in the fight against corruption, money laundering and financing of terrorism

19. Encourages participating States to facilitate co-operation among law enforcement, the judiciary and financial intelligence units and other relevant actors as well as between the public and the private sector and civil society, including media, in combating corruption, money laundering and other financial crime;

20. Tasks relevant OSCE executive structures, including field operations, within their mandates and available resources, to facilitate dialogue and co-operation among governments, private sector and civil society in order to support good governance efforts, including combating corruption, money laundering and the financing of terrorism, and in order to address impediments to economic growth and sustainable development;

(..)

Tirana 2020 (Decision 6/20 on Preventing and Combating Corruption through Digitalization and Increased Transparency)

The Ministerial Council,

Recalling the importance of promoting good governance, including through increased transparency, and preventing and combating corruption in enhancing security, stability and economic growth (...),

(...), and acknowledging the opportunities offered by digital transformation to prevent and combat corruption, and address new challenges in this field,

(...)

Acknowledging the need to increase efforts to effectively prevent and combat corruption, including through digitalization, while upholding the rule of law and protecting human rights,

Recognizing the role of the OSCE in supporting the efforts of the participating States to prevent and combat corruption,

Acknowledging that a public sector based on integrity, openness, transparency, accountability, responsiveness and the rule of law, is crucial to prevent and combat corruption, and achieve sustainable economic growth and development, improve the business and investment climate and help facilitate participating States' efforts to promote social integration and opportunities for all, including for women as well as youth,

Recognizing the importance of the participation of the private sector, civil society and media, as well as academia, in efforts to prevent and combat corruption and enhance good governance, including the realization of the principles of transparency and accountability,

Acknowledging that accessible, secure and reliable e-government services that are user-centric can play a key role in increasing the efficiency and transparency of, and promoting trust in, public administration,

Recognizing the importance of open government data as a tool that can help to prevent and combat corruption by increasing accountability and transparency, allowing citizens, in accordance with domestic law, to better monitor the use of public funds and the policy-making process,

Recognizing the importance of developing and using methodologies and objective indicators and disaggregated data to measure corruption and the concrete impact of anti-corruption measures, in accordance with domestic law, and to adopt better evidence-based anti-corruption policies,

(...)

1. Calls upon participating States to prevent and combat corruption by:

(a) Enhancing good governance, including the principles of transparency and accountability, and promoting integrity and oversight;

(b) Employing digital tools to strengthen integrity and accountability of public service providers with the view to help prevent and combat corruption as well as to achieve sustainable economic growth and development, improve the business and investment climate and to facilitate participating States' efforts to contribute to the social inclusion and equitable economic participation of women as well as young people;

(c) Enhancing transparency in public administration through digitalizing paper-based and other analogue systems, particularly in public procurement as well as, where appropriate, in existing mechanisms for income and asset declarations of public officials and politically exposed persons, to the extent permitted by domestic law, with due respect to classified and personal data;

(d) Promoting the use of digital tools for early detection and prevention of corruption through enhancing national and international secure electronic identification processes consistent with applicable domestic law;

(e) Introducing digital tools, where appropriate, to reduce administrative barriers and burdens, and facilitating interaction between citizens, businesses, enterprises and public administration;

(f) Promoting more transparent, accountable, reliable and accessible e-government portals with the aim to facilitate open access to information and effective delivery of public services;

(g) Promoting and using digital technologies to strengthen and extend anti-corruption training in co-operation, where appropriate, with relevant international organizations in this field;

(h) Encouraging the establishment and improvement of mechanisms aimed at ensuring transparency of beneficial ownership information, in accordance with domestic law;

(i) Supporting the education of youth, in accordance with domestic education systems, on the importance of good governance, including transparency, and preventing and combating corruption as well as through fostering digital skills, and strengthening awareness-raising measures, including promoting collective action and collaboration between public and private sectors and civil society;

(j) Reducing existing digital divides by promoting and supporting digital literacy and improving the accessibility of public administration online resources and applications;

(k) Taking appropriate measures to ensure that easily accessible and safe reporting channels are available to whistle-blowers, to put in place and implement legal mechanisms for the effective protection of whistle-blowers against retaliation, and to encourage relevant organizations to establish and implement necessary protections, in accordance with domestic law;

(l) Adopting, in accordance with domestic law, a holistic multi-stakeholder approach to increase effectiveness and improve co-ordination of anti-corruption measures and initiatives, including promoting the implementation of corporate social responsibility;

(m) Promoting the full, equal and meaningful participation of women in the development and implementation of relevant anti-corruption activities, with the view to achieving gender equality, and taking into account that corruption disproportionately affects women and the vulnerable;

(...)

3. Encourages participating States to make the best use of the OSCE as a platform for dialogue, co-operation, exchange of information and sharing of best practices in the area of preventing and combating corruption through digitalization and increased transparency;

4. Tasks relevant OSCE executive structures, including field operations, within their mandates and available resources, to assist participating States, upon their request, in implementing the provisions of this decision, including by co-operating with relevant regional and international organizations; (...)

2.4 Rule of Law

See also:

- I. 3: Restrictions and Derogations
- II. 3.1.4: Freedom from Arbitrary Arrest or Detention
- II. 3.1.5: Right to a Fair Trial
- II. 3.1.6: Right to Effective Remedies

2.4.1 General Provisions

Vienna 1989 (Questions Relating to Security in Europe: Principles)

(13) (...) [the participating States] will (...)

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

Copenhagen 1990

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

(3) They reaffirm that democracy is an inherent element of the rule of law (...)

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

(...)

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

(...)

(5.5) the activity of the government and the administration as well as that of the judiciary will be exercised in accordance with the system established by law. Respect for that system must be ensured;

(...)

(5.7) human rights and fundamental freedoms will be guaranteed by law and in accordance with their obligations under international law;

(5.8) legislation, adopted at the end of a public procedure, and regulations will be published, that being the condition for their applicability. Those texts will be accessible to everyone;

(5.9) all persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law will prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground;

(...)

(5.15) any person arrested or detained on a criminal charge will have the right, so that the lawfulness of his arrest or detention can be decided, to be brought promptly before a judge or other officer authorized by law to exercise this function;

(...)

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

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

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

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

(...)

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

(...)

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

Moscow 1991

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

(...)

(27) The participating States

(27.1) express their intention to co-operate in the field of constitutional, administrative, commercial, civil and social welfare laws and their relevant areas, in order to develop, particularly in States where they do not yet exist, legal systems based on respect for human rights, the rule of law and democracy;

(27.2) to this end, envisage the continuation and enhancement of bilateral and multilateral legal and administrative co-operation, *inter alia*, in the following fields:

- development of an efficient administrative system;
- assistance in formulating law and regulations;
- training of administrative and legal staff;
- exchange of legal works and periodicals.

Budapest 1994 (Decisions: VIII. The Human Dimension)

18. The participating States emphasize that all action by public authorities must be consistent with the rule of law, thus guaranteeing legal security for the individual.

Ljubljana 2005 (Decision No. 12/05 on Upholding Human Rights and the Rule of Law in Criminal Justice Systems)

The Ministerial Council,

Recognizing that full respect for human rights and fundamental freedoms and the development of societies based on pluralistic democracy and the rule of law is a prerequisite for achieving a lasting peace, security, justice and stability,

(...)

Reiterating that the activity of the government and the administration as well as that of the judiciary will be exercised in accordance with the system established by law and in line with relevant OSCE commitments and international obligations of the participating States, and that respect for that system must be ensured,

Considering that the rule of law does not mean merely a formal legality which assures regularity and consistency in the achievement and enforcement of democratic order, but justice based on the recognition and full acceptance of the supreme value of the human personality and guaranteed by institutions providing a framework for its fullest expression,

Recognizing that rule of law must be based on respect for internationally recognized human rights, including the right to a fair trial, the right to an effective remedy, and the right not to be subjected to arbitrary arrest or detention,

(...)

Decides to:

- Increase attention to and follow up on the issues of the rule of law and due process in criminal justice systems in 2006, *inter alia*, by encouraging participating States to improve the implementation of existing commitments, also drawing on the expertise of the ODIHR, and in close co-operation with other relevant international organizations in order to avoid unnecessary duplication;
- (...)

Brussels 2006 (Decision No. 5/06 on Organized Crime)

The Ministerial Council,

(...)

Emphasizing the key role played by an efficient and effective criminal justice system in upholding public safety and security,

Recognizing that policies and activities regarding the criminal justice system should comprise and integrate, *inter alia*, crime prevention, law enforcement, the police, the judicial system, the prosecution, defence lawyers and penal systems,

Recognizing that efficient and effective criminal justice systems can only be developed on the basis of the rule of law and on the protection of human rights and that the rule of law itself requires the protection of such criminal justice systems,

Recognizing that efficient and effective criminal justice systems based on the rule of law are a prerequisite for combating organized crime, trafficking in human beings, illicit drugs and weapons, terrorism, corruption and other forms of transnational and domestic criminal activity and that specialist responses to these security challenges must take place within the overall framework of a criminal justice system,

(...)

Recognizing the need for the OSCE to focus on enhancing international legal co operation and on improving criminal justice systems as part of its overall security agenda, in co ordination with the United Nations and other multilateral forums,

(...)

4. Urges participating States to pay due attention to the integrity and professionalism of law enforcement agencies and prosecution authorities, the efficient administration of justice and proper management of the court system, the independence of the judiciary and the proper functioning of the penitentiary system and to explore ways of alternatives to imprisonment;

Brussels 2006 (Brussels Declaration on Criminal Justice Systems)

(...)

We call on the participating States to fully implement their commitments and international obligations to ensure fair and effective operation of their criminal justice systems.

Helsinki 2008 (Decision No. 7/08 on Further Strengthening the Rule of Law in the OSCE Area)

The Ministerial Council,

(...)

Underlining the importance we attach to human rights, the rule of law and democracy, which are inter-linked and mutually reinforcing,

Underlining also the importance of the rule of law as a cross-dimensional issue for ensuring the respect for human rights and democracy, security and stability, good governance, mutual economic and trade relations, investment security and a favourable business climate as well as its role in the fight against corruption, organized crime and all kinds of illegal trafficking including in drugs and weapons as well as trafficking in human beings, thus serving as a basis for political, economic, social and environmental development in the participating States,

(...)

2. Calls on participating States to contribute, where appropriate, to OSCE projects and programmes supporting the rule of law;

(...)

4. Encourages participating States, with the assistance, where appropriate, of relevant OSCE executive structures in accordance with their mandates and within existing resources, to continue and to enhance their efforts to share information and best practices and to strengthen the rule of law, *inter alia* in the following areas:

- (...) effective administration of justice, right to a fair trial, access to court, accountability of state institutions and officials, respect for the rule of law in public administration, the right to legal assistance (...);
(...)
- Adherence to the principle of peaceful settlement of disputes;
(...)
- Efficient legislation and an administrative and judicial framework in order to facilitate economic activities, trade and investments in participating States and between them;
- Respect for the rule of law with regard to the protection of the natural environment in the OSCE area;
- Awareness-raising for issues related to the rule of law in courts, law enforcement agencies, police and penitentiary systems as well as in training for legal professionals;
- Education on the rule of law as well as interaction and exchange opportunities for legal professionals, academics and law students from different participating States in the OSCE region;
- The role of constitutional courts or comparable institutions of the participating States as an instrument to ensure that the principles of the rule of law, democracy and human rights are observed in all state institutions;
- The provision of effective legal remedies, where appropriate, and the access thereto;
- The observation of rule of law standards and practices in the criminal justice system;
- The fight against corruption;

(...)

Athens 2009 (Decision No. 7/09 on Women's Participation in Political and Public Life)

The Ministerial Council,

(...)

Mindful of the continued under-representation of women in the OSCE area in decision-making structures within the legislative, executive, including police services, and judicial branches,

Concerned that widespread discrimination against women, continues to undermine their effective participation in political and public life at all levels,

(...)

Calls on the participating States to:

1. Consider providing for specific measures to achieve the goal of gender balance in all (...) judicial and executive bodies

(...)

Astana 2010

6. (...) We value the important role played by civil society and free media in helping us to ensure full respect for human rights, fundamental freedoms, democracy, including free and fair elections, and the rule of law.

2.4.2 Independence of the Judiciary and Legal Practitioners, and Impartial Operation of the Public Judicial Service

Copenhagen 1990

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

(...)

(5.12) – the independence of judges and the impartial operation of the public judicial service will be ensured;

(5.13) – the independence of legal practitioners will be recognized and protected, in particular as regards conditions for recruitment and practice;

Moscow 1991

(19) The participating States

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

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

- (i) prohibiting improper influence on judges;
- (ii) preventing revision of judicial decisions by administrative authorities, except for the rights of the competent authorities to mitigate or commute sentences imposed by judges, in conformity with the law;
- (iii) protecting the judiciary's freedom of expression and association, subject only to such restrictions as are consistent with its functions;
- (iv) ensuring that judges are properly qualified, trained and selected on a non-discriminatory basis;
- (v) guaranteeing tenure and appropriate conditions of service, including on the matter of promotion of judges, where applicable;
- (vi) respecting conditions of immunity;
- (vii) ensuring that the disciplining, suspension and removal of judges are determined according to law.

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

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

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

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

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

Istanbul 1999 (Charter for European Security: IV. Our Common Instruments)

45. We shall also promote the development of independent judicial systems that play a key role in providing remedies for human rights violations as well as providing advice and assistance for prison system reforms (...)

Ljubljana 2005 (Decision No. 12/05 on Upholding Human Rights and the Rule of Law in Criminal Justice Systems)

The Ministerial Council,

(...)

Recognizing that an impartial and independent judiciary plays a vital role in ensuring due process and protecting human rights before, during and after trials,

Recognizing that defence lawyers play a critical role in ensuring the right to a fair trial and in the furtherance and protection of other human rights in the criminal justice system,

(...)

Brussels 2006 (Brussels Declaration on Criminal Justice Systems)

(...)

We recall the commitment of the participating States to ensure the independence of the judiciary.

(...)

We consider that:

- Judicial independence is a prerequisite to the rule of law and acts as a fundamental guarantee of a fair trial;
- Impartiality is essential to the proper discharge of the judicial office;
- Integrity is essential to the proper discharge of the judicial office;
- Propriety, and the appearance of propriety, are essential to the performance of all the activities of a judge;
- A guarantee of equality of treatment to all before the courts is essential to the due performance of the judicial office;
- Competence and diligence are prerequisites to the due performance of the judicial office.

We consider that:

- Prosecutors should be individuals of integrity and ability, with appropriate training and qualifications;
- Prosecutors should at all times maintain the honour and dignity of their profession and respect the rule of law;
- The office of prosecutor should be strictly separated from judicial functions, and prosecutors should respect the independence and the impartiality of judges;
- Prosecutors should, in accordance with the law, perform their duties fairly, consistently and expeditiously, and respect and protect human dignity and uphold human rights, thus contributing to ensuring due process and the smooth functioning of the criminal justice system.

(...)

We consider that:

- All necessary measures should be taken to respect, protect and promote the freedom of exercise of the profession of lawyer, without discrimination and without improper interference from the authorities or the public;
- Decisions concerning the authorization to practice as a lawyer or to join the profession should be taken by an independent body. Such decisions, whether or not they are taken by an independent body, should be subject to a review by an independent and impartial judicial authority;
- Lawyers should not suffer or be threatened with any sanctions or pressure when acting in accordance with their professional standards;

- Lawyers should have access to their clients, including in particular to persons deprived of their liberty, to enable them to counsel in private and to represent their clients according to established professional standards;
- All reasonable and necessary measures should be taken to ensure the respect of the confidentiality of the lawyer-client relationship. Exceptions to this principle should be allowed only if compatible with the rule of law;
- Lawyers should not be refused access to a court before which they are qualified to appear and should have access to all relevant evidence and records when defending the rights and interests of their clients in accordance with their professional standards.

(...)

Brussels 2006 (Decision No. 5/06 on Organized Crime)

The Ministerial Council,

(...)

4. Urges participating States to pay due attention to the integrity and professionalism of (...) prosecution authorities, the efficient administration of justice and proper management of the court system, the independence of the judiciary and the proper functioning of the penitentiary system (...)

Helsinki 2008 (Decision No. 7/08 on Further Strengthening the Rule of Law in the OSCE Area)

The Ministerial Council,

(...)

4. Encourages participating States, with the assistance, where appropriate, of relevant OSCE executive structures in accordance with their mandates and within existing resources, to continue and to enhance their efforts to share information and best practices and to strengthen the rule of law, *inter alia* in the following areas:

- Independence of the judiciary, effective administration of justice, right to a fair trial, access to court, accountability of state institutions and officials, respect for the rule of law in public administration, the right to legal assistance and respect for the human rights of persons in detention;

(...)

Dublin 2012 (Declaration on Strengthening Good Governance and Combating Corruption, Money-Laundering and the Financing of Terrorism)

(...)

We recognize that combating corruption requires long-term and comprehensive strategic approaches and strong institutions. We are convinced that those in charge of the prevention, identification, investigation, prosecution and adjudication of corruption offences should be free from improper influence. In particular, we underline the central role that law enforcement bodies and judicial institutions play in fighting against corruption and in guaranteeing the rule of law. We recognize the critical importance of safeguarding the judiciary's independence in order to enable it to fulfil this function and the need to intensify efforts in this regard. (...)

2.4.3 Administration of Justice

A. Law Enforcement

Moscow 1991

(21) The participating States will

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

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

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

Budapest 1994 (Decisions: IV. Code of Conduct on Politico-Military Aspects of Security)

37. The participating States will not use armed forces to limit the peaceful and lawful exercise of their human and civil rights by persons as individuals or as representatives of groups nor to deprive them of their national, religious, cultural, linguistic or ethnic identity.

Istanbul 1999 (Charter for European Security: IV. Our Common Instruments)

45. (...) The OSCE will also work with other international organizations in the creation of political and legal frameworks within which the police can perform its tasks in accordance with democratic principles and the rule of law.

Bucharest 2001 (Decision No. 9/01 on Police-Related Activities)

The Ministerial Council,

(...)

Affirming that effective policing is essential to uphold the rule of law and to defend democratic institutions;

(...)

1. Agrees that in developing plans for...and in enhancing OSCE police-related activities (...) the OSCE will:

(...)

- explore and build on the role of police training, particularly integrated police training, in creating police services that can enjoy the confidence of the entire population, and as a confidence-building measure (...)

Brussels 2006 (Brussels Declaration on Criminal Justice Systems)

(...)

We consider that:

- Law enforcement officials should at all times fulfil the duty imposed upon them by law, by serving the public and by protecting all persons against illegal acts, consistent with the high degree of responsibility required by their profession;
- In the performance of their duty, law enforcement officials should respect and protect human dignity and maintain and uphold the human rights of all persons;
- Law enforcement officials should use force only to the extent necessary and appropriate to accomplish their mission and to ensure the safety of the public;
- Law enforcement officials, as members of the broader group of public officials or other persons acting in an official capacity, should not inflict, instigate, encourage or tolerate any act of torture or other cruel, inhuman or degrading treatment or punishment;

No law enforcement official should be punished for not obeying orders to commit or conceal acts amounting to torture or other cruel, inhuman or degrading treatment

- or punishment;
- Law enforcement officials should be cognizant and attentive to the health of persons in their custody and, in particular, should take immediate action to secure medical attention whenever required.

(...)

Brussels 2006 (Decision No. 5/06 on Organized Crime)

The Ministerial Council,

(...)

4. Urges participating States to pay due attention to the integrity and professionalism of law enforcement agencies and prosecution authorities, the efficient administration of justice and (...) the proper functioning of the penitentiary system (...)

(...)

Helsinki 2008 (Decision No. 7/08 on Further Strengthening the Rule of Law in the OSCE Area)

The Ministerial Council,

(...)

4. Encourages participating States, with the assistance, where appropriate, of relevant OSCE executive structures in accordance with their mandates and within existing resources, to continue and to enhance their efforts to share information and best practices and to strengthen the rule of law, *inter alia* in the following areas:

(...)

- Awareness-raising for issues related to the rule of law in courts, law enforcement agencies, police and penitentiary systems as well as in training for legal professionals;

(...)

Athens 2009 (Decision No. 7/09 on Women's Participation in Political and Public Life)

The Ministerial Council,

(...)

Mindful of the continued under-representation of women in the OSCE area in decision-making structures within the legislative, executive, including police services, and judicial branches,

Concerned that widespread discrimination against women, continues to undermine their effective participation in political and public life at all levels,

(...)

Calls on the participating States to:

1. Consider providing for specific measures to achieve the goal of gender balance in all legislative, judicial and executive bodies, including security services, such as police services;

(...)

4. Consider taking measures to create equal opportunities within the security services, including the armed forces, where relevant, to allow for balanced recruitment, retention and promotion of men and women;

(...)

B. Treatment of Persons Deprived of Their Liberty

See also:

II. 4.9 Persons in Detention or Prison

Vienna 1989 (Questions Relating to Security in Europe: Principles)

(23) The participating States will

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

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

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

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

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

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

(24) (...) In participating States where capital punishment has not been abolished, sentence of death may be imposed only for the most serious crimes in accordance with the law in force at the time of the commission of the crime and not contrary to their international commitments (...)

Moscow 1991

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

(23.1) The participating States will ensure that

- (i) no one will be deprived of his liberty except on such grounds and in accordance with such procedures as are established by law;
- (ii) anyone who is arrested will be informed promptly in a language which he understands of the reason for his arrest, and will be informed of any charges against him;
- (iii) any person who has been deprived of his liberty will be promptly informed about his rights according to domestic law;
- (iv) any person arrested or detained will have the right to be brought promptly before a judge or other officer authorized by law to determine the lawfulness of his arrest or detention, and will be released without delay if it is unlawful;
- (v) anyone charged with a criminal offence will have the right to defend himself in person or through legal assistance of his own choosing or, if he has not sufficient means to pay for legal assistance, to be given it free when the interests of justice so require;
- (vi) any person arrested or detained will have the right, without undue delay, to notify or to require the competent authority to notify appropriate persons of his choice of his arrest, detention, imprisonment and whereabouts; any restriction in the exercise of this right will be prescribed by law and in accordance with international standards;
- (vii) effective measures will be adopted, if this has not already been done, to provide that law enforcement bodies do not take undue advantage of the situation of a detained or imprisoned person for the purpose of compelling him to confess, or otherwise to incriminate himself, or to force him to testify against any other person;
- (viii) the duration of any interrogation and the intervals between them will be recorded and certified, consistent with domestic law;
- (ix) a detained person or his counsel will have the right to make a request or complaint regarding his treatment, in particular when torture or other cruel, inhuman or degrading treatment has been applied, to the authorities responsible for the administration of the place of detention and to higher authorities, and when necessary, to appropriate authorities vested with reviewing or remedial power;
- (x) such request or complaint will be promptly dealt with and replied to without undue delay; if the request or complaint is rejected or in case of inordinate delay, the complainant will be entitled to bring it before a judicial or other authority; neither the detained or imprisoned person nor any complainant will suffer prejudice for making a request or complaint;
- (xi) anyone who has been the victim of an unlawful arrest or detention will have a legally enforceable right to seek compensation.

(23.2) The participating States will

- (i) endeavour to take measures, as necessary, to improve the conditions of individuals in detention or imprisonment;
- (ii) pay particular attention to the question of alternatives to imprisonment.

Brussels 2006 (Brussels Declaration on Criminal Justice Systems)

(...)

We consider that:

(...)

- Law enforcement officials should be cognizant and attentive to the health of persons in their custody and, in particular, should take immediate action to secure medical attention whenever required.

(...)

We consider that the enforcement of custodial sentences and the treatment of prisoners must take account of the requirements of safety, security and discipline, while also ensuring prison conditions which do not violate human dignity and which offer meaningful occupational activities and appropriate treatment programmes to inmates, thus preparing them for their reintegration into society.

(...)

Helsinki 2008 (Decision No. 7/08 on Further Strengthening the Rule of Law in the OSCE Area)

The Ministerial Council,

(...)

4. Encourages participating States, with the assistance, where appropriate, of relevant OSCE executive structures in accordance with their mandates and within existing resources, to continue and to enhance their efforts to share information and best practices and to strengthen the rule of law, *inter alia* in the following areas:

- (...) effective administration of justice, (...) the right to legal assistance and respect for the human rights of persons in detention;

(...)

2.4.4 Fulfilment of International Obligations

Helsinki 1975 (Questions Relating to Security in Europe: 1.(a) Declaration on Principles Guiding Relations between Participating States – Principle X)

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

In exercising their sovereign rights, including the right to determine their laws and regulations, they will conform with their legal obligations under international law; they will furthermore pay

due regard to and implement the provisions in the Final Act of the Conference on Security and Cooperation in Europe.

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

Brussels 2006 (Brussels Declaration on Criminal Justice Systems)

(...)

We call on the participating States to fully implement their commitments and international obligations to ensure fair and effective operation of their criminal justice systems.

Helsinki 2008 (Decision No. 7/08 on Further Strengthening the Rule of Law in the OSCE Area)

The Ministerial Council,

(...)

1. Calls on the OSCE participating States to honour their obligations under international law and to observe their OSCE commitments regarding the rule of law at both international and national levels, including in all aspects of their legislation, administration and judiciary;

(...)

4. Encourages participating States, with the assistance, where appropriate, of relevant OSCE executive structures in accordance with their mandates and within existing resources, to continue and to enhance their efforts to share information and best practices and to strengthen the rule of law, *inter alia* in the following areas:

(...)

- Honouring obligations under international law as a key element of strengthening the rule of law in the OSCE area;

(...)

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3. Commitments Related to Human Rights that are Applicable to All



3.1 Civil and Political Rights

3.1.1 General Provisions

Helsinki 1975 (Questions Relating to Security in Europe: 1.(a) Declaration on Principles Guiding Relations between Participating States – Principle VII)

[The participating States] will promote and encourage the effective exercise of civil, political (...) and other rights and freedoms all of which derive from the inherent dignity of the human person and are essential for his free and full development.

Madrid 1983 (Questions Relating to Security in Europe: Principles)

[The participating States] similarly stress their determination to develop their laws and regulations in the field of civil, political (...) and other human rights and fundamental freedoms; they also emphasize their determination to ensure the effective exercise of these rights and freedoms.

Vienna 1989 (Questions Relating to Security in Europe: Principles)

(12) (...) [The participating States] recognize that civil, political (...) and other rights and freedoms are all of paramount importance and must be fully realized by all appropriate means.

(13) In this context they will
(...)

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

(...)

3.1.2 Right to Life/Abolition of the Death Penalty

Vienna 1989 (Questions Relating to Security in Europe: Principles)

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

Copenhagen 1990

(17) The participating States
(...)

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

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

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

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

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

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

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

Helsinki 2008 (Ministerial Declaration on the Occasion of the 60th Anniversary of the Universal Declaration of Human Rights)

(...)

We stress that everyone has the right to life, liberty and security of person; no one shall be held in slavery, and no one shall be subjected to torture or cruel, inhuman or degrading treatment or punishment.

(...)

3.1.3 Prohibition of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Vienna 1989 (Questions Relating to Security in Europe: Principles)

(23) The participating States will

(...)

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

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

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

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

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

Copenhagen 1990

(16) The participating States

(...)

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

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

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

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

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

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

Paris 1990 (A New Era of Democracy, Peace and Unity)

We affirm that, without discrimination (...) no one will be:

(...)

subject to torture or other cruel, inhuman or degrading treatment or punishment;

(...)

Moscow 1991

(23.1) The participating States will ensure that

(...)

(vii) effective measures will be adopted, if this has not already been done, to provide that law enforcement bodies do not take undue advantage of the situation of a detained or imprisoned person for the purpose of compelling him to confess, or otherwise to incriminate himself, or to force him to testify against any other person;

(viii) the duration of any interrogation and the intervals between them will be recorded and certified, consistent with domestic law;

(ix) a detained person or his counsel will have the right to make a request or complaint regarding his treatment, in particular when torture or other cruel, inhuman or degrading treatment has been applied, to the authorities responsible for the administration of the place of detention and to higher authorities, and when necessary, to appropriate authorities vested with reviewing or remedial power;

(x) such request or complaint will be promptly dealt with and replied to without undue delay; if the request or complaint is rejected or in case of inordinate delay, the complainant will be entitled to bring it before a judicial or other authority; neither the detained or imprisoned person nor any complainant will suffer prejudice for making a request or complaint;

Budapest 1994 (Decisions: VIII. The Human Dimension)

20. The participating States strongly condemn all forms of torture as one of the most flagrant violations of human rights and human dignity. They commit themselves to strive for its elimination.

They recognize the importance in this respect of international norms as laid down in international treaties on human rights, in particular the United Nations Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment and the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. They also recognize the importance of national legislation aimed at eradicating torture. They commit themselves to inquire into all alleged cases of torture and to *prosecute* offenders. They also commit themselves to include in their educational and training programmes for law enforcement and police forces specific provisions with a view to eradicating torture. They consider that an exchange of information on this problem is an essential prerequisite. The participating States should have the possibility to obtain such information. The CSCE should in this context also draw on the experience of the Special Rapporteur on Torture and other Cruel, Inhuman or Degrading Treatment or Punishment established by the Commission on Human Rights of the United Nations and make use of information provided by NGOs.

Istanbul 1999 (Charter for European Security: III. Our Common Response)

21. We are committed to eradicating torture and cruel, inhumane or degrading treatment or punishment throughout the OSCE area. To this end, we will promote legislation to provide procedural and substantive safeguards and remedies to combat these practices. We will assist victims and co-operate with relevant international organizations and non-governmental organizations, as appropriate.

Ljubljana 2005 (Decision No. 12/05 on Upholding Human Rights and the Rule of Law in Criminal Justice Systems)

The Ministerial Council,

(...)

Underlining the need to speak out publicly against torture, and recalling that all forms of torture and other cruel, inhuman or degrading treatment or punishment are and shall remain prohibited at any time and in any place whatsoever and can thus never be justified, and stressing the need to strengthen procedural safeguards to prevent torture as well as to prosecute its perpetrators, thereby preventing impunity for acts of torture, and calling upon participating States to give early consideration to signing and ratifying the Optional Protocol to the Convention against Torture,

(...)

Helsinki 2008 (Ministerial Declaration on the occasion of the 60th Anniversary of the Universal Declaration of Human Rights)

(...)

We stress that everyone has the right to life, liberty and security of person; no one shall be held in slavery, and no one shall be subjected to torture or cruel, inhuman or degrading treatment or punishment.

(...)

Athens 2009 (Ministerial Declaration on the Occasion of the 25th Anniversary of the Adoption of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment)

1. We, the members of the Ministerial Council of the OSCE, reaffirm our strong commitment to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the UN General Assembly on 10 December 1984, to which all OSCE participating States have become parties.

2. On the occasion of the 25th anniversary of the adoption of this Convention we reaffirm that, as also set forth in the Universal Declaration of Human Rights, no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

3. We recognize that torture is a most serious crime and affirm that freedom from torture and other forms of cruel, inhuman or degrading treatment or punishment is a non-derogable right, which protects the inherent dignity and integrity of the human person.

4. We strongly condemn all forms of torture and other cruel, inhuman or degrading treatment or punishment, which are and shall remain prohibited at any time and in any place whatsoever and can never be justified.

5. We are seriously concerned that torture and other cruel, inhuman or degrading treatment or punishment still take place in many parts of the world, including in OSCE participating States.

6. We therefore pledge to uphold the absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment as set forth in the Convention, to implement fully and in good faith its provisions, and to act in full conformity with all its principles.

7. We call upon the participating States, which have not yet done so, to give early consideration to becoming parties to the Optional Protocol to the Convention.

8. We also reaffirm our determination to implement fully our common OSCE commitments to eradicate torture and other cruel, inhuman or degrading treatment or punishment.

9. We shall intensify our efforts to take persistent, determined and effective measures to prevent and combat torture and other cruel, inhuman or degrading treatment or punishment and to ensure full rehabilitation of torture victims.

10. We recognize the valuable contribution of the OSCE in promoting the principles and provisions laid down in the Convention.

11. We consider it important to co-operate fully to this end with the applicable international inter-governmental bodies.

12. We commend the persistent efforts of civil society working to prevent torture and other cruel, inhuman or degrading treatment or punishment and to alleviate the suffering of victims.

Tirana 2020, (Decision No. 7/20 on Prevention and Eradication of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment)

The Ministerial Council,

Strongly condemning all forms of torture and other cruel, inhuman or degrading treatment or punishment as one of the most flagrant violations of human rights and human dignity, and reaffirming that torture and other cruel, inhuman or degrading treatment or punishment are and shall remain prohibited at any time and in any place whatsoever,

(...)

Deeply concerned by the persistence of cases of torture and other cruel, inhuman or degrading treatment or punishment in many parts of the world, including in the OSCE area, that prevail as a consequence of, *inter alia*, the incomplete implementation of relevant obligations under international law and OSCE commitments and ongoing impunity for the perpetrators that often exists due to a lack of prompt, independent and effective investigation and prosecution of such crimes,

Deeply concerned about acts of torture and other cruel, inhuman or degrading treatment or punishment committed against persons for exercising their human rights and fundamental freedoms,

Deeply concerned that torture and other cruel, inhuman or degrading treatment or punishment is used to obtain information or a confession,

(...)

Deeply concerned that enforced disappearances still occur in the OSCE area, which is a serious human rights violation, (...),

Recognizing that during conflict situations, including armed conflict, as well as civil unrest and mass protests, particular attention should be paid to preventing torture and other cruel, inhuman or degrading treatment or punishment,

Reaffirming that all participating States must comply fully with their obligations under international humanitarian law and international human rights law,

(...)

Reminding all participating States that prolonged incommunicado detention or detention in secret places can facilitate the perpetration of torture and other cruel, inhuman or degrading treatment or punishment and can in itself constitute a form of such treatment,

Recognizing that the prevalence of corruption, including in law enforcement and justice systems, can have a negative impact on the fight against torture and other, cruel, inhuman or degrading treatment or punishment, including by eroding fundamental safeguards and preventing victims of torture and other, cruel, inhuman or degrading treatment or punishment from effectively seeking justice, redress and compensation through the justice system,

Stressing the importance of effective legal and procedural safeguards throughout all stages of detention, including early stages of police custody, as effective measures for the prevention of torture and other cruel, inhuman or degrading treatment or punishment,

Acknowledging that women and girls are at a particular risk of torture and other cruel, inhuman or degrading treatment or punishment when deprived of liberty, and recognizing the importance of adopting a gender-sensitive approach in the fight against torture and other cruel, inhuman or degrading treatment or punishment, that takes into account such particular risk and specific needs of women and girls, including by paying special attention to sexual violence against women and girls, as well as gender-based violence against women and girls, and taking into consideration the UN Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules),

Recognizing the importance of adopting a victim-centred approach in the fight against torture and other cruel, inhuman or degrading treatment or punishment, paying special attention to the views and specific needs of victims and their immediate family members in policy development and other activities relating to rehabilitation, prevention and accountability for torture and other cruel, inhuman or degrading treatment or punishment,

Recognizing that effectively combating torture and other cruel, inhuman or degrading treatment or punishment requires an integrated and victim-centred approach encompassing prevention, access to justice, accountability, redress and the enforceable right to fair and adequate compensation, including the means for as full rehabilitation as possible,

Recognizing that participating States must safeguard the rights, and protect the human rights, of all persons deprived of their liberty, including those facing the death penalty, in accordance with their international obligations,

Reaffirming that all persons deprived of their liberty will be treated with humanity and with respect for the inherent dignity of the human person and recognizing the importance of participating States continuously taking appropriate measures to improve conditions in detention to better respect the human rights and dignity of those persons, including by taking into consideration the implementation of the UN Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) or similar standards,

Stressing the UNCAT requirements that all acts of torture, attempts to commit torture, and acts of complicity or participation in torture must be made offences under domestic criminal law, punishable by appropriate penalties reflecting their grave nature, and that no information or a confession that is established to have been obtained as a result of torture shall be invoked as evidence in any proceedings, under any circumstances, except against a person accused of torture as evidence that this offence took place,

Recognizing the role that international, regional and national preventive mechanisms or other relevant bodies, including national human rights institutions, can play in effectively preventing acts of torture and other cruel, inhuman or degrading treatment or punishment, as well as the importance of collaborating with international experts mandated to assist participating States in their efforts to prevent torture and other cruel, inhuman or degrading treatment or punishment,

Emphasizing the need to ensure that no authority or official orders, applies, permits or tolerates any sanction, reprisal or intimidation against any person, group or association for contacting, seeking to contact or having been in contact with any competent national or international body

or mechanism active in the prevention and combating of torture and other cruel, inhuman or degrading treatment or punishment,

Stressing that national legal systems must ensure that victims of torture and other cruel, inhuman or degrading treatment or punishment have effective access to justice, including prompt impartial and effective investigation, without suffering any retribution for bringing complaints or giving evidence and that such victims obtain redress and have an enforceable right to fair and adequate compensation, including the means for as full rehabilitation as possible,

Commending the persistent efforts of civil society at national and international level working to effectively prevent and combat torture and other cruel, inhuman or degrading treatment or punishment and alleviate the suffering of victims,

Underlining the importance of co-operation between the OSCE and other international and regional organizations and mechanisms so as to promote multilateral co-operation and to achieve effective synergies, avoiding unnecessary overlapping, which can contribute to effectively preventing and combating torture and other cruel, inhuman or degrading treatment or punishment,

(...)

Calls on the participating States to:

1. Uphold the absolute prohibition of all forms of torture and other cruel, inhuman or degrading treatment or punishment as set forth in the UNCAT, implement fully and in good faith its provisions and act in full conformity with all its principles;
2. Fully implement their obligations under the UNCAT's Optional Protocol (OPCAT), if applicable, and give early consideration to becoming parties to OPCAT, if they have not yet done so;
3. Fully implement their obligations under the ICPPED, if applicable;
4. Fully implement their obligations under the 1949 Geneva Conventions with respect to the prohibition of torture, cruel, inhuman, humiliating and degrading treatment in the context of armed conflict;
5. Abandon and refrain from the use of interrogation techniques that constitute torture and other cruel, inhuman or degrading treatment or punishment, including to obtain information or a confession;
6. Implement effective legal and procedural safeguards throughout all stages of detention, including early stages of police custody;
7. Respect the safeguards concerning the liberty, security and dignity of the person and ensure that prolonged incommunicado detention and secret places of detention and interrogation are abolished, with the understanding that such detention can facilitate the perpetration of torture and other cruel, inhuman or degrading treatment or punishment and can in itself constitute a form of such treatment;
8. Make all acts of torture, attempts to commit torture, and acts of complicity or participation in torture offences under domestic criminal law, incorporating the definition of torture pursuant to Article 1 of UNCAT and providing for appropriate penalties reflecting their grave nature, and prohibit the use of information or a confession obtained through torture or other cruel, inhuman

or degrading treatment or punishment as evidence in any proceedings except against a person accused of torture as evidence that this offence took place;

9. Ensure that any detained or imprisoned person or their counsel have the right to make a request or complaint regarding the detained or imprisoned person's treatment to relevant authorities, in particular when torture or other cruel, inhuman or degrading treatment or punishment may have been applied, and that such request or complaint will be promptly dealt with and replied to without undue delay, and that neither the detained or imprisoned person nor any complainant or witness will suffer any prejudice or reprisal as a consequence of their request, complaint or any evidence given;

10. Incorporate education and information regarding the prohibition of torture and other cruel, inhuman or degrading treatment or punishment in the training of law enforcement personnel, civil, military and medical personnel, public officials and other persons who may be involved in the custody, interrogation or treatment of any individual subjected to any form of arrest, detention or imprisonment, including, as appropriate, on the proportionate use of force, all available modern scientific methods for the investigation of crimes and the critical importance of reporting instances of torture or other cruel, inhuman or degrading treatment or punishment to superior authorities;

11. Support the efforts of relevant national actors, such as national preventive mechanisms, national human rights institutions or other national bodies or mechanisms, active in preventing torture and other cruel, inhuman or degrading treatment or punishment, and, for those who have ratified the OPCAT, to fulfil their obligation to designate or establish national preventive mechanisms that are independent, adequately resourced and effective;

12. Ensure full and ongoing government co-operation, in line with their respective obligations under international law, with applicable international preventive bodies or mechanisms, such as the United Nations Committee against Torture, the Subcommittee on the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, and with relevant national bodies, such as national human rights institutions, including by allowing unrestricted access to places of detention if such access is an obligation for a participating State under the international law;

13. Fully co-operate with the International Committee of the Red Cross (ICRC) in conformity with the participating States' obligations under international humanitarian law;

14. Ensure that all allegations of torture or other cruel, inhuman or degrading treatment or punishment, as well as wherever there are reasonable grounds to believe that such an act has been committed, are investigated promptly, effectively, thoroughly, and impartially by competent and independent national authorities and ensure that complainants and witnesses are protected against ill-treatment and intimidation as a consequence of their complaint or evidence given;

15. Ensure that those who encourage, instigate, order, tolerate, acquiesce in, consent to or perpetrate acts of torture or other cruel, inhuman or degrading treatment or punishment are held responsible, brought to justice and punished in a manner commensurate with the severity of the offence, including the officials in charge of any place of detention or other place in which persons are deprived of their liberty where the prohibited act is found to have been committed;

16. Provide redress for the victims of torture or other cruel, inhuman or degrading treatment or punishment, encompassing effective remedy and adequate, effective and prompt reparation, which

should include restitution, fair and adequate compensation, rehabilitation, satisfaction and guarantees of non-repetition, taking into full account the specific needs of the victim;

17. Ensure that appropriate rehabilitation services are promptly available without discrimination to all victims and take effective measures for ensuring a safe and enabling environment for accessing and providing rehabilitation services to victims of torture;

18. Consider developing measures to support all persons affected by torture or other cruel, inhuman or degrading treatment or punishment, including victims' children and other immediate family members;

19. Promote dissemination of information for victims about the availability of rehabilitation services and ensure that the procedures for obtaining rehabilitation are transparent;

20. Support the efforts of civil society organizations working to prevent and combat torture and other cruel, inhuman or degrading treatment or punishment, enable their active contribution, as appropriate, and make use of information provided by them in alleged cases of torture and other cruel, inhuman or degrading treatment or punishment;

21. Take appropriate effective legislative, administrative, judicial and other measures to prevent and prohibit the production, trade, export, import and use of equipment that has no practical use other than for the purpose of torture or other cruel, inhuman or degrading treatment or punishment;

22. Continue to make use of, or consider drawing on, ODIHR's advice, expertise and technical assistance in the field of preventing and combating of torture and other cruel, inhuman or degrading treatment or punishment.

3.1.4 Freedom from Arbitrary Arrest or Detention

See also:

II. 2.4.1: Rule of Law > General Provisions

II. 2.4.3 B: Treatment of Persons Deprived of Their Liberty

II. 3.1.3: Prohibition of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

II. 3.1.5: Right to a Fair Trial

II. 3.1.6: Right to Effective Remedies

Vienna 1989 (Questions Relating to Security in Europe: Principles)

(23) The participating States will

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

(...)

Copenhagen 1990

(5.15) – any person arrested or detained on a criminal charge will have the right, so that the lawfulness of his arrest or detention can be decided, to be brought promptly before a judge or other officer authorized by law to exercise this function;

(...)

Moscow 1991

(23.1) The participating States will ensure that

- (i) no one will be deprived of his liberty except on such grounds and in accordance with such procedures as are established by law;
- (ii) anyone who is arrested will be informed promptly in a language which he understands of the reason for his arrest, and will be informed of any charges against him;
- (iii) any person who has been deprived of his liberty will be promptly informed about his rights according to domestic law;
- (iv) any person arrested or detained will have the right to be brought promptly before a judge or other officer authorized by law to determine the lawfulness of his arrest or detention, and will be released without delay if it is unlawful;
- (...)
- (vi) any person arrested or detained will have the right, without undue delay, to notify or to require the competent authority to notify appropriate persons of his choice of his arrest, detention, imprisonment and whereabouts; any restriction in the exercise of this right will be prescribed by law and in accordance with international standards;
- (vii) effective measures will be adopted, if this has not already been done, to provide that law enforcement bodies do not take undue advantage of the situation of a detained or imprisoned person for the purpose of compelling him to confess, or otherwise to incriminate himself, or to force him to testify against any other person;
- (viii) the duration of any interrogation and the intervals between them will be recorded and certified, consistent with domestic law;
- (ix) a detained person or his counsel will have the right to make a request or complaint regarding his treatment, in particular when torture or other cruel, inhuman or degrading treatment has been applied, to the authorities responsible for the administration of the place of detention and to higher authorities, and when necessary, to appropriate authorities vested with reviewing or remedial power;
- (x) such request or complaint will be promptly dealt with and replied to without undue delay; if the request or complaint is rejected or in case of inordinate delay, the complainant will be entitled to bring it before a judicial or other authority; neither the detained or imprisoned person nor any complainant will suffer prejudice for making a request or complaint;
- (xi) anyone who has been the victim of an unlawful arrest or detention will have a legally enforceable right to seek compensation.

3.1.5 Right to a Fair Trial

See also:

- II. 2.4: Rule of Law
- II. 3.1.4: Freedom from Arbitrary Arrest or Detention
- II. 3.1.6: Right to Effective Remedies

Vienna 1989 (Questions Relating to Security in Europe: Principles)

[The participating States] (...) will
(...)

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

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

Copenhagen 1990

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

(...)

(5.12) the independence of judges and the impartial operation of the public judicial service will be ensured;

(5.13) the independence of legal practitioners will be recognized and protected, in particular as regards conditions for recruitment and practice;

(5.14) the rules relating to criminal procedure will contain a clear definition of powers in relation to prosecution and the measures preceding and accompanying prosecution;

(5.15) any person arrested or detained on a criminal charge will have the right, so that the lawfulness of his arrest or detention can be decided, to be brought promptly before a judge or other officer authorized by law to exercise this function;

(5.16) in the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone will be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law;

(5.17) any person prosecuted will have the right to defend himself in person or through prompt legal assistance of his own choosing or, if he does not have sufficient means to pay for legal assistance, to be given it free when the interests of justice so require;

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

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

(...)

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

Ljubljana 2005 (Decision No. 12/05 on Upholding Human Rights and the Rule of Law in Criminal Justice Systems)

The Ministerial Council,
(...)

Recognizing that rule of law must be based on respect for internationally recognized human rights, including the right to a fair trial, the right to an effective remedy, and the right not to be subjected to arbitrary arrest or detention,

Recognizing that an impartial and independent judiciary plays a vital role in ensuring due process and protecting human rights before, during and after trials,

Recognizing that defence lawyers play a critical role in ensuring the right to a fair trial and in the furtherance and protection of other human rights in the criminal justice system,
(...)

Helsinki 2008 (Decision No. 7/08 on Further Strengthening the Rule of Law in the OSCE Area)

The Ministerial Council,
(...)

4. Encourages participating States, with the assistance, where appropriate, of relevant OSCE executive structures in accordance with their mandates and within existing resources, to continue and to enhance their efforts to share information and best practices and to strengthen the rule of law, *inter alia* in the following areas:

- (...) effective administration of justice, right to a fair trial, access to court, accountability of state institutions and officials, respect for the rule of law in public administration, the right to legal assistance (...)

3.1.6 Right to Effective Remedies

See also:

II. 2.4: Rule of Law

II. 3.1.4: Freedom from Arbitrary Arrest or Detention

II. 3.1.5: Right to a Fair Trial

Vienna 1989 (Questions Relating to Security in Europe: Principles)

(13) (...) [the participating States] will
(...)

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

- the right of the individual to appeal to executive, legislative, judicial or administrative organs;

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

Copenhagen 1990

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

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

(5.11) administrative decisions against a person must be fully justifiable and must as a rule indicate the usual remedies available;

(...)

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

(...)

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

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

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

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

(...)

(40) The participating States (...) will

(...)

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

Paris 1990 (A New Era of Democracy, Peace and Unity)

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

Moscow 1991

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

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

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

Ljubljana 2005 (Decision No. 12/05 on Upholding Human Rights and the Rule of Law in Criminal Justice Systems)

The Ministerial Council,

(...)

Recognizing that rule of law must be based on respect for internationally recognized human rights, including the right to a fair trial, the right to an effective remedy, and the right not to be subjected to arbitrary arrest or detention,

(...)

Helsinki 2008 (Decision No. 7/08 on Further Strengthening the Rule of Law in the OSCE Area)

The Ministerial Council,

(...)

4. Encourages participating States, with the assistance, where appropriate, of relevant OSCE executive structures in accordance with their mandates and within existing resources, to continue and to enhance their efforts to share information and best practices and to strengthen the rule of law, *inter alia* in the following areas:

(...)

- The provision of effective legal remedies, where appropriate, and the access thereto;

(...)

3.1.7 Conscientious Objection and Alternative Service

Copenhagen 1990

(18) The participating States

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

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

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

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

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

(18.6) will keep under consideration, within the framework of the Conference on the Human Dimension, the relevant questions related to the exemption from compulsory military service, where it exists, of individuals on the basis of conscientious objections to armed service, and will exchange information on these questions.

Budapest 1994 (Decisions: IV. Code of Conduct on Politico-Military Aspects of Security)

28. The participating States will reflect in their laws or other relevant documents the rights and duties of armed forces personnel. They will consider introducing exemptions from or alternatives to military service.

3.1.8 Freedom of Thought, Conscience, Religion or Belief

Helsinki 1975 (Questions Relating to Security in Europe: 1.(a) Declaration on Principles Guiding Relations between Participating States – Principle VII)

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

(...)

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

Helsinki 1975 (Co-operation in Humanitarian and Other Fields)

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

Madrid 1983 (Questions Relating to Security in Europe: Principles)

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

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

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

Vienna 1989 (Questions Relating to Security in Europe: Principles)

(...)

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

(...)

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

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

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

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

(16.4) respect the right of these religious communities to

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

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

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

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

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

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

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

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

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

(...)

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

Copenhagen 1990

The participating States reaffirm that

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

(...)

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

(...)

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

(...)

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

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

(...)

Budapest 1994 (Decisions: VIII. The Human Dimension)

27. Reaffirming their commitment to ensure freedom of conscience and religion and to foster a climate of mutual tolerance and respect between believers of different communities as well as between believers and non-believers, they expressed their concern about the exploitation of religion for aggressive nationalist ends.

Maastricht 2003 (Decision No. 4/03 on Tolerance and Non-discrimination)

9. Affirms the importance of freedom of thought, conscience, religion or belief, and condemns all discrimination and violence, including against any religious group or individual believer. Commits to ensure and facilitate the freedom of the individual to profess and practice a religion or belief, alone or in community with others, where necessary through transparent and non-discriminatory laws, regulations, practices and policies. Encourages the participating States to seek the assistance of the ODIHR and its Panel of Experts on Freedom of Religion or Belief. Emphasizes the importance of a continued and strengthened interfaith and intercultural dialogue to promote greater tolerance, respect and mutual understanding;

Astana 2010

7. Serious threats and challenges remain. (...) Greater efforts must be made to promote freedom of religion or belief and to combat intolerance and discrimination. (...)

Kyiv 2013 (Decision no. 3/13 Freedom of thought, conscience, religion or belief)

(...)

Reaffirming past CSCE/OSCE decisions on the freedom of thought, conscience, religion or belief, (...),

Committed to ensuring respect for and enjoyment of the freedom of thought, conscience, religion or belief for all,

Emphasizing that every individual has the right to freedom of thought, conscience, religion or belief, which includes the freedom to have or to adopt a religion or belief of one's choice, as well as not to have or profess any religion, to change one's religion or belief, and the freedom to manifest one's religion or belief, either alone or in community with others, and in public or in private, through teaching, practice, worship and observance. The freedom to manifest one's religion or beliefs may be subject only to such restrictions as are prescribed by law and are consistent with international standards,

Reaffirming the commitments of participating States to respect, protect, and ensure the right of everyone to freedom of thought, conscience, religion or belief,

Emphasizing the link between security and full respect for the freedom of thought, conscience, religion or belief,

Deeply concerned by continuing acts of intolerance and violence against individuals and religious or belief communities on the basis of thought, conscience, religion or belief around the world,

Emphasizing that freedom of thought, conscience, religion or belief and all other human rights and fundamental freedoms are interdependent, interrelated and mutually reinforcing,

Stressing the importance of fostering a climate of mutual tolerance and respect between believers of different communities as well as between believers and non-believers,

Calls on participating States to:

- Fully implement OSCE commitments on the freedom of thought, conscience, religion or belief;
- Fully implement their commitments to ensure the right of all individuals to profess and practice religion or belief, either alone or in community with others, and in public or private, and to manifest their religion or belief through teaching, practice, worship and observance, including through transparent and non-discriminatory laws, regulations, practices and policies;
- Refrain from imposing restrictions inconsistent with OSCE commitments and international obligations on the practice of religion or belief by individuals and religious communities;
- Promote and facilitate open and transparent interfaith and interreligious dialogue and partnerships;
- Aim to prevent intolerance, violence and discrimination on the basis of religion or belief, including against Christians, Jews, Muslims and members of other religions, as well as against non-believers, condemn violence and discrimination on religious grounds and endeavour to prevent and protect against attacks directed at persons or groups based on thought, conscience, religion or belief;
- Encourage the inclusion of religious and belief communities, in a timely fashion, in public discussions of pertinent legislative initiatives;
- Promote dialogue between religious or belief communities and governmental bodies, including, where necessary, on issues related to the use of places of worship and religious property;
- Take effective measures to prevent and eliminate discrimination against individuals or religious or belief communities on the basis of religion or belief, including against non-believers, by public officials in the conduct of their public duties;
- Adopt policies to promote respect and protection for places of worship and religious sites, religious monuments, cemeteries and shrines against vandalism and destruction.

3.1.9 Freedom of Association and the Right of Peaceful Assembly

Madrid 1983 (Questions Relating to Security in Europe: Principles)

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

Sofia 1989 (Preamble)

The participating States reaffirm their respect for the right of individuals, groups and organizations concerned with environmental issues to express freely their views, to associate with others,

to peacefully assemble, as well as to obtain, publish and distribute information on these issues, without legal and administrative impediments inconsistent with the CSCE provisions. These individuals, groups and organizations have the right to participate in public debates on environmental issues, as well as to establish and maintain direct and independent contacts at national and international level.

Bonn 1990 (Preamble)

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

(...)

- Economic activity that accordingly upholds human dignity and is free from (...) denial of the rights of workers freely to establish or join independent trade unions,

Will endeavour to achieve or maintain the following (...)

Copenhagen 1990

(7) (...) the participating States will

(7.6) respect the right of individuals and groups to establish, in full freedom, their own political parties or other political organizations (...)

(...)

(9) The participating States reaffirm that

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

(9.3) the right of association will be guaranteed. The right to form and – subject to the general right of a trade union to determine its own membership – freely to join a trade union will be guaranteed. These rights will exclude any prior control. Freedom of association for workers, including the freedom to strike, will be guaranteed, subject to limitations prescribed by law and consistent with international standards;

(...)

(10) (...) the participating States express their commitment to

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

(...)

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

(...)

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

Paris 1990 (A New Era of Democracy, Peace and Unity)

We affirm that, without discrimination, every individual has the right to (...) freedom of association and peaceful assembly (...)

Helsinki 2008 (Ministerial Declaration on the Occasion of the 60th Anniversary of the Universal Declaration of Human Rights)

(...)

We reiterate that everyone has the right to freedom of thought, conscience, religion or belief; freedom of opinion and expression, freedom of peaceful assembly and association. The exercise of these rights may be subject to only such limitations as are provided by law and consistent with our obligations under international law and with our international commitments.

(...)

3.1.10 Freedom of Expression, Free Media and Information

A. General Provisions

Helsinki 1975 (Co-operation in Humanitarian and Other Fields)

The participating States,

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

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

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

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

(...)

Make it their aim to facilitate the freer and wider dissemination of information of all kinds, to encourage co-operation in the field of information and the exchange of information with other countries (...)

Vienna 1989 (Co-operation in Humanitarian and Other Fields)

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

- allow individuals, institutions and organizations, while respecting intellectual property rights, including copyright, to obtain, possess, reproduce and distribute information material of all kinds.

To these ends they will remove any restrictions inconsistent with the abovementioned obligations and commitments.

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

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

(...)

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

Sofia 1989 (Preamble)

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

Copenhagen 1990

(7) (...) the participating States will

(...)

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

(...)

(9) The participating States reaffirm that

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

(...)

(10) (...) the participating States express their commitment to

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

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

(...)

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

Budapest 1994 (Decisions: VIII. The Human Dimension)

36. The participating States reaffirm that freedom of expression is a fundamental human right and a basic component of a democratic society.

Istanbul 1999 (Charter for European Security: III. Our Common Response)

26. We reaffirm the importance of (...) the free flow of information as well as the public's access to information. We commit ourselves to take all necessary steps to ensure the basic conditions for (...) unimpeded transborder and intra-State flow of information (...)

Astana 2010

6. (...) We value the important role played by civil society and free media in helping us to ensure full respect for human rights, fundamental freedoms, democracy, including free and fair elections, and the rule of law.

B. Media Freedom and Working Conditions for Journalists

See also:

I. 2.3.4 C: The Representative on Freedom of the Media

Helsinki 1975 (Co-operation in Humanitarian and Other Fields)

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

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

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

Express their intention in particular:

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

(...)

(ii) Printed Information

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

(...)

To contribute to the improvement of access by the public to [imported] periodical and non-periodical printed publications (...)

(iii) Filmed and Broadcast Information

To promote the improvement of the dissemination of filmed and broadcast information (...)

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

(b) Co-operation in the Field of Information

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

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

(c) Improvement of Working Conditions for Journalists

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

- examine in a favourable spirit and within a suitable and reasonable time scale requests from journalists for visas;
- grant to permanently accredited journalists of the participating States, on the basis of arrangements, multiple entry and exit visas for specified periods;
- facilitate the issue to accredited journalists of the participating States of permits for stay in their country of temporary residence and, if and when these are necessary, of other official papers which it is appropriate for them to have;

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

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

Madrid 1983 (Co-operation in Humanitarian and Other Fields)

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

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

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

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

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

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

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

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

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

Vienna 1989 (Co-operation in Humanitarian and Other Fields)

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

(...)

(...) they will

- ensure that radio services operating in accordance with the ITU Radio Regulations can be directly and normally received in their States (...)

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

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

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

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

* In this context it is understood that import of printed matter may be subject to local regulations which will be applied with due regard to the journalists' need for adequate working material. The participating States will, where necessary, facilitate the establishment and operation, in their capitals, of press centres or institutions performing the same functions, open to the national and foreign press with suitable working facilities for the latter. They will also consider further ways and means to assist journalists from other participating States and thus to enable them to resolve practical problems they may encounter.

(41) They will respect the copyright of journalists.

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

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

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

Copenhagen 1990

(7) (...) the participating States will

(...)

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

Moscow 1991

(26) The participating States reaffirm the right to freedom of expression, including (...) the right of the media to collect, report and disseminate information, news and opinions. Any restriction in the exercise of this right will be prescribed by law and in accordance with international standards. They further recognize that independent media are essential to a free and open society and accountable systems of government and are of particular importance in safeguarding human rights and fundamental freedoms.

(26.1) They consider that the print and broadcast media in their territory should enjoy unrestricted access to foreign news and information services. The public will enjoy similar freedom to receive and impart information and ideas without interference by public authority regardless of frontiers, including through foreign publications and foreign broadcasts. Any restriction in the exercise of this right will be prescribed by law and in accordance with international standards.

(26.2) The participating States will not discriminate against independent media with respect to affording access to information, material and facilities.

(...)

(28.9) The participating States will endeavour to maintain freedom of expression and freedom of information, consistent with their international obligations and commitments, with a view to enabling public discussion on the observance of human rights and fundamental freedoms as well as on the lifting of the state of public emergency. They will, in conformity with international standards regarding the freedom of expression, take no measures aimed at barring journalists from the legitimate exercise of their profession other than those strictly required by the exigencies of the situation.

(...)

(34) The participating States will adopt, where appropriate, all feasible measures to protect journalists engaged in dangerous professional missions, particularly in cases of armed conflict, and

will co-operate to that effect. These measures will include tracing mission journalists, ascertaining their fate, providing appropriate assistance and facilitating their return to their families.

Budapest 1994 (Decisions: VIII. The Human Dimension)

36. The participating States reaffirm that freedom of expression is a fundamental human right and a basic component of a democratic society. In this respect, independent and pluralistic media are essential to a free and open society and accountable systems of government. They take as their guiding principle that they will safeguard this right.

37. They condemn all attacks on and harassment of journalists and will endeavour to hold those directly responsible for such attacks and harassment accountable.

38. They further note that fomenting hatred and ethnic tension through the media, especially by governments, can serve as an early warning of conflict.

Lisbon 1996 (Summit Declaration)

9. (...) Among the acute problems within the human dimension, the continuing violations of human rights, such as (...) threats to independent media (...) continue to endanger stability in the OSCE region. We are committed to continuing to address these problems.

(...)

11. Freedom of the press and media are among the basic prerequisites for truly democratic and civil societies (...)

Copenhagen 1997 (Annex 1: Permanent Council Decision No. 193, Mandate of the OSCE Representative on Freedom of the Media)

1. The participating States (...) recall in particular that freedom of expression is a fundamental and internationally recognized human right and a basic component of a democratic society and that free, independent and pluralistic media are essential to a free and open society and accountable systems of government. Bearing in mind the principles and commitments they have subscribed to within the OSCE (...), the participating States decide to establish, under the aegis of the Permanent Council, an OSCE Representative on Freedom of the Media. The objective is to strengthen the implementation of relevant OSCE principles and commitments as well as to improve the effectiveness of concerted action by the participating States based on their common values. The participating States confirm that they will co-operate fully with the OSCE Representative on Freedom of the Media. He or she will assist the participating States, in a spirit of co-operation, in their continuing commitment to the furthering of free, independent and pluralistic media (...)

Istanbul 1999 (Summit Declaration)

27. (...) We are deeply concerned about the exploitation of media in areas of conflict to foment hatred and ethnic tension and the use of legal restrictions and harassment to deprive citizens of free media. We underline the need to secure freedom of expression, which is an essential element of political discourse in any democracy. We support the Office of the Representative on Freedom of the Media in its efforts to promote free and independent media.

Istanbul 1999 (Charter for European Security: III. Our Common Response)

26. We reaffirm the importance of independent media and the free flow of information as well as the public's access to information. We commit ourselves to take all necessary steps to ensure the basic conditions for free and independent media and unimpeded transborder and intra-State flow of information (...)

Milan 2018 (Decision No. 3/18 on the Safety of Journalists)

The Ministerial Council,

Reaffirming all relevant OSCE commitments on the right to freedom of expression, freedom of the media, and free flow of information, (...),

Mindful that everyone has the right to freedom of opinion and expression (...), and that it constitutes one of the essential foundations of a democratic society and one of the basic conditions for its progress and development,

(...)

Reaffirming that independent media are essential to a free and open society and accountable systems of government and are of particular importance in safeguarding human rights and fundamental freedoms, (...),

Acknowledging that journalism and technology are evolving and that this contributes to the public debate, while it may also expand the range of risks that undermine the safety of journalists,

Taking note of the importance of promoting and protecting the safety of journalists for the implementation of the relevant Sustainable Development Goal and Targets of the United Nations 2030 Agenda for Sustainable Development,

Recognizing that the work of journalists can put them, and their family members, at risk of violence, as well as of intimidation and harassment, including through digital technologies, which can deter journalists from continuing their work or lead to self-censorship, Noting with concern that the use of undue restrictive measures against journalists can affect their safety, and prevents them from providing information to the public, and thus negatively affects the exercise of the right to freedom of expression,

Reaffirming that the media in their territory should enjoy unrestricted access to foreign news and information services, that the public will enjoy similar freedom to receive and impart information and ideas without interference by public authority regardless of frontiers, including through foreign publications and foreign broadcasts, and that any restriction in the exercise of this right will be prescribed by law and in accordance with international standards, (...),

Concerned that violations and abuses of the right to be free from arbitrary or unlawful interference with privacy may affect the safety of journalists,

Deeply concerned by all human rights violations and abuses committed in relation to the safety of journalists, including those involving killing, torture, enforced disappearance, arbitrary arrest, arbitrary detention and arbitrary expulsion, intimidation, harassment and threats of all forms, such as physical, legal, political, technological or economic, intended to suppress their work,

Concerned by the distinct risks faced by women journalists in relation to their work, including through digital technologies, and underlining the importance to ensure their greatest possible safety and that the experiences and concerns of women journalists are effectively addressed,

Recognizing the crucial role of journalists in covering elections, in particular in informing the public about candidates, their platforms and ongoing debates, and expressing serious concern about threats and violent attacks that journalists can face in this regard,

Recognizing the importance of investigative journalism, and that the ability of media to investigate, and to publish the results of their investigations, including on the Internet, without fear of reprisal, can play an important role in our societies, including in holding public institutions and officials accountable,

Alarmed that targeted campaigns undermining the work of journalists are increasing, eroding public trust and confidence in the credibility of journalism, and recognizing that this can increase the risk of threats and violence against journalists,

Also alarmed at instances in which political leaders, public officials and/or authorities intimidate, threaten, condone or fail to condemn violence against journalists,

Expressing deep concern at the growing threat to the safety of journalists posed, *inter alia*, by terrorist groups and criminal organizations,

Emphasizing also the particular risks with regard to the safety of journalists in the digital age, including the particular vulnerability of journalists to becoming targets of hacking or unlawful or arbitrary surveillance or interception of communications, undermining enjoyment of their right to freedom of expression and their right to be free from arbitrary or unlawful interference with privacy,

Reiterating that participating States condemn all attacks on and harassment of journalists and will endeavour to hold those directly responsible for such attacks and harassment accountable, as stated at the 1994 Budapest CSCE Summit, and also recognizing that accountability for crimes against journalists is a key element in preventing future attacks,

Stressing the significance of commemoration of 2 November as the International Day to End Impunity for Crimes against Journalists (IDEI) proclaimed by the United Nations General Assembly,

Noting with concern the climate of impunity that prevails when violent attacks committed against journalists remain unpunished, and recognizing the role of governments, legislators and the judiciary in enabling a safe working environment and ensuring safety of journalists by, *inter alia*, publicly condemning and bringing to justice all those responsible for crimes against journalists,

Recalling United Nations Security Council resolutions 1738 (2006) and 2222 (2015), which condemn all violations and abuses committed against journalists, media professionals and associated personnel in situations of armed conflict, and which state that journalists, media professionals and associated personnel engaged in dangerous professional missions in areas of armed conflict shall be considered as civilians and shall be protected as such, provided that they take no action adversely affecting their status as civilians,

Calls on participating States to:

1. Fully implement all OSCE commitments and their international obligations related to freedom of expression and media freedom, including by respecting, promoting and protecting the freedom to seek, receive and impart information regardless of frontiers;
2. Bring their laws, policies and practices, pertaining to media freedom, fully in compliance with their international obligations and commitments and to review and, where necessary, repeal or amend them so that they do not limit the ability of journalists to perform their work independently and without undue interference;
3. Condemn publicly and unequivocally all attacks and violence against journalists such as killing, torture, enforced disappearance, arbitrary arrest, arbitrary detention and arbitrary expulsion, intimidation, harassment, and threats of all forms, such as physical, legal, political, technological or economic, used to suppress their work and/or unduly force closure of their offices, including in conflict situations;
4. Also condemn publicly and unequivocally attacks on women journalists in relation to their work, such as sexual harassment, abuse, intimidation, threats and violence, including through digital technologies;
5. Urge the immediate and unconditional release of all journalists who have been arbitrarily arrested or detained, taken hostage or who have become victims of enforced disappearance;
6. Take effective measures to end impunity for crimes committed against journalists, by ensuring accountability as a key element in preventing future attacks, including by ensuring that law enforcement agencies carry out swift, effective and impartial investigations into acts of violence and threats against journalists, in order to bring all those responsible to justice, and ensure that victims have access to appropriate remedies;
7. Urge political leaders, public officials and/or authorities to refrain from intimidating, threatening or condoning – and to unequivocally condemn – violence against journalists, in order to reduce the risks or threats that journalists may face and avoid undermining trust in the credibility of journalists as well as respect for the importance of independent journalism;
8. Refrain from arbitrary or unlawful interference with journalists' use of encryption and anonymity technologies and refrain from employing unlawful or arbitrary surveillance techniques, noting that such acts infringe on the journalists' enjoyment of human rights, and could put them at potential risk of violence and threats to their safety;
9. Encourage State bodies and law enforcement agencies to engage in awareness-raising and training activities related to the need to ensure safety of journalists, and to promote the involvement of civil society in such activities, where appropriate;
10. Establish or strengthen, where possible, national data collection, analysis and reporting on attacks and violence against journalists;
11. Ensure that defamation laws do not carry excessive sanctions or penalties that could undermine the safety of journalists and/or effectively censor journalists and interfere with their mission of informing the public and, where necessary, to revise and repeal such laws, in compliance with participating States' obligations under international human rights law;

12. Implement more effectively the applicable legal framework for the protection of journalists and all relevant OSCE commitments;

13. Co-operate fully with the OSCE Representative on Freedom of the Media, including on the issue of safety of journalists;

14. Encourage the OSCE Representative on Freedom of the Media's continued advocacy and promotion of safety of journalists in all OSCE participating States, in line with his/her mandate.

C. Freedom of Cultural or Artistic Expression

See also:

II. 3.2.3: Cultural Rights/Cultural Heritage

Paris 1990 (A New Era of Democracy, Peace and Unity)

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

Cracow 1991 (I. Culture and Freedom)

1. The participating States emphasize that respect for human rights and fundamental freedoms is essential to the full development of cultural creativity.

2. The State and the public authorities will refrain from infringing upon the freedom of artistic creation

3. The participating States undertake to promote and protect the free and unhindered development of artistic creativity; they recognize the important role of the individual artist in society and will respect and protect the integrity of creative work.

4. They recognize the need for governments to strike a balance between their dual responsibility of acting in support of, and ensuring the freedom of, cultural activity.

5. They further acknowledge that, given the variety of cultural activity in the participating States, there are many ways in which governments might choose to respond effectively to concerns relating to the cultural heritage.

6. The participating States recall their respect for freedom of expression and, in connection with the exercise of that freedom in the artistic and cultural fields, state as follows:

6.1 The publication of written works, the performance and broadcasting of musical, theatrical and audiovisual works, and the exhibition of pictorial or sculptural works will not be subject to restriction or interference by the State save such restrictions as are prescribed by domestic legislation and are fully consistent with international standards.

6.2 They express their conviction that the existence, in the artistic and cultural fields, of a diversity of means of dissemination independent of the State, such as publishing houses, radio broadcasting,

cinema and television enterprises, theatres and galleries, helps to ensure pluralism and the freedom of artistic and cultural expression.

7. The participating States recall their commitments to unhindered access to culture, and agree as follows:

7.1 While duly respecting intellectual property rights, any person or independent organization has the right to own privately, use and reproduce all kinds of cultural materials, such as books, publications and audiovisual recordings, and the means of reproducing them.

Moscow 1991

(35) The participating States reaffirm that guaranteeing the freedom of artistic creation and preserving the cultural heritage form part of the human dimension of the CSCE. They consider that independent intellectual and cultural life is crucial for the maintenance of free societies and democratic institutions. They will implement their commitments in the cultural field, as laid down in the Document of the Cracow Symposium on the Cultural Heritage (...)

3.1.11 Freedom of Movement, Human Contacts and Family Reunification

See also:

II. 4.4: Refugees, Displaced Persons, Returnees and Stateless Persons

II. 4.5: Migrant Workers

Helsinki 1975 (Co-operation in Humanitarian and Other Fields)

The participating States,

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

(...)

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

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

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

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

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

Applications for temporary visits to meet members of their families will be dealt with without distinction as to the country of origin or destination: existing requirements for travel documents and visas will be applied in this spirit. The preparation and issue of such documents and visas will be

effected within reasonable time limits, cases of urgent necessity – such as serious illness or death – will be given priority treatment. They will take such steps as may be necessary to ensure that the fees for official travel documents and visas are acceptable.

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

(b) Reunification of Families

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

They will deal with applications in this field as expeditiously as possible. They will lower where necessary the fees charged in connexion with these applications to ensure that they are at a moderate level.

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

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

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

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

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

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

(c) Marriage between Citizens of Different States

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

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

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

(d) Travel for Personal or Professional Reasons

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

- gradually to simplify and to administer flexibly the procedures for exit and entry;

- to ease regulations concerning movement of citizens from the other participating States in their territory, with due regard to security requirements.

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

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

Madrid 1983 (Co-operation in Humanitarian and Other Fields)

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

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

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

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

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

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

Vienna 1989 (Questions Relating to Security in Europe: Principles)

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

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

Vienna 1989 (Co-operation in Humanitarian and Other Fields)

(1) In implementing the human contacts provisions of the Final Act, the Madrid Concluding Document and the present Document, [the participating States] will fully respect their obligations under

international law as referred to in the subchapter of the present Document devoted to principles, in particular that everyone shall be free to leave any country, including his own, and to return to his country, as well as their international commitments in this field.

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

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

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

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

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

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

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

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

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

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

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

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

- They will decide within three working days upon applications relating to visits to a seriously ill or dying family member, travel to attend the funeral of a family member or travel by those who have a proven need of urgent medical treatment or who can be shown to be critically or terminally ill.
- They will decide as expeditiously as possible upon applications relating to travel by those who are seriously ill or by the elderly, and other travel of an urgent humanitarian nature.
- They will intensify efforts by their local, regional and central authorities concerned with the implementation of the above, and ensure that charges for giving priority treatment to such applications do not exceed costs actually incurred.

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

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

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

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

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

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

(19) In dealing favourably with applications based on the human contacts provisions of the Final Act and of the other aforementioned CSCE documents, they will ensure that these are dealt with

in good time in order, *inter alia*, to take due account of important family, personal or professional considerations significant for the applicant.

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

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

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

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

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

(...)

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

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

Copenhagen 1990

(9) The participating States reaffirm that

(...)

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

(...)

(10.4) allow members of such groups and organizations to have unhindered access to and communication with similar bodies within and outside their countries and with international organizations, to engage in exchanges, contacts and co-operation with such groups and organizations (...)

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

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

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

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

Paris 1990 (A New Era of Democracy, Peace and Unity)

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

Moscow 1991

(33) The participating States will remove all legal and other restrictions with respect to travel within their territories for their own nationals and foreigners, and with respect to residence for those entitled to permanent residence, except those restrictions which may be necessary and officially declared for military, safety, ecological or other legitimate government interests, in accordance with their national laws, consistent with CSCE commitments and international human rights obligations. The participating States undertake to keep such restrictions to a minimum.

Budapest 1994 (Decisions: VIII. The Human Dimension)

40. They will encourage administrative authorities dealing with citizens of other States to fully implement the CSCE commitments concerning travel and will refrain from degrading treatment and other outrages against personal dignity.

Ljubljana 2005 (Border Security and Management Concept: Framework for Co-operation by the OSCE Participating States)

2. The OSCE participating States reaffirm the obligations and commitments on borderrelated issues that they have undertaken at all levels:

2.1 At the global level: On border security and management issues, the participating States reaffirm their commitments under international law, in particular international human rights, refugee and humanitarian law, and may consider as well standards and recommendations laid down by the World Customs Organization, the International Organization for Migration, the International Labour Organization, the United Nations High Commissioner for Refugees and other relevant international organizations;

(...)

4. The participating States will promote co-operation between their border services, customs authorities, agencies issuing travel documents and visas, and law enforcement and migration agencies, as well as other competent national structures, with a view to achieving the following aims:

4.1 To promote free and secure movement of persons (...) across borders, in conformity with relevant legal frameworks, international law and OSCE commitments, *inter alia*, through enhancing the security of travel documents and encouraging, as appropriate, circumstances that could allow liberalization of visa regimes, in the spirit of the commitments under the documents mentioned above;

(...)

4.5 To promote dignified treatment of all individuals wanting to cross borders, in conformity with relevant national legal frameworks, international law, in particular human rights, refugee, and humanitarian law, and relevant OSCE commitments;

Hamburg 2016 (Decision No. 4/16 on Strengthening Good Governance and Promoting Connectivity)

(...)

Calling upon participating States to promote free and secure movement of persons, goods, services and investments across borders, in conformity with relevant legal frameworks, international law and OSCE commitments,

(...)

3.1.12 Respect for Private and Family Life

See also:

II. 3.1.11: Freedom of Movement, Human Contacts and Family Reunification

Moscow 1991

(24) The participating States reconfirm the right to the protection of private and family life, domicile, correspondence and electronic communications. In order to avoid any improper or arbitrary intrusion by the State in the realm of the individual, which would be harmful to any democratic society, the exercise of this right will be subject only to such restrictions as are prescribed by law

and are consistent with internationally recognized human rights standards. In particular, the participating States will ensure that searches and seizures of persons and private premises and property will take place only in accordance with standards that are judicially enforceable.

3.1.13 Right to Nationality

See also:

II. 4.4: Refugees, Displaced Persons, Returnees and Stateless Persons

Helsinki 1992 (Decisions: VI. The Human Dimension)

The participating States

(55) Recognize that everyone has the right to a nationality and that no one should be deprived of his/her nationality arbitrarily;

(56) Underline that all aspects of nationality will be governed by the process of law. They will, as appropriate, take measures, consistent with their constitutional framework not to increase statelessness;

Istanbul 1999 (Charter for European Security: III. Our Common Response)

19. (...) We reaffirm our recognition that everyone has the right to a nationality and that no one should be deprived of his or her nationality arbitrarily. We commit ourselves to continue our efforts to ensure that everyone can exercise this right. We also commit ourselves to further the international protection of stateless persons.

3.1.14 Property Rights

Bonn 1990

The participating States (...) (w)ill endeavour to achieve or maintain the following:

(...)

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

(...)

Copenhagen 1990

(9) The participating States reaffirm that

(...)

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

Paris 1990 (A New Era of Democracy, Peace and Unity)

We affirm that, without discrimination (...) everyone (...) has the right:

(...)

to own property alone or in association and to exercise individual enterprise (...)

3.2 Economic, Social and Cultural Rights

3.2.1 General Provisions

Helsinki 1975 (Questions Relating to Security in Europe: 1.(a) Declaration on Principles Guiding Relations between Participating States – Principles VII-IX)

[The participating States] will promote and encourage the effective exercise of ... economic, social, cultural and other rights and freedoms all of which derive from the inherent dignity of the human person and are essential for his free and full development.

(...)

They will endeavour, in developing their cooperation, to improve the well-being of peoples and contribute to the fulfilment of their aspirations through, *inter alia*, the benefits resulting from increased mutual knowledge and from progress and achievement in the economic, scientific, technological, social, cultural and humanitarian fields. They will take steps to promote conditions favourable to making these benefits available to all; they will take into account the interest of all in the narrowing of differences in the levels of economic development, and in particular the interest of developing countries throughout the world.

Madrid 1983 (Questions Relating to Security in Europe: Principles)

[The participating States] similarly stress their determination to develop their laws and regulations in the field of (...) economic, social, cultural and other human rights and fundamental freedoms; they also emphasize their determination to ensure the effective exercise of these rights and freedoms.

Vienna 1989 (Questions Relating to Security in Europe: Principles)

(12) (...) They recognize that (...) economic, social, cultural and other rights and freedoms are all of paramount importance and must be fully realized by all appropriate means.

(13) In this context they will

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

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

(...)

(14) The participating States recognize that the promotion of economic, social, cultural rights as well as of civil and political rights is of paramount importance for human dignity and for the attainment of the legitimate aspirations of every individual.

They will therefore continue their efforts with a view to achieving progressively the full realization of economic, social and cultural rights by all appropriate means, including in particular by the adoption of legislative measures. In this context they will pay special attention to problems in the areas of employment, housing, social security, health, education and culture. They will promote constant progress in the realization of all rights and freedoms within their countries, as well as in the development of relations among themselves and with other States, so that everyone actually enjoys to the full his economic, social and cultural rights as well as his civil and political rights.

Paris 1990 (A New Era of Democracy, Peace and Unity)

We affirm that, without discrimination (...) everyone (...) has the right:

(...)

to enjoy his economic, social and cultural rights.

3.2.2 Economic and Social Rights

A. General Provisions

Bonn 1990

[The participating States] will endeavour to achieve or maintain the following:

(...)

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

(...)

Paris 1990 (A New Era of Democracy, Peace and Unity)

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

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

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

Istanbul 1999 (Charter for European Security: II. Our Common Challenges)

5. Acute economic problems and environmental degradation may have serious implications for our security (...) We will strengthen our responses to such threats through continued economic and environmental reforms, by stable and transparent frameworks for economic activity and by promoting market economies, while paying due attention to economic and social rights (...)

Maastricht 2003 (OSCE Strategy to Address Threats to Security and Stability in the Twenty-First Century)

14. Deepening economic and social disparities, lack of rule of law, weak governance in public and corporate spheres, corruption, widespread poverty and high unemployment are among the economic factors, which threaten stability and security. They can provide a breeding ground for other major threats. Environmental degradation, unsustainable use of natural resources, mismanagement of wastes and pollution affect ecological systems and have a substantial negative impact on the health, welfare, stability and security of States. Ecological disasters may also have such effects. Problems of governance connected to these factors have a direct undermining effect and at the same time reduce the capacity to ensure sustainable economic and social development as well as to effectively address economic and environmental challenges and threats to security and stability.

Maastricht 2003 (OSCE Strategy Document for the Economic and Environmental Dimension)

2.2 Strengthening good governance

(...)

Social conditions

2.2.13 Good governance and sustainable development imply policies and systems that promote social partnership and cohesion. We will work for improved access for all to basic social benefits, such as affordable health services, pensions and education, and for adequate levels of protection of socially vulnerable groups, and the prevention of social exclusion.

2.2.14 We are determined to take measures to improve social conditions, including by identifying and targeting vulnerable groups in society, providing adequate and effective safety nets, strengthening health services, increasing employment opportunities and implementing rehabilitation programmes.

(...)

2.3 Ensuring sustainable development

2.3.3 We support the efforts of the participating States to implement policies of poverty reduction and sustainable development, including the national poverty reduction programmes in countries with economies in transition. We will encourage the provision of the necessary advice and assistance by international organizations and institutions having the relevant expertise and resources.

Ljubljana 2005 (Border Security and Management Concept: Framework for Co-operation by the OSCE Participating States)

4. The participating States will promote co-operation between their border services, customs authorities, agencies issuing travel documents and visas, and law enforcement and migration agencies, as well as other competent national structures, with a view to achieving the following aims:
(...)

4.6 To create beneficial conditions for social and economic development in border territories, as well as for the prosperity and cultural development of persons belonging to all communities residing in border areas, with access to all opportunities;

B. Workers' Rights

See also:

II. 4.5: Migrant Workers

Madrid 1983 (Questions Relating to Security in Europe: Principles)

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

Bonn 1990 (Preamble)

(...) the participating States,

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

(...)

- Economic activity that accordingly upholds human dignity and is free from forced labour, discrimination against workers on grounds of race, sex, language, political opinion or religion, or denial of the rights of workers freely to establish or join independent trade unions,

Will endeavour to achieve or maintain the following (...)

Copenhagen 1990

(9) The participating States reaffirm that

(...)

(9.3) – the right of association will be guaranteed. The right to form and – subject to the general right of a trade union to determine its own membership – freely to join a trade union will be guaranteed. These rights will exclude any prior control. Freedom of association for workers, including the freedom to strike, will be guaranteed, subject to limitations prescribed by law and consistent with international standards;

Vilnius 2011 (Declaration on combating all forms of human trafficking)

14. We acknowledge that, in order to prevent trafficking in human beings for the purpose of labour exploitation effectively, labour rights must be respected. We recommend the development and application of measures to improve labour practices and promote the effective enforcement of internationally recognized labour rights, by means such as labour inspections, monitoring of private employment agencies, and the development of other programs to support workers in exercising their labour rights.

15. We encourage participating States to work with the business sector to apply principles of due diligence and transparency in assessing and addressing risks of exploitation throughout supply chains and ensuring that workers have access to mechanisms for the redress and remedy of abusive practices. We encourage the dissemination and implementation of the newly adopted United Nations Guiding Principles on Business and Human Rights. Similarly, we encourage governments to consider incorporating similar standards, including “zero-tolerance” policies, in government procurement of goods and services.

Hamburg 2016 (Decision No. 4/16 on Strengthening Good Governance and Promoting Connectivity)

(...)

Strengthening good governance through adherence to labour, social, and environmental standards

15. Encourages participating States to facilitate secure transportation and trade while preventing illicit trafficking in accordance with the relevant provisions of international law and agreements to which the OSCE participating States are parties, and to increase efforts aimed at overcoming challenges such as labour exploitation and poorly regulated and inspected worksites;

16. Invites participating States to strive for better application of internationally recognized labour, social, and environmental standards within the UN, ILO, and where appropriate OECD;

17. Encourages participating States to promote, in co-operation with the private sector, sustainable consumption and production patterns based on internationally recognized labour, social, and environmental standards;

18. Tasks relevant OSCE executive structures, including field operations, within their existing mandates and available resources, to support participating States in exchanging best practices on raising awareness of the relevance of internationally recognized labour, social and environmental standards, and on strengthening good governance and promoting transparency in public procurement processes;

(...)

3.2.3 Cultural Rights/Cultural Heritage

See also:

II. 3.1.10 C: Freedom of Cultural or Artistic Expression

II. 4.1: National Minorities

II. 4.2: Roma and Sinti

II. 5.3.5: Promotion of Tolerance, Understanding and Respect, Including Remembrance

Vol. 2: Helsinki 1975 (Co-operation in Humanitarian and Other Fields > 3. Co-operation and Exchanges in the Field of Culture)

Vol. 2: Madrid 1983 (Co-operation in Humanitarian and Other Fields > Co-operation and Exchanges in the Field of Culture)

Vol. 2: Vienna 1989 (Co-operation in Humanitarian and Other Fields > Co-operation and Exchanges in the Field of Culture)

Vol. 2: Cracow 1991 (Principal Areas of Preservation and Co-operation)

Cracow 1991 (Preamble)

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

(...)

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

(...)

II. CULTURE AND HERITAGE

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

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

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

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

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

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

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

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

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

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

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

18. Partnerships among diverse groups at the local, regional and national level, from both the private and the public sector, are valuable for ensuring the effective and representative preservation of the cultural heritage. The preservation and interpretation of the values and the cultural heritage of diverse groups will be enhanced with the involvement of those groups, which is conducive to the tolerance and respect for different cultures which are of paramount importance.

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

Moscow 1991

(35) The participating States reaffirm that guaranteeing the freedom of artistic creation and preserving the cultural heritage form part of the human dimension of the CSCE. They consider that independent intellectual and cultural life is crucial for the maintenance of free societies and democratic institutions. They will implement their commitments in the cultural field, as laid down in the Document of the Cracow Symposium on the Cultural Heritage (...)

Ljubljana 2005 (Border Security and Management Concept: Framework for Co-operation by the OSCE Participating States)

4. The participating States will promote co-operation between their border services, customs authorities, agencies issuing travel documents and visas, and law enforcement and migration agencies, as well as other competent national structures, with a view to achieving the following aims:
(...)

4.6 To create beneficial conditions for social and economic development in border territories, as well as for the prosperity and cultural development of persons belonging to all communities residing in border areas, with access to all opportunities;

Belgrade 2015 (Ministerial Declaration on Preventing and Countering Violent Extremism and Radicalization that Lead to Terrorism)

(...)

Strongly condemning the destruction of cultural heritage and religious sites, including the targeted destruction of UNESCO World Heritage sites, by terrorists, foreign terrorist fighters associated with ISIL and other terrorist groups,

(...)

3.2.4 Right to Education

See also:

Vol. 2: Helsinki 1975 (Co-operation in Humanitarian and Other Fields > 4.Co-operation and Exchanges in the Field of Education)

Vol. 2: Madrid 1983 (Co-operation in Humanitarian and Other Fields > Co-operation and Exchanges in the Field of Education)

Vol. 2: Vienna 1989 (Co-operation in Humanitarian and Other Fields > Co-operation and Exchanges in the Field of Education)

Vienna 1989 (Co-operation in Humanitarian and Other Fields)

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

Copenhagen 1990

(34) The participating States will endeavour to ensure that persons belonging to national minorities, notwithstanding the need to learn the official language or languages of the State concerned, have adequate opportunities for instruction of their mother tongue or in their mother tongue (...)

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

Milan 2018 (Decision 5/18 on Human Capital Development in the Digital Era)

The Ministerial Council,

(...)

Recalling the commitments related to human capital development (...)

(...) and aware that investment in human capital and promotion of knowledge and skills promote economic participation, social inclusion and sustainable growth which are interdependent and contribute to prosperity, trust, stability, security and co-operation in the OSCE area,

Taking into account the emerging and fast-evolving implications of digital transformation, which is leading to progress and prosperity, but also to the emergence of potential new or enhanced threats and challenges,

Aware that changes in the labour markets caused by digital transformation have the potential to widen social and economic disparities, and that there is a need for a stronger focus on the development of human capital, particularly for women, youth and persons with disabilities, especially in labour-intensive, low-skilled economic sectors,

Acknowledging that human capital development, including in the digital context, through its positive impact on an informed and qualified workforce, sustainable development, jobs and wealth creation, can positively contribute to making economies and societies more resilient to corruption,

Determined to promote lifelong learning and vocational and professional training throughout the working life as essential tools for human capital development and for reducing existing digital divides, particularly for women and girls in the areas of science, technology, engineering and mathematics,

Recognizing that there are opportunities and challenges associated with new forms of employment arising from the digital transformation of the economy, and that while these changes in the labour market may promote economic growth and job creation, some of the challenges may have an impact on job and social stability,
(...)

Acknowledging, in the context of the digitalization of the economy, the need to strengthen the resilience of the workforce and to adapt labour market policy frameworks to promote: the creation of jobs with full respect for human dignity and human rights; sustainable and inclusive economic growth; and equal opportunities for the participation of women and men in the labour market,

Recognizing the potential for human capital development to contribute to the implementation of the United Nations 2030 Agenda for Sustainable Development,

1. Encourages participating States to support the development of human capital so as to manage the transition to increasingly automated and digital economies, including through public-private partnerships and multi-stakeholder collaboration;
2. Encourages participating States to promote lifelong learning, starting from early education and continuing throughout working life, as a key pillar for managing this transition;
3. Calls upon participating States to promote access to quality education, training, upskilling and reskilling opportunities in order to enhance employability – promoting non-discriminatory access for women, youth and persons with disabilities and with special attention to those working in labour-intensive industries;
4. Encourages the participating States, as appropriate, to promote education, vocational training and retraining, in particular for women and girls, and especially in the fields of science, technology, engineering and mathematics, as a key measure to reduce digital divides and to advance the empowerment of women by promoting opportunities, including in the economy;
5. Invites the participating States to strengthen policy and institutional frameworks to facilitate innovative business models and a positive investment climate, to promote job creation and sustainable, inclusive economic growth;
6. Encourages the participating States to involve the private sector, civil society, trade and labour unions, academia, and other relevant stakeholders to identify and address the needs in terms of human capital development and to work together to develop and implement relevant policies and regulations;
7. Calls upon participating States to further examine opportunities and challenges associated with new forms of employment arising from the digital transformation of the economy, also with a view to ensuring adequate social protection;

8. Encourages the participating States to promote efforts against corruption in the education and training sectors, as well as open, equal and corruption-free access to education, digital skills and training opportunities;
9. Encourages participating States to make use of the OSCE to foster the exchange of best practices and to promote capacity-building initiatives in line with the provisions of this decision;
10. Encourages participating States to increase co-operation on human capital development, including with relevant international organizations, in areas such as facilitating and widening access to educational, research and training institutions, with particular attention to fostering digital skills;
11. Tasks relevant OSCE executive structures, including field operations, within their mandates and available resources, to assist participating States upon their requests in implementing the provisions of this decision;
12. Encourages the OSCE Partners for Co-operation to voluntarily implement the provisions of this decision.

4.

Commitments Related to Human Rights with a Focus on Specific Groups



4.1 National Minorities

See also:

I. 2.3.4 B: The High Commissioner on National Minorities

II. 4.2: Roma and Sinti

II. 5: Commitments Related to Equality, Tolerance and Non-discrimination

4.1.1 Protection of Human Rights and Fundamental Freedoms, Including Equality of Opportunity and Non-discrimination

Helsinki 1975 (Questions Relating to Security in Europe: 1.(a) Declaration on Principles Guiding Relations between Participating States – Principle VII)

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

Madrid 1983 (Questions Relating to Security in Europe: Principles)

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

Vienna 1989 (Questions Relating to Security in Europe: Principles)

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

Copenhagen 1990

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

(...)

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

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

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

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

(...)

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

(...)

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

(...)

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

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

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

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

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

Paris 1990 (A New Era of Democracy, Peace and Unity)

(...) We further acknowledge that the rights of persons belonging to national minorities must be fully respected as part of universal human rights (...)

Geneva 1991

II.

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

They emphasize that human rights and fundamental freedoms are the basis for the protection and promotion of rights of persons belonging to national minorities (...)

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

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

III.

(...) the participating States consider that when issues relating to the situation of national minorities are discussed within their countries, they themselves should have the effective opportunity to be involved, in accordance with the decision-making procedures of each State (...)

They consider that special efforts must be made to resolve specific problems in a constructive manner and through dialogue by means of negotiations and consultations with a view to improving the situation of persons belonging to national minorities.

They recognize that the promotion of dialogue between States, and between States and persons belonging to national minorities, will be most successful when there is a free flow of information and ideas between all parties. They encourage unilateral, bilateral and multilateral efforts by governments to explore avenues for enhancing the effectiveness of their implementation of CSCE commitments relating to national minorities.

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

(...)

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

IV.

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

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

(...)

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

(...)

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

Aware of the diversity and varying constitutional systems among them, which make no single approach necessarily generally applicable, the participating States note with interest that positive results have been obtained by some of them in an appropriate democratic manner by, *inter alia*:

(...)

- bilateral and multilateral agreements and other arrangements regarding national minorities;
(...)
- creation of government research agencies to review legislation and disseminate information related to equal rights and non-discrimination;
(...)
- governmental assistance for addressing local difficulties relating to discriminatory practices (e.g. a citizens relations service);
- encouragement of grassroots community relations efforts between minority communities, between majority and minority communities, and between neighbouring communities sharing borders, aimed at helping to prevent local tensions from arising and address conflicts peacefully should they arise; and
- encouragement of the establishment of permanent mixed commissions, either inter-State or regional, to facilitate continuing dialogue between the border regions concerned.

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

V.

The participating States respect the right of persons belonging to national minorities to exercise and enjoy their rights alone or in community with others, to establish and maintain organizations

and associations within their country, and to participate in international non-governmental organizations (...)

VI.

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

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

Moscow 1991

(37) The participating States confirm the provisions and commitments of all CSCE documents, in particular the Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE, concerning questions relating to national minorities and the rights of persons belonging to them, and the Report of the Geneva CSCE Meeting of Experts on National Minorities, and call for their full and early implementation. They believe that, in particular, the use of the new and expanded CSCE mechanisms and procedures will contribute to further protection and promotion of the rights of persons belonging to national minorities.

Helsinki 1992 (Decisions: II. CSCE High Commissioner on National Minorities)

(1) The participating States decide to establish a High Commissioner on National Minorities (...)

Helsinki 1992 (Decisions: VI. The Human Dimension)

The participating States

(23) Reaffirm in the strongest terms their determination to implement in a prompt and faithful manner all their CSCE commitments (...) regarding questions relating to national minorities and rights of persons belonging to them;

(24) Will intensify in this context their efforts to ensure the free exercise by persons belonging to national minorities, individually or in community with others, of their human rights and fundamental freedoms, including the right to participate fully, in accordance with the democratic decision-making procedures of each State, in the political, economic, social and cultural life of their countries (...)

(25) Will continue through unilateral, bilateral and multilateral efforts to explore further avenues for more effective implementation of their relevant CSCE commitments, including those related to the protection and the creation of conditions for the promotion of the ethnic, cultural, linguistic and religious identity of national minorities;

(26) Will address national minority issues in a constructive manner, by peaceful means and through dialogue among all parties concerned on the basis of CSCE principles and commitments;

(27) Will refrain from resettling and condemn all attempts, by the threat or use of force, to resettle persons with the aim of changing the ethnic composition of areas within their territories (...)

Budapest 1994 (Decisions: VIII. The Human Dimension)

21. The participating States confirm their determination consistently to advance the implementation of the provisions of the Final Act and all other CSCE documents relating to the protection of the rights of persons belonging to national minorities. They commend the work of the HCNM in this field.

22. The participating States welcome the international efforts to improve protection of the rights of persons belonging to national minorities. They take note of the adoption, within the Council of Europe, of a Framework Convention on the Protection of National Minorities, which builds upon CSCE standards in this context. They stressed that the Convention is also open – by invitation – to signature by States which are not members of the Council of Europe and they may consider examining the possibility of becoming parties to this Convention.

Lisbon 1996 (Declaration on a Common and Comprehensive Security Model for Europe for the Twenty-First Century)

(10) (...)

– As an important contribution to security we reaffirm our determination to fully respect and implement all our commitments relating to the rights of persons belonging to national minorities. We reaffirm our will to co-operate fully with the High Commissioner on National Minorities. We are ready to respond to a request by any participating State seeking solutions to minority issues on its territory.

Istanbul 1999 (Summit Declaration)

30. We reaffirm our commitment to ensure that laws and policies fully respect the rights of persons belonging to national minorities (...) We also support the adoption and full implementation of comprehensive anti-discrimination legislation to promote full equality of opportunities for all (...) We reaffirm that we will increase our efforts to implement the recommendations of the High Commissioner on National Minorities.

Istanbul 1999 (Charter for European Security: III. Our Common Response)

The protection and promotion of the rights of persons belonging to national minorities are essential factors for democracy, peace, justice and stability within, and between, participating States (...) Full respect for human rights, including the rights of persons belonging to national minorities, besides being an end in itself, may not undermine, but strengthen territorial integrity and sovereignty (...) We condemn violence against any minority. We pledge to take measures to promote tolerance and to build pluralistic societies where all, regardless of their ethnic origin, enjoy full equality of opportunity (...)

4.1.2 Effective Participation in Public and Political Life

Copenhagen 1990

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

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

Geneva 1991

III.

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

They consider that special efforts must be made to resolve specific problems in a constructive manner and through dialogue by means of negotiations and consultations with a view to improving the situation of persons belonging to national minorities. They recognize that the promotion of dialogue between States, and between States and persons belonging to national minorities, will be most successful when there is a free flow of information and ideas between all parties (...)

IV.

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

(...)

Aware of the diversity and varying constitutional systems among them, which make no single approach necessarily generally applicable, the participating States note with interest that positive results have been obtained by some of them in an appropriate democratic manner by, *inter alia*:

- advisory and decision-making bodies in which minorities are represented, in particular with regard to education, culture and religion;
- elected bodies and assemblies of national minority affairs;
- local and autonomous administration, as well as autonomy on a territorial basis, including the existence of consultative, legislative and executive bodies chosen through free and periodic elections;

- self-administration by a national minority of aspects concerning its identity in situations where autonomy on a territorial basis does not apply;
 - decentralized or local forms of government;
- (...)

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

Helsinki 1992 (Decisions: VI. The Human Dimension)

The participating States

(...)

(24) Will intensify in this context their efforts to ensure the free exercise by persons belonging to national minorities, individually or in community with others, of their human rights and fundamental freedoms, including the right to participate fully, in accordance with the democratic decision-making procedures of each State, in the political, economic, social and cultural life of their countries including through democratic participation in decision-making and consultative bodies at the national, regional and local level, *inter alia*, through political parties and associations (...)

Maastricht 2003 (Decision No. 4/03 on Tolerance and Non-discrimination)

The Ministerial Council,

(...)

10. Ensures the advancement of the implementation of the OSCE commitments on national minorities, and recognizes the importance of the recommendations of the High Commissioner on National Minorities on (...) public participation (...)

4.1.3 Cultural, Linguistic and Religious Identity, and Education

Helsinki 1975 (Co-operation in Humanitarian and Other Fields)

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

Vienna 1989 (Questions Relating to Security in Europe: Principles)

(19) [The participating States] will protect and create conditions for the promotion of the ethnic, cultural, linguistic and religious identity of national minorities on their territory.

(...)

Vienna 1989 (Co-operation in Humanitarian and Other Fields)

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

(...)

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

(...)

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

Copenhagen 1990

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

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

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

(...)

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

(...)

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

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

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

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

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

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

Paris 1990 (A New Era of Democracy, Peace and Unity)

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

(...)

Determined to foster the rich contribution of national minorities to the life of our societies, we undertake further to improve their situation. We reaffirm our deep conviction that friendly relations among our peoples, as well as peace, justice, stability and democracy, require that the ethnic, cultural, linguistic and religious identity of national minorities be protected and conditions for the promotion of that identity be created (...)

Geneva 1991 (IV)

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

Aware of the diversity and varying constitutional systems among them, which make no single approach necessarily generally applicable, the participating States note with interest that positive results have been obtained by some of them in an appropriate democratic manner by, *inter alia*:

- advisory and decision-making bodies in which minorities are represented, in particular with regard to education, culture and religion;
(...)
- self-administration by a national minority of aspects concerning its identity in situations where autonomy on a territorial basis does not apply;
(...)
- for persons belonging to national minorities, provision of adequate types and levels of education in their mother tongue with due regard to the number, geographic settlement patterns and cultural traditions of national minorities;

- funding the teaching of minority languages to the general public, as well as the inclusion of minority languages in teacher-training institutions, in particular in regions inhabited by persons belonging to national minorities;
- in cases where instruction in a particular subject is not provided in their territory in the minority language at all levels, taking the necessary measures to find means of recognizing diplomas issued abroad for a course of study completed in that language;
(...)
- provision of financial and technical assistance to persons belonging to national minorities who so wish to exercise their right to establish and maintain their own educational, cultural and religious institutions, organizations and associations;
(...)

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

Helsinki 1992 (Decisions: VI. The Human Dimension)

The participating States

(...)

(25) Will continue through unilateral, bilateral and multilateral efforts to explore further avenues for more effective implementation of their relevant CSCE commitments, including those related to the protection and the creation of conditions for the promotion of the ethnic, cultural, linguistic and religious identity of national minorities (...)

Istanbul 1999 (Summit Declaration)

30. We reaffirm our commitment to ensure that laws and policies fully respect the rights of persons belonging to national minorities, in particular in relation to issues affecting cultural identity. Specifically, we emphasize the requirement that laws and policies regarding the educational, linguistic and participatory rights of persons belonging to national minorities conform to applicable international standards and conventions (...)

Istanbul 1999 (Charter for European Security: III. Our Common Response)

19. (...) Various concepts of autonomy as well as other approaches ...which are in line with OSCE principles, constitute ways to preserve and promote the ethnic, cultural, linguistic and religious identity of national minorities within an existing State (...)

Maastricht 2003 (Decision No. 4/03 on Tolerance and Non-discrimination)

The Ministerial Council,

10. Ensures the advancement of the implementation of the OSCE commitments on national minorities, and recognizes the importance of the recommendations of the High Commissioner on National Minorities on education (...) and language, including on its use in broadcast media, and the relevant recommendations of the Representative on Freedom of the Media in this regard;

4.1.4 Human Contacts, Free Media and Information

Vienna 1989 (Co-operation in Humanitarian and Other Fields)

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

(...)

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

Copenhagen 1990

(32) (...) Persons belonging to a national minority (...) have the right

(...)

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

(...)

Geneva 1991

IV.

Aware of the diversity and varying constitutional systems among them, which make no single approach necessarily generally applicable, the participating States note with interest that positive results have been obtained by some of them in an appropriate democratic manner by, *inter alia*:

(...)

- encouragement of grassroots community relations efforts between minority communities, between majority and minority communities, and between neighbouring communities sharing borders, aimed at helping to prevent local tensions from arising and address conflicts peacefully should they arise; and
- encouragement of the establishment of permanent mixed commissions, either inter-State or regional, to facilitate continuing dialogue between the border regions concerned.

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

(...)

VII.

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

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

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

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

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

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

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

4.1.5 Role of Organizations and Associations

Copenhagen 1990

(30) (...) [The participating States] also recognize the important role of non-governmental organizations, including political parties, trade unions, human rights organizations and religious groups, in the promotion of tolerance, cultural diversity and the resolution of questions relating to national minorities.

(...)

Persons belonging to national minorities (...) have the right

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

(...)

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

Geneva 1991

iv.

Aware of the diversity and varying constitutional systems among them, which make no single approach necessarily generally applicable, the participating States note with interest that positive results have been obtained by some of them in an appropriate democratic manner by, *inter alia*:

(...)

- provision of financial and technical assistance to persons belonging to national minorities who so wish to exercise their right to establish and maintain their own educational, cultural and religious institutions, organizations and associations;

(...)

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

v.

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

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

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

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

4.1.6 Protection against Hate-Related Crime

Geneva 1991

The participating States, concerned by the proliferation of acts of racial, ethnic and religious hatred, anti-semitism, xenophobia and discrimination, stress their determination to condemn, on a continuing basis, such acts against anyone. In this context, they reaffirm their recognition of the particular problems of Roma (gypsies) (...)

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

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

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

4.2 Roma and Sinti

See also:

- I. 2.3.4 A: The Office for Democratic Institutions and Human Rights (ODIHR)
- I. 2.3.4 A. III: ODIHR Contact Point for Roma and Sinti Issues
- II. 5: Commitments Related to Equality, Tolerance and Non-discrimination

4.2.1 Protection of Human Rights and Fundamental Freedoms, Including Equality of Opportunity and Non-discrimination

Geneva 1991 (VI)

[The participating States] are ready to undertake effective measures in order to achieve full equality of opportunity between persons belonging to Roma ordinarily resident in their State and the rest of the resident population. They will also encourage research and studies regarding Roma and the particular problems they face.

Budapest 1994 (Decisions: VIII. The Human Dimension)

23. The participating States decide to appoint within the ODIHR a contact point for Roma and Sinti (Gypsies) issues (...)

24. The participating States welcome the activities related to Roma and Sinti (Gypsies) issues in other international organizations and institutions, in particular those undertaken in the Council of Europe.

Istanbul 1999 (Summit Declaration)

31. (...) We commit ourselves to ensure that laws and policies fully respect the rights of Roma and Sinti and, where necessary, to promote anti-discrimination legislation to this effect (...)

Istanbul 1999 (Charter for European Security: III. Our Common Response)

20. We recognize the particular difficulties faced by Roma and Sinti and the need to undertake effective measures in order to achieve full equality of opportunity, consistent with OSCE commitments, for persons belonging to Roma and Sinti. We will reinforce our efforts to ensure that Roma and Sinti are able to play a full and equal part in our societies, and to eradicate discrimination against them.

Maastricht 2003 (Decision No. 3/03 on the Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area)

The Ministerial Council,

(...)

Recognizing the particular difficulties faced by Roma and Sinti people and the need to undertake effective measures in order to eradicate discrimination against them and to bring about equality of opportunities, consistent with OSCE commitments,

Recognizing that progress has been achieved in national legislation and in programmes for action and that substantial efforts have been undertaken by the participating States to this end,

Aware at the same time that resolute action is still required to improve the situation of the Roma and Sinti population across the OSCE region,

(...)

Convinced that Roma and Sinti populations should have an ever-increasing degree of ownership of the policies focusing on them,

Decides to endorse the Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area, adopted by the Permanent Council in its Decision No. 566 on 27 November 2003, and annexed to this Decision.

Maastricht 2003 (Annex to Decision No. 3/03: Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area)

II. GENERAL CONTEXT: FOR ROMA, WITH ROMA

4. Each national policy or implementation strategy should: (1) respond to the real problems, needs and priorities of Roma and Sinti communities; (2) be comprehensive; (3) introduce a balanced and sustainable approach to combining human rights goals with social policies; and (4) maximize Roma

ownership of the policies that affect them. (...) Implementation strategies should also include mechanisms to ensure that national policies are implemented at the local level.

5. The guiding principle in the efforts of participating States and relevant OSCE institutions should be that each policy and implementation strategy should be elaborated and implemented with the active participation of Roma and Sinti communities. Roma and Sinti people should work alongside local, national and international authorities in the development of these strategies. Equally, Roma communities should be equal partners and should share the responsibility for the betterment of their welfare.

6. The particular situation of Roma and Sinti women should be taken into account in the design and implementation of all policies and programmes. Where consultative and other mechanisms exist to facilitate Roma and Sinti people's participation in such policy-making processes, women should be able to participate on an equal basis with men. Roma women's issues should be systematically mainstreamed in all relevant policies designed for the population as a whole.

III. COMBATING RACISM AND DISCRIMINATION

Legislation and law enforcement

Recommended action by participating States:

(...)

8. Adopt and implement effective anti-discrimination legislation to combat racial and ethnic discrimination in all fields, including, *inter alia*, access to housing, citizenship and residence, education, employment, health and social services. Involve Roma and Sinti representatives in the design, implementation and evaluation processes.

9. The anti-discrimination legislation should ensure:

- Prohibition of both direct and indirect racial discrimination;
 - Imposition of effective, proportionate and dissuasive sanctions for discriminatory acts or practices;
- (...)
- Equal access to effective remedies (judicial, administrative, conciliation or mediation procedures).

10. It should be ensured that national legislation prohibits all kinds of discriminatory acts and that all cases of suspected discrimination are thoroughly and objectively investigated.

11. Create, where appropriate, specialized institutions to ensure the implementation of such legislation, as well as domestic mechanisms to monitor and report regularly and with transparency on the progress achieved in its implementation. Encourage participation of Roma and Sinti representatives in such bodies, whose work should be accessible to the public.

12. Develop, where necessary, comprehensive national strategies or action plans to improve the situation of Roma and Sinti people, which include specific measures to tackle discrimination in all fields of life.

13. Assess on a regular basis, especially at the local level, the results of these strategies and involve Roma and Sinti communities in the evaluation process.

(...)

15. Document, consistent with national and international standards on the protection of data, all types and relevant cases of discrimination in order to better assess the situation and respond to the needs of Roma and Sinti people.

(...)

17. Ensure no impunity for perpetrators of discriminatory ...acts, *inter alia*, by taking prompt and effective investigative and punitive action on the part of the police.

18. Facilitate access to justice for Roma and Sinti people through measures such as legal aid and the provision of information in the Romani language.

19. Take into account in all measures and programmes, the situation of Roma and Sinti women, who are often victims of discrimination on the basis of both ethnicity and sex.

(...)

Mass Media

Recommended action by participating States:

37. In order to foster freedom of expression, encourage training of Roma and Sinti journalists and their employment in media outlets with a view to facilitating wider access to the media for Roma and Sinti people.

IX. THE ODIHR CONTACT POINT FOR ROMA AND SINTI ISSUES

(...)

136. With a view to facilitating the implementation review process, OSCE participating States are encouraged to provide information on recent developments in the situation of Roma and Sinti people and/or measures inspired by this Action Plan at the Human Dimension Implementation Meetings, prior to Review Conferences and to the Permanent Council, where appropriate.

137. All relevant OSCE institutions and structures, including OSCE field operations, will continue to interact closely with participating States in order to assist them in implementing the Action Plan.

Helsinki 2008 (Decision No. 6/08 on Enhancing OSCE Efforts to Implement the Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area)

The Ministerial Council,

(...)

Determined to enhance OSCE efforts to implement the Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area,

(...)

4. Encourages the participating States to take into consideration Roma and Sinti issues when reviewing their legislation and policies affecting Roma and Sinti, especially in the priority areas of the 2003 Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area;
 5. Calls for appropriate national authorities relevant to the situation of Roma and Sinti, such as those relating to minorities, access to health services, education, housing, antidiscrimination work, police and media, to enhance their efforts to ensure the implementation of OSCE commitments within national legislation on equality and nondiscrimination. In this context, special attention should be paid to the situation of Roma women and girls;
 6. Encourages the participating States who have not yet done so to put in place institutional frameworks involving Roma and relevant governmental bodies, at appropriate levels in order to facilitate the implementation of policies and programmes aimed at improving the situation of Roma and Sinti;
 7. Encourages participating States to reinforce their efforts to actively engage Roma and Sinti communities in policy making concerning Roma and Sinti (...);
 8. Calls for continued coordination and cooperation within existing resources within the OSCE and with relevant international actors such as the Council of Europe and the European Union when appropriate;
- (...)

Athens 2009 (Decision No. 8/09 on Enhancing OSCE Efforts to ensure Roma and Sinti Sustainable Integration)

The Ministerial Council,

Reaffirming the OSCE commitments regarding Roma and Sinti, including those in the 2003 Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area,

Recognizing that some efforts have been undertaken by the participating States to this end,

Noting that limited progress had been made in closing the significant gaps that remain between Roma and Sinti people and wider societies in several areas,

Taking note of the ODIHR's 2008 Status Report on the Implementation of the Action Plan on Improving the Situation of the Roma and Sinti in the OSCE Area,

Emphasizing that resolute action is required to improve the situation of Roma and Sinti across the OSCE region,

Convinced that the participating States should seek to maximize Roma and Sinti ownership of the policies that affect them, and that Roma and Sinti communities should be partners and share responsibility for implementing those policies designed to promote their integration,

Recognizing the particular difficulties faced by Roma and Sinti and the need to take effective measures in order to eradicate discrimination against them and ensure their sustainable integration consistent with OSCE commitments,

Concerned that Roma and Sinti belong to communities that continue to be affected by racism and discrimination and that prejudice and violent manifestations of intolerance against Roma and Sinti have increased,

Noting that in times of global economic downturn, Roma and Sinti belong to those that are especially vulnerable to becoming subject to irrational hostility and societal blame,

Aware that manifestations of intolerance against Roma and Sinti may not only result in increased exclusion and marginalization but might also endanger the social cohesion and peaceful coexistence in the wider society,

(...)

Stressing the importance of relevant OSCE institutions and structures in fulfilling their mandates by supporting the implementation of the Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area, and of effective co-ordination and co-operation within the OSCE to this end,

1. Calls upon the participating States to enhance their efforts to implement the Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area and advance the process of sustainable integration of Roma and Sinti;

2. Calls upon the participating States to continue to supply information to the ODIHR on progress made on the Implementation of the Action Plan on Improving the Situation of the Roma and Sinti in the OSCE Area;

(...)

4. Calls upon the participating States to enhance, in an appropriate way, the participation of Roma and Sinti in the design, implementation and evaluation of the policies that affect them, as well as to promote dialogue between Roma and Sinti people and the wider society in order to raise awareness of the role that intolerance and discrimination can play in threatening social cohesion, stability and security;

5. Calls upon the participating States, in co-operation with Roma and Sinti, to identify and examine the challenges of Roma and Sinti migration relevant to their sustainable integration within the OSCE area;

6. Tasks the ODIHR, in co-operation and co-ordination with the HCNM and the Representative of Freedom of the Media and other relevant OSCE executive structures, within their mandates and within existing resources, to continue to assist participating States to combat acts of discrimination and violence against Roma and Sinti, to counter negative stereotypes of Roma and Sinti in the media taking into account relevant OSCE freedom of the media commitments, and to implement fully OSCE commitments pertaining in particular to the implementation of the Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area as well as to address the challenges linked to the sustainable and successful integration of Roma and Sinti;

(...)

9. Encourages the relevant OSCE institutions to enhance their co-operation and co-ordination with other relevant international actors such as the Council of Europe and the European Union, when appropriate, as well as civil society actors focusing on Roma and Sinti related issues;

(...)

Kyiv 2013, (Decision No. 4/13 Enhancing OSCE efforts to implement the Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area, with a Particular Focus on Roma and Sinti Women, Youth and Children)

Reaffirming the OSCE commitments regarding Roma and Sinti, (...)

Recognizing that various efforts such as the development and implementation of national action plans and strategies as well as creation of specific programmes and policies aiming at improvement of situation of Roma and Sinti have been undertaken in the OSCE area and the implementation of these initiatives at the local level is essential for their fulfilment,

(...)

Concerned that Roma and Sinti continue to be the targets of racism and bias-motivated violence in the OSCE area,

Calls on participating States to:

1. Enhance their efforts to implement the Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area, including through better monitoring and assessment of the strategies, policies and measures regarding Roma and Sinti integration;

Calls for continued co-ordination within the OSCE and co-operation with relevant international actors with the goal of enhancing OSCE efforts to implement the Action Plan on Improving the Situation of Roma and Sinti within the OSCE area;

Encourages the OSCE PA to continue its efforts aimed at improving the situation of Roma and Sinti in the OSCE area.

(...)

5. Encourage the relevant OSCE executive structures to enhance their activities meant to build the capacities of Roma and Sinti women and youth organizations, with a view to promoting empowerment, education and non-discrimination among Roma and Sinti women and youth, and to encourage the participation of Roma and Sinti women on an equal footing with men in all areas of their interest;

Calls for continued co-ordination within the OSCE and co-operation with relevant international actors with the goal of enhancing OSCE efforts to implement the Action Plan on Improving the Situation of Roma and Sinti within the OSCE area;

Encourages the OSCE PA to continue its efforts aimed at improving the situation of Roma and Sinti in the OSCE area.

4.2.2 Effective Participation in Public and Political Life

Helsinki 1992 (Decisions: VI. The Human Dimension)

[The participating States]

(35) Reaffirm (...) the need to develop appropriate programmes addressing problems of their respective nationals belonging to Roma and other groups traditionally identified as Gypsies and to create

conditions for them to have equal opportunities to participate fully in the life of society, and will consider how to co-operate to this end.

Maastricht 2003 (Annex to Decision No. 3/03: Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area)

VI. ENHANCING PARTICIPATION IN PUBLIC AND POLITICAL LIFE

Recommended action by participating States:

87. Participating States must be proactive in ensuring that Roma and Sinti people, like any other inhabitants, have all the necessary documents, including birth certificates, identity documents and health insurance certificates. In resolving problems related to the lack of basic documents, participating States are strongly advised to work in partnership with Roma and Sinti civil organizations.

88. Participating States are encouraged to take into account the following basic conditions for ensuring effective participation by Roma and Sinti people in public and political life:

- **Early involvement:**
Any initiative relating to Roma and Sinti people should involve them at the earliest stages in the development, implementation and evaluation phases;
- **Inclusiveness:**
Roma and Sinti people should be included in formal consultative processes, and the effectiveness of mechanisms established for their participation in shaping major policy initiatives should be ensured by involving them in a broadly representative process;
- **Transparency:**
Programmes and proposals should be circulated sufficiently in advance of decision-making deadlines to allow for meaningful analysis and input from representatives of Roma and Sinti communities;
- **Meaningful participation by Roma and Sinti people at all levels of government:**
Participation by Roma and Sinti people in local government is essential for the effective implementation of policies affecting them;
- **Ownership:**
Roma and Sinti people play an essential and irreplaceable role in ensuring that the right to participate in the political process is observed in practice.

89. Elected officials should establish close working relations with Roma and Sinti communities.

90. Establish mechanisms to ensure equal, direct and open communication between Roma and Sinti representatives and government authorities, including advisory and consultative bodies.

91. Facilitate interaction between political leaders at the local and national levels and diverse Roma groups.

92. Organize election-awareness campaigns so as to increase participation of the Roma electorate in elections.

93. Ensure that Roma voters can make free and informed choices in elections.

94. Take measures to guarantee the equal voting rights of women, including by enforcing prohibitions on so-called “family voting”.

95. Encourage Roma and Sinti people to engage more actively in public service, including, where necessary, through the introduction of special measures to promote their participation in the civil service.

96. Encourage the representation of Roma and Sinti people in elected and appointed office at all levels of government.

97. Empower and integrate Roma and Sinti individuals into decision-making processes of States and localities as elected representatives of their communities and as citizens of their respective countries.

98. Promote Roma women’s participation in public and political life; Roma women should be able to participate on an equal basis with men in consultative and other mechanisms designed to increase access to all areas of public and political life.

Helsinki 2008 (Decision No. 6/08 on Enhancing OSCE Efforts to Implement the Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area)

The Ministerial Council,

(...)

Determined to enhance OSCE efforts to implement the Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area,

(...)

7. Encourages participating States to reinforce their efforts to actively engage Roma and Sinti communities in policy making concerning Roma and Sinti and to promote effective participation by Roma and Sinti in public and political life;

(...)

Athens 2009 (Decision No. 8/09 on Enhancing OSCE Efforts to ensure Roma and Sinti Sustainable Integration)

The Ministerial Council,

(...)

Convinced that the participating States should seek to maximize Roma and Sinti ownership of the policies that affect them, and that Roma and Sinti communities should be partners and share responsibility for implementing those policies designed to promote their integration,

(...)

4. Calls upon the participating States to enhance, in an appropriate way, the participation of Roma and Sinti in the design, implementation and evaluation of the policies that affect them, as well as to promote dialogue between Roma and Sinti people and the wider society in order to raise

awareness of the role that intolerance and discrimination can play in threatening social cohesion, stability and security;

(...)

Kyiv 2013 (Decision No. 4/13 Enhancing OSCE efforts to implement the Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area, with a Particular Focus on Roma and Sinti Women, Youth and Children)

(...)

Recognizing that education is key to opening up greater opportunities for equal participation in the social, political, economic and cultural life for Roma and Sinti, including Roma and Sinti women, youth and children, in particular girls, to exercise their rights and to promote their full inclusion,

Convinced that the participating States should seek to provide Roma and Sinti with opportunities to contribute to the policies that affect them and that Roma and Sinti should be partners and share responsibility for implementing those policies designed to promote and facilitate their integration,

Recognizing that Roma and Sinti women's rights and equality between men and women, in particular, need to be supported and promoted by State policies and institutions, with the active involvement of Roma and Sinti women,

(...)

2.7 Enhancing the participation of Roma and Sinti in the elaboration, implementation and evaluation of the policies that affect them, including by fostering Roma and Sinti political participation and by supporting voter education among Roma and Sinti;

(...)

2.11 Taking necessary measures to increase Roma and Sinti active participation and ownership to promote their social inclusion;

(...)

4. Take active measures to support the empowerment of Roma and Sinti women, including by:

4.1 Stepping up their efforts to ensure that Roma and Sinti women can enjoy and exercise their human rights and increasing efforts to combat discrimination against them at all levels, including, where necessary, in the areas of education, employment, health care and housing, and engaging in partnership with Roma and Sinti civil society organizations and Roma and Sinti people to this end;

4.2 Promoting the effective and equal participation of Roma and Sinti women in public and political life, including through the promotion of women's access to public office, public administration and decision making positions;

4.3 Encouraging equal access for Roma and Sinti women to employment, internships and mentoring opportunities;

(...)

4.2.3 Access to Education

Maastricht 2003 (Annex to Decision No. 3/03: Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area)

V. IMPROVING ACCESS TO EDUCATION

Education is a prerequisite to the participation of Roma and Sinti people in the political, social and economic life of their respective countries on a footing of equality with others. Strong immediate measures in this field, particularly those that foster school attendance and combat illiteracy, should be assigned the highest priority both by decision-makers and by Roma and Sinti communities. Educational policies should aim to integrate Roma and Sinti people into mainstream education by providing full and equal access at all levels, while remaining sensitive to cultural differences.

Recommended action by participating States:

67. Ensure that national legislation includes adequate provisions banning racial segregation and discrimination in education and provides effective remedies for violations of such legislation.

68. Consult Roma and Sinti representatives when designing educational policies affecting them.

69. Actively promote equal opportunities in the field of education for Roma and Sinti children, particularly by providing them with language-related or other assistance.

70. Take special measures to enhance the quality and effectiveness of education for Roma and Sinti children. Encourage increased representation of Roma and Sinti people among school teachers.

71. Include Roma history and culture in educational texts, with particular consideration given to the experience of Roma and Sinti people during the Holocaust.

72. Consider measures to ensure the respect, protection and promotion of the Romani language and its teaching, and of Roma culture as an integral part of the Roma and Sinti cultural heritage.

73. Develop and implement comprehensive school desegregation programmes aiming at: (1) discontinuing the practice of systematically routing Roma children to special schools or classes (e.g., schools for mentally disabled persons, schools and classes exclusively designed for Roma and Sinti children); and (2) transferring Roma children from special schools to mainstream schools.

74. Allocate financial resources for the transfer of the Roma children to mainstream education and for the development of school support programmes to ease the transition to mainstream education.

75. Facilitate Roma children's access to mainstream education by taking measures such as:

(a) Taking measures to eradicate manifestations of prejudice against Roma and Sinti people in schools;

(b) Training of educators regarding multicultural education and ways of dealing with ethnically mixed classes;

(c) Developing strategies to gain wider community support for the desegregation of schools;

(d) Providing support to bridge the gap between Roma and Sinti children and other pupils, including through pre-school programmes designed to prepare Roma and Sinti children for primary school;

(e) Providing support to increase the number of mediators/trainers and teachers from within the Roma communities.

76. Develop and implement anti-racist curricula for schools, and anti-racism campaigns for the media.

77. Develop policies that address the full range of factors which contribute to low-school attendance by Roma and Sinti children. This includes, *inter alia*, ensuring that Roma and Sinti families have the necessary documentation for registration as any other inhabitants.

78. Consider elaborating social support programmes for low-income Roma families with school-aged children.

79. Promote regular school attendance by Roma and Sinti children, *inter alia*, through the involvement of family and social mediators, the promotion of awareness by Roma and Sinti parents and elders of their responsibility to facilitate children's school attendance and, in particular, equal access to education for girls.

80. Pay special attention to providing Roma and Sinti girls with equal opportunities for educational and social inclusion and develop programmes to counter their particularly high drop-out rate.

81. Consider developing appropriate programmes for those who have not completed primary school or are illiterate.

82. Develop, where necessary, scholarship programmes for Roma students and encourage their increased participation in existing scholarship programmes.

83. Encourage computer literacy among Roma and Sinti people through the setting up of information web-sites.

84. Evaluate periodically the effectiveness of educational policies.

Helsinki 2008 (Decision No. 6/08 on Enhancing OSCE Efforts to Implement the Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area)

The Ministerial Council,

(...)

Determined to enhance OSCE efforts to implement the Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area,

1. Urges the participating States to provide for equal access to education and to promote early education for Roma and Sinti children, as an instrument for preventing social exclusion and marginalization and for effecting a longterm improvement in the situation of Roma and Sinti. In this context, underlines that educational policies should aim to integrate Roma and Sinti people into mainstream education;

2. Calls upon the ODIHR, within existing resources, to assist participating States upon their request in promoting access of Roma and Sinti children to early education. In this regard, urges participating States when appropriate to undertake awareness raising initiatives, also including Roma and Sinti communities, on the benefits of early education;

3. Calls on the participating States, in cooperation with Roma and Sinti people to step up their efforts in raising awareness among Roma and Sinti of the importance of school enrolment and continuous school attendance;

(...)

Athens 2009 (Decision No. 8/09 on Enhancing OSCE Efforts to ensure Roma and Sinti Sustainable Integration)

The Ministerial Council,

(...)

7. Encourages participating States to address early education for Roma and Sinti in a comprehensive manner, with special attention to ensuring equal access to education and integrating Roma and Sinti into mainstream education;

8. Tasks the ODIHR, in consultation with the participating States and in close co-operation with other relevant OSCE institutions, within their mandates, to develop and implement relevant projects on the issue of Roma and Sinti early education, such as projects on teacher training and on overcoming low school attendance;

(...)

Kyiv 2013, (Decision No. 4/13 Enhancing OSCE efforts to implement the Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area, with a Particular Focus on Roma and Sinti Women, Youth and Children

(...)

Recognizing that education is key to opening up greater opportunities for equal participation in the social, political, economic and cultural life for Roma and Sinti, including Roma and Sinti women, youth and children, in particular girls, to exercise their rights and to promote their full inclusion,

(...)

Considering that Roma and Sinti youth and children will in the future be the main stakeholders in promoting inclusion for Roma and Sinti people and communities, as well as promoting their full participation in the social, civic, political, economic and cultural life of the societies in which they live,

Calls on participating States to:

3. Focus their efforts and the necessary resources on education as an important factor for improving the situation of Roma and Sinti and promoting their greater social and economic integration by means that could include:

3.1 Taking active measures to ensure equal access to and participation for Roma and Sinti youth and children in education at all levels in State-provided education, including at the early education, primary and secondary school levels;

3.2 Addressing the high dropout rate for Roma and Sinti secondary school students, and paying due attention to the specific problems faced by Roma and Sinti girls in that regard, while taking active measures to encourage participation of Roma and Sinti youth in higher levels of education;

3.3 Promoting greater access and taking appropriate measures to facilitate enrolment for Roma and Sinti students in tertiary education, including through scholarship programmes;

3.4 Promoting development of Roma and Sinti integration programmes at the national and local levels, including education programmes and supplementary study courses, *inter alia* on Roma and Sinti culture and history;

3.5 Renewing efforts to eliminate segregation of Roma and Sinti in education at all levels;

(...)

4.4 Targeting specific measures, where appropriate, aimed at promoting equal access to and participation in education for Roma and Sinti girls at all levels;

4.2.4 Socio-economic Issues

Istanbul 1999 (Summit Declaration)

31. (...) We underline the importance of careful attention to the problems of the social exclusion of Roma and Sinti. These issues are primarily a responsibility of the participating States concerned.

Maastricht 2003 (Annex to Decision No. 3/03: Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area)

Housing and living conditions

Recommended action by participating States:

43. Put in place mechanisms and institutional procedures to clarify property rights, resolve questions of ownership and regularize the legal status of Roma and Sinti people living in circumstances of unsettled legality (e.g., Roma neighbourhoods lacking land rights or which are not included in the urban plans of the main locality; families and houses without legal residence status in settlements where the people have been living *de facto* for decades).

44. Involve Roma and Sinti people in the design of housing policies, as well as in the construction, rehabilitation and/or maintenance of public housing projects meant to benefit them. Ensure that housing projects do not foster ethnic and/or racial segregation.

45. Consider the possibility of guaranteeing loans to participating States that may be available from international organizations and financial institutions for low-income housing projects.

46. Promote the option of co-operative housing schemes for Roma communities and provide appropriate training for the maintenance of such facilities.

Unemployment and economic problems

Recommended action by participating States:

48. Promote increased representation of qualified Roma and Sinti people in public employment.

49. Develop training programmes to prepare under-represented groups such as Roma and Sinti for employment in local public administration and other areas, and develop policies to encourage employment of the graduates of these programmes as civil servants.

50. Reassess the impact of subsidized employment programmes, paying particular attention to their educational components, to ensure that these will aim to increase the competitiveness of Roma and Sinti people on the labour market.

51. Develop policies and programmes, including vocational training, to improve the marketable skills and employability of Roma and Sinti people, particularly young people and women.

52. Adopt social policies that strengthen incentives to seek employment, as a sustainable way to avoid dependency on social benefits.

Health care

Recommended action by participating States:

58. Ensure that Roma and Sinti people have access to health care services on a non-discriminatory basis.

59. Promote awareness about the specific needs of the Roma and Sinti population amongst health care personnel.

60. Address the high incidence of disease and malnutrition among Roma communities.

61. Encourage access by Roma and Sinti populations to general public health services at an early stage by:

(a) Informing Roma and Sinti people about the availability of such services and telling them how to take advantage of them;

(b) Strengthening the confidence of Roma and Sinti people towards public health care providers, including through: punishing incidents of direct or indirect discrimination experienced by Roma and Sinti; training health care workers to understand relevant aspects of Roma culture; and supporting mediators who can play an important role in bridging the gap between Roma communities and public health care service providers.

62. Pay special attention to the health of women and girls, *inter alia*, by:

(a) Promoting and/or developing programmes aimed at providing information on health care (including nutrition, neonatal care and domestic violence, etc.);

(b) Improving access to gynaecological health care, including prenatal, delivery and postnatal health care services, *inter alia*, through the provision of information and training.

63. Pay special attention to the health of Roma and Sinti children through the provision of appropriate paediatric care, including preventive measures such as offering vaccinations in Roma settlements.

Kyiv 2013, (Decision No. 4/13 Enhancing OSCE efforts to implement the Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area, with a Particular Focus on Roma and Sinti Women, Youth and Children

(...)

Considering that Roma and Sinti youth and children will in the future be the main stakeholders in promoting inclusion for Roma and Sinti people and communities, as well as promoting their full participation in the social, civic, political, economic and cultural life of the societies in which they live, (...)

5. Encourage the relevant OSCE executive structures to enhance their activities meant to build the capacities of Roma and Sinti women and youth organizations, with a view to promoting empowerment, education and non-discrimination among Roma and Sinti women and youth, and to encourage the participation of Roma and Sinti women on an equal footing with men in all areas of their interest;

(...)

4.2.5 Racism and Discrimination

A. Combating Racism and Stereotypes

Copenhagen 1990

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

Geneva 1991 (VI)

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

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

Istanbul 1999 (Summit Declaration)

31. We deplore violence and other manifestations of racism and discrimination against minorities, including the Roma and Sinti (...)

Maastricht 2003 (Annex to Decision No. 3/03: Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area)

Legislation and law enforcement

Recommended action by participating States:

7. Consider ratifying the relevant international treaties as soon as possible, if they have not already done so, *inter alia*, the International Convention on the Elimination of All Forms of Racial Discrimination.

(...)

14. Endeavour, by encouraging a genuine dialogue or consultations or through other appropriate means, to improve the relations between Roma and Sinti people and other inhabitants, with a view to promoting tolerance and overcoming prejudices and negative stereotypes on both sides.

(...)

Police

Recommended action by participating States:

26. Develop policies that promote awareness among law-enforcement institutions regarding the situation of Roma and Sinti people and that counter prejudice and negative stereotypes.

27. Develop training programmes to prevent excessive use of force and to promote awareness of and respect for human rights.

28. Develop policies: (1) to improve relations between Roma and Sinti communities and the police, so as to prevent police abuse and violence against Roma and Sinti people; and (2) to improve trust and confidence in the police among Roma and Sinti people.

(...)

30. Assess the gap between international standards on police and currently existing national practices in consultation with national police forces, NGOs and representatives of Roma and Sinti communities.

31. Elaborate, where appropriate, and in close partnership with international organizations and Roma NGOs, policy statements, codes of conduct, practical guidance manuals and training programmes.

32. Encourage Roma and Sinti people to work in law-enforcement institutions as a sustainable means of promoting tolerance and diversity.

Mass Media

Recommended action by participating States:

36. Launch information and awareness-raising campaigns with a view to countering prejudices and negative stereotypes of Roma and Sinti people.

(...)

38. Encourage the media to show positive aspects and present a balanced portrayal of Roma life, refrain from stereotyping Roma and Sinti people and avoid inciting tension between various ethnic groups. Organize round tables between media representatives and Roma and Sinti representatives to promote this objective.

Athens 2009 (Decision No. 8/09 on Enhancing OSCE Efforts to ensure Roma and Sinti Sustainable Integration)

The Ministerial Council,

(...)

Concerned that Roma and Sinti belong to communities that continue to be affected by racism and discrimination and that prejudice and violent manifestations of intolerance against Roma and Sinti have increased,

(...)

3. Urges the participating States to step up their efforts in promoting tolerance and combating prejudices against Roma and Sinti people in order to prevent their further marginalization and exclusion (...);

4. Calls upon the participating States to (...) promote dialogue between Roma and Sinti people and the wider society in order to raise awareness of the role that intolerance and discrimination can play in threatening social cohesion, stability and security;

(...)

Kyiv 2013, (Decision No. 4/13 Enhancing OSCE efforts to implement the Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area, with a Particular Focus on Roma and Sinti Women, Youth and Children

(...)

Noting (...) that Roma and Sinti women and girls are particularly vulnerable to multiple forms of discrimination, as well as to violence and harassment,

(...)

Calls on participating States to:

(...)

2. Prevent further marginalization and exclusion of Roma and Sinti and address the rise of discrimination and violent manifestations of intolerance against Roma and Sinti, including against Roma and Sinti migrants, by:

2.1 Enhancing their efforts to promote tolerance of and combating prejudices against Roma and Sinti;

2.2 Unequivocally and publicly condemning any violence targeting Roma and Sinti;

2.3 Countering negative stereotypes of Roma and Sinti in the media taking into account relevant OSCE freedom of the media commitments;

(...)

2.8 Promoting inclusive dialogue within society in order to raise awareness of the role that intolerance and discrimination against Roma and Sinti can play in threatening social cohesion, stability and security;

2.9 Addressing the root causes of discrimination and intolerance against Roma and Sinti, including through enhanced comprehensive educational and awareness raising efforts to tackle prejudice and promote mutual respect and understanding;

B. Protection against Hate-Related Crimes

Maastricht 2003 (Annex to Decision No. 3/03: Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area)

Legislation and law enforcement

9. (...) anti-discrimination legislation should ensure:

(...)

- Imposition of heavier sentences for racially motivated crimes by both private individuals and public officials;
- Equal access to effective remedies (judicial, administrative, conciliation or mediation procedures).

(...)

11. Create, where appropriate, specialized institutions to ensure the implementation of such legislation, as well as domestic mechanisms to monitor and report regularly and with transparency on the progress achieved in its implementation. Encourage participation of Roma and Sinti representatives in such bodies, whose work should be accessible to the public.

(...)

16. Ensure the vigorous and effective investigation of acts of violence against Roma and Sinti people, especially where there are reasonable grounds to suspect that they were racially motivated, and prosecute those responsible in accordance with domestic law and consistent with relevant standards of human rights.

17. Ensure no impunity for perpetrators of (...) violent acts, *inter alia*, by taking prompt and effective investigative and punitive action on the part of the police.

18. Facilitate access to justice for Roma and Sinti people through measures such as legal aid and the provision of information in the Romani language.

Police

Recommended action by participating States:

(...)

27. Develop training programmes to prevent excessive use of force and to promote awareness of and respect for human rights.

28. Develop policies: (1) to improve relations between Roma and Sinti communities and the police, so as to prevent police abuse and violence against Roma and Sinti people; and (2) to improve trust and confidence in the police among Roma and Sinti people.

29. Develop policies and procedures to ensure an effective police response to racially motivated violence against Roma and Sinti people.

30. Assess the gap between international standards on police and currently existing national practices in consultation with national police forces, NGOs and representatives of Roma and Sinti communities.

31. Elaborate, where appropriate, and in close partnership with international organizations and Roma NGOs, policy statements, codes of conduct, practical guidance manuals and training programmes.

Athens 2009 (Decision No. 8/09 on Enhancing OSCE Efforts to ensure Roma and Sinti Sustainable Integration)

The Ministerial Council,

(...)

Concerned that Roma and Sinti belong to communities that continue to be affected by racism and discrimination and that prejudice and violent manifestations of intolerance against Roma and Sinti have increased,

Noting that in times of global economic downturn, Roma and Sinti belong to those that are especially vulnerable to becoming subject to irrational hostility and societal blame,

Aware that manifestations of intolerance against Roma and Sinti may not only result in increased exclusion and marginalization but might also endanger the social cohesion and peaceful coexistence in the wider society,

(...)

3. Urges the participating States to step up their efforts in promoting tolerance and combating prejudices against Roma and Sinti people in order to (...) address the rise of violent manifestations of intolerance against Roma and Sinti as well as to unequivocally and publicly condemn any violence targeting Roma and Sinti, and to take all necessary measures to ensure access to effective remedies, in accordance with national judicial, administrative, mediation and conciliation procedures, as well as to secure co-ordination between responsible authorities at all levels in this regard;

(...)

Kyiv 2013 (Decision No. 4/13 Enhancing OSCE efforts to implement the Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area, with a Particular Focus on Roma and Sinti Women, Youth and Children)

(...)

2.4 Enacting or strengthening, where necessary, legislation and policy measures to address discrimination and bias-motivated crime against Roma and Sinti;

2.5 Building the capacity of law enforcement agencies and personnel to identify, collect data, investigate and prosecute hate crimes against Roma and Sinti;

2.6 Taking necessary measures to ensure access to effective remedies for victims of discrimination and violent manifestations of intolerance against Roma and Sinti, through judicial, administrative, mediation and conciliation procedures;

(...)

2.10 Supporting civil society in their efforts to represent and provide assistance to Roma and Sinti victims of hate crimes and discrimination;

2.11 Taking necessary measures to increase Roma and Sinti active participation and ownership to promote their social inclusion;

2.12 Taking measures to ensure the security, well-being and health of Roma and Sinti women, youth and children, including by addressing domestic violence, early marriages and trafficking in human beings, including, where necessary, by providing access to rehabilitative support;

4.2.6 Crisis and Post-Crisis Situations

Maastricht 2003 (Annex to Decision No. 3/03: Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area)

VII. ROMA AND SINTI IN CRISIS AND POST-CRISIS SITUATIONS

(...)

Recommended action by participating States:

107. Consult Roma and Sinti populations when defining crisis situations in order to facilitate adequate procedures and to identify specific geographical areas from which refugees and internally displaced persons flee, as well as to ensure that the specific situation of Roma and Sinti people are addressed.

108. Ensure that Roma and Sinti populations in a forced displacement situation (refugees and IDPs) are duly registered and provided with the relevant documents.

109. The participating States should ensure that programmes are in place to promote informed choice regarding the decision of Roma and Sinti refugees and IDPs concerning durable solutions to their situations, including the exercise of their right to safe, decent and sustainable return. Such programmes should provide concrete information regarding each subject of concern to refugees and IDPs and should be made available in the relevant languages.

110. Ensure that Roma and Sinti refugees are treated in accordance with the relevant international norms and standards of protection, and in a non-discriminatory manner.

111. Make use of the ODIHR's role in conflict prevention and identification of areas of early intervention, and draw on the expertise of the OSCE HCNM in this regard.

112. Pay special attention to the needs of Roma and Sinti women and children in crisis and post-crisis situations, particularly by providing them with access to health care, housing and schooling.

4.3 Indigenous Populations

Helsinki 1992 (Decisions: VI. The Human Dimension)

The participating States

(29) Noting that persons belonging to indigenous populations may have special problems in exercising their rights, agree that their CSCE commitments regarding human rights and fundamental freedoms apply fully and without discrimination to such persons.

4.4 Refugees, Displaced Persons, Returnees and Stateless Persons

See also:

II. 3.1.11: Freedom of Movement, Human Contacts and Family Reunification

II. 3.1.13: Right to Nationality

II. 4.2: Roma and Sinti

II. 4.5: Migrant Workers

II. 7: Commitments Related to International Humanitarian Law

Vienna 1989 (Questions Related to Security in Europe: Principles)

(22) [The participating States] (...) will allow all refugees who so desire to return in safety to their homes.

Helsinki 1992 (Summit Declaration)

14. In times of conflict the fulfilment of basic human needs is most at risk (...) We recognize that the refugee problems resulting from these conflicts require the co-operation of all of us. We express our support for and solidarity with those countries which bear the brunt of the refugee problems resulting from these conflicts. In this context we recognize the need for co-operation and concerted action.

Helsinki 1992 (Decisions: VI. The Human Dimension)

The participating States

(39) Express their concern over the problem of refugees and displaced persons;

(40) Emphasize the importance of preventing situations that may result in mass flows of refugees and displaced persons and stress the need to identify and address the root causes of displacement and involuntary migration;

(41) Recognize the need for international co-operation in dealing with mass flows of refugees and displaced persons;

(42) Recognize that displacement is often a result of violations of CSCE commitments, including those relating to the Human Dimension;

(43) Reaffirm the importance of existing international standards and instruments related to the protection of and assistance to refugees and will consider acceding to the Convention relating to the Status of Refugees and the Protocol, if they have not already done so;

(44) Recognize the importance of the United Nations High Commissioner for Refugees and the International Committee of the Red Cross, as well as of non-governmental organizations involved in relief work, for the protection of and assistance to refugees and displaced persons;

(45) Welcome and support unilateral, bilateral and multilateral efforts to ensure protection of and assistance to refugees and displaced persons with the aim of finding durable solutions;

Stockholm 1992 (Decisions: 2. The CSCE as a Community of Values)

The increasing problem of refugees and displaced persons is an issue of major concern to all participating States, particularly in conflicts where the fulfilment of basic human needs is most at risk. The Ministers deplored the plight of civil populations most affected in such conflicts and called on all participating States to contribute to a concerted effort to share the common burden. All Governments are accountable to each other for their behaviour towards their citizens and towards their neighbours. Individuals are to be held personally accountable for war crimes and acts in violation of international humanitarian law.

Budapest 1994 (Decisions: VIII. The Human Dimension)

32. The participating States express their concern at mass migratory movements in the CSCE region, including millions of refugees and displaced persons, due mainly to war, armed conflict, civil strife and grave human rights violations (...) they decide to expand their co-operation with appropriate international bodies in this respect (...)

Lisbon 1996 (Summit Declaration)

9. (...) Among the acute problems within the human dimension, the continuing violations of human rights, such as involuntary migration (...) continue to endanger stability in the OSCE region. We are committed to continuing to address these problems.

10. Against the background of recent refugee tragedies in the OSCE region and taking into account the issue of forced migration, we again condemn and pledge to refrain from any policy of 'ethnic cleansing' or mass expulsion. Our States will facilitate the return, in safety and in dignity, of refugees and internally displaced persons, according to international standards. Their reintegration into their places of origin must be pursued without discrimination (...)

Istanbul 1999 (Summit Declaration)

We are committed to facilitate the right of refugees to participate in elections held in their countries of origin.

Istanbul 1999 (Charter for European Security: III. Our Common Response)

19. (...) We reaffirm our recognition that everyone has the right to a nationality and that no one should be deprived of his or her nationality arbitrarily. We commit ourselves to continue our efforts

to ensure that everyone can exercise this right. We also commit ourselves to further the international protection of stateless persons.

(...)

22. We reject any policy of ethnic cleansing or mass expulsion. We reaffirm our commitment to respect the right to seek asylum and to ensure the international protection of refugees as set out in the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol, as well as to facilitate the voluntary return of refugees and internally displaced persons in dignity and safety. We will pursue without discrimination the reintegration of refugees and internally displaced persons in their places of origin. In order to enhance the protection of civilians in times of conflict, we will seek ways of reinforcing the application of international humanitarian law.

Bucharest 2001 (Annex to Decision 1 on Combating Terrorism: The Bucharest Plan of Action for Combating Terrorism)

15. Addressing the issue of protracted displacement: Participating States/ODIHR/HCNM/Representative on Freedom of the Media: Will explore strengthened OSCE potential for contributing to durable solutions, supporting and closely co-operating with other relevant organizations, primarily the Office of the United Nations High Commissioner for Refugees. Will closely monitor situations of protracted displacement.

Maastricht 2003 (Decision No. 4/03 on Tolerance and Non-discrimination)

The Ministerial Council,

(...)

12. Undertakes, in this context, to combat, subject to national legislation and international commitments, discrimination, where existing, against asylum seekers and refugees, and calls on the ODIHR to reinforce its activities in this respect;

13. Takes into account the UN Guiding Principles on Internal Displacement as a useful framework for the work of the OSCE and the endeavors of participating States in dealing with internal displacement;

Sofia 2004 (Annex to Decision No. 14/04, 2004 OSCE Action Plan for the Promotion of Gender Equality)

As recommended in the Guidelines on International Protection on Gender-Related Persecution within the context of Article 1A (2) of the 1951 Convention relating to the Status of Refugees and/or its 1967 Protocol relating to the Status of Refugees, introduce procedural practices, if States have not already done so, that ensure that proper consideration is given to women claimants in refugee status determination procedures and that the range of claims of gender-related persecution are accorded due recognition;

Ljubljana 2005 (Border Security and Management Concept: Framework for Co-operation by the OSCE Participating States)

4. The participating States will promote co-operation between their border services, customs authorities, agencies issuing travel documents and visas, and law enforcement and migration agencies, as well as other competent national structures, with a view to achieving the following aims: (...)

4.5 To promote dignified treatment of all individuals wanting to cross borders, in conformity with relevant national legal frameworks, international law, in particular human rights, refugee, and humanitarian law, and relevant OSCE commitments;

Hamburg 2016 (Decision No. 3/16 on OSCE's Role in the Governance of Large Movements of Migrants and Refugees).

The Ministerial Council,

Recognizing that the benefits and opportunities of safe, orderly and regular migration are substantial and often underestimated, whilst noting that irregular migration in large movements often presents complex challenges, and recognizing the substantial economic and social contribution that migrants and refugees can make for inclusive growth and sustainable development,

Recognizing the leading role of the United Nations,

Commending efforts made since 2015 by the Serbian and German OSCE Chairmanships to address issues related to the governance of these movements more effectively in the OSCE,

Acknowledging the many specific activities linked to migration and refugees already undertaken by OSCE executive structures, within existing mandates, as well as by participating States, based on existing OSCE commitments, relevant United Nations documents and national policies,

Building on in-depth discussions conducted at the OSCE, especially during the hearings of the Informal Working Group Focusing on the Issue of Migration and Refugee Flows in spring 2016 and during a special meeting of the OSCE Permanent Council held on 20 July 2016,

1. Acknowledges the work of the Informal Working Group Focusing on the Issue of Migration and Refugee Flows and the output discussed at the special meeting of the OSCE Permanent Council of 20 July 2016;

2. Encourages the OSCE executive structures, within existing mandates and available resources, to continue their work on the issue of migration, including by reinforcing activities leading to the exchange of best practices and enhancing dialogue and co-operation with Partners for Co-operation, in a manner that complements the activities undertaken by other relevant international organizations and agencies;

3. Encourages participating States also to use the OSCE platform, including appropriate OSCE working bodies, to continue addressing migration-related issues where the OSCE has developed its expertise, and improve dialogue on migration-related matters with regard to developing possible effective measures and common approaches to address them.

4.5 Migrant Workers

See also:

- II. 3.1.11: Freedom of Movement, Human Contacts and Family Reunification
- II. 3.2.2: Economic and Social Rights
- II. 4.2: Roma and Sinti
- II. 5.3: Combating Acts Motivated by Prejudice, Intolerance and Hatred

Helsinki 1975 (Co-operation in the Field of Economics, of Science and Technology and of the Environment)

The participating States,

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

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

Taking due account of the activities of the competent international organizations, more particularly the International Labour Organisation, in this area, are of the opinion that the problems arising bilaterally from the migration of workers in Europe as well as between the participating States should be dealt with by the parties directly concerned, in order to resolve these problems in their mutual interest, in the light of the concern of each State involved to take due account of the requirements resulting from its socio-economic situation, having regard to the obligation of each State to comply with the bilateral and multilateral agreements to which it is party, and with the following aims in view:

- to encourage the efforts of the countries of origin directed towards increasing the possibilities of employment for their nationals in their own territories, in particular by developing economic co-operation appropriate for this purpose and suitable for the host countries and the countries of origin concerned;
- to ensure, through collaboration between the host country and the country of origin, the conditions under which the orderly movement of workers might take place, while at the same time protecting their personal and social welfare and, if appropriate, to organize the recruitment of migrant workers and the provision of elementary language and vocational training;
- to ensure equality of rights between migrant workers and nationals of the host countries with regard to conditions of employment and work and to social security, and to endeavour to ensure that migrant workers may enjoy satisfactory living conditions, especially housing conditions;
- to endeavour to ensure, as far as possible, that migrant workers may enjoy the same opportunities as nationals of the host countries of finding other suitable employment in the event of unemployment;
- to regard with favour the provision of vocational training to migrant workers and, as far as possible, free instruction in the language of the host country, in the framework of their employment;
- to confirm the right of migrant workers to receive, as far as possible, regular information in their own language, covering both their country of origin and the host country;
- to ensure that the children of migrant workers established in the host country have access to the education usually given there, under the same conditions as the children of that country

and, furthermore, to permit them to receive supplementary education in their own language, national culture, history and geography;

- to bear in mind that migrant workers, particularly those who have acquired qualifications, can by returning to their countries after a certain period of time help to remedy any deficiency of skilled labour in their country of origin;
- to facilitate, as far as possible, the reuniting of migrant workers with their families;
- to regard with favour the efforts of the countries of origin to attract the savings of migrant workers, with a view to increasing, within the framework of their economic development, appropriate opportunities for employment, thereby facilitating the reintegration of these workers on their return home.

Madrid 1983 (Co-operation in the Field of Economics, of Science and Technology and of the Environment)

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

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

Vienna 1989 (Co-operation in the Field of Economics, of Science and Technology and of the Environment)

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

(41) The participating States will (...) consider favourably applications for family reunification as well as family contacts and visits involving migrant workers from other participating States legally residing in the host countries.

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

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

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

Copenhagen 1990

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

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

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

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

Paris 1990 (A New Era of Democracy, Peace and Unity)

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

Moscow 1991

(38) The participating States recognize the need to ensure that the rights of migrant workers and their families lawfully residing in the participating States are respected and underline their right to express freely their ethnic, cultural, religious and linguistic characteristics. The exercise of such rights may be subject to such restrictions as are prescribed by law and are consistent with international standards.

(38.1) They condemn all acts of discrimination on the ground of race, colour and ethnic origin, intolerance and xenophobia against migrant workers. They will, in conformity with domestic law and international obligations, take effective measures to promote tolerance, understanding, equality of opportunity and respect for the fundamental human rights of migrant workers and adopt, if they have not already done so, measures that would prohibit acts that constitute incitement to violence based on national, racial, ethnic or religious discrimination, hostility or hatred.

(38.2) They will adopt appropriate measures that would enable migrant workers to participate in the life of the society of the participating States.

(38.3) They note that issues which concern the human dimension of migrant workers residing on their territory could, as any other issue of the human dimension, be raised under the human dimension mechanism.

Helsinki 1992 (Decisions: VI. The Human Dimension)

The participating States

(36) Restate that human rights and fundamental freedoms are universal, that they are also enjoyed by migrant workers wherever they live and stress the importance of implementing all CSCE commitments on migrant workers and their families lawfully residing in the participating States;

(37) Will encourage the creation of conditions to foster greater harmony in relations between migrant workers and the rest of the society of the participating State in which they lawfully reside. To this end, they will seek to offer, *inter alia*, measures to facilitate the familiarization of migrant workers and their families with the languages and social life of the respective participating State in which they lawfully reside so as to enable them to participate in the life of the society of the host country;

(38) Will, in accordance with their domestic policies, laws and international obligations seek, as appropriate, to create the conditions for promoting equality of opportunity in respect of working conditions, education, social security and health services, housing, access to trade unions as well as cultural rights for lawfully residing and working migrant workers.

Budapest 1994 (Decisions: VIII. The Human Dimension)

29. They decided that appropriate measures should be taken to better prevent racist attacks and other manifestations of violent intolerance against migrant workers and their families.

(...)

31. They will continue to promote the integration of migrant workers in the societies in which they are lawfully residing. They recognize that a successful process of integration also depends on its active pursuit by the migrants themselves and decided therefore to encourage them in this regard.

Maastricht 2003 (Decision No. 4/03 on Tolerance and Non-discrimination)

The Ministerial Council

(...)

11. Undertakes to combat discrimination against migrant workers. Further undertakes to facilitate the integration of migrant workers into the societies in which they are legally residing (...)

Sofia 2004 (Annex to Decision No. 12/04 on Tolerance and Non-discrimination; Permanent Council Decision No. 621: Tolerance and the Fight against Racism, Xenophobia and Discrimination)

The participating states commit to:

(...)

- Take steps, in conformity with their domestic law and international obligations, against discrimination, intolerance and xenophobia against migrants and migrant workers;
- Consider undertaking activities to raise public awareness of the enriching contribution of migrants and migrant workers to society;

(...)

Ljubljana 2005 (Border Security and Management Concept: Framework for Co-operation by the OSCE Participating States)

4. The participating States will promote co-operation between their border services, customs authorities, agencies issuing travel documents and visas, and law enforcement and migration agencies, as well as other competent national structures, with a view to achieving the following aims:
(...)

4.5 To promote dignified treatment of all individuals wanting to cross borders, in conformity with relevant national legal frameworks, international law, in particular human rights, refugee, and humanitarian law, and relevant OSCE commitments;

Ljubljana 2005 (Decision No. 2/05 on Migration)

The Ministerial Council,

Reaffirming the commitments related to migration, and in particular regarding migrant workers, and other relevant commitments (...)

Recognizing the increasing importance of migration, as well as the challenges and opportunities that it presents to participating States,

Further recognizing that migration is becoming a more diverse and complex phenomenon, which needs to be addressed in a comprehensive manner and therefore requires a crossdimensional approach at the national, regional and international levels,

Recognizing that all States should adopt effective national frameworks in order to manage migration,

Underlining that migration is inherently a transnational issue requiring co-operation between States,

Acknowledging that migration constitutes an important economic, social and human factor for host countries as well as for countries of origin,

Acknowledging also that successful integration policies that include respect for cultural and religious diversity and promotion and protection of human rights and fundamental freedoms are a factor in promoting stability and cohesion within our societies,

(...)

Welcoming the existing co-operation between the OSCE, in particular, the Office for Democratic Institutions and Human Rights (ODIHR) and the Office of the Coordinator of OSCE Economic and Environmental Activities (OCEEA), and relevant international organizations and institutions,

Considering that the OSCE, within its comprehensive approach to security, could contribute, *inter alia*, by:

- Working in synergy and developing a stronger partnership with international bodies having a specific focus on migration,
- Facilitating dialogue and co-operation between participating States, including countries of origin, transit and destination in the OSCE area, as well as the OSCE Partners for Co-operation and Mediterranean Partners for Co-operation,

- Assisting the participating States, upon their request, to develop effective migration policies and to implement their relevant OSCE commitments,
- Inviting participating States to consider becoming parties to relevant international instruments,

Athens 2009 (Decision No. 5/09 on Migration Management)

The Ministerial Council,
(...)

Acknowledging the increasing importance of and the benefits stemming from effective migration management for the socio-economic development, social cohesion, security and stability in all countries including those of origin, transit and destination, and fully recognizing the human rights of migrants and their family members,

Underscoring the importance of mainstreaming migration policies into economic, social, environmental, development and security strategies and addressing migration management through co-operative, comprehensive and cross-dimensional approaches,

Underlining the need to facilitate legal migration and fight illegal migration,

Bearing in mind the different approaches to migration issues by the OSCE participating States, and drawing on their experiences and best practices,

Stressing the need to deepen dialogue and co-operation at all levels within and between all States, as well as with all relevant stakeholders, including social partners, business community, civil society and academia, to effectively address the opportunities and challenges related to comprehensive migration management,

Confirming that co-operation, dialogue and exchange of good practices and information on migration management issues remain an important component of the OSCE's comprehensive concept of security, supported as appropriate and within the respective mandates, capacities and resources in all three dimensions,

1. Encourages the participating States to continue to work on migration management by:

- Paying particular attention to addressing the root causes of migration;
- Ensuring that their national migration practices comply with their respective international obligations and OSCE commitments;
- Further elaborating and enhancing implementation of comprehensive and effective national migration policies and action plans as appropriate;
- Improving the collection of comparable data on migration, in order to facilitate dialogue and exchange of best practices at the OSCE level;
- Fostering co-operation and partnerships between countries of origin and destination, by facilitating effective legal migration schemes, such as circular migration and other forms of voluntary labour mobility programmes, for the benefit of the development of countries of origin and destination;
- Respecting the human rights of migrants and increasing efforts to combat discrimination, intolerance and xenophobia towards migrants and their families;

2. Encourages the participating States to incorporate gender aspects in their migration policies, noting the recommendations of the OSCE-produced Guide on Gender Sensitive Labour Migration Policies;
3. Calls upon the participating States to enhance migration management by improved policy coherence between migration and economic, social, environmental and security policies, through consultation, partnership and co-operation among governments at bilateral, regional and inter-regional levels, as appropriate;
4. Encourages the participating States to take necessary measures to minimize negative impacts of the global financial and economic crisis on migrants by intensifying economic co-operation, creating attractive conditions for investment and business development and facilitating the flow of remittances;
5. Tasks the Permanent Council, its informal subsidiary bodies and the OSCE executive structures, in accordance with their respective mandates across all dimensions, within the Organization's comprehensive concept of security and within existing resources to *inter alia*:
 - Provide a broad regional platform for dialogue on migration and security issues, both among OSCE participating States and between participating States and Partners for Co-operation, with the involvement of other relevant stakeholders in full conformity with the OSCE Rules of Procedure;
 - Continue working on gender aspects of migration,
 - Assist participating States, upon their request, to improve migration legislation and to elaborate and implement effective national policy frameworks, by providing advice and training, in co-operation with relevant international and regional organizations;
 - Contribute to international efforts to assess the possible impact of environmental degradation on migratory pressures, which climate change may magnify, in order to ensure better preparedness in this area;
 - Continue to assist the participating States, upon their request, to promote effective migration-management, including exchange of best practices, and to facilitate legal migration and fight illegal migration, while paying particular attention to bilateral and multilateral co-operation in this field.

4.6 Persons with Disabilities

Moscow 1991

- (41) The participating States decide
 - (41.1) to ensure protection of the human rights of persons with disabilities;
 - (41.2) to take steps to ensure the equal opportunity of such persons to participate fully in the life of their society;
 - (41.3) to promote the appropriate participation of such persons in decision-making in fields concerning them;
 - (41.4) to encourage services and training of social workers for the vocational and social rehabilitation of persons with disabilities;

(41.5) to encourage favourable conditions for the access of persons with disabilities to public buildings and services, housing, transport, and cultural and recreational activities.

Milan 2018 (Decision 5/18 on Human Capital Development in the Digital Era)

(...)

Aware that changes in the labour markets caused by digital transformation have the potential to widen social and economic disparities, and that there is a need for a stronger focus on the development of human capital, particularly for women, youth and persons with disabilities, especially in labour-intensive, low-skilled economic sectors,

(...)

Determined to promote lifelong learning and vocational and professional training throughout the working life as essential tools for human capital development and for reducing existing digital divides, particularly for women and girls in the areas of science, technology, engineering and mathematics,

(...)

Acknowledging, in the context of the digitalization of the economy, the need to strengthen the resilience of the workforce and to adapt labour market policy frameworks to promote: the creation of jobs with full respect for human dignity and human rights; sustainable and inclusive economic growth; and equal opportunities for the participation of women and men in the labour market,

(...)

3. Calls upon participating States to promote access to quality education, training, upskilling and reskilling opportunities in order to enhance employability – promoting non-discriminatory access for women, youth and persons with disabilities and with special attention to those working in labour-intensive industries;

(...)

4.7 Children

See also:

- II. 3.1.11: Freedom of Movement, Human Contacts and Family Reunification
- II. 3.2.4: Right to Education
- II. 4.2: Roma and Sinti
- II. 4.4: Refugees, Displaced Persons, Returnees and Stateless Persons
- II. 4.5: Migrant Workers
- II. 6.2: Prevention of Trafficking in Human Beings

Copenhagen 1990

(13) The participating States decide to accord particular attention to the recognition of the rights of the child, his civil rights and his individual freedoms, his economic, social and cultural rights, and his right to special protection against all forms of violence and exploitation. They will consider acceding to the Convention on the Rights of the Child, if they have not yet done so, which

was opened for signature by States on 26 January 1990. They will recognize in their domestic legislation the rights of the child as affirmed in the international agreements to which they are Parties.

Istanbul 1999 (Summit Declaration)

28. In the year of the 10th anniversary of the adoption of the Convention on the Rights of the Child, and putting the OSCE's Copenhagen commitments into practice, we commit ourselves to actively promote children's rights and interests, especially in conflict and post-conflict situations. We will regularly address the rights of children in the work of the OSCE (...) We will pay particular attention to the physical and psychological well-being of children involved in or affected by armed conflict.

Istanbul 1999 (Charter for European Security: III. Our Common Response)

24. We will undertake measures to (...) end violence against (...) children as well as sexual exploitation and all forms of trafficking in human beings. In order to prevent such crimes we will, among other means, promote the adoption or strengthening of legislation to hold accountable persons responsible for these acts and strengthen the protection of victims. We will also develop and implement measures to promote the rights and interests of children in armed conflict and post-conflict situations, including refugees and internally displaced children. We will look at ways of preventing forced or compulsory recruitment for use in armed conflict of persons under 18 years of age.

Brussels 2006 (Decision No. 15/06 on Combating Sexual Exploitation of Children)

The Ministerial Council,

Recognizing that sexual exploitation of children is a grave and largescale problem throughout the OSCE region and beyond, with multiple, interlinked manifestations of all forms of sexual exploitation of children, including prostitution, child pornography, trafficking in children for sexual exploitation, sex tourism and forced marriages of children,

Recognizing that sexual exploitation of children violates human dignity and undermines the enjoyment of human rights and fundamental freedoms,

Considering that sexual exploitation of children constitutes a grave and heinous crime, in many cases involving organized crime, that must be prevented, investigated, prosecuted and penalized with all available means,

Underlining the need to address the broad range of factors that make children vulnerable to sexual exploitation, including economic disparities, lack of access to education, and discrimination, including gender-related discrimination, as well as the need to counter demand for child pornography and sex tourism and to prevent the actions of perpetrators,

Considering that sexual exploitation of children is increasing and spreading through the use of new technologies such as the Internet,

(...)

1. Condemns the sexual exploitation of children in all its forms, *inter alia*:

- (a) Through child prostitution and child pornography, including through offering, obtaining, procuring, providing, or recruiting a child for such purposes, or profiting from exploiting a child for such purposes;
 - (b) When use is made of coercion, force, fraud, or threats, abuse of trust, authority or influence over a child, or the offering or giving of money or other forms of remuneration/consideration in exchange for sexual activities, including during times of armed conflict or in post-conflict situations;
 - (c) The production, distribution, dissemination or transmission, offering or otherwise making available of all forms of child pornography (via computer systems, the Internet or by other means);
 - (d) The intentional acquisition and possession of child pornography;
 - (e) Trafficking of children for sexual exploitation;
2. Calls on the participating States to conform their legislation on this subject to their relevant international commitments and obligations;
 3. Urges the participating States to adopt a holistic approach towards the problem of sexual exploitation of children, addressing root and contributing factors, including the demand that fosters all forms of sexual exploitation of children, and to develop comprehensive and proactive strategies and measures aimed at preventing and combating the sexual exploitation of children;
 4. Strongly urges the participating States to take all legal measures to prosecute the sexual exploitation of children, imposing penalties that are effective, proportionate and dissuasive. In this regard, encourages the participating States to consider legal measures that would allow them to prosecute their citizens for serious sexual crimes against children, even if these crimes are committed in another country;
 5. Calls upon the participating States to enhance the ability of law enforcement to proactively investigate and prosecute offenders;
 6. Calls on the participating States to facilitate legal protection, assistance, appropriate medical care, rehabilitation and reintegration programmes for child victims of sexual exploitation and, where appropriate, to ensure the safe return of trafficked children;
 7. Calls on the participating States to raise awareness at all levels of society on the problem of the sexual exploitation of children;
 8. Advises the participating States to develop compatible and exchangeable data registration systems specific to the sexual exploitation of children, with due regard for the confidentiality of personal data, and to promote comprehensive data collection mechanisms and research on the sexual exploitation of children;
 9. Supports measures by the participating States, in collaboration with nongovernmental organizations (NGOs) and appropriate representatives of relevant sectors of the economy, such as the travel, hospitality or media industries, to eliminate demand for sexual exploitation of children;
 10. Urges increased cooperation among the participating States for the detection, investigation, prosecution and punishment of those responsible for the sexual exploitation of children;
 11. Recommends that the participating States establish training programmes concerning sexual exploitation of children for personnel, including those working in the areas of justice, policing, tourism, transport, social work, health care, civil society, religious organizations, and education;

12. Advocates that relevant authorities in the participating States, in accordance with national legislation concerning the protection of personal data, work with Internet service providers, credit-card companies, banks and other corporations as well as relevant NGOs, to ensure information related to the sexual exploitation of children is tracked and reported;

13. Recommends the creation of telephone or Internet hotlines, possibly in collaboration with NGOs, to which individuals can confidentially report instances of sexual exploitation of children, so that such reports can be investigated by law enforcement, and so that victims and their families can receive appropriate support;

(...)

15. Tasks the OSCE executive structures, within their existing mandates, to examine ways of ensuring appropriate training and awareness raising regarding the problem of sexual exploitation of children for OSCE officials keeping in mind the Code of Conduct for OSCE Officials and Staff Instruction No. 11 addressing trafficking in human beings;

16. Encourages relevant OSCE executive structures, within their existing mandates, to devote attention to the area of sexual exploitation of children, including links to trafficking in persons, and emphasizes the need for them and the participating States to cooperate with other international organizations, NGOs and civil society in combating the sexual exploitation of children.

Madrid 2007 (Decision No. 8/07 on Combating Trafficking in Human Beings for Labour Exploitation)

The Ministerial Council,

(...)

Calls on participating States to:

(...)

20. Intensify efforts to prevent child labour, by considering signing and ratifying the ILO Convention on the Worst Forms of Child Labour, 1999, if they have not already done so, and if they are already parties to it, by implementing its provisions;

(...)

Madrid 2007 (Decision No. 9/07 on Combating Sexual Exploitation of Children on the Internet)

The Ministerial Council,

Alarmed that the growth of the Internet has generated an enormous global expansion of the viewing and distribution of child pornography and of its profits, including for criminal organizations,

(...)

Determined to combat this growing phenomenon, including through increasing OSCE activity to address it, decides to:

1. Encourage participating States that have not already done so to establish a national operational centre, or other structure as appropriate, to increase co-ordination and to involve to the extent

possible public private partnership in order to more effectively address issues related to sexual exploitation of children;

2. Call on participating States that have not already done so to collect and store information, in accordance with national provisions on the protection of personal data, on persons convicted of child sexual exploitation or abuse in order to facilitate the apprehension of perpetrators and monitoring of their probation, and to develop, where appropriate, instruments to enable the exchange of information internationally among law enforcement agencies pertaining to sex offenders' convictions and disqualifications;

3. Encourage participating States that have not already done so to establish a system that allows law enforcement to work with public broadcasting and quickly send out a public alert when a child is found missing, when appropriate;

4. Urge participating States that have not already done so to consider criminalizing the intentional acquisition and possession of child pornography, given that the viewing and possession of child pornography stimulates the growth of this illicit industry;

5. Advocate that participating States that have not already done so set up specific national hot-lines for the reporting of child abuse, including sexual exploitation of children on the Internet;

6. Call on participating States to support, as appropriate, increased data collection and research on sexual exploitation of children and child pornography on the Internet in order to better understand the scope and trends of the problem and thereby increase the effectiveness of programmes to combat it;

7. Advocate that participating States, in accordance with national legislation concerning the protection of personal data, work not only on a national basis but also on an international basis with Internet service providers, credit-card companies, banks and other relevant corporations to prevent the use of the Internet for sexual exploitation of children and to impede payment methods in order to make the crime less profitable in order to address demand for child pornography on the Internet;

8. Reiterate our call on the participating States to facilitate legal protection, assistance, appropriate medical care, rehabilitation and reintegration programmes for child victims of sexual exploitation and, where appropriate, to ensure the safe return of children trafficked internationally;

9. Urge OSCE participating States to further enhance specialized training for law enforcement, teachers and health professionals, as appropriate, on combating child pornography on the Internet, including by taking advantage of existing programmes such as that offered by the International Centre for Missing and Exploited Children, and tasks the relevant OSCE executive structures to facilitate contacts in this regard;

10. Task the relevant OSCE executive structures to assist OSCE participating States, on their request, with the implementation of this decision and Ministerial Council Decision No. 15/06, within available resources and without prejudice to existing activities;

11. Task, within existing resources, the OSCE Secretariat to set up within the POLIS website of its Strategic Police Matters Unit a multilingual section devoted to combating sexual exploitation of children on the Internet, and in this regard the POLIS section should create an expert forum that would facilitate access of participating States' law enforcement agencies to best practices and

available investigative techniques or software, access to legislative drafting assistance or legislative models, and provide awareness-raising information and web links for the public;

(...)

Helsinki 2008 (Decisions: Decision No. 5/08 on Enhancing Criminal Justice Responses to Trafficking in Human Beings through a Comprehensive Approach)

The Ministerial Council,

(...)

7. Calls on the participating States that have not yet done so to provide for special measures of protection and assistance for child victims of human trafficking throughout criminal proceedings, in accordance with the principles of the best interest of the child, nondiscrimination, participation and the opportunity for the child to be heard;

(...)

Basel 2014 (Declaration on Youth)

We, (...), recall the OSCE commitments relating to youth and children, which are enshrined in the Helsinki Final Act and other relevant OSCE decisions, and take note of the efforts of other international organizations in this regard, in particular the United Nations.

We acknowledge that youth and children require particular attention and that their needs, concerns and interests should be addressed in a comprehensive manner.

We acknowledge the potential of young people to contribute to economic, political and social development, and that they can support participating States in the implementation of commitments in all three dimensions of the OSCE.

(...)

Belgrade 2015 (Ministerial Declaration on Preventing and Countering Violent Extremism and Radicalization that Lead to Terrorism)

(...)

Expressing particular concern that youth, including children, are being radicalized to terrorism and recruited as foreign terrorist fighters, and recognizing the importance of working with youth to prevent and counter radicalization of youth to terrorism,

(...)

Call on the participating States:

(...)

14. To engage and empower youth, in preventing and countering violent extremism and radicalization that lead to terrorism, *inter alia*, by:

(a) Creating an enabling environment and opportunities for youth to participate and engage voluntarily and freely in public life and in the promotion of human rights, fundamental freedoms,

democratic principles, the rule of law, tolerance, non – discrimination, dialogue, mutual respect and understanding, and to facilitate their access to social services;

(b) Supporting youth, which are willing to contribute to such efforts, through education in schools and higher education institutions;

(c) Supporting youth-led and youth-focused awareness-raising initiatives, including through the Internet and social media, to prevent and counter their radicalization to terrorism, and to promote respect for human rights, fundamental freedoms, tolerance and non-discrimination;

(d) Promoting programmes to facilitate youth access to employment;

Belgrade 2015 (Declaration on Youth and Security)

We, (...), recall the OSCE commitments relating to youth, built upon relevant provisions of the Helsinki Final Act.

We take note of the efforts of the current and previous OSCE Chairmanships and stress the importance of promoting the implementation of the OSCE commitments on youth, particularly in the area of education and the role young people can play to support participating States in implementing OSCE commitments in all three dimensions of the OSCE.

We recognize that youth and children require particular attention and that their needs, concerns and interests should be addressed in a comprehensive manner.

Milan 2018 (Decision 5/18 on Human Capital Development in the Digital Era)

(...)

Aware that changes in the labour markets caused by digital transformation have the potential to widen social and economic disparities, and that there is a need for a stronger focus on the development of human capital, particularly for women, youth and persons with disabilities, especially in labour-intensive, low-skilled economic sectors,

(...)

Determined to promote lifelong learning and vocational and professional training throughout the working life as essential tools for human capital development and for reducing existing digital divides, particularly for women and girls in the areas of science, technology, engineering and mathematics,

(...)

3. Calls upon participating States to promote access to quality education, training, upskilling and reskilling opportunities in order to enhance employability – promoting non-discriminatory access for women, youth and persons with disabilities and with special attention to those working in labour-intensive industries;

4. Encourages the participating States, as appropriate, to promote education, vocational training and retraining, in particular for women and girls, and especially in the fields of science, technology, engineering and mathematics, as a key measure to reduce digital divides and to advance the empowerment of women by promoting opportunities, including in the economy;

(...)

Milan 2018 (Declaration on the Role of Youth in Contributing to Peace and Security Efforts)

1. We, the Ministers for Foreign Affairs of the participating States of the Organization for Security and Co-operation in Europe, acknowledge that youth are an important part of society and the role that they can play in supporting participating States in the implementation of commitments in all three dimensions.
2. We recall the OSCE commitments relating to youth, built upon relevant provisions of the Helsinki Final Act, the 2014 Basel Ministerial Council Declaration on Youth, the 2015 Belgrade Ministerial Council Declaration on Youth and Security.
3. We take note of United Nations Security Council resolutions (...), on youth in the maintenance of international peace and security.
4. We take note of the efforts of the current and previous OSCE Chairmanships and the work carried out by participating States to advance the youth, peace and security agenda, such as the OSCE conference on “Working with Youth and for Youth: Strengthening Security and Co-operation Online”, held in Málaga, Spain, on 25 and 26 May 2017.
5. We recognize the role youth can play in contributing to a culture of peace, dialogue, justice and peaceful coexistence, trust and reconciliation.
6. We invite the Partners for Co-operation to voluntarily join us in affirming this declaration.

Tirana 2020 (Decision 6/20 on Preventing and Combating Corruption through Digitalization and Increased Transparency)

(...)

Acknowledging that a public sector based on integrity, openness, transparency, accountability, responsiveness and the rule of law, is crucial to prevent and combat corruption, and achieve sustainable economic growth and development, improve the business and investment climate and help facilitate participating States’ efforts to promote social integration and opportunities for all, including for women as well as youth,

(...)

1. Calls upon participating States to prevent and combat corruption by:

(...)

(i) Supporting the education of youth, in accordance with domestic education systems, on the importance of good governance, including transparency, and preventing and combating corruption as well as through fostering digital skills, and strengthening awareness-raising measures, including promoting collective action and collaboration between public and private sectors and civil society;

4.8 Armed Forces Personnel

Budapest 1994 (Decisions: IV. Code of Conduct on Politico-Military Aspects of Security)

27. Each participating State will ensure that the recruitment or call-up of personnel for service in its military, paramilitary and security forces is consistent with its obligations and commitments in respect of human rights and fundamental freedoms.

28. The participating States will reflect in their laws or other relevant documents the rights and duties of armed forces personnel. They will consider introducing exemptions from or alternatives to military service.

(...)

32. Each participating State will ensure that military, paramilitary and security forces personnel will be able to enjoy and exercise their human rights and fundamental freedoms as reflected in CSCE documents and international law, in conformity with relevant constitutional and legal provisions and with the requirements of service.

33. Each participating State will provide appropriate legal and administrative procedures to protect the rights of all its forces personnel.

4.9 Persons in Detention or Prison

See also:

II. 2.4: Rule of Law

II. 3.1.4: Freedom from Arbitrary Arrest or Detention

Vienna 1989 (Questions Relating to Security in Europe: Principles)

The participating States will

(...)

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

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

Copenhagen 1990

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

Moscow 1991

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

(...)

(vi) any person arrested or detained will have the right, without undue delay, to notify or to require the competent authority to notify appropriate persons of his choice of his arrest, detention, imprisonment and whereabouts; any restriction in the exercise of this right will be prescribed by law and in accordance with international standards;

(vii) effective measures will be adopted, if this has not already been done, to provide that law enforcement bodies do not take undue advantage of the situation of a detained or imprisoned person for the purpose of compelling him to confess, or otherwise to incriminate himself, or to force him to testify against any other person;

(viii) the duration of any interrogation and the intervals between them will be recorded and certified, consistent with domestic law;

(ix) a detained person or his counsel will have the right to make a request or complaint regarding his treatment, in particular when torture or other cruel, inhuman or degrading treatment has been applied, to the authorities responsible for the administration of the place of detention and to higher authorities, and when necessary, to appropriate authorities vested with reviewing or remedial power;

(x) such request or complaint will be promptly dealt with and replied to without undue delay; if the request or complaint is rejected or in case of inordinate delay, the complainant will be entitled to bring it before a judicial or other authority; neither the detained or imprisoned person nor any complainant will suffer prejudice for making a request or complaint;

(...)

(23.2) The participating States will

(i) endeavour to take measures, as necessary, to improve the conditions of individuals in detention or imprisonment;

(ii) pay particular attention to the question of alternatives to imprisonment.

Brussels 2006 (Brussels Declaration on Criminal Justice Systems)

We consider that:

(...)

- Law enforcement officials should be cognizant and attentive to the health of persons in their custody and, in particular, should take immediate action to secure medical attention whenever required.

(...)

We consider that the enforcement of custodial sentences and the treatment of prisoners must take account of the requirements of safety, security and discipline, while also ensuring prison conditions which do not violate human dignity and which offer meaningful occupational activities and appropriate treatment programmes to inmates, thus preparing them for their reintegration into society.

(...)

Helsinki 2008 (Decision No. 7/08 on Further Strengthening the Rule of Law in the OSCE Area)

The Ministerial Council,

(...)

4. Encourages participating States (...) to continue and to enhance their efforts to share information and best practices and to strengthen the rule of law, *inter alia* in the following areas:

4. (...) the right to legal assistance and respect for the human rights of persons in detention;

(...)

Belgrade 2015 (Ministerial Declaration on Preventing and Countering Violent Extremism and Radicalization that Lead to Terrorism)

(...)

Taking note of the fact that radicalization to terrorism and recruitment by terrorists can take place in prisons, and therefore affirming the importance of elaborating and sharing, as appropriate, international guidelines on reintegration, rehabilitation and the prevention of radicalization to terrorism in prison,

(...)

Tirana 2020, (Decision No. 7/20 on Prevention and Eradication of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment)

(...)

Stressing the importance of effective legal and procedural safeguards throughout all stages of detention, including early stages of police custody, as effective measures for the prevention of torture and other cruel, inhuman or degrading treatment or punishment,

(...)

Recognizing that participating States must safeguard the rights, and protect the human rights, of all persons deprived of their liberty, including those facing the death penalty, in accordance with their international obligations,

Reaffirming that all persons deprived of their liberty will be treated with humanity and with respect for the inherent dignity of the human person and recognizing the importance of participating States continuously taking appropriate measures to improve conditions in detention to better respect the human rights and dignity of those persons, including by taking into consideration the implementation of the UN Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) or similar standards,

(...)

Calls on the participating States to:

(...)

5. Abandon and refrain from the use of interrogation techniques that constitute torture and other cruel, inhuman or degrading treatment or punishment, including to obtain information or a confession;

6. Implement effective legal and procedural safeguards throughout all stages of detention, including early stages of police custody;

7. Respect the safeguards concerning the liberty, security and dignity of the person and ensure that prolonged incommunicado detention and secret places of detention and interrogation are abolished, with the understanding that such detention can facilitate the perpetration of torture and other cruel, inhuman or degrading treatment or punishment and can in itself constitute a form of such treatment;

(...)

9. Ensure that any detained or imprisoned person or their counsel have the right to make a request or complaint regarding the detained or imprisoned person's treatment to relevant authorities, in particular when torture or other cruel, inhuman or degrading treatment or punishment may have been applied, and that such request or complaint will be promptly dealt with and replied to without undue delay, and that neither the detained or imprisoned person nor any complainant or witness will suffer any prejudice or reprisal as a consequence of their request, complaint or any evidence given;

(...)

5.

**Commitments Related to
Equality, Tolerance, and
Non-discrimination**



5.1 Equality and Non-discrimination Clauses

Helsinki 1975 (Questions Relating to Security in Europe: 1.(a) Declaration on Principles Guiding Relations between Participating States – Principle VII)

The participating States will respect human rights and fundamental freedoms (...) for all without distinction as to race, sex, language or religion.

Vienna 1989 (Questions Relating to Security in Europe: Principles)

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

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

Copenhagen 1990

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

(...)

(5.9) all persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law will prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground;

(...)

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

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

(...)

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

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

5.2 Equal Rights of Men and Women

Madrid 1983 (Questions Relating to Security in Europe: Principles)

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

Vienna 1989 (Questions Relating to Security in Europe: Principles)

(15) The participating States confirm their determination to ensure equal rights of men and women. Accordingly, they will take all measures necessary, including legislative measures, to promote equally effective participation of men and women in political, economic, social and cultural life. They will consider the possibility of acceding to the Convention on the Elimination of All Forms of Discrimination Against Women, if they have not yet done so.

Moscow 1991

(40) The participating States recognize that full and true equality between men and women is a fundamental aspect of a just and democratic society based on the rule of law. They recognize that the full development of society and the welfare of all its members require equal opportunity for full and equal participation of men and women. In this context they will

(40.1) ensure that all CSCE commitments relating to the protection and promotion of human rights and fundamental freedoms are applied fully and without discrimination with regard to sex;

(40.2) comply with the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), if they are parties, and, if they have not already done so, consider ratifying or acceding to this Convention; States that have ratified or acceded to this Convention with reservations will consider withdrawing them;

(40.3) effectively implement the obligations in international instruments to which they are parties and take appropriate measures to implement the United Nations Nairobi Forward-looking Strategies for the Advancement of Women (FLS);

(40.4) affirm that it is their goal to achieve not only *de jure* but *de facto* equality of opportunity between men and women and to promote effective measures to that end;

(40.5) establish or strengthen national machinery, as appropriate, for the advancement of women in order to ensure that programmes and policies are assessed for their impact on women;

(40.6) encourage measures effectively to ensure full economic opportunity for women, including non-discriminatory employment policies and practices, equal access to education and training, and measures to facilitate combining employment with family responsibilities for female and male workers; and will seek to ensure that any structural adjustment policies or programmes do not have an adversely discriminatory effect on women;

(40.7) seek to eliminate all forms of violence against women, and all forms of traffic in women and exploitation of prostitution of women including by ensuring adequate legal prohibitions against such acts and other appropriate measures;

(40.8) encourage and promote equal opportunity for full participation by women in all aspects of political and public life, in decision-making processes and in international co-operation in general;

(40.9) recognize the vital role women and women's organizations play in national and international efforts to promote and enhance women's rights by providing, *inter alia*, direct services and support to women and encouraging a meaningful partnership between governments and these organizations for the purpose of advancing equality for women;

(40.10) recognize the rich contribution of women to all aspects of political, cultural, social and economic life and promote a broad understanding of these contributions, including those made in the informal and unpaid sectors;

(40.11) take measures to encourage that information regarding women and women's rights under international and domestic law is easily accessible;

(40.12) develop educational policies, consistent with their constitutional systems, to support the participation of women in all areas of study and work, including non-traditional areas, and encourage and promote a greater understanding of issues relating to equality between men and women;

(40.13) ensure the collection and analysis of data to assess adequately, monitor and improve the situation of women; these data should not contain any personal information.

Istanbul 1999 (Charter for European Security: III. Our Common Response)

23. The full and equal exercise by women of their human rights is essential to achieve a more peaceful, prosperous and democratic OSCE area. We are committed to making equality between men and women an integral part of our policies, both at the level of our States and within the Organization.

(...)

24. We will undertake measures to eliminate all forms of discrimination against women, and to end violence against women and children as well as sexual exploitation and all forms of trafficking in human beings (...)

Maastricht 2003 (Decision No. 4/03 on Tolerance and Non-discrimination)

The Ministerial Council

(...)

2. Decides to enhance the efforts being made to increase women's participation and the role of women in furthering democratization and economic development, and to consider integrating the provisions of the OSCE Action Plan on Gender Issues where applicable into national policies. Further decides to enhance its efforts to achieve gender balance at all levels within the OSCE, taking full account also in this respect of the principle of recruiting staff from all participating States on a fair basis (...)

Sofia 2004 (Decision No. 14/04 on the 2004 OSCE Action Plan for the Promotion of Gender Equality)

The Ministerial Council,

(...)

Recognizing that equal rights of women and men and the protection of their human rights are essential to peace, sustainable democracy, economic development and therefore to security and stability in the OSCE region,

(...)

Mindful of the need to appropriately reflect a gender perspective in the activities conducted under the auspices of the OSCE, and for participating States to take all necessary measures to encourage gender awareness raising and to promote equality in rights and full and equal participation of women and men in society, the aim being to promote the practice of gender equality and gender-mainstreaming* in the OSCE area, which is essential to comprehensive security,

(...)

Decides to endorse the 2004 Action Plan for the Promotion of Gender Equality adopted by the Permanent Council in its Decision No. 638 on 2 December 2004, and annexed to this Decision.

Sofia 2004 (Annex to Decision No. 14/04: 2004 OSCE Action Plan for the Promotion of Gender Equality)

(...)

3. Effective gender-mainstreaming* with the goal of achieving gender equality, is important if full use is to be made of the human capital in the OSCE area. Gender equality contributes to comprehensive security, which is a goal of OSCE activities in all three dimensions. Gender-mainstreaming is a way of contributing to attaining this goal. The gender perspective should therefore be taken into account in the Organization's activities, projects and programmes, in order for the Organization to achieve gender equality within its own operations as well as in the participating States. It is the joint responsibility of the participating States, the Chairman-in-Office, the Secretary General, and the Heads of institutions and missions to promote equality between women and men as an integral element of policies and practices of the OSCE. In this effort it shall be borne in mind that if gender equality is to become a reality in any area and at any level of society, both men and women will benefit from such a change.

(...)

8. Gender-mainstreaming requires consistent, systematic, attention to gender perspectives (...) based on a cross-dimensional approach, and also adequate monitoring and review mechanisms (...)

IV. PROMOTING GENDER EQUALITY IN PARTICIPATING STATES

41. Participating States, individually and collectively, bear the primary responsibility and are accountable to their citizens for the implementation of their commitments on equality of rights and equal opportunities for women and men. They have committed themselves to making equality between women and men an integral part of policies both at State level and within the Organization. They will ensure the full use of the appropriate OSCE fora for reviewing the implementation of OSCE commitments on equality between women and men.

42. Participating States are therefore recommended to:

* "Mainstreaming a gender perspective is the process of assessing the implications for women and men of any planned action, including legislation, policies or programmes, in all areas and at all levels. It is a strategy for making women's as well as men's concerns and experiences an integral dimension of the design, implementation, monitoring and evaluation of policies and programmes in all political, economic and societal spheres so that women and men benefit equally and inequality is not perpetuated. The ultimate goal is to achieve gender equality." See Official Records of the General Assembly, Fifty-Second Session, Supplement No. 3 (A/52/3/Rev.1), chapter IV, paragraph 4.

- Ensure that the Organization develops policies which effectively promote gender equality and that new proposals and initiatives take a gender perspective into account;
- Establish or strengthen existing mechanisms for ensuring gender equality, *inter alia* by making available the services of an impartial and independent person or body, such as an Ombudsman/Human Rights Commissioner, to address gender related discrimination against individual citizens;
- Adhere to and fully implement the international standards and commitments they have undertaken concerning equality, non-discrimination and women's and girls' rights;
- Comply with the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), if they are parties, or, if they have not already done so, consider ratifying or acceding to this Convention. States that have ratified or acceded to this Convention with reservations will consider withdrawing them. States parties to the CEDAW are also called upon to consider ratifying the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women;
- If they are parties to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the International Covenant on Civil and Political Rights (ICCPR), and/or the International Covenant on Economic, Social and Cultural Rights (ICESCR), report regularly and on time to the respective bodies, and include women's organizations in the preparation of their reports;
- Take further action where necessary in order to ensure a safe environment for their citizens and the right to equal protection under the law (...)
(...)
- Draw on the experience of the OSCE to develop cross-dimensional gender equality policies and strategies, and include in the follow-up to such policies, *inter alia*, the utilization of gender analysis and monitoring mechanisms to assess the impact of gender policies and strategies, so that constraints on their full implementation may be identified and addressed.

Ljubljana 2005 (Decision No. 14/05 on Women in Conflict Prevention, Crisis Management and Post-Conflict Rehabilitation)

The Ministerial Council,

(...)

Recognizing that the knowledge, skills and experience of both women and men are essential to peace, sustainable democracy, economic development and therefore to security and stability in the OSCE region,

Further recognizing that United Nations Security Council resolution 1325 (2000) on women, peace and security links gender equality and security, focusing on the role of women in matters of peace and security at all levels,

(...)

Emphasizing the importance of women's full and equal participation in all phases of conflict prevention, resolution and peace-building,

Acknowledging the need for concrete action by the OSCE to integrate women into conflict prevention, crisis management and post-conflict rehabilitation through its activities, *inter alia*, by:

1. Ensuring proactive implementation throughout the Organization of the 2004 OSCE Action Plan for the Promotion of Gender Equality, adopted by Permanent Council Decision No. 638 of 2 December 2004,
2. Integrating into the activities of the OSCE, as appropriate, the relevant parts of UN Security Council resolution 1325 (2000) on the role of women in all levels of conflict prevention, crisis management and resolution, and postconflict rehabilitation,
3. Encouraging participating States to develop national rosters of potential women candidates (as called for in the 2004 OSCE Action Plan for the Promotion of Gender Equality, paragraph 22) and take active steps to ensure that women are fully informed of and encouraged to apply for positions in the area of conflict prevention and postconflict rehabilitation processes, in particular for senior management positions,
4. Calling on participating States to nominate more women as heads of institutions and missions, and to other senior positions in the OSCE,
5. Actively encouraging the recruitment of women to OSCE field presences, in particular to management positions, with the goal of having a substantial number of field presences headed by women,
6. Calling on participating States and OSCE structures, as appropriate, to support and encourage training and educational programmes focusing on women and girls, as well as projects aimed at women's participation in building sustainable peace; to empower women's organizations; to support women's peace initiatives through the media and workshops on human rights and gender equality; and to raise awareness among women concerning the importance of their involvement in political processes,
7. Calling on participating States and OSCE structures, as appropriate, to develop specific policies to encourage the full and equal participation of women and women's organizations in conflict prevention, conflict resolution and post-conflict rehabilitation, as well as to encourage and support the sharing of experiences and best practices and, further, to engage with women's peace initiatives,
8. Calling on participating States to take into account the important role and the particular needs of women and girls in implementing government policies on protection and durable solutions including voluntary return, resettlement, rehabilitation, (re)integration or repatriation of refugees and internally displaced persons in safety and dignity,
9. Recommending that participating States regularly evaluate their efforts at gender mainstreaming in conflict prevention, conflict management and rehabilitation processes, and make such evaluations public, to be used for gendersensitive training purposes, and in implementation of relevant commitments as well as to increase awareness of their importance,

Decides to:

- Task the Secretary General in his annual progress report on the implementation of Permanent Council Decision No. 638 on the 2004 OSCE Action Plan for the Promotion of Gender Equality with making specific references to the implementation in the Organization of the parts of UN Security Council resolution 1325 (2000) that are relevant to the OSCE;
- Task the Secretariat, in the context of the objectives of the 2004 OSCE Action Plan for the Promotion of Gender Equality, with developing in co-operation with participating States, further

measures to substantially increase the number of women in the OSCE Secretariat, institutions and field operations, in particular at senior and policymaking levels;

- Task the OSCE structures and institutions with developing or adjusting relevant projects, strategies and initiatives, and conducting other activities, including exchanging information with the UN in order to fulfil the commitments contained in this decision;
- Invite OSCE participating States and the OSCE institutions to report at the Annual Security Review Conference also on the progress achieved in implementing the commitments contained in this decision.

Athens 2009 (Decision No. 7/09 on Women's Participation in Political and Public Life)

The Ministerial Council,

(...)

Mindful of the continued under-representation of women in the OSCE area in decision-making structures within the legislative, executive, including police services, and judicial branches,

Concerned that widespread discrimination against women, continues to undermine their effective participation in political and public life at all levels,

(...)

Recalling UN Security Council resolution 1325 (2000), which calls for full and equal participation of women in decision making with regard to conflict prevention as well as in post-conflict reconstruction, and stressing the importance of their full and equal participation and involvement in all efforts for the maintenance and promotion of peace and security,

Taking note of UN Security Council resolution 1889 (2009), which urges international and regional organizations to take further measures to improve women's participation during all stages of peace processes,

Noting that 18 December 2009 marks the 30th anniversary of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), which aims at ending discrimination against women in political and public life, and noting that 10 December marks the 10th anniversary of the opening of the Convention's Protocol for signature,

Recognizing that women may face additional barriers, beyond those based on gender, to their participation in political and public life,

Calls on the participating States to:

1. Consider providing for specific measures to achieve the goal of gender balance in all legislative, judicial and executive bodies, including security services, such as police services;
2. Consider possible legislative measures, which would facilitate a more balanced participation of women and men in political and public life and especially in decision-making;
3. Encourage all political actors to promote equal participation of women and men in political parties, with a view to achieving better gender-balanced representation in elected public offices at all levels of decision-making;

4. Consider taking measures to create equal opportunities within the security services, including the armed forces, where relevant, to allow for balanced recruitment, retention and promotion of men and women;
5. Develop and introduce where necessary open and participatory processes that enhance participation of women and men in all phases of developing legislation, programmes and policies;
6. Allow for the equal contribution of women and men to peace-building initiatives;
7. Take necessary steps to establish, where appropriate, effective national mechanisms for measuring women's equal participation and representation;
8. Support, as appropriate, non-governmental and research bodies in producing targeted studies and awareness-raising initiatives for identifying specific challenges in women's participation in political and public life and, in promoting equality of opportunities between women and men;
9. Encourage shared work and parental responsibilities between women and men in order to facilitate women's equal opportunities to participate effectively in political and public life.

Vilnius 2011 (Decision 10/11 Promoting equal opportunity for women in the economic sphere).

(...)

Recognizing that women's participation in the economic sphere contributes significantly towards economic recovery, sustainable growth and the creation of cohesive societies, and thus is essential to the security and stability of the OSCE region,

Noting with concern the continued inequities faced by women in the OSCE region in terms of labour market participation, including job segregation; disparities in access to social protection as well as quality, full-time employment; and the slow progress being made in efforts to overcome the pay gaps for equal work, resulting in women's reduced lifetime earnings and pensions and increased female poverty,

Concerned about the continued under-representation of women in economic leadership and decision-making processes in the public and private sectors,

Concerned also about the persistence of constraints on women's effective participation in the economic sphere, in particular with regard to access to and control over such economic and financial resources as loans and property and inheritance rights,

Recognizing the need for improved and systematic collection of sex-disaggregated data and conducting of studies on equal opportunities in the economic sphere as a basis for planning policy and action,

Recalling the need for economic and social policies aimed at addressing the root causes of the trafficking in human beings, especially to eliminate discrimination against women in employment and to address economic factors that increase the vulnerability of women to trafficking,

Recognizing the need to continue monitoring the implementation of existing commitments on eliminating discrimination against women and promoting equal opportunities for women in the

economic sphere, with the aim of identifying and exchanging good practices and developing effective approaches, including within the Organization and its executive structures, (...)

Recognizing that women may face additional barriers, beyond those based on gender, to their participation in the economic sphere,

Calls on the participating States to:

1. Collect and analyse data to identify and address obstacles preventing women from fulfilling their potential in the economic sphere and, (...) to support non-governmental and research bodies in producing targeted studies, including on good practices;
2. Assess the allocation of budgetary resources for promoting gender equality in the economic sphere and take concrete measures that lead to women's equal opportunity for economic participation and equal access to social protection, and that support quality as well as full-time and/or self-employment;
3. Facilitate the development of women's entrepreneurial and other work-related skills, and, incorporate gender aspects, with particular attention to women, in migration policies, in order, *inter alia*, to prevent human trafficking and re-trafficking;
4. Initiate or strengthen policy and legal measures, including positive action measures as appropriate, that would facilitate and protect equal opportunity for participation of women in the labour market, including through the expansion of childcare and nursing facilities;
5. Identify concrete actions aimed at promoting equal opportunities for women in the economic sphere and, where appropriate, establish effective national mechanisms for monitoring progress in this field, such as on closing pay gaps;
6. Promote the sharing of domestic work, and parental and caregiver responsibilities, by expanding paternity leave; promoting non-discriminatory employment policies and practices and equal access to education and training; taking measures to facilitate combining employment with family responsibilities; and seeking to ensure that any structural adjustment policies and programmes do not have an adversely discriminatory effect on women;
7. Support the development of the necessary environment for successful policy formulation and implementation through targeted information and awareness-raising activities regarding the benefits of measures taken to promote the equal opportunity for participation of women in the economic sphere and to combat the social exclusion of women and discrimination against them;
8. Introduce measures and engage in dialogue with the private sector to provide equal opportunities for women's professional advancement and to close pay gaps;
9. Develop and strengthen measures, as feasible, that lead to increased diversification in employment sectors that are traditionally male or female-dominated;
10. Encourages the Partners for Co-operation to voluntarily implement the provisions of this decision.

Dublin 2012 (Declaration on Strengthening Good Governance and Combating Corruption, Money-Laundering and the Financing of Terrorism)

We recognize that achieving good governance and combating corruption will not succeed without the full and equal participation of women and men in political and economic processes and institutions, (...). We underline the importance of empowering women to actively participate in and contribute to policies and activities related to good governance for the equal benefit of men and women.

Basel 2014 (Decision No. 7/14 on Preventing and Combating Violence Against Women)

Reaffirming the commitment to respect human rights and fundamental freedoms for all without distinction as to race, sex, language or religion, as enshrined in the provision of the Helsinki Final Act of 1975,

Recalling that the full and equal exercise by women of their human rights is essential to achieving a more peaceful, prosperous and democratic OSCE area and that the OSCE participating States are committed to making equality between men and women an integral part of their policies, both at the level of their States and within the OSCE executive structures, as was declared at the OSCE Istanbul Summit in 1999,

(...)

Deeply concerned by the persistence of violence against women as one of the most pervasive human rights violations in the OSCE area, manifested as physical, sexual, and psychological violence and reiterating the particular need to take more vigorous measures in preventing and combating violence against women, to which gender inequality can be among the major contributing factors,

(...)

Calls on the participating States to ensure for all women the protection and full respect of human rights and fundamental freedoms;

(...)

Milan 2018 (Decision No. 4/18 on Preventing and Combating Violence Against Women)

Reaffirming that the promotion and protection of equal rights and opportunities for all are essential to democracy and economic development and therefore to security, stability and sustainable peace in the OSCE area,

Determined to ensure the full and equal enjoyment by women and girls of human rights and fundamental freedoms,

(...)

Recognizing that inequality between men and women is a root cause of violence against women and girls, and that, in particular, discrimination and economic inequalities, including lack of economic independence, can increase women's vulnerability to violence,

(...)

3. Adopt measures, as appropriate, to encourage education on gender equality, human rights and non-violent behaviour thus contributing to the prevention of all forms of violence against women

and girls, which can include: harmful practices, sexual violence, domestic violence, as well as sexual harassment;

(...)

Milan 2018 (Decision 5/18 on Human Capital Development in the Digital Era)

(...)

Aware that changes in the labour markets caused by digital transformation have the potential to widen social and economic disparities, and that there is a need for a stronger focus on the development of human capital, particularly for women, youth and persons with disabilities, especially in labour-intensive, low-skilled economic sectors,

(...)

Determined to promote lifelong learning and vocational and professional training throughout the working life as essential tools for human capital development and for reducing existing digital divides, particularly for women and girls in the areas of science, technology, engineering and mathematics,

(...)

Acknowledging, in the context of the digitalization of the economy, the need to strengthen the resilience of the workforce and to adapt labour market policy frameworks to promote: the creation of jobs with full respect for human dignity and human rights; sustainable and inclusive economic growth; and equal opportunities for the participation of women and men in the labour market,

(...)

3. Calls upon participating States to promote access to quality education, training, upskilling and reskilling opportunities in order to enhance employability – promoting non-discriminatory access for women, youth and persons with disabilities and with special attention to those working in labour-intensive industries;

4. Encourages the participating States, as appropriate, to promote education, vocational training and retraining, in particular for women and girls, and especially in the fields of science, technology, engineering and mathematics, as a key measure to reduce digital divides and to advance the empowerment of women by promoting opportunities, including in the economy;

(...)

Tirana 2020 (Decision No. 6/20 on Prevent and Combating Corruption through Digitalization and Increased Transparency)

(...)

Acknowledging the need to increase efforts to effectively prevent and combat corruption, including through digitalization, while upholding the rule of law and protecting human rights,

(...)

1. Calls upon participating States to prevent and combat corruption by:

(...)

(m) Promoting the full, equal and meaningful participation of women in the development and implementation of relevant anti-corruption activities, with the view to achieving gender equality, and taking into account that corruption disproportionately affects women and the vulnerable;

5.3 Combating Acts Motivated by Prejudice, Intolerance and Hatred

5.3.1 General Provisions

Copenhagen 1990

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

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

(...)

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

Paris 1990 (Charter of Paris for a New Europe)

(...)

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

Cracow 1991

(...)

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

(...)

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

Helsinki 1992 (Summit Declaration)

12. (...) we reject racial, ethnic and religious discrimination in any form. Freedom and tolerance must be taught and practised.

Helsinki 1992 (Decisions: VI. The Human Dimension)

The participating States

(30) Express their concern over recent and flagrant manifestations of intolerance, discrimination, aggressive nationalism, xenophobia, anti-semitism and racism and stress the vital role of tolerance, understanding and co-operation in the achievement and preservation of stable democratic societies;

Rome 1993 (Decisions: X. Declaration on Aggressive Nationalism, Racism, Chauvinism, Xenophobia and Anti-Semitism)

1. Recalling their decisions taken at the Stockholm Council Meeting, the Ministers noted with deep concern the growing manifestations of aggressive nationalism, such as territorial expansionism, as well as racism, chauvinism, xenophobia and anti-semitism. These run directly counter to the principles and commitments of the CSCE.

2. The Ministers also noted that these phenomena can lead to violence, secessionism by the use of force and ethnic strife, and in their worst instances to the barbaric practices of mass deportation, ethnic cleansing and violence against innocent civilians.

3. Aggressive nationalism, racism, chauvinism, xenophobia and anti-semitism create ethnic, political and social tensions within and between States. They also undermine international stability and worldwide efforts to place universal human rights on a firm foundation.

4. The Ministers focused attention on the need for urgent action to enforce the strict observance of the norms of international humanitarian law, including the prosecution and punishment of those guilty of war crimes and other crimes against humanity.

5. The Ministers agreed that the CSCE must play an important role in these efforts. The clear standards of behaviour reflected in CSCE commitments include active support for the equal rights of all individuals in accordance with international law and for the protection of national minorities.

Budapest 1994 (Decisions: VIII. The Human Dimension: Tolerance and non-discrimination)

25. The participating States condemn manifestations of intolerance, and especially of aggressive nationalism, racism, chauvinism, xenophobia and anti-semitism, and will continue to promote effective measures aimed at their eradication (...) They condemn all crimes committed in the pursuit of so-called "ethnic cleansing" and will continue to give their effective support to the International War Crimes Tribunal for the former Yugoslavia in The Hague.

26. They commend the Council of Europe's plan of action on racism, xenophobia, anti-semitism and intolerance. In following up the Rome Council's Declaration, CSCE institutions will explore possibilities for joint work with the Council of Europe, as well as the United Nations and other international organizations.

27. Reaffirming their commitment to ensure freedom of conscience and religion and to foster a climate of mutual tolerance and respect between believers of different communities as well as between believers and non-believers, they expressed their concern about the exploitation of religion for aggressive nationalist ends.

Lisbon 1996 (Summit Declaration)

9. (...) Among the acute problems within the human dimension, the continuing violations of human rights, such as (...) manifestations of aggressive nationalism, racism, chauvinism, xenophobia and anti-Semitism, continue to endanger stability in the OSCE region. We are committed to continuing to address these problems.

Istanbul 1999 (Charter for European Security: IV. Our Common Response)

19. (...) We commit ourselves to counter such threats to security as violations of human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief and manifestations of intolerance, aggressive nationalism, racism, chauvinism, xenophobia and anti-semitism.

(...)

22. We reject any policy of ethnic cleansing or mass expulsion.

(...)

Bucharest 2001 (Annex to Decision 1 on Combating Terrorism; The Bucharest Plan of Action for Combating Terrorism)

11. Promoting human rights, tolerance and multi-culturalism: Participating States/Permanent Council/ODIHR/High Commissioner on National Minorities (HCNM)/Representative on Freedom of the Media: Will promote and enhance tolerance, co-existence and harmonious relations between ethnic, religious, linguistic and other groups as well as constructive co-operation among participating States in this regard. Will provide early warning of and appropriate responses to violence, intolerance, extremism and discrimination against these groups and, at the same time, promote their respect for the rule of law, democratic values and individual freedoms. Will work to ensure that persons belonging to national minorities have the right freely to express, preserve and develop their ethnic, cultural, linguistic or religious identity.

Porto 2002 (Decision No. 6 on Tolerance and Non-Discrimination)

The Ministerial Council,

(...)

Reiterating that democracy and protection of human rights and fundamental freedoms are essential safeguards of tolerance and non-discrimination and constitute important factors for stability, security, co-operation and peaceful development throughout the entire OSCE region, and that conversely tolerance and non-discrimination are important elements in the promotion of human rights

(...)

Noting that promoting tolerance and non-discrimination can also contribute to eliminating the basis for hate speech and aggressive nationalism, racism, chauvinism, xenophobia, anti-Semitism and violent extremism,

Recognizing the responsibility of participating States for promoting tolerance and non-discrimination,

1.(a) Condemns in strongest terms all manifestations of aggressive nationalism, racism, chauvinism, xenophobia, anti-Semitism and violent extremism, as well as hate speech and occurrences of discrimination based on religion or belief;

(...)

2. Decides to intensify efforts to maintain and strengthen tolerance and non-discrimination, with the assistance of OSCE institutions and in co-operation with relevant international organizations and civil society, by such means as the exchanges of information and best practice;

(...)

5. Condemns, in particular, discrimination on religious grounds and undertakes to endeavour to prevent and protect against attacks directed at any religious group, whether on persons or on places of worship or religious objects;

6. Condemns in particular the recent increase in anti-Semitic incidents in the OSCE area, recognizing the role that the existence of anti-Semitism has played throughout history as a major threat to freedom;

7. Also condemns the recent increase in acts of discrimination and violence against Muslims in the OSCE area and rejects firmly the identification of terrorism and extremism with a particular religion or culture;

8. Decides to take strong public positions against hate speech and other manifestations of aggressive nationalism, racism, chauvinism, xenophobia, anti-Semitism and violent extremism, as well as occurrences of discrimination based on religion or belief;

Maastricht 2003 (OSCE Strategy to Address Threats to Security and Stability in the Twenty-First Century)

Threats to security and stability in the twenty-first century

(...)

12. Practices related to discrimination and intolerance both threaten the security of individuals and may give rise to wider-scale conflict and violence. They can have their root in issues such as ethnic and religious tensions, aggressive nationalism, chauvinism and xenophobia, and may also stem from racism, anti-Semitism and violent extremism, as well as lack of respect for the rights of persons belonging to national minorities.

13. The mobility of migrant populations and the emergence of societies with many coexisting cultures in all parts of the OSCE region present growing opportunities as well as challenges. Failure

to integrate societies and failure also by everyone who resides in them to respect the rights of all can undermine stability.

(...)

Addressing threats related to discrimination and intolerance

36. Discrimination and intolerance are among the factors that can provoke conflicts, which undermine security and stability. Based on its human dimension commitments, the OSCE strives to promote conditions throughout its region in which all can fully enjoy their human rights and fundamental freedoms under the protection of effective democratic institutions, due judicial process and the rule of law. This includes secure environments and institutions for peaceful debate and expression of interests by all individuals and groups of society. Civil society has an important role to play in this regard, and the OSCE will continue to support and help strengthen civil society organizations.

(...)

38. The participating States and OSCE bodies and institutions are committed to stepping up their efforts to counter threats arising from discrimination and intolerance. Harmonious relations between ethnic, religious, linguistic and other groups and the rights of persons belonging to national minorities will be actively promoted (...) Violence, intolerance, extremism and discrimination against these groups, including migrant workers, asylum seekers and other immigrants, must be counteracted and persons responsible for such actions held accountable. At the same time, the respect of persons belonging to such groups for the rule of law, democratic values and individual freedoms is essential.

Maastricht 2003 (Decision No. 4/03 on Tolerance and Non-discrimination)

The Ministerial Council,

(...)

Reaffirming its commitment to promote tolerance and combat discrimination, and its concern about all manifestations of aggressive nationalism, racism, chauvinism, xenophobia, anti-Semitism and violent extremism in all participating States, as well as discrimination based, *inter alia*, on race, color, sex, language, religion or belief, political or other opinion, national or social origin, property, birth or other status,

Urging the relevant authorities in all participating States to continue to condemn publicly, at the appropriate level and in the appropriate manner, violent acts motivated by discrimination and intolerance,

Affirming its commitment to increase its efforts for the promotion of tolerance and non-discrimination in all fields (...)

8. Recognizes the need to combat hate crimes, which can be fuelled by racist, xenophobic, and anti-Semitic propaganda on the internet (...)

9. Affirms the importance of freedom of thought, conscience, religion or belief, and condemns all discrimination and violence, including against any religious group or individual believer. Commits to ensure and facilitate the freedom of the individual to profess and practice a religion or belief, alone or in community with others, where necessary through transparent and non-discriminatory

laws, regulations, practices and policies. Encourages the participating States to seek the assistance of the ODIHR and its Panel of Experts on Freedom of Religion or Belief (...)

11. Undertakes to combat discrimination against migrant workers. Further undertakes to facilitate the integration of migrant workers into the societies in which they are legally residing. Calls on the ODIHR to reinforce its activities in this respect;

12. Undertakes, in this context, to combat, subject to national legislation and international commitments, discrimination, where existing, against asylum seekers and refugees, and calls on the ODIHR to reinforce its activities in this respect;

13. Takes into account the UN Guiding Principles on Internal Displacement as a useful framework for the work of the OSCE and the endeavours of participating States in dealing with internal displacement (...)

15. Decides to intensify the co-operation of the OSCE with relevant international organizations such as the United Nations, the Council of Europe and the European Union, as well as with civil society and relevant non-governmental organizations to promote tolerance and non-discrimination (...)

Sofia 2004 (Ministerial Declaration on the Sixtieth Anniversary of the End of World War II)

We have learned from history the danger of intolerance, discrimination, extremism and hatred on ethnic, racial and religious grounds. We are committed to combat these threats, including through the OSCE, and we reject any attempts to justify them.

We strongly condemn any denial of the Holocaust. We condemn all forms of ethnic cleansing. We confirm our adherence to the UN Convention on the Prevention and Punishment of the Crime of Genocide adopted on 9 December 1948. We call on the participating States to take every possible action to ensure that attempts to commit genocide are prevented today and in the future. The perpetrators of such crimes should be brought to justice.

Sofia 2004 (Decision No. 12/04 on Tolerance and Non-discrimination)

The Ministerial Council,

(...)

2. Endorses the Permanent Council Decisions on Combating Anti-Semitism (PC.DEC/607) and on Tolerance and the Fight against Racism, Xenophobia and Discrimination (PC.DEC/621) and the Permanent Council Decision on Promoting Tolerance and Media Freedom on the Internet (PC.DEC/633), annexed to this decision;

3. Further decides to intensify efforts for the implementation of these three decisions, which include commitments in the fields of, *inter alia*, education, media, legislation, law enforcement, migration and religious freedom;

(...)

5. Welcomes the intention of the Chairman-in-Office to appoint, in accordance with Porto Ministerial Council Decision No. 8, three personal representatives as part of the overall fight of the OSCE in combating discrimination and promoting tolerance (...)

Sofia 2004 (Annex to Decision No. 12/04 on Tolerance and Non-discrimination; Permanent Council Decision No. 607: Combating Anti-Semitism)

The Permanent Council,
(...)

In order to reinforce our common efforts to combat anti-Semitism across the OSCE region,
Decides,

1. The participating States commit to:

- Strive to ensure that their legal systems foster a safe environment free from anti-Semitic harassment, violence or discrimination in all fields of life;
- Combat hate crimes, which can be fuelled by racist, xenophobic and anti-Semitic propaganda in the media and on the Internet;
- Encourage and support international organization and NGO efforts in these areas (...)

- (...)
- Work with the OSCE Parliamentary Assembly to determine appropriate ways to review periodically the problem of anti-Semitism;
- Encourage development of informal exchanges among experts in appropriate fora on best practices and experiences in law enforcement and education;
- (...)

Sofia 2004 (Annex to Decision No. 12/04 on Tolerance and Non-discrimination; Permanent Council Decision No. 621: Tolerance and the Fight against Racism, Xenophobia and Discrimination)

The Permanent Council,
(...)

In order to reinforce our common efforts to fight manifestations of intolerance across the OSCE region,

Decides,

1. The participating States commit to:

- (...)
- Take steps to combat acts of discrimination and violence against Muslims in the OSCE area;
- Take steps, in conformity with their domestic law and international obligations, against discrimination, intolerance and xenophobia against migrants and migrant workers;
- Consider undertaking activities to raise public awareness of the enriching contribution of migrants and migrant workers to society;
- Combat hate crimes, which can be fuelled by racist, xenophobic and anti-Semitic propaganda in the media and on the Internet, and appropriately denounce such crimes publicly when they occur;
- (...)

- Encourage and support international organization and NGO efforts in these areas;
(...)
- Examine the possibility of establishing within countries appropriate bodies to promote tolerance and to combat racism, xenophobia, discrimination or related intolerance, including against Muslims. and anti-Semitism;
(...)
- Work with the OSCE Parliamentary Assembly to determine appropriate ways to review periodically the problems of racism, xenophobia and discrimination;
- Encourage development of informal exchanges among experts in appropriate fora on best practices and experiences in law enforcement and education;
(...)

Ljubljana 2005 (Decision No. 10/05 Tolerance and Non-Discrimination: Promoting Mutual Respect and Understanding)

The Ministerial Council,

(...)

Recalling the importance of promoting and facilitating intercultural and interfaith dialogue and partnerships aimed at tolerance, mutual respect and understanding, at both the national and the international levels,

(...)

3. Rejects the identification of terrorism and violent extremism with any religion or belief, culture, ethnic group, nationality or race;

(...)

4. Decides that the OSCE should continue to raise awareness and develop measures to counter prejudice, intolerance and discrimination, while respecting human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief, for all without distinction as to *inter alia* race, colour, sex, language, religion or belief, political or other opinion, national or social origin, property, birth or other status;

(...)

Brussels 2006 (Decision No. 13/06 Combating Intolerance and Discrimination and Promoting Mutual Respect and Understanding)

The Ministerial Council,

(...)

Acknowledging that the promotion of a culture of mutual respect, understanding and equality and the pursuit of equal opportunities for effective participation in democratic societies requires a systematic, comprehensive and longterm approach,

Deeply concerned by racist, xenophobic and discriminatory public discourse,

(...)

Reaffirming the need for determination by the participating States in combating all acts and manifestations of hate, including hate crimes, recognizing that the efforts required to address them often involve a common approach, while at the same time recognizing the uniqueness of the manifestations and historical background of each form,

(...)

Acknowledging the essential role civil society can play in combating intolerance and discrimination and promoting mutual respect and understanding,

Being alarmed at any rise of political parties, movements and groups advocating violence,

Also being concerned, in this context, at violent manifestations of extremism associated with racism, xenophobia, anti-Semitism, aggressive nationalism and neoNazism,

Recalling the contribution of the OSCE to the UN Alliance of Civilizations Initiative with the goal of forging collective political will and mobilizing concerted action at the institutional and civil society levels to promote mutual respect and understanding, and noting the HighLevel Group's report, presented to the UN SecretaryGeneral on 13 November 2006 in Istanbul, which aims at establishing, under the auspices of the UN, partnerships between international organizations that share the goals of the Alliance of Civilizations,

(...)

3. Encourages the participating States to recognize the positive contribution that all individuals can make to the harmonious pluralistic character of our societies by promoting policies focusing on equality of opportunity, rights, access to justice and public services, and on fostering dialogue and effective participation;

(...)

8. Deplores racist, xenophobic and discriminatory public discourse, and stresses that political representatives can play a positive role in the overall promotion of mutual respect and understanding and have a significant impact in defusing tensions within societies, by speaking out against hate-motivated acts and incidents and by recognizing the positive contributions that all individuals can make to a harmonious pluralistic society;

(...)

12. Decides that the participating States should engage more actively in encouraging civil society's activities through effective partnerships and strengthened dialogue and cooperation between civil society and State authorities in the sphere of promoting mutual respect and understanding, equal opportunities and inclusion of all within society and combating intolerance, including by establishing local, regional or national consultation mechanisms where appropriate;

(...)

16. Looks forward to UN action on the report of the High Level Group of the Alliance of Civilizations Initiative with a view to considering an appropriate OSCE contribution towards its implementation.

Madrid 2007 (Decision No. 10/07 on Tolerance and Non-Discrimination: Promoting Mutual Respect and Understanding)

The Ministerial Council,

(...)

Underscoring that the primary responsibility for addressing acts of intolerance and discrimination rests with participating States, including their political representatives,

(...)

Recognizing that manifestations of intolerance and discrimination can undermine the efforts to protect the rights of individuals, including migrants, refugees and persons belonging to national minorities and stateless persons,

(...)

Acknowledging the specificity of different forms of intolerance, while at the same time recognizing the importance of taking a comprehensive approach and addressing crosscutting issues (...) in order to effectively combat all forms of discrimination,

1. Calls for continued efforts by political representatives, including parliamentarians, strongly to reject and condemn manifestations of racism, xenophobia, anti-Semitism, discrimination and intolerance, including against Christians, Jews, Muslims and members of other religions, as well as violent manifestations of extremism associated with aggressive nationalism and neo-Nazism, while continuing to respect freedom of expression;

2. Underlines the continued need for participating States to (...) strengthen cooperation with civil society;

(...)

5. Calls on participating States to increase their efforts, in co-operation with civil society to counter the incitement to imminent violence and hate crimes, including through the Internet, within the framework of their national legislation, while respecting freedom of expression, and underlines at the same time that the opportunities offered by the Internet for the promotion of democracy, human rights and tolerance education should be fully exploited;

(...)

7. Calls on participating States to protect migrants legally residing in host countries and persons belonging to national minorities, stateless persons and refugees from racism, xenophobia, discrimination and violent acts of intolerance and to elaborate or strengthen national strategies and programmes for the integration of regular migrants, which also requires active engagement of the latter;

(...)

9. Commits to ensure efficient follow-up on the work done so far by the participating States and relevant OSCE institutions, particularly ODIHR through its Tolerance and Non-Discrimination programme, to promote within their mandates tolerance and non-discrimination, underlining the importance of implementing the existing OSCE commitments taking into account the experience and expertise of other relevant international and regional organizations in this field in order to avoid duplication (...);

10. Encourages the establishment of national institutions or specialized bodies by the participating States which have not yet done so, to combat intolerance and discrimination as well as the development and implementation of national strategies and action plans in this field, drawing on the expertise and assistance of the relevant OSCE institutions, based on existing commitments, and the relevant international agencies, as appropriate;

11. Decides to consider an appropriate OSCE contribution to the implementation phase of the Alliance of Civilizations' High-Level Group recommendations, taking into account the Implementation Plan prepared by the United Nations High Representative for the Alliance of Civilizations, and recommends that the OSCE Secretary General, in consultation with the Chairman-in-Office, attends the upcoming first Annual Forum of the Alliance in Madrid and reports on its outcome to the participating States.

(...)

Helsinki 2008 (Decision No. 8/08 on OSCE Contribution to the Implementation Phase of the Alliance of Civilizations Initiative)

The Ministerial Council,

Recognizing the need to promote mutual understanding and co operative relations among nations across cultures and civilizations,

Resolved to counter radicalization and violent extremism that lead to terrorism,

Underlining the role of the OSCE as a regional arrangement under Chapter VIII of the United Nations Charter,

Highlighting the continued interest of the OSCE in the "Alliance of Civilizations" initiative, established under the auspices of the United Nations, in line with the Ljubljana, Brussels and Madrid Ministerial Council decisions,

Reiterating our commitments to combating intolerance and discrimination and to promoting mutual respect an understanding,

Recalling the initial contribution of the OSCE to the Alliance of Civilizations initiative, presented to the UN Secretary General in 2006,

Taking into account the Implementation Plan prepared by the United Nations High Representative for the Alliance of Civilizations initiative,

Decides, within existing resources, to:

1. Authorize the OSCE Secretary General to follow the evolution of the Alliance of Civilizations, to consider co-operation on Alliance of Civilizations projects in areas of common interest and mutual benefit that advance implementation of OSCE commitments, and tasks him to report to participating States;

(...)

Athens 2009 (Decision No. 5/09 on Migration Management)

The Ministerial Council,

(...)

1. Encourages the participating States to continue to work on migration management by:

(...)

- Respecting the human rights of migrants and increasing efforts to combat discrimination, intolerance and xenophobia towards migrants and their families;

(...)

Athens 2009 (Decision No. 9/09 on Combating Hate Crimes)

The Ministerial Council,

(...)

Concerned by hate crimes throughout the OSCE region and acknowledging the need for co-operation to combat such crimes effectively, and taking note of the ODIHR report entitled “Hate Crimes in the OSCE Region – Incidents and Responses”, as tasked by the participating States,

(...)

Acknowledging that hate crimes are criminal offences committed with a bias motive,

Taking note of the UN Global Counter-Terrorism Strategy adopted on 8 September 2006 by the UN General Assembly, which outlines a comprehensive global approach towards countering terrorism by addressing not only its manifestations, but also the conditions conducive to its spread, and recognizing the role hate crimes, discrimination and intolerance can play in fuelling violent extremism and radicalization that lead to terrorism,

(...)

Recognizing that the global economic downturn may increase incidents of hate crimes in the OSCE area,

Acknowledging that victims of hate crimes may belong to both minority and majority communities,

(...)

Calls on the participating States to:

(...)

5. In co-operation with relevant actors, explore ways to provide victims of hate crimes with access to counselling, legal and consular assistance as well as effective access to justice;

(...)

8. Conduct awareness raising and education efforts, particularly with law enforcement authorities, directed towards communities and civil society groups that assist victims of hate crimes;

(...)

10. Consider drawing on resources developed by the ODIHR in the area of education, training and awareness raising to ensure a comprehensive approach to the tackling of hate crimes;

11. Calls on the participating States to seek opportunities to co-operate and thereby address the increasing use of the Internet to advocate views constituting an incitement to bias-motivated violence including hate crimes and, in so doing, to reduce the harm caused by the dissemination of such material, while ensuring that any relevant measures taken are in line with OSCE commitments, in particular with regard to freedom of expression;

(...)

Astana 2010

7. Serious threats and challenges remain. (...) Greater efforts must be made to promote freedom of religion or belief and to combat intolerance and discrimination.

(...)

Basel 2014 (Declaration on enhancing efforts to combat anti-Semitism)

We, the members of the Ministerial Council of the Organization for Security and Co-operation in Europe, recall the OSCE Conference on Anti-Semitism held in Berlin in 2004, at which the OSCE participating States condemned all manifestations of anti-Semitism and committed themselves to common efforts to combat anti-Semitism throughout the OSCE area.

We express our concern at the disconcerting number of anti-Semitic incidents that continue to take place in the OSCE area and remain a challenge to stability and security.

We reject and condemn manifestations of anti-Semitism, intolerance and discrimination against Jews.

We recall the commitment to respect human rights and fundamental freedoms for all without distinction to race, sex, language or religion, as enshrined in the provision of the Helsinki Final Act of 1975.

(...)

We acknowledge the essential contribution made by civil society to preventing and responding to anti-Semitism, including by their active participation in the relevant OSCE and OSCE-related events, in particular during the high-level commemorative event on the 10th anniversary of the OSCE's Berlin conference on anti-Semitism in 2014.

We stress the importance of States collaborating with civil society through effective partnerships and strengthened dialogue and co-operation on combating anti-Semitism.

We declare unambiguously that international developments, including with regard to the situation in the Middle East, never justify anti-Semitism.

We call on political, religious and civil society leaders to engage in open discussions with a view to combating and preventing anti-Semitism while fully respecting fundamental freedoms and human rights.

We call upon the participating States to:

- Encourage political leaders and public figures to speak out strongly and promptly when anti-Semitic incidents occur;
- Promote educational programmes for combating anti-Semitism and provide young people with opportunities for human rights education including on the subject of anti-Semitism;
- Increase efforts to implement existing OSCE commitments related to monitoring hate crimes and collecting relevant data, including motivated by anti-Semitism;
- Investigate effectively, promptly and impartially acts of violence motivated by anti-Semitism and prosecute those responsible;
- Promote and facilitate open and transparent intercultural, interfaith and interreligious dialogue and partnerships;
- Encourage the inclusion of religious and belief communities in public discussions of pertinent legislative initiatives;

We call upon the ODIHR to:

- Offer to participating States best practices on efforts to counter anti-Semitism, including by consulting civil society, to effectively identify and address contemporary manifestations of anti-Semitism;
- Facilitate co-operation between governmental officials and civil society on issues related to anti-Semitism, including hate crime and Holocaust remembrance;
- Assist participating States in their efforts to collect data on anti-Semitic hate crimes, in co-operation with civil society, as appropriate;
- Facilitate the exchange of best practices among participating States on educational initiatives and other measures to raise awareness of anti-Semitism and overcome challenges to Holocaust education;
- Promote dialogue and strengthen the capacity of civil society to foster mutual respect and understanding in order to advance the cause of co-operation between different communities.

We highlight the work of the three Personal Representatives on tolerance issues in support of overall efforts of the OSCE to combat intolerance and discrimination, in particular through their country visits, the resulting recommendations and their reporting to the OSCE Permanent Council.

We encourage the participating States to elaborate Ministerial Council Declarations on enhancing efforts to combat intolerance and discrimination, including against Muslims, Christians and members of other religions.

Belgrade 2015 (Ministerial Declaration on Preventing and Countering Violent Extremism and Radicalization that Lead to Terrorism)

(...)

Strongly condemning manifestations of intolerance, including on the basis of religion or belief, reaffirming the will of participating States to foster tolerance and non-discrimination, mutual respect and understanding in their societies, and reaffirming our commitment to promote and protect human rights and fundamental freedoms, including freedom of expression and freedom of thought, conscience, religion or belief,

Expressing deep concern at the fact that some serious crimes committed by terrorists or terrorist groups, including foreign terrorist fighters, have targeted persons and groups on the basis of their ethnicity, religion or belief, and noting the role that discrimination and intolerance can play in fuelling violent extremism and radicalization that lead to terrorism, Underscoring the commitment of participating States to take the measures needed to protect everyone within their jurisdiction against terrorist acts, and to take resolute action to counter terrorism and foreign terrorist fighters, (...), in support of our relevant OSCE commitments, and in compliance with applicable obligations under international law, including international human rights law, international refugee law and international humanitarian law,

5.3.2 International Instruments

Copenhagen 1990

(40) (...) [The participating States] (...) will

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

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

Helsinki 1992 (Decisions: VI. The Human Dimension)

[The participating States]

(32) Will consider adhering to the International Convention on the Elimination of All Forms of Racial Discrimination, if they have not already done so;

Sofia 2004 (Ministerial Declaration on the Sixtieth Anniversary of the End of World War II)

(...) We confirm our adherence to the UN Convention on the Prevention and Punishment of the Crime of Genocide adopted on 9 December 1948 (...)

5.3.3 Legislation and Enforcement of Laws and Policies

Copenhagen 1990

(40) (...) [The participating States] (...) will

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

(...)

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

(...)

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

Helsinki 1992 (Decisions: VI. The Human Dimension)

[The participating States]

(33) Will consider taking appropriate measures within their constitutional framework and in conformity with their international obligations to assure to everyone on their territory protection against discrimination on racial, ethnic and religious grounds, as well as to protect all individuals, including foreigners, against acts of violence, including on any of these grounds. Moreover, they will make full use of their domestic legal processes, including enforcement of existing laws in this regard;

(...)

Budapest 1994 (Decisions: VIII. The Human Dimension)

25. The participating States condemn manifestations of intolerance, and especially of aggressive nationalism, racism, chauvinism, xenophobia and anti-semitism, and will continue to promote effective measures aimed at their eradication (...) They will seek to strengthen or adopt appropriate legislation to this end and take the necessary measures to ensure that existing legislation is effectively implemented, in a way that would deter manifestations of these phenomena. They also stress that action to combat these phenomena should be seen as an integral part of integration policy and education.

Porto 2002 (V. Decision No. 6 on Tolerance and Non-discrimination)

The Ministerial Council,

9. Calls on relevant authorities of participating States to investigate promptly and impartially acts of violence, especially where there are reasonable grounds to suspect that they were motivated by aggressive nationalism, racism, chauvinism, xenophobia, anti-Semitism and violent extremism, as well as attacks motivated by hatred against a particular religion or belief, and to prosecute those responsible in accordance with domestic law and consistent with relevant international standards of human rights;

(...)

Maastricht 2003 (Annex to Decision No. 3/03, Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area)

In order to counter prejudice (...) and to effectively elaborate and implement policies to combat discrimination and racial violence, the following actions are recommended:

Legislation and law enforcement

Recommended action by participating States:

7. Consider ratifying the relevant international treaties as soon as possible, if they have not already done so, *inter alia*, the International Convention on the Elimination of All Forms of Racial Discrimination.

8. Adopt and implement effective anti-discrimination legislation to combat racial and ethnic discrimination in all fields, including, *inter alia*, access to housing, citizenship and residence, education, employment, health and social services. Involve Roma and Sinti representatives in the design, implementation and evaluation processes.

9. The anti-discrimination legislation should ensure:

- Prohibition of both direct and indirect racial discrimination;
- Imposition of effective, proportionate and dissuasive sanctions for discriminatory acts or practices;
- Imposition of heavier sentences for racially motivated crimes by both private individuals and public officials;
- Equal access to effective remedies (judicial, administrative, conciliation or mediation procedures).

10. It should be ensured that national legislation prohibits all kinds of discriminatory acts and that all cases of suspected discrimination are thoroughly and objectively investigated.

11. Create, where appropriate, specialized institutions to ensure the implementation of such legislation, as well as domestic mechanisms to monitor and report regularly and with transparency on the progress achieved in its implementation (...)

Maastricht 2003 (Decision No. 4/03 on Tolerance and Non-discrimination)

The Ministerial Council,

(...)

6. (...) Recognizing the importance of legislation to combat hate crimes, participating States will inform the ODIHR about existing legislation regarding crimes fuelled by intolerance and discrimination, and, where appropriate, seek the ODIHR's assistance in the drafting and review of such legislation;

(...)

Sofia 2004 (Annex to Decision No. 12/04 on Tolerance and Non-discrimination; Permanent Council Decision No. 621: Tolerance and the Fight against Racism, Xenophobia and Discrimination)

The Permanent Council,

(...)

In order to reinforce our common efforts to fight manifestations of intolerance across the OSCE region,

Decides,

1. The participating States commit to:

- Consider enacting or strengthening, where appropriate, legislation that prohibits discrimination based on, or incitement to hate crimes motivated by, race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status;

(...)

- Consider establishing training programmes for law enforcement and judicial officials on legislation and enforcement of legislation relating to hate crimes;

Sofia 2004 (Annex to Decision No. 12/04 on Tolerance and Non-discrimination; Permanent Council Decision No. 633: Promoting Tolerance and Media Freedom on the Internet)

The Permanent Council,

(...)

Decides that:

(...)

2. Participating States should investigate and, where applicable, fully prosecute violence and criminal threats of violence, motivated by racist, xenophobic, anti-Semitic or other related bias on the Internet;

3. Participating States should train law enforcement agents and prosecutors on how to address crimes motivated by racist, xenophobic, anti-Semitic or other related bias on the Internet and should share information on successful training programmes as part of the exchange of best practices;

Ljubljana 2005 (Decision No. 10/05 on Tolerance and Non-Discriminations: Promoting Mutual Respect and Understanding)

The Ministerial Council,

(...)

5. Decides that the participating States while implementing their commitments to promote tolerance and nondiscrimination will focus their activities in such fields as, *inter alia*, legislation, law enforcement, education, media, data collection, migration and integration, religious freedom, inter-cultural and inter-faith dialogue, and commit to:

5.1 Consider increasing their efforts to ensure that national legislation, policies and practices provide to all persons equal and effective protection of the law and prohibit acts of intolerance and discrimination, in accordance with relevant OSCE commitments and their relevant international obligations;

5.2 Strengthen efforts to provide public officials, and in particular law enforcement officers, with appropriate training on responding to and preventing hate crimes, and in this regard, to consider setting up programmes that provide such training, and to consider drawing on ODIHR expertise in this field and to share best practices;

(...)

Brussels 2006 (Decision No. 13/06 on Combating Intolerance and Discrimination and Promoting Mutual Respect and Understanding)

The Ministerial Council,
(...)

7. Decides to promote capacitybuilding of law enforcement authorities through training and the development of guidelines on the most effective and appropriate way to respond to biasmotivated crime, to increase a positive interaction between police and victims and to encourage reporting by victims of hate crime, i.e., training for frontline officers, implementation of outreach programmes to improve relations between police and the public and training in providing referrals for victim assistance and protection;
(...)

Madrid 2007 (Decision No. 10/07 on Tolerance and Non-Discrimination: Promoting Mutual Respect and Understanding)

The Ministerial Council,
(...)

Recognizing the role that national parliaments play by enacting hate crime and antidiscrimination legislation (...),
(...)

Acknowledging the specificity of different forms of intolerance, while at the same time recognizing the importance of taking a comprehensive approach and addressing crosscutting issues in such fields as, *inter alia*, legislation, law enforcement, (...) in order to effectively combat all forms of discrimination,
(...)

2. Underlines the continued need for participating States to (...) to train relevant law enforcement officers (...);
(...)

8. Encourages participating States to share best practices in their legislation (...) that help to foster inclusive societies based on respect for cultural and religious diversity, human rights and democratic principles;
(...)

Athens 2009 (Decision No. 9/09 on Combating Hate Crimes)

The Ministerial Council,
(...)

Calls on the participating States to:
(...)

2. Enact, where appropriate, specific, tailored legislation to combat hate crimes, providing for effective penalties that take into account the gravity of such crimes;

(...)

4. Introduce or further develop professional training and capacity-building activities for law-enforcement, prosecution and judicial officials dealing with hate crimes;

5. In co-operation with relevant actors, explore ways to provide victims of hate crimes with access to counselling, legal and consular assistance as well as effective access to justice;

6. Promptly investigate hate crimes and ensure that the motives of those convicted of hate crimes are acknowledged and publicly condemned by the relevant authorities and by the political leadership;

7. Ensure co-operation, where appropriate, at the national and international levels, including with relevant international bodies and between police forces, to combat violent organized hate crime;

8. Conduct awareness raising and education efforts, particularly with law enforcement authorities, directed towards communities and civil society groups that assist victims of hate crimes;

(...)

Basel 2014 (Declaration on enhancing efforts to combat anti-Semitism)

We call upon the participating States to:

Investigate effectively, promptly and impartially acts of violence motivated by anti-Semitism and prosecute those responsible;

5.3.4 Data Collection and Monitoring

Geneva 1991 (VI)

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

Istanbul 1999 (Charter for European Security: IV. Our Common Institutions)

44. We will work to enhance the OSCE's role in civilian police-related activities (...) Such activities may comprise:

- Police monitoring, including with the aim of preventing police from carrying out such activities as discrimination based on religious and ethnic identity;

(...)

- Creating a police service with a multi-ethnic and/or multi-religious composition that can enjoy the confidence of the entire population;

Maastricht 2003 (OSCE Strategy to Address Threats to Security and Stability in the Twenty-First Century)

41. Full use will be made of ODIHR's monitoring capacity, and operational co-operation with other monitoring bodies in such areas as data collection, information sharing and joint analysis will be promoted in order to have the fullest picture of developments. This will enable the OSCE to efficiently target work towards areas of highest priority.

Maastricht 2003 (Decision No. 4/03 on Tolerance and Non-discrimination)

The Ministerial Council,

(...)

6. Encourages all participating States to collect and keep records on reliable information and statistics on hate crimes, including on forms of violent manifestations of racism, xenophobia, discrimination, and anti-Semitism, as discussed and recommended in the above-mentioned conferences (...)

Sofia 2004 (Annex to Decision No. 12/04 on Tolerance and Non-discrimination; Permanent Council Decision No. 607: Combating Anti-Semitism)

The Permanent Council,

(...)

In order to reinforce our common efforts to combat anti-Semitism across the OSCE region,

Decides,

1. The participating States commit to:

- Collect and maintain reliable information and statistics about anti-Semitic crimes, and other hate crimes, committed within their territory, report such information periodically to the OSCE Office for Democratic Institutions and Human Rights (ODIHR), and make this information available to the public;

Sofia 2004 (Annex to Decision No. 12/04 on Tolerance and Non-discrimination; Permanent Council Decision No. 621: Tolerance and the Fight against Racism, Xenophobia and Discrimination)

The Permanent Council,

(...)

In order to reinforce our common efforts to fight manifestations of intolerance across the OSCE region,

Decides,

1. The participating States commit to:

(...)

- Collect and maintain reliable information and statistics about hate crimes motivated by racism, xenophobia and related discrimination and intolerance, committed within their territory, report such information periodically to the OSCE Office for Democratic Institutions and Human Rights (ODIHR) and make this information available to the public;

Ljubljana 2005 (Decision No. 10/05 on Tolerance and Non-Discriminations: Promoting Mutual Respect and Understanding)

The Ministerial Council,

(...)

5. Decides that the participating States while implementing their commitments to promote tolerance and nondiscrimination will focus their activities in such fields as, *inter alia*, legislation, law enforcement, education, media, data collection, migration and integration, religious freedom, inter-cultural and inter-faith dialogue, and commit to:

(...)

5.5 Strengthen efforts to collect and maintain reliable information and statistics on hate crimes and legislation within their territories, to report such information periodically to the ODIHR, and to make this information available to the public and to consider drawing on ODIHR assistance in this field, and in this regard, to consider nominating national points of contact on hate crimes to the ODIHR;

(...)

Brussels 2006 (Decision No. 13/06 on Combating Intolerance and Discrimination and Promoting Mutual Respect and Understanding)

The Ministerial Council,

(...)

11. Encourages the participating States to step up their efforts in implementing their commitments to collect and maintain reliable data and statistics on hate crimes which are essential for effective policy formulation and appropriate resource allocation in countering hate-motivated incidents and, in this context, also invites the participating States to facilitate the capacity development of civil society to contribute in monitoring and reporting hate-motivated incidents and to assist victims of hate crimes;

(...)

Madrid 2007 (Decision No. 10/07 on Tolerance and Non-Discrimination: Promoting Mutual Respect and Understanding)

The Ministerial Council,

(...)

Acknowledging the specificity of different forms of intolerance, while at the same time recognizing the importance of taking a comprehensive approach and addressing crosscutting issues in such fields as, *inter alia*, (...) data collection and monitoring of hate crimes (...), in order to effectively combat all forms of discrimination,

(...)

2. Underlines the continued need for participating States to collect and maintain reliable data and statistics on hate crimes and incidents, to train relevant law enforcement officers and to strengthen cooperation with civil society;

(...)

Athens 2009 (Decision No. 9/09 on Combating Hate Crimes)

The Ministerial Council,

(...)

Acknowledging the need for more consistent, comprehensive and comparable data on hate crimes, highlighted *inter alia* in the ODIHR report,

(...)

Calls on the participating States to:

1. Collect, maintain and make public, reliable data and statistics in sufficient detail on hate crimes and violent manifestations of intolerance, including the numbers of cases reported to law enforcement, the numbers prosecuted and the sentences imposed. Where data-protection laws restrict collection of data on victims, States should consider methods for collecting data in compliance with such laws;

(...)

3. Take appropriate measures to encourage victims to report hate crimes, recognizing that under-reporting of hate crimes prevents States from devising efficient policies. In this regard, explore, as complementary measures, methods for facilitating, the contribution of civil society to combat hate crimes;

(...)

9. Nominate, if they have not yet done so, a national point of contact on hate crimes to periodically report to the ODIHR reliable information and statistics on hate crimes;

(...)

Basel 2014 (Declaration on enhancing efforts to combat anti-Semitism)

We call upon the participating States to:

Increase efforts to implement existing OSCE commitments related to monitoring hate crimes and collecting relevant data, including motivated by anti-Semitism;

We call upon the ODIHR to:

Assist participating States in their efforts to collect data on anti-Semitic hate crimes, in co-operation with civil society, as appropriate;

5.3.5 Promotion of Tolerance, Understanding, and Respect, Including Remembrance

Helsinki 1975 (Questions Relating to Security in Europe: 1. (b) Matters Related to Giving Effect to Certain of the Above Principles)

(i) The participating States,

(...)

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

(...)

- To promote, by all means which each of them considers appropriate, a climate of confidence and respect among peoples consonant with their duty to refrain from propaganda for wars of aggression or for any threat or use of force inconsistent with the purposes of the United Nations and with the Declaration on Principles Guiding Relations between Participating States, against another participating State.

Vienna 1989 (Questions Relating to Security in Europe: Principles)

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

(...)

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

Vienna 1989 (Co-operation in Humanitarian and Other Fields; Co-operation and Exchanges in the Field of Culture)

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

Copenhagen 1990

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

(...)

(40) (...) [The participating States] will

(...)

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

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

Paris 1990 (A New Era of Democracy, Peace and Unity)

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

Cracow 1991 (Preamble)

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

(...)

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

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

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

(...)

II. CULTURE AND HERITAGE

18. Partnerships among diverse groups at the local, regional and national level, from both the private and the public sector, are valuable for ensuring the effective and representative preservation of the cultural heritage. The preservation and interpretation of the values and the cultural heritage of diverse groups will be enhanced with the involvement of those groups, which is conducive to the tolerance and respect for different cultures which are of paramount importance.

(...)

III. PRINCIPAL AREAS OF PRESERVATION AND CO-OPERATION

27. Bearing in mind the important role that regional aspects of culture may play in linking people across national borders, the participating States will favour regional co-operation at the level

of local and national authorities as well as non-governmental organizations with a view to fostering good-neighbourly relations.

(...)

31. The participating States will strive to preserve and protect those monuments and sites of remembrance, including most notably extermination camps, and the related archives, which are themselves testimonials to tragic experiences in their common past. Such steps need to be taken in order that those experiences may be remembered, may help to teach present and future generations of these events, and thus ensure that they are never repeated.

32. The interpretation of sensitive sites of remembrance can serve as a valuable means of promoting tolerance and understanding among people and will take into account social and cultural diversity.

Geneva 1991 (VI)

[The participating States] will take effective measures to promote tolerance, understanding, equality of opportunity and good relations between individuals of different origins within their country.

Moscow 1991

(38.1) [The participating States] condemn all acts of discrimination on the ground of race, colour and ethnic origin, intolerance and xenophobia against migrant workers. They will, in conformity with domestic law and international obligations, take effective measures to promote tolerance, understanding, equality of opportunity and respect for the fundamental human rights of migrant workers (...)

Helsinki 1992 (Summit Declaration)

12. (...) Economic decline, social tension, aggressive nationalism, intolerance, xenophobia and ethnic conflicts threaten stability in the CSCE area (...)

There is still much work to be done in building democratic and pluralistic societies, where diversity is fully protected and respected in practice. Consequently, we reject racial, ethnic and religious discrimination in any form. Freedom and tolerance must be taught and practised.

Helsinki 1992 (Decisions: VI. The Human Dimension)

The participating States

(30) Express their concern over recent and flagrant manifestations of intolerance, discrimination, aggressive nationalism, xenophobia, anti-semitism and racism and stress the vital role of tolerance, understanding and co-operation in the achievement and preservation of stable democratic societies;

(...)

(34) Will consider developing programmes to create the conditions for promoting non-discrimination and cross-cultural understanding which will focus on human rights education, grass-roots action, cross-cultural training and research;

Rome 1993 (Decisions: IV. The Human Dimension)

1. (...) Concerned by the root causes of tension stemming from historical prejudices, the Ministers called for efforts, *inter alia*, through education, to promote tolerance and consciousness of belonging to a system of common values. The Ministers stressed that implementation of human dimension commitments must be a focus of attention in the CSCE's conflict prevention efforts.

Istanbul 1999 (Charter for European Security: III. Our Common Response)

19. (...) We condemn violence against any minority. We pledge to take measures to promote tolerance and to build pluralistic societies where all, regardless of their ethnic origin, enjoy full equality of opportunity.

Bucharest 2001 (Annex to Decision 1 on Combating Terrorism: The Bucharest Plan of Action for Combating Terrorism)

11. Promoting human rights, tolerance and multi-culturalism; Participating States/Permanent Council/ODIHR/High Commissioner on National Minorities (HCNM)/Representative on Freedom of the Media: Will promote and enhance tolerance, co-existence and harmonious relations between ethnic, religious, linguistic and other groups as well as constructive co-operation among participating States in this regard (...)

Bucharest 2001 (Decision No. 5)

The Ministerial Council,
(...)

Calls on participating States to promote tolerance and non-discrimination (...) through awareness raising campaigns and education;
(...)

Porto 2002 (Charter on Preventing and Combating Terrorism)

21. Acknowledge the positive role the media can play in promoting tolerance and understanding among religions, beliefs, cultures and peoples (...)

Porto 2002 (Decision No.6 on Tolerance and Non-discrimination)

The Ministerial Council,

(...) Reiterating that democracy and protection of human rights and fundamental freedoms are essential safeguards of tolerance and non-discrimination and constitute important factors for stability, security, co-operation and peaceful development throughout the entire OSCE region, and that conversely tolerance and non-discrimination are important elements in the promotion of human rights,

Recalling the continuing work of the OSCE structures and institutions in the field of promoting human rights, tolerance, non-discrimination and multiculturalism, in particular by the human dimension meetings and activities, projects and programmes including those of participating States,

Stressing the positive role of multicultural and inter-religious dialogue in creating better understanding among nations and peoples,

Noting that promoting tolerance and non-discrimination can also contribute to eliminating the basis for hate speech and aggressive nationalism, racism, chauvinism, xenophobia, anti-Semitism and violent extremism,

Recognizing the responsibility of participating States for promoting tolerance and non-discrimination,

(...)

1. (...) (b) Undertakes to further promote multicultural, interethnic and inter-religious dialogue in which governments and civil society will be encouraged to participate actively;

(...)

2. Decides to intensify efforts to maintain and strengthen tolerance and non-discrimination, with the assistance of OSCE institutions and in co-operation with relevant international organizations and civil society, by such means as the exchanges of information and best practice;

(...)

4. Commits to take appropriate measures, in conformity with respective constitutional systems, at national, regional and local levels to promote tolerance and non-discrimination as well as to counter prejudices and misrepresentation, particularly in the field of education, culture and information;

Maastricht 2003 (OSCE Strategy to Address Threats to Security and Stability in the Twenty-First Century)

40. The OSCE's efforts will in particular be targeted at the younger generation in order to build up their understanding of the need for tolerance and the importance of reconciliation and peaceful coexistence. Their outlook and perspective on the future are key. Where appropriate, the OSCE will therefore take on a stronger role in the field of education. An area such as human rights education would deserve particular attention.

Sofia 2004 (Annex to Decision No. 12/04 on Tolerance and Non-discrimination; Permanent Council Decision No. 607: Combating Anti-Semitism)

The Permanent Council,

(...)

In order to reinforce our common efforts to combat anti-Semitism across the OSCE region,

Decides,

1. The participating States commit to:

- Promote, as appropriate, educational programmes for combating anti-Semitism;
- Promote remembrance of and, as appropriate, education about the tragedy of the Holocaust, and the importance of respect for all ethnic and religious groups;

(...)

Sofia 2004 (Annex to Decision No. 12/04 on Tolerance and Non-discrimination; Permanent Council Decision No. 621: Tolerance and the Fight against Racism, Xenophobia and Discrimination)

1. The participating States commit to:

(...)

- Promote and enhance, as appropriate, educational programmes for fostering tolerance and combating racism, xenophobia and discrimination;
- Promote and facilitate open and transparent interfaith and intercultural dialogue and partnerships towards tolerance, respect and mutual understanding
- Encourage the promotion of tolerance, dialogue, respect and mutual understanding through the Media, including the Internet;

(...)

Ljubljana 2005 (Decision No. 2/05 on Migration)

The Ministerial Council,

Reaffirming the commitments related to migration, and in particular regarding migrant workers, and other relevant commitments (...)

(...)

Acknowledging (...) that successful integration policies that include respect for cultural and religious diversity and promotion and protection of human rights and fundamental freedoms are a factor in promoting stability and cohesion within our societies,

Ljubljana 2005 (Decision No. 10/05 on Tolerance and Non-Discriminations: Promoting Mutual Respect and Understanding)

The Ministerial Council,

Recognizing that respect for human rights and fundamental freedoms, democracy and the rule of law is at the core of the OSCE comprehensive concept of security,

(...)

Emphasizing the need for consistently and unequivocally speaking out against acts and manifestations of hate, particularly in political discourse, and working in favour of tolerance, mutual respect and understanding,

Recalling the importance of promoting and facilitating intercultural and interfaith dialogue and partnerships aimed at tolerance, mutual respect and understanding, at both the national and the international levels,

(...)

Appreciating the work of the three Personal Representatives of the Chairman in Office as part of the overall effort of the OSCE in combating discrimination and promoting tolerance, mutual respect and understanding and in awareness-raising,

(...)

2. Welcomes the creation of the ODIHR Programme on Tolerance and NonDiscrimination;

3. Rejects the identification of terrorism and violent extremism with any religion or belief, culture, ethnic group, nationality or race;

4. Decides that the OSCE should continue to raise awareness and develop measures to counter prejudice, intolerance and discrimination, while respecting human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief, for all without distinction as to *inter alia* race, colour, sex, language, religion or belief, political or other opinion, national or social origin, property, birth or other status;

5. Decides that the participating States while implementing their commitments to promote tolerance and nondiscrimination will focus their activities in such fields as, *inter alia*, legislation, law enforcement, education, media, data collection, migration and integration, religious freedom, inter-cultural and inter-faith dialogue, and commit to:

(...)

5.3 Encourage public and private educational programmes that promote tolerance and non-discrimination, and raise public awareness of the existence and the unacceptability of intolerance and discrimination, and in this regard, to consider drawing on ODIHR expertise and assistance in order to develop methods and curricula for tolerance education in general, including:

- Fighting racial prejudice and hatred, xenophobia and discrimination;
- Education on and remembrance of the Holocaust, as well as other genocides, recognized as such in accordance with the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, and crimes against humanity;
- Education on anti-Semitism in order to ensure a systematic approach to education, including curricula related to contemporary forms of anti-Semitism in participating States;
- Fighting prejudice, intolerance and discrimination against Christians, Muslims and members of other religions;

(...)

5.6 Continue, with the support of relevant OSCE structures, institutions and field operations if necessary, to address the issue of migration and integration with respect for cultural and religious diversity as part of the overall efforts by the OSCE to promote tolerance, mutual respect and understanding and to combat discrimination, as well as to promote respect for human rights and fundamental freedoms;

(...)

7. Decides to make an appropriate contribution to the “Alliance of Civilizations” initiative through the promotion of inter-cultural and inter-religious dialogue and the advancement of mutual understanding and respect as well as human rights throughout the OSCE area and in this regard tasks:

7.1 The OSCE Chairman-in-Office to inform the Secretary-General of the United Nations of this decision and of the interest of the OSCE to support the “Alliance of Civilizations” initiative;

7.2 The Secretary General, drawing on the expertise of the OSCE structures and institutions, in particular the ODIHR, to provide in co-operation with participating States an OSCE contribution to the “Alliance of Civilizations” initiative and to bring it to the attention of the Alliance of Civilizations HighLevel Group by the end of June 2006.

Brussels 2006 (Ministerial Statement on Migration)

5. As the phenomenon of migration has been growing, both in scope and in complexity, we encourage all relevant OSCE institutions and structures, within their existing mandates, to continue their work on migration and integration issues in all three dimensions, in particular on the potential contribution of migration to sustainable development and codevelopment; promoting integration with respect for cultural and religious diversity; addressing forced migration while respecting relevant international legal obligations, and combating illegal migration as well as trafficking in human beings and the exploitation, discrimination, abuse and manifestation of racism directed towards migrants, with special attention to women and children; and facilitating dialogue, partnership and cooperation between the OSCE participating States and the Partners for Cooperation on migrationrelated issues.

(...)

Brussels 2006 (Decision No. 13/06 on Combating Intolerance and Discrimination and Promoting Mutual Respect and Understanding)

The Ministerial Council,

(...)

Recognizing that manifestations of discrimination and intolerance threaten the security of individuals and societal cohesion, and may give rise to widescale conflict and violence,

Acknowledging that the promotion of a culture of mutual respect, understanding and equality and the pursuit of equal opportunities for effective participation in democratic societies requires a systematic, comprehensive and longterm approach,

Deeply concerned by racist, xenophobic and discriminatory public discourse,

Reaffirming the need for determination by the participating States in combating all acts and manifestations of hate, including hate crimes, recognizing that the efforts required to address them often involve a common approach, while at the same time recognizing the uniqueness of the manifestations and historical background of each form,

(...)

Recognizing the work of the three Personal Representatives of the ChairmaninOffice in support of the overall effort of the OSCE to combat intolerance and discrimination and wishing a review of their contribution to this overall effort by the Chairman-in-Office, in consultation with the participating States, during the course of 2007,

Acknowledging the essential role civil society can play in combating intolerance and discrimination and promoting mutual respect and understanding,

Being alarmed at any rise of political parties, movements and groups advocating violence,

Also being concerned, in this context, at violent manifestations of extremism associated with racism, xenophobia, anti-Semitism, aggressive nationalism and neoNazism,

(...)

2. Tasks the Permanent Council to consider ways to further strengthen the effectiveness, coherence and consistency of the work of the OSCE in combating intolerance and discrimination and promoting mutual respect and understanding, from 2007 onwards, with a view towards more effective implementation of commitments;

3. Encourages the participating States to recognize the positive contribution that all individuals can make to the harmonious pluralistic character of our societies by promoting policies focusing on equality of opportunity, rights, access to justice and public services, and on fostering dialogue and effective participation;

4. Commits to raise awareness of the value of cultural and religious diversity as a source of mutual enrichment of societies and to recognize the importance of integration with respect for cultural and religious diversity as a key element to promote mutual respect and understanding;

5. Calls upon the participating States to address the root causes of intolerance and discrimination by encouraging the development of comprehensive domestic education policies and strategies as well as through increased awarenessraising measures that:

- Promote a greater understanding of and respect for different cultures, ethnicities, religions or beliefs;
- Aim to prevent intolerance and discrimination, including against Christians, Jews, Muslims and members of other religions;
- Promote remembrance and education about the tragedy of the Holocaust, as well as other genocides, recognized as such in accordance with the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, and crimes against humanity;

6. Acknowledges the important contribution youth can make to the fight against intolerance and discrimination and encourages the continuation and further development of good practice activities such as human rights education at an early age throughout the OSCE region (...)

(...)

8. Deplores racist, xenophobic and discriminatory public discourse, and stresses that political representatives can play a positive role in the overall promotion of mutual respect and understanding and have a significant impact in defusing tensions within societies, by speaking out against hate-motivated acts and incidents and by recognizing the positive contributions that all individuals can make to a harmonious pluralistic society;

(...)

12. Decides that the participating States should engage more actively in encouraging civil society's activities through effective partnerships and strengthened dialogue and cooperation between civil society and State authorities in the sphere of promoting mutual respect and understanding, equal opportunities and inclusion of all within society and combating intolerance, including by establishing local, regional or national consultation mechanisms where appropriate;

(...)

Madrid 2007 (Decision No. 10/07 on Tolerance and Non-Discrimination: Promoting Mutual Respect and Understanding)

The Ministerial Council,
(...)

Acknowledging the important role youth can play in fostering mutual respect and understanding between cultures and religions contributing to the promotion of democracy, human rights and fundamental freedoms (...),
(...)

Acknowledging the specificity of different forms of intolerance, while at the same time recognizing the importance of taking a comprehensive approach and addressing crosscutting issues in such fields as, *inter alia*, (...) education, (...) and constructive public discourse and the promotion of intercultural dialogue, in order to effectively combat all forms of discrimination,
(...)

3. Encourages the promotion of educational programmes in the participating States in order to raise awareness among youth of the value of mutual respect and understanding;
(...)

5. (...) underlines (...) that the opportunities offered by the Internet for the promotion of democracy, human rights and tolerance education should be fully exploited;
(...)

8. Encourages participating States to share best practices in their legislation, policies and programmes that help to foster inclusive societies based on respect for cultural and religious diversity, human rights and democratic principles;
(...)

Athens 2009 (Decision No. 9/09 on Combating Hate Crimes)

The Ministerial Council,
(...)

Recognizing the instrumental role that political representatives can play in taking the lead in combating intolerance and discrimination and promoting mutual respect and understanding,
(...)

Basel 2014 (Declaration on enhancing efforts to combat anti-Semitism)

We call upon the participating States to:

Encourage political leaders and public figures to speak out strongly and promptly when anti-Semitic incidents occur;
(...)

Promote educational programmes for combating anti-Semitism and provide young people with opportunities for human rights education including on the subject of anti-Semitism;

Promote and facilitate open and transparent intercultural, interfaith and interreligious dialogue and partnerships;

(...)

Encourage the inclusion of religious and belief communities in public discussions of pertinent legislative initiatives;

We call upon the ODIHR to:

Offer to participating States best practices on efforts to counter anti-Semitism, including by consulting civil society, to effectively identify and address contemporary manifestations of anti-Semitism;

Facilitate co-operation between governmental officials and civil society on issues related to anti-Semitism, including hate crime and Holocaust remembrance;

Assist participating States in their efforts to collect data on anti-Semitic hate crimes, in co-operation with civil society, as appropriate;

Facilitate the exchange of best practices among participating States on educational initiatives and other measures to raise awareness of anti-Semitism and overcome challenges to Holocaust education;

Promote dialogue and strengthen the capacity of civil society to foster mutual respect and understanding in order to advance the cause of co-operation between different communities.

(...)

5.3.6 Role of the Media

Istanbul 1999 (Summit Declaration)

27. We commit ourselves to ensuring the freedom of the media as a basic condition for pluralistic and democratic societies. We are deeply concerned about the exploitation of media in areas of conflict to foment hatred and ethnic tension and the use of legal restrictions and harassment to deprive citizens of free media (...)

Porto 2002 (Charter on Preventing and Combating Terrorism)

22. Commit themselves to combat hate speech and to take the necessary measures to prevent the abuse of the media and information technology for terrorist purposes, ensuring that such measures are consistent with domestic and international law and OSCE commitments;

Maastricht 2003 (OSCE Strategy to Address Threats to Security and Stability in the Twenty-First Century)

37. (...) While fully respecting freedom of expression, the OSCE will strive to combat hate crime which can be fuelled by racist, xenophobic and anti-Semitic propaganda on the Internet.

Sofia 2004 (Annex to Decision No. 12/04 on Tolerance and Non-discrimination; Permanent Council Decision No. 621: Tolerance and the Fight against Racism, Xenophobia and Discrimination)

The Permanent Council,

(...)

In order to reinforce our common efforts to fight manifestations of intolerance across the OSCE region,

Decides,

1. The participating States commit to:

(...)

- Encourage the promotion of tolerance, dialogue, respect and mutual understanding through the Media, including the Internet;

(...)

Sofia 2004 (Annex to Decision No. 12/04 on Tolerance and Non-discrimination; Permanent Council Decision No. 633: Promoting Tolerance and Media Freedom on the Internet)

The Permanent Council,

(...)

Decides that:

1. Participating States should take action to ensure that the Internet remains an open and public forum for freedom of opinion and expression, as enshrined in the Universal Declaration of Human Rights, and to foster access to the Internet both in homes and in schools;

2. Participating States should investigate and, where applicable, fully prosecute violence and criminal threats of violence, motivated by racist, xenophobic, anti-Semitic or other related bias on the Internet;

3. Participating States should train law enforcement agents and prosecutors on how to address crimes motivated by racist, xenophobic, anti-Semitic or other related bias on the Internet and should share information on successful training programmes as part of the exchange of best practices;

(...)

5. Participating States should study the effectiveness of laws and other measures regulating Internet content, specifically with regard to their effect on the rate of racist, xenophobic and anti-Semitic crimes;

6. Participating States should encourage and support analytically rigorous studies on the possible relationship between racist, xenophobic and anti-Semitic speech on the Internet and the commission of crimes motivated by racist, xenophobic, anti-Semitic or other related bias;

7. The OSCE will foster exchanges directed toward identifying effective approaches for addressing the issue of racist, xenophobic and anti-Semitic propaganda on the Internet that do not endanger

the freedom of information and expression. The OSCE will create opportunities, including during the annual Human Dimension Implementation Meeting, to promote sharing of best practices;

8. Participating States should encourage the establishment of programmes to educate children and youth about expression motivated by racist, xenophobic, anti-Semitic or other related bias they may encounter on the Internet. Also, as appropriate, participating States and Internet service providers should take steps to increase parental awareness of widely available filtering software that enables parents to exercise greater supervision and control over their children's use of the Internet. Materials on successful educational programmes and filtering software should be widely disseminated as part of the exchange of best practices;

9. Participating States should welcome continued and increased efforts by NGOs to monitor the Internet for racist, xenophobic and anti-Semitic content, as well as NGOs' efforts to share and publicize their findings.

Ljubljana 2005 (Decision No. 10/05 on Tolerance and Non-Discriminations: Promoting Mutual Respect and Understanding)

The Ministerial Council,

(...)

5. Decides that the participating States while implementing their commitments to promote tolerance and nondiscrimination will focus their activities in such fields as, *inter alia*, legislation, law enforcement, education, media, data collection, migration and integration, religious freedom, inter-cultural and inter-faith dialogue, and commit to:

(...)

5.4 Consider developing, in close co-operation with civil society, concrete measures which do not endanger freedom of information and expression, in order to counter xenophobic stereotypes, intolerance and discrimination in the media and to encourage programmes to educate children and youth about prejudice or bias they may encounter in the media or on the Internet;

(...)

Brussels 2006 (Decision No. 13/06 on Combating Intolerance and Discrimination and Promoting Mutual Respect and Understanding)

The Ministerial Council,

(...)

9. Recognizes the essential role that the free and independent media can play in democratic societies and the strong influence it can have in countering or exacerbating misperceptions, prejudices and in that sense encourages the adoption of voluntary professional standards by journalists, media selfregulation and other appropriate mechanisms for ensuring increased professionalism, accuracy and adherence to ethical standards among journalists;

(...)

Madrid 2007 (Decision No. 10/07 on Tolerance and Non-Discrimination: Promoting Mutual Respect and Understanding)

The Ministerial Council,

(...)

Acknowledging the specificity of different forms of intolerance, while at the same time recognizing the importance of taking a comprehensive approach and addressing crosscutting issues in such fields as, *inter alia*, (...) media and constructive public discourse (...), in order to effectively combat all forms of discrimination,

(...)

4. Reiterates the recognition of the essential role that the free and independent media can play in democratic societies and the strong influence it can have in countering or exacerbating misperceptions and prejudices and in that sense continues to encourage the adoption of voluntary professional standards by journalists, media self-regulation and other appropriate mechanisms for ensuring increased professionalism, accuracy and adherence to ethical standards among journalists;

5. Calls on participating States to increase their efforts, in co-operation with civil society to counter the incitement to imminent violence and hate crimes, including through the Internet, within the framework of their national legislation, while respecting freedom of expression, and underlines at the same time that the opportunities offered by the Internet for the promotion of democracy, human rights and tolerance education should be fully exploited;

(...)

Belgrade 2015 (Ministerial Declaration on Preventing and Countering Violent Extremism and Radicalization that Lead to Terrorism)

(...)

19. (1) To recognize the role of the media in encouraging pluralistic debate and to encourage professionalism and voluntary self-regulation in the media, with a view to fostering tolerance of ethnic, religious, linguistic and cultural diversity, and to preventing and countering violent extremism and radicalization that lead to terrorism, while respecting the independence and freedom of the media;

6. Commitments Related to Specific Threats to Human Security



6.1 Prevention of Gender-Based Persecution, Violence and Exploitation

See also:

- II. 4.4: Refugees, Displaced Persons, Returnees and Stateless Persons
- II. 5.2: Equal Rights of Men and Women
- II. 6.2: Prevention of Trafficking in Human Beings
- II. 7: Commitments Related to International Humanitarian Law

Moscow 1991

[The participating States shall]

(40.7) seek to eliminate all forms of violence against women, and exploitation of prostitution of women including by ensuring adequate legal prohibitions against such acts and other appropriate measures;

Istanbul 1999 (Charter for European Security: III. Our Common Response)

24. We will undertake measures to (...) end violence against women (...) as well as sexual exploitation (...) In order to prevent such crimes we will, among other means, promote the adoption or strengthening of legislation to hold accountable persons responsible for these acts and strengthen the protection of victims.

Bucharest 2001 (Decision No. 8/01)

The Ministerial Council,
(...)

Convinced of women's potential to contribute to conflict prevention, reconciliation and peace-building processes,

Confirming the commitment to protect and promote the rights of women and being aware of the vulnerability of women especially in conflict and post-conflict situations,

Determined to combat all forms of violence against women, including domestic violence,

Recognizing the need for rehabilitation centres for women affected by violence,
(...)

Calls for the implementation of the Action Plan on Gender Issues;

Sofia 2004 (Annex to Decision No. 14/04, 2004 OSCE Action Plan for the Promotion of Gender Equality)

- Take further action where necessary in order to ensure a safe environment for their citizens and the right to equal protection under the law, notably by increasing activities aimed at eliminating all forms of violence against women (...)
- Support national and international efforts to bring to justice those who have perpetrated crimes against women which under applicable rules of international law are recognized as war crimes

or crimes against humanity, and ensure that existing national legislation on violence against women is enforced, and that new legislation is drafted where necessary;

- As recommended in the Guidelines on International Protection on Gender-Related Persecution within the context of Article 1A (2) of the 1951 Convention relating to the Status of Refugees and/or its 1967 Protocol relating to the Status of Refugees, introduce procedural practices, if States have not already done so, that ensure that proper consideration is given to women claimants in refugee status determination procedures and that the range of claims of gender-related persecution are accorded due recognition;

(...)

Ljubljana 2005 (Decision No. 15/05 on Preventing and Combating Violence against Women)

The Ministerial Council,

Recognizing that respect for human rights and fundamental freedoms, democracy and the rule of law is at the core of the OSCE's comprehensive concept of security,

(...)

Reaffirming that States have an obligation to exercise due diligence to prevent, investigate and punish the perpetrators of violence against women and girls and to provide protection to the victims, and that failure to do so violates and impairs or nullifies the enjoyment of their human rights and fundamental freedoms,

(...)

Deeply concerned at the particular targeting or vulnerability to violence and hence the need for protection of girls and some groups of women, such as women belonging to minority groups, indigenous women, refugee and internally displaced women, migrant women, women living in rural or remote communities, destitute women, women in institutions or in detention, women with disabilities, elderly women, widows, women in situations of armed conflicts and women who are otherwise discriminated against, including on the basis of HIV status,

(...)

Expressing its deep concern at the persisting level of violence against women and girls in the OSCE region, as well as the human and political costs of this phenomenon and recognizing that violence against women constitutes a threat to human security,

1. Urges participating States, with the support and assistance of the OSCE, to take all necessary legislative, policy and programmatic monitoring and evaluation measures to promote and protect the full enjoyment of the human rights of women and to prevent and combat all forms of gender-based violence against women and girls;

2. Calls on participating States to comply with the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child, if they are parties, and, if they have not already done so, to consider ratifying or acceding to these Conventions; and calls upon States that have ratified or acceded to these Conventions to withdraw reservations that are contrary to the object and purpose of the Conventions;

3. Calls on participating States to consider signing and ratifying or acceding to the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children,

supplementing the UN Convention against Transnational Organized Crime, the Optional Protocol to the Convention on the Rights of the Child, on the Sale of Children, Child Prostitution and Child Pornography and, where appropriate, the Council of Europe Convention on Action against Trafficking in Human Beings;

4. Notes with regret that female victims of violence are too often left without protection and assistance and urges participating States:

(i) To ensure that all female victims of violence will be provided with full, equal and timely access to justice and effective remedies; medical and social assistance, including emergency assistance; confidential counselling; and shelter;

(ii) To adopt and implement legislation that criminalizes gender-based violence and establishes adequate legal protection;

(iii) To provide in a timely manner physical and psychological protection for victims, including appropriate witness protection measures;

(iv) To investigate and prosecute the perpetrators, while addressing their need for appropriate treatment;

(v) To promote the full involvement of women in judicial, prosecutorial and law enforcement institutions and to ensure that all relevant public officials are fully trained and sensitized in recognizing, documenting and processing cases of violence against women and children;

(vi) To meet the special needs for protection and assistance of girl victims of violence;

5. Notes that violence against women and girls often remains unreported and unrecorded and is therefore not adequately reflected in statistics, and encourages participating States to support efforts to raise awareness; to make significant additional efforts to collect, analyse and disseminate comparable data; and to support specialized NGOs and research on the issue;

6. Calls upon participating States to take measures to strengthen the economic independence of women, including ensuring non-discriminatory employment policies and practices, providing equal access to education and training, equal remuneration for equal work, increased work and educational opportunities, equal access to and control over economic resources with a view to reducing women's vulnerability to all forms of violence, including domestic violence and trafficking in human beings;

7. Urges participating States to take all necessary steps to prevent genderbased violence against women and girls during and after armed conflict and emergencies, including the bringing to justice of perpetrators of crimes, and to take special measures to address the needs of women and girls in the post-conflict environment;

8. Acknowledges the inclusion of gender-related crimes in the Rome Statute of the International Criminal Court and in the Elements of Crimes, adopted by the Assembly of State Parties to the Rome Statute in September 2002, and the elaboration of the circumstances in which such crimes can constitute crimes against humanity and/or war crimes;

9. Encourages the dissemination of the relevant case-law of the existing ad hoc International Criminal Tribunals for the former Yugoslavia and Rwanda and full cooperation with those jurisdictions;

10. Decides to intensify the co-operation of the OSCE with the relevant structures of the United Nations, the Council of Europe, the European Union and other international organizations, as

well as with civil society and relevant nongovernmental organizations, to promote the prevention of and the fight against all forms of violence against women and girls;

11. Tasks the Permanent Council to encourage the development by relevant OSCE institutions and structures of programmes, projects and policies to assist participating States, at their request, in combating violence against women and girls and providing assistance for victims;

12. Requests that the Secretary General pay specific attention to reporting on the implementation of this decision in the Annual Report to the Permanent Council on the 2004 Action Plan for the Promotion of Gender Equality.

Basel 2014 (Decision No. 7/14 on Preventing and Combating Violence Against Women)

The Ministerial Council,

Reaffirming the commitment to respect human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

(...)

Recalling that the full and equal exercise by women of their human rights is essential to achieving a more peaceful, prosperous and democratic OSCE area and that the OSCE participating States are committed to making equality between men and women an integral part of their policies,

(...)

Deeply concerned by the persistence of violence against women as one of the most pervasive human rights violations in the OSCE area, manifested as physical, sexual, and psychological violence and reiterating the particular need to take more vigorous measures in preventing and combating violence against women, to which gender inequality can be among the major contributing factors,

(...)

Calls on the participating States to take on the following measures related to combating and preventing violence against women in the areas of developing legal frameworks and partnerships, preventing and prosecuting violence against women, and protecting victims;

Calls on the participating States to ensure for all women the protection and full respect of human rights and fundamental freedoms;

Strongly condemns all forms of violence against women and refrain from justifying it, as described in the Declaration on the Elimination of Violence against Women;

(A) Legal framework

1. Calls on the participating States to:

Request, as appropriate, opinions produced by the ODIHR on legal and policy frameworks for preventing and combating violence against women, including domestic violence;

Collect, maintain and make public reliable, comparable, disaggregated, and comprehensive evidence based data and statistics regarding all forms of violence against women, including sexual and domestic violence, whilst ensuring compliance with their data protection laws, and include

information on the number of cases reported to law enforcement bodies, the numbers investigated and prosecuted and the sentences imposed;

Align national legislation with relevant international standards they have undertaken, if they have not done so already, and OSCE commitments on all forms of violence against women, and consider best practices when adopting relevant legislation;

Give consideration to the signature and ratification of relevant regional and international instruments, such as the Council of Europe Convention on preventing and combating violence against women and domestic violence, where applicable.

2. Tasks the OSCE executive structures to, within their mandates:

Promote the exchange of best practices regarding legislation related to combating all forms of violence against women;

(B) Prevention

3. Encourages the participating States to:

Strengthen efforts to reach out to the public through public awareness and sensitization activities, in order to address negative stereotypes, attitudes, and prejudices which contribute to all forms of violence against women;

Take appropriate measures to increase the engagement and participation of men and boys in the prevention and elimination of all forms of violence against women, including sexual and domestic violence;

Take measures to raise awareness of the vicious cycle of violence that might emanate from physical, sexual, and psychological violence experienced in childhood and adolescence;

Develop programmes to work with the perpetrators of violence against women, both during and after their sentence in order to avoid repeat offenses;

Provide treatment, counselling and training courses and other measures to prevent re-victimization and trauma, including during judicial processes.

4. Tasks the OSCE executive structures to, within their mandates:

Improve co-operation with relevant stakeholders of international and regional organizations on efforts to collect sex-disaggregated data and statistics on the occurrence of all forms of violence against women in the OSCE area;

Assist the participating States, upon their request, in their efforts to promote comprehensive, effective and evidence-based approaches to combating all forms of violence against women, including sexual and domestic violence, and better respond to the needs of all victims.

(C) Protection

5. Encourages the participating States to:

Ensure that victims of all forms of violence against women receive timely and adequate information on available legal measures and support services, such as sexual violence crisis centres, shelters or other relevant structures, as well as healthcare, and to ensure that they are easily accessible;

Promote programmes and activities that empower and support women who have been victims of violence.

6. Tasks the OSCE executive structures to, within their mandates:

Assist the participating States, upon their request, in strengthening their capacities for protection of victims of all forms of violence against women;

Facilitate the exchange between the participating States of information, experience, and best practices concerning protection;

Provide technical assistance to the participating States that request so, in organizing support services such as telephone hotlines, crisis centres, etc.;

Offer to participating States specialized training courses for relevant professionals from interested participating States dealing with victims or perpetrators of all forms of violence against women, including sexual and domestic violence.

(D) Prosecution

7. Encourages the participating States to:

Strengthen the efforts to investigate, prosecute and punish the perpetrators of all forms of violence against women and provide victims with protection and appropriate remedies;

Ensure the development and effective implementation of legislation that criminalizes violence against women and that provides for preventative and protective measures, such as emergency barring orders and protection orders, where they exist, as well as the investigation, and submission for prosecution and appropriate punishment of perpetrators, including with a view to end impunity.

(E) Partnership

8. Encourages the participating States to:

Develop comprehensive and co-ordinated national policies aimed at combating all forms of violence against women, encompassing all relevant actors, such as law enforcement and the justice sector, parliaments, national human rights institutions, healthcare and social services as well as civil society organizations.

9. Tasks the OSCE executive structures to, within their mandates:

Enhance co-operation with relevant stakeholders of international and regional organizations;

Milan 2018 (Decision No. 4/18 on Preventing and Combating Violence Against Women)

The Ministerial Council,

Reaffirming that the promotion and protection of equal rights and opportunities for all are essential to democracy and economic development and therefore to security, stability and sustainable peace in the OSCE area,

Determined to ensure the full and equal enjoyment by women and girls of human rights and fundamental freedoms,

Reaffirming all relevant OSCE commitments, (...), on preventing and combating violence against women,

(...)

Mindful of the importance of preventing and combating violence against women and girls for the implementation of the relevant Sustainable Development Goals of the United Nations 2030 Agenda for Sustainable Development,

Recognizing that inequality between men and women is a root cause of violence against women and girls, and that, in particular, discrimination and economic inequalities, including lack of economic independence, can increase women's vulnerability to violence, Deeply concerned by the persistence of violence against women and girls in all its forms as one of the most pervasive impediments to their full enjoyment of all human rights and to women's full, equal and effective participation in political, economic, and public life,

Noting that violence against women and girls can cause death or physical, sexual, psychological, economic, political and social harm or suffering to girls and women of all ages, and results directly or indirectly in shorter – and longer-term societal, political and economic costs,

Noting also that violence against women and girls takes many forms, which can include: domestic violence; sexual violence; harmful practices; trafficking in human beings, sexual and other types of exploitation; and sexual harassment,

Recognizing that women and girls may suffer many different kinds of discrimination, sometimes in combination, which exposes them to increased risk of violence, and that such combinations can lead to further discrimination,

Also recognizing the important roles played by the armed forces, law enforcement agencies, judicial systems and other legal professionals, in addressing all forms of violence against women and girls,

Recognizing further that abuse, threats, and harassment, including sexual harassment, have become increasingly common, especially through digital technologies, and may silence women's and girls' voices in the public sphere,

Mindful that women engaged in professional activities with public exposure and/or in the interest of society, are more likely to be exposed to specific forms of violence or abuse, threats, and harassment, in relation to their work,

Considering that adolescence is an important phase in the social development of a person, and recognizing that this phase is often affected by persistent inequalities, negative attitudes, behaviours, and gender stereotypes that can put girls and young women at heightened risk of discrimination and violence,

Recognizing the importance of actively engaging men and boys in efforts towards elimination of discrimination and all forms of violence against women and girls, including by addressing the root causes of gender inequality and violence and by raising awareness about the impact of negative attitudes, behaviours, and gender stereotypes that can underlie and perpetuate discrimination and violence,

Noting the efforts of the OSCE MenEngage Network* in raising awareness about the important role that men and boys can play in the elimination of discrimination and all forms of violence against women and girls,

Recognizing that sexual harassment in public and private spaces, in particular in the workplace and in educational institutions, has a damaging impact on women and girls' full enjoyment of human rights and equal opportunities, thus impairing their ability to remain and/or advance in the workplace and in educational institutions,

Acknowledging the role of civil society as an important partner of government, including at the local level, in preventing and combating violence against women and girls,

Taking note of the OSCE Parliamentary Assembly's work to combat violence against women,

Calls on the participating States to:

1. Ensure access to justice, effective investigation, prosecution of perpetrators, as well as provide, while respecting their rights and privacy, adequate protection, rehabilitation and reintegration support for victims of all forms of violence against women and girls;
2. Take action, including through awareness-raising and capacity-building for the armed forces, law enforcement agencies, judicial systems and other legal professionals, on preventing and combating all forms of violence against women and girls;
3. Adopt measures, as appropriate, to encourage education on gender equality, human rights and non-violent behaviour thus contributing to the prevention of all forms of violence against women and girls, which can include: harmful practices, sexual violence, domestic violence, as well as sexual harassment;
4. Organize awareness-raising campaigns on the risks of specific forms of violence facing women and girls, including through digital technologies, and on their rights and the support available for victims of such violence;
5. Take action to address violence, abuse, threats, and harassment, including through digital technologies, directed at women;
6. Take measures, in consultation with companies that work on information and communication technologies (ICT), to address specific forms of violence faced by women and girls through digital technologies;
7. Encourage all relevant actors, including those involved in the political process, to contribute to preventing and combating all forms of violence against women, including those engaged in

* The OSCE MenEngage Network is not an affiliated network of the MenEngage Alliance. The OSCE MenEngage Network is a closed network within OSCE

professional activities with public exposure and/or in the interest of society, by, *inter alia*, raising the issue in public debates, and developing awareness-raising initiatives and other appropriate measures, also considering the chilling impact of such violence on young women;

8. Incorporate initiatives into relevant national level policies and strategies to promote the engagement of men and boys in preventing and combating violence against women and girls, including by implementing awareness-raising activities focusing on the positive, equitable and non-violent roles men and boys can play in this regard, and by recognizing and addressing negative attitudes, behaviours, and gender stereotypes that perpetuate such violence;

9. Take measures to combat sexual harassment in public and private spaces, including in the workplace and in educational institutions, and encourage public and private employers to apply such measures;

10. Take measures to provide equal access to quality education for all girls; and strengthen the economic empowerment and economic independence of women, including by ensuring non-discriminatory employment policies and practices, providing equal access to education and training, equal remuneration for equal work, and equal access to and control over economic resources;

11. Encourage the involvement of civil society in preventing and combating violence against women and girls;

Tasks the relevant OSCE executive structures, in accordance with their mandates, to:

12. Assist participating States, upon their request, in improving their legal and policy framework and in implementing measures for preventing and combating all forms of violence against women and girls;

13. Continue co-operation with relevant international and regional organizations to collect sex-disaggregated data and statistics on the occurrence of all forms of violence against women and girls in the OSCE area;

14. Provide support to the participating States and civil society organizations for the exchange of good practices in preventing and combating all forms of violence against women and girls, including through the engagement of men and boys;

15. Support participating States, upon their request, in developing and reviewing legislation, policies, and measures to combat sexual harassment in private and public spaces, including in the workplace and educational institutions;

16. Continue to ensure full implementation of, and to review the need for strengthening and/or increasing training on, the OSCE Code of Conduct for the OSCE staff/mission members as well as the OSCE policy on the professional working environment, stressing a zero tolerance approach to sexual harassment, including through efforts by senior management.

17. Encourages the participating States and relevant OSCE executive structures to consider engaging in joint activities with the OSCE Parliamentary Assembly and its Special Representative on Gender Issues.

Tirana 2020, (Decision No. 7/20 on Prevention and Eradication of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment)

(...)

Acknowledging that women and girls are at a particular risk of torture and other cruel, inhuman or degrading treatment or punishment when deprived of liberty, and recognizing the importance of adopting a gender-sensitive approach in the fight against torture and other cruel, inhuman or degrading treatment or punishment, that takes into account such particular risk and specific needs of women and girls, including by paying special attention to sexual violence against women and girls, as well as gender-based violence against women and girls, and taking into consideration the UN Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules),

6.2 Prevention of Trafficking in Human Beings

See also:

Part I. 2.3.4 D: The Secretariat, Special Representative for Combating Trafficking in Human Beings

6.2.1 General Provisions Regarding Prevention

Moscow 1991

(40) The participating States (...) will

(...)

(40.7) seek to eliminate 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;

Istanbul 1999 (Charter for European Security: III. Our Common Response)

24. We will undertake measures to (...) end (...) sexual exploitation and all forms of trafficking in human beings. In order to prevent such crimes we will, among other means, promote the adoption or strengthening of legislation to hold accountable persons responsible for these acts and strengthen the protection of victims.

Vienna 2000 (Decision on Enhancing the OSCE'S Efforts to Combat Trafficking in Human Beings)

The Ministerial Council,

(...)

Recognizing that trafficking in human beings is an increasing problem and convinced of the necessity for the OSCE to enhance its efforts to combat trafficking in human beings throughout the OSCE region, including in conflict and post-conflict situations, and to contribute to national, regional and international anti-trafficking efforts in defence of human rights and the fight against transnational organized crime,

1. Reaffirms that trafficking in human beings is an abhorrent human rights abuse and a serious crime that demands a more comprehensive and co-ordinated response from participating States and the international community, as well as a more coherent and co-operative approach among countries, in particular those of origin, transit and destination;
2. Welcomes the adoption, by the United Nations General Assembly, of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime as well as the definition of trafficking in persons contained therein and calls upon all participating States to sign and ratify the United Nations Protocol as well as the Optional Protocol to the Convention on the Rights of the Child, on the Sale of Children, Child Prostitution and Child Pornography;
3. Recognizes the primary responsibility of participating States in combating trafficking based on an integrated and co-ordinated approach which includes prevention of trafficking, protection of victims and prosecution of traffickers and their accomplices;
4. Stresses the role of national parliaments in the enactment, among others, of laws necessary to combat trafficking in human beings and welcomes articles 106 and 107 of the Parliamentary Assembly's Bucharest Declaration on trafficking in persons;
5. Agrees to strengthen the activities of the OSCE to combat trafficking and emphasizes the need for intensified co-operation between different OSCE institutions as well as between the OSCE and other international organizations, such as relevant United Nations agencies, the International Organization for Migration, the Council of Europe, the European Union and Interpol;
6. Supports the work of the Stability Pact Task Force on Trafficking in Human Beings and calls in particular for the governments of the region concerned to play an active role in the Task Force;
(...)
8. Undertakes to raise awareness, including with assistance from the ODIHR, non-governmental organizations and other relevant institutions, through, where necessary, establishing training programmes among public officials, including law enforcement, judiciary, consular and immigration officials, about all aspects of trafficking;
9. Commits to take necessary measures, including by adopting and implementing legislation, to criminalize trafficking in human beings, including appropriate penalties, with a view to ensuring effective law enforcement response and prosecution. Such legislation should take into account a human rights approach to the problem of trafficking, and include provision for the protection of the human rights of victims, ensuring that victims of trafficking do not face prosecution solely because they have been trafficked;
11. Encourages the nomination, where appropriate, of governmental representatives on trafficking to co-ordinate national activities and to ensure regional and international co-operation and to make this contact information available to other participating States;
(...)

Bucharest 2001 (Decision No. 6/01)

The Ministerial Council,

Reiterating its commitment to combat all forms of trafficking in human beings, which affects all participating States,

Affirming its commitment to developing co-operation and interaction among participating States on anti-trafficking measures and related crimes,

Calls on participating States to sign and ratify the United Nations Convention against Transnational Organized Crime, and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children;

(...)

Encourages information exchange with a view to strengthening investigation, law enforcement and crime prevention;

Calls on participating States to accelerate taking the necessary measures to fulfil their Vienna ministerial commitments which include prevention of trafficking, protection of victims and prosecution of traffickers and their accomplices.

Porto 2002 (Declaration on Trafficking in Human Beings)

I.

We, the members of the Ministerial Council of the OSCE, declare that trafficking in human beings represents a dangerous threat to security in the OSCE area and beyond.

We declare that trafficking in human beings and other modern forms of slavery constitute an abhorrent violation of the dignity and rights of human beings.

We recognize that trafficking in human beings represents a serious and rapidly expanding area of transnational organized crime, generating huge profits for criminal networks that may also be associated with criminal acts such as trafficking in drugs and arms, as well as smuggling of migrants.

We recall and reaffirm our full adherence to the OSCE's commitments to combating trafficking in human beings (...) and declare our determination to strengthen co-operation in addressing trafficking in human beings in countries of origin, transit and destination.

(...) We declare that ratification and full implementation of both these instruments [United Nations Convention Against Transnational Organized Crime and to its supplementary Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children] would enhance the international and national legal framework and enforcement capacities for combating trafficking in human beings. We strongly encourage States to consider concurrent ratification and full implementation of the Protocol Against the Smuggling of Migrants by Land, Sea and Air, also supplementing the above-mentioned Convention (...)

We recognize the need to address root causes of trafficking and to reduce the economic and social inequalities and disadvantages, which also provoke illegal migration, and which may be exploited

by organized criminal networks for their profit. We also recognize the need to fight corruption, which facilitates the operation of such networks. (...)

We recognize that, in countries of destination, demand for the activities of persons trafficked for the purposes of sexual exploitation, forced labour, slavery or other practices similar to slavery is an integral factor in trafficking in human beings. We urge countries of destination to take measures to effectively address such a demand as a key element in their strategy for effectively preventing and combating trafficking in human beings, and to exercise zero tolerance towards sexual exploitation, slavery and all forms of exploitation of forced labour, irrespective of its nature.

We are deeply concerned about reports of involvement by some mission members of international organizations in activities related to trafficking in human beings, particularly in post-conflict countries. We reiterate the importance of Permanent Council Decision No. 426, of 12 July 2001, on trafficking in human beings and encourage the adoption and implementation of relevant measures such as the 'OSCE Code of Conduct for Mission Members.' We will not tolerate international staff members being involved in any illegal activities, inciting this criminal trade or behaving in contravention of this Code of Conduct. We commit ourselves to take all practicable measures to ensure the accountability of international staff members to their respective national, and when appropriate local, authorities for such activities.

We express our concern about the increase in trafficking in minors and, recognizing the special needs of children, we support more research and exchange of information on trafficking in children and, with due regard to the best interest of the child as the primary consideration in all actions concerning children, call for the elaboration of special measures to protect trafficked minors from further exploitation, mindful of their psychological and physical well-being.

We will strive for adequate measures to prevent trafficking in human beings in our countries, taking the form, *inter alia*, of target-oriented awareness raising campaigns and education in countries of origin and transit, directed in particular towards youth and other vulnerable groups, and will seek to develop appropriate campaigns in countries of destination, to organize training for relevant officials and government employees in the areas of law enforcement, border control, criminal justice and social services, and to recommend full co-operation with NGOs in this field.

(...)

We reiterate the need for national strategies in order to unite efforts directed towards combating trafficking in human beings and to enhance co-ordination among national, international and regional organizations in this field. This need could be met through measures such as appointing inter-ministerial bodies and national co-ordinators or, as appropriate, other relevant bodies or mechanisms.

III.

We agree to intensify co-operation, based on a multidimensional approach, among the relevant OSCE structures and institutions, as well as among the OSCE and other relevant international organizations and actors, including the United Nations and its specialized agencies, the Council of Europe, the European Union and the International Organization for Migration, and task the Permanent Council with examining how better to assure such a co-operation with a view to combating trafficking in human beings. (...)

Maastricht 2003 (Decision No. 2/03 on Combating Trafficking in Human Beings)

The Ministerial Council,

(...)

1. Decides to endorse the OSCE Action Plan to Combat Trafficking in Human Beings as annexed to this Decision; and

2. Establishes, under the aegis of the Permanent Council, an OSCE mechanism to provide assistance to participating States to combat trafficking in human beings. The mechanism will consist of two parts, complementing the activities of each other: a Special Representative appointed by the Chairmanship-in-Office, and a special unit in the OSCE Secretariat (...)

Maastricht 2003 (Annex to Decision No. 2/03 on Combating Trafficking in Human Beings; OSCE Action Plan to Combat Trafficking in Human Beings)

IV. PREVENTION OF TRAFFICKING IN HUMAN BEINGS

(...)

1. Data collection and research

1.1 Collecting separate data related to women, men and children victims of trafficking, and improving research into and analysis of subjects such as the character and scale of THB and the trafficking and exploitation mechanisms deployed by the organized criminal groups, in order to develop effective and well-targeted prevention measures on trafficking in human beings. Promoting more research and exchange of information on trafficking in children.

1.2 Identifying the most vulnerable segments of the population and developing specially designed awareness-raising campaigns for them.

1.3 Conducting more far-reaching analysis of the root causes of THB, its demand and supply factors, its networks and its economic consequences, and its link with illegal migration.

2. Border measures

2.1 Without prejudice to international commitments in relation to the free movement of people, strengthening, to the extent possible, border controls as may be necessary to prevent and detect THB.

2.2 Adopting legislative or other appropriate measures to prevent, as far as possible, means of transport operated by commercial carriers from being used in committing offences, as defined by the provisions against trafficking.

2.3 Where appropriate, and without prejudice to applicable international conventions, obliging commercial carriers, including any transportation company or the owner or operator of any means of transport, to ascertain that all passengers are in possession of valid travel documents. In accordance with domestic law, taking the necessary measures to provide for sanctions in case of violation.

3. Economic and social policies aimed at addressing root causes of THB

3.1 In countries of origin:

- Considering as priority goals: the fostering of social-economic and political stability, and the reduction both of migration caused by deep poverty and of supply factors of trafficking. Policies followed in pursuit of these goals should also promote both economic development and social inclusion;
- Improving children's access to educational and vocational opportunities and increasing the level of school attendance, in particular by girls and minority groups;
- Enhancing job opportunities for women by facilitating business opportunities for small and medium-sized enterprises (SMEs). Organizing SMEs training courses, and targeting them particularly at high-risk groups.

3.2 In countries of destination:

- Implementing measures to reduce "the invisibility of exploitation". A multi-agency programme of monitoring, administrative controls and intelligence gathering on the labour markets, and, where applicable, on the sex industry, will contribute greatly to this objective;
- Considering the liberalization by governments of their labour markets with a view to increasing employment opportunities for workers with a wide range of skills levels;
- Addressing the problem of unprotected, informal and often illegal labour, with a view to seeking a balance between the demand for inexpensive labour and the possibilities of regular migration;
- Tackling underground economic activities which undermine economies and enhance trafficking.

3.3 Whether in countries of origin or countries of destination:

- Taking measures to raise levels of social protection and to create employment opportunities for all;
- Taking appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of gender equality, the right to equal pay for equal work and the right to equality in employment opportunities;
- Addressing all forms of discrimination against minorities;
- Developing programmes that offer livelihood options and include basic education, literacy, communication and other skills, and reduce barriers to entrepreneurship;
- Encouraging gender sensitization and education on equal and respectful relationships between the sexes, thus preventing violence against women;
- Ensuring that policies are in place which allow women equal access to and control over economic and financial resources;
- Promoting flexible financing and access to credit, including micro-credit with low interest;
- Promoting good governance and transparency in economic transactions;
- Adopting or strengthening legislative, educational, social, cultural or other measures, and, where applicable, penal legislation, including through bilateral and multilateral co-operation, to discourage the demand that fosters all forms of exploitation of persons, especially women and children, and that leads to trafficking.

4. Awareness-raising

4.1 Undertaking, in co-operation with civil society and NGOs, information campaigns to generate public awareness about trafficking in its various forms, including the methods employed by traffickers and the risks to victims.

4.2 Increasing awareness about trafficking among immigration authorities and consular and diplomatic personnel so that they use this knowledge in their daily contacts with potential victims.

4.3 Encouraging national embassies to disseminate information on relevant national legislation such as family law, labour law and immigration law as is of interest to potential migrants, including through NGOs.

4.4 Increasing awareness of other relevant target groups, including policy makers, law enforcement officers, and other relevant professionals such as medical, social services and employment officials, and in the private sector, to THB, to enhance their readiness to address it adequately and to strengthen their institutional capacity to counter it.

4.5 Encouraging the consular and visa sections of the diplomatic missions to use printed and other materials in their work with at-risk individuals.

4.6 Raising awareness of the media. The perception of the problem of trafficking in human beings brought forward by the media should include a clear explanation of the phenomenon and a realistic portrayal of the victims. To maximize public knowledge and awareness, anti-trafficking campaigns should be conducted with media professionals.

4.7 Targeting awareness-raising campaigns also at the most vulnerable groups, including persons belonging to national minorities, children, migrants and internally displaced persons (IDPs).

4.8 Extending awareness-raising campaigns to smaller towns and villages whose populations may be at particular risk.

4.9 Working in schools and universities as well as directly with families to reach young people and to raise their awareness about trafficking.

4.10 Addressing, also through the media, the need to reduce the demand for the activities of persons trafficked for sexual exploitation, forced labour, slavery or other practices similar to slavery and, in this connection, promoting zero tolerance towards all forms of trafficking.

4.11 Establishing well-publicized telephone “hotlines” in the countries of origin, transit and destination, which should serve three purposes: to act as an independent source of advice and guidance to potential victims who may be considering job opportunities or other offers to go abroad, to act as a first point of contact providing access to a referral mechanism for victims of THB, and, furthermore, to facilitate the anonymous reporting of cases or suspected cases of THB.

5. Legislative measures

5.1 Adopting or reviewing laws, administrative controls and procedures relating to the licensing and operation of sectors of business that, according to intelligence, may be involved in trafficking, such as employment, tourist, au pair, adoption or mail-order bride agencies, as well as hotels and escort services.

5.2 Ensuring that measures adopted for the purpose of preventing and combating trafficking in persons do not have an adverse impact on the rights and dignity of persons, including their freedom of movement.

(...)

VI. FOLLOW-UP AND CO-ORDINATING MECHANISMS

Besides monitoring the implementation of the OSCE commitments by participating States through existing OSCE mechanisms, including the annual Human Dimension Implementation Meeting, Review Conferences and relevant human dimension events, The Permanent Council recommends the following actions at the national level:

1. To consider appointing National Rapporteurs or other mechanisms for monitoring the anti-trafficking activities of State institutions and the implementation of national legislation requirements;
2. To consider establishing Anti-Trafficking Commissions (task forces) or similar bodies responsible for co-ordinating activities within a country among State agencies and NGOs, and for elaborating measures to prevent THB, to punish perpetrators of THB and to protect its victims;
3. To improve co-operation between State institutions and national NGOs active in rendering protection and assistance to the victims of THB, combating violence against women and children, promoting gender equality and raising awareness in human rights issues;

Sofia 2004 (Decision No. 13/04 on the Special Needs for Child Victims of Trafficking for Protection and Assistance)

The Ministerial Council,

(...)

Recalling the principles of protection and respect for human rights as reflected in the 1989 United Nations Convention on the Rights of the Child, and its related 2000 Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography, the 2000 United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, as well as the 1993 Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption,

Mindful of the primary responsibility of participating States in combating trafficking based on an integrated and co-ordinated approach which includes prevention of trafficking, protection of victims and prosecution of traffickers and their accomplices,

Reaffirming that the general principles of, *inter alia*, the best interests of the child, non-discrimination, participation and survival and development provide the framework for all actions concerning children,

Dedicated to further strengthening the efforts by the OSCE to combat trafficking in human beings, and to continue an active implementation of the Action Plan to Combat Trafficking in Human Beings, as well as to continue the Organization's support to the participating States, on their request, in carrying out their respective national activities in this field,

Taking into account in particular the recommendations in the OSCE Action Plan to Combat Trafficking in Human Beings that the OSCE shall give special attention to the issue of trafficking in children, and also recognizing the vulnerability of unaccompanied and separated children,

Mindful that participating States are committed to protect children from all forms of violence, including sexual exploitation of children, and stressing the importance of respecting their special needs for protection and assistance, and the opportunity for the child to be heard,

Stressing that measures to combat trafficking in children should have a gender perspective and be non-discriminatory,

Underlining that the best interests of the child shall be the primary consideration in decisions taken with regard to trafficked children, including through ensuring representation, as appropriate, for child victims,

Aware of the need for an effective child assistance and protection framework as well as awareness-raising to counter the demand that fosters all forms of exploitation of persons, especially women and children, and which makes children more vulnerable to being trafficked,

1. Decides to enhance OSCE efforts aimed at preventing children from being trafficked, protecting and assisting child victims of trafficking, and prosecuting those who traffic in children, taking into account the OSCE Action Plan to Combat Trafficking in Human Beings;

2. Encourages participating States to strengthen relevant governmental structures for children. Also encourages participating States to intensify actions, as appropriate, in line with the relevant recommendations for participating States in the OSCE Action Plan on Combating Trafficking in Human Beings to counter factors which contribute to making children particularly vulnerable to trafficking in human beings including: discrimination, based, *inter alia*, on race, sex, religion or belief, national or social origin, birth or other status; exploitation, as defined in the OSCE Action Plan on Combating Trafficking in Human Beings; poverty; lack of education and displacement;

3. Agrees to strengthen countering demand, including combating child sex tourism. In this context, also invites the participating States to consider, *inter alia*, elaboration of legal measures aimed at prosecution of their citizens for the sexual exploitation of children, including if such exploitation has taken place in another country (...)

Ljubljana 2005 (Border Security and Management Concept: Framework for Co-operation by the OSCE Participating States)

2. The OSCE participating States reaffirm the obligations and commitments on borderrelated issues that they have undertaken at all levels:

(...)

2.2 At the OSCE level: The participating States reaffirm the norms, principles, commitments and values enshrined in the Helsinki Final Act, all of which apply equally and unreservedly, each of them being interpreted taking into account the others. They reaffirm the principles and commitments contained in the Copenhagen Document 1990, the Helsinki Document 1992 and the Charter for European Security 1999. They recall the action plans, decisions and other relevant agreed OSCE documents which address borderrelated issues. In particular, strengthening OSCE capacities to promote open and secure borders and enhancing mutually beneficial inter-State co-operation are means to address the threats of (...) the illicit trafficking in (...) human beings, as identified

in paragraph 35 of the OSCE Strategy to Address Threats to Security and Stability in the Twenty-First Century;

(...)

4. The participating States will promote co-operation between their border services, customs authorities, agencies issuing travel documents and visas, and law enforcement and migration agencies, as well as other competent national structures, with a view to achieving the following aims:

(...)

4.3 To prevent and repress transnational organized crime (...) and trafficking in (...) human beings;

Ljubljana 2005 (Decision No. 13/05 on Combating Trafficking in Human Beings)

The Ministerial Council,

(...)

Drawing attention to the need to enhance the abovementioned measures, develop strong anti-trafficking networks which would function multilaterally, regionally and bilaterally, and effectively implement the commitments taken, with full support and assistance provided to the participating States, upon their request, by the OSCE structures, institutions and field operations,

Reiterating the unique role of the OSCE as a catalyst in joint efforts by international organizations aimed at combating trafficking in human beings of all forms, and commending the initiatives taken by the OSCE Special Representative on Combating Trafficking in Human Beings under the auspices of the “Alliance against Trafficking in Persons”,

Decides:

1. To endorse the Addendum to the OSCE Action Plan to Combat Trafficking in Human Beings: Addressing the Special Needs of Child Victims of Trafficking for Protection and Assistance, adopted by Permanent Council Decision No. 685 on 7 July 2005, thus effectively responding to the needs of the most vulnerable and unprotected victims of trafficking in human beings;

2. To continue to pay closer attention to the escalating threat of human trafficking, and to pursue a multidimensional and victim-centred approach to issues related to combating trafficking in human beings as an aspect of organized crime, criminality and corruption, within the OSCE concept of comprehensive security;

(...)

Ljubljana 2005 (Decision No. 16/05 on Ensuring the Highest Standards of Conduct and Accountability of Persons Serving on International Forces and Missions)

The Ministerial Council,

(...)

Reiterating that trafficking in human beings, a contemporary form of slavery, seriously undermines the enjoyment of human rights and fundamental freedoms,

Concerned that military and civilian personnel serving on international peacekeeping forces or other international missions, including contractors, as well as field presences of international organizations including the OSCE could be a contributing factor to the demand side of the trafficking cycle,

Welcoming the efforts of the United Nations as well as other international organizations to develop and enforce “zero-tolerance” policies to prevent trafficking in human beings by both forces and other staff, which, combined with education and training, are required,

(...)

Concerned about reports of misconduct by military and civilian personnel serving on international peace-keeping forces or other international missions, including reports of engaging in trafficking in human beings as defined in the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, strongly condemning such acts, and noting that they have a detrimental effect on the fulfilment of mission mandates,

Concerned also about reports of misconduct by military and civilian personnel serving on international peacekeeping forces or other international missions including reports of sexually exploiting and abusing local and refugee populations, as well as reports of cases of forced labour, strongly condemning such acts, and noting that they have a detrimental effect on the fulfilment of mission mandates,

Emphasizing the need for more information and awareness-raising concerning these issues among personnel serving on international missions,

Taking note of efforts by the United Nations aimed at ensuring that personnel serving on peacekeeping forces or other international missions are held to the highest standard of conduct and accountability,

1. Calls on participating States to improve, where necessary, measures to prevent military and civilian personnel deployed abroad to peacekeeping forces or other international missions, as well as OSCE officials, from engaging in trafficking in human beings or exploiting victims of trafficking. In this regard, the participating States will seek to ensure that their national laws, regulations, and other relevant documents can be enforced with respect to their nationals who are serving on peacekeeping forces or other international missions, with a view to ensuring the highest standards of conduct and accountability;
2. Calls on participating States with deployed military and civilian personnel to assist, within their competence and respective mandates, responsible authorities in the host country in their efforts to combat trafficking in human beings. Each participating State will take into account policies and consequences regarding trafficking in human beings when instructing its military and civilian personnel to be deployed abroad;
3. Calls on participating States to take appropriate action necessary to prevent sexual exploitation and abuse, as well as cases of forced labour, by military and civilian personnel deployed by them who are serving on peacekeeping forces or other international missions, to enforce relevant standards of conduct in this regard, and to ensure that any such cases are properly investigated and appropriately punished;
4. Reaffirms the importance of implementing the Code of Conduct for OSCE Officials and Staff Instruction No. 11 addressing trafficking in human beings, and instructs the Secretary General, drawing on the expertise of the OSCE Special Representative on Combating Trafficking in Human

Beings and the Anti-Trafficking Assistance Unit, to update these documents to make them in line with this decision, and to circulate them to the participating States for comments and discussion prior to issuance;

5. Invites the governments of the OSCE Partners for Cooperation also to commit to the same principles as are set forth in this decision and to that end tasks the OSCE Special Representative on Combating Trafficking in Human Beings and the OSCE Secretary General to share relevant information and materials with the OSCE Partners for Cooperation;

6. Tasks the OSCE Special Representative on Combating Trafficking in Human Beings to share with relevant international organizations OSCE training materials and other information that could assist in combating trafficking in human beings;

7. Tasks the OSCE Secretary General to report annually to the Permanent Council on the implementation of this decision in regard to the Code of Conduct for OSCE Officials and Staff Instruction No. 11, in accordance with provision III 11.1 of the OSCE Action Plan to Combat Trafficking in Human Beings.

Brussels 2006 (Decision No. 14/06 on Enhancing Efforts to Combat Trafficking in Human Beings, including for Labour Exploitation, through a Comprehensive and Proactive Approach)

The Ministerial Council,

Seriously concerned that all forms of trafficking in human beings remain widespread in the OSCE region and beyond, in spite of intensified national and international efforts to counter the phenomenon,

Considering that trafficking in human beings is a grave and heinous crime that violates human dignity and undermines the enjoyment of human rights and fundamental freedoms, and that feeds organized criminal networks,

Recognizing that law enforcement, prosecution of perpetrators, protection, rehabilitation, integration and reintegration of victims as appropriate, including their effective access to justice, as well as prevention, including by measures directed at the demand side, are important to effectively combat trafficking in human beings,

Underscoring that the complexity of trafficking in human beings requires a multidimensional and multi-actor response that should be coordinated at the national, regional and international levels,

(...)

1. Calls on the participating States to continue engaging at a senior political level with the Special Representative on Combating Trafficking in Human Beings to enhance the implementation of the OSCE anti-trafficking commitments;

2. Urges the participating States to promote a comprehensive approach to combating all forms of trafficking in human beings through national, regional and international arrangements, cooperation and coordination between law enforcement personnel, labour inspectorates, social protection units, medical institutions, immigration and border service officials, civil society organizations, victim support services, and the business community and any other relevant actors, also including a gender-sensitive approach. To this end, the participating States are recommended to establish National Referral Mechanisms (NRMs), as well as to appoint national coordinators;

3. Urges the participating States, with the support of the OSCE structures and institutions if requested, to improve research and the system of data collection and analysis, with due regard to the confidentiality of data, and where possible to disaggregate statistics by sex, age, and other relevant factors as appropriate, in order to better assess the character and scope of the problem and develop effective and well-targeted policies on trafficking in human beings. To this end, participating States are recommended to consider appointing National Rapporteurs or similar independent monitoring mechanisms;

(...)

6. Encourages the participating States to combat trafficking in human beings for labour exploitation in a more proactive manner, including by:

(a) Ensuring that their national criminal legislation trafficking in human beings for labour exploitation complies with the requirements of the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children supplementing the UN Convention against Transnational Organized Crime. To this end the participating States are encouraged to ensure that such crimes can be appropriately identified and prosecuted;

(b) Ensuring that minimum labour standards are reflected in their labour laws, and that their labour laws are enforced, in order to reduce the potential of trafficking in human beings for labour exploitation;

(c) Conducting training programmes for relevant officials, as well as other persons likely to come into contact with presumed trafficking victims, such as health workers, social workers, labour inspectors, and others, in order to improve their ability to identify trafficking victims and refer them to assistance and protection services;

(d) Ensuring that information campaigns to raise awareness of trafficking do not contribute to further stigmatizing vulnerable groups which may lead to greater vulnerability to human rights abuses;

(e) Promoting outreach strategies, including in cooperation with relevant NGOs, to provide information on trafficking in human beings for labour exploitation to migrant communities and to persons working in low wage labour and particularly vulnerable sectors such as agriculture, construction, garment or restaurant industries, or as domestic servants, in order to improve victims' access to assistance and justice and encourage persons with information on possible trafficking situations to refer victims to such assistance and to report to appropriate authorities for investigation when there are reasonable grounds to believe that a crime has occurred;

(f) Developing and using advanced investigative methodology, in particular to allow cases of trafficking to be identified and prosecuted without relying only on victim testimony;

(...)

Madrid 2007 (Decision No. 8/07 on Combating Trafficking in Human Beings for Labour Exploitation)

The Ministerial Council,

(...)

Seriously concerned that trafficking in human beings remains widespread in the OSCE region and beyond, despite national and international efforts to prevent it and to bring to justice those responsible,

Recognizing the need to strengthen further the framework of OSCE commitments to address the challenges of trafficking for labour exploitation,

Recognizing the vulnerability of children to trafficking for labour exploitation and the special needs of child victims,

Emphasizing that policies and practices to address trafficking for labour exploitation, which arises within the formal and informal economy, should be comprehensive and therefore include enforcement of labour laws,

Underlining that measures to address trafficking for labour exploitation should be formulated with and encourage greater participation of labour actors, including workers and employers organizations, labour administrators and inspectors,

(...)

Recognizing that persons with irregular immigration status are likely to be more vulnerable to trafficking for labour exploitation,

(...)

Recognizing the challenges of identification of and assistance to victims, including their uncertainty regarding their eventual residential status, and that might arise out of the use of intimidation and the exploitation of victim's fears by traffickers, and recognizing the need for complaints procedures that encourage victims to come forward,

Calls on participating States to:

(...)

5. Support and promote partnerships between civil society, including NGOs, and State agencies with a labour protection mandate to monitor working conditions, to provide, among others, assistance to victims and prevent trafficking for labour exploitation and violation of labour laws, including through targeted awareness-raising programmes or voluntary codes of conduct;

(...)

8. Increase multi-agency cooperation and interaction on labour trafficking issues among their labour and immigration officials, law enforcement, judicial officials and social services providers, including through the establishment or strengthening, as appropriate, of national referral mechanisms as recommended in the OSCE Action Plan to Combat Trafficking in Human Beings;

(...)

11. Ensure effective complaint procedures where individuals can report in a confidential manner circumstances that might be indicative of a situation of trafficking for labour exploitation, such as exploitative working and living conditions;

12. Develop indicators taking into account, as appropriate, those developed by the ILO Committee of Experts to ensure consistency and transparency in the identification of victims of trafficking for labour exploitation and in the detection of situations of trafficking for labour exploitation;

13. Consider further expert discussion of how to distinguish cases of trafficking for labour exploitation from other situations of irregular employment;

(...)

16. Develop programmes to curb the fraudulent recruitment used by some employment agencies that can make persons more vulnerable to being trafficked;

(...)

19. Target awareness-raising campaigns in countries of origin, transit and destination, directed in particular at groups vulnerable to trafficking for labour exploitation;

20. Intensify efforts to prevent child labour, by considering signing and ratifying the ILO Convention on the Worst Forms of Child Labour, 1999, if they have not already done so, and if they are already parties to it, by implementing its provisions;

21. Increase co-operation at an international level by sharing information and best practices on combating trafficking for labour exploitation, and examining ways to strengthen collaboration concerning law enforcement as well as victim protection and reintegration assistance in situations of repatriation;

22. Improve data collection and analysis of the nexus between trafficking for labour exploitation and migration and share such information with other OSCE participating States.

Helsinki 2008 (Decision No. 5/08 on Enhancing Criminal Justice Responses to Trafficking in Human Beings through a Comprehensive Approach)

The Ministerial Council,

Highlighting its serious concern that trafficking in human beings remains widespread in the OSCE region,

(...)

Reaffirming our support for efforts by the participating States in cooperation with international and regional organizations, nongovernmental organizations and other relevant bodies to consider a comprehensive, coordinated and integrated approach to combating trafficking in human beings, which includes, *inter alia*, measures for preventing trafficking in human beings, protecting and assisting victims, with full respect for their human rights, and prosecuting traffickers, as well as to combating the activities of transnational criminal organizations and others that profit from the trafficking in human beings,

(...)

Astana 2010

9. [I]n today's complex and inter-connected world, we must achieve greater unity of purpose and action in facing emerging transnational threats, such as (...) the illicit trafficking in (...) human beings. Such threats can originate within or outside our region.

Vilnius 2011 (Declaration on combating all forms of human trafficking)

1. We (...) declare our strong and unwavering determination to combat human trafficking in all its forms.

2. We declare that human trafficking is a grave and heinous crime that violates human dignity and undermines human rights and fundamental freedoms and that feeds organized criminal networks.

3. We remain fully committed to the Universal Declaration of Human Rights: “No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.”

4. We reiterate the support of the participating States for the ratification and full implementation of the United Nations Convention against Transnational Organized Crime and its supplementing Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, as the international framework to combat trafficking in persons. Furthermore, we stress the importance of the adoption of the United Nations Global Plan of Action (GA 64/293) to Combat Trafficking in Persons that fosters enhanced co-operation and co-ordination among all relevant stakeholders and promotes comprehensive, coordinated and consistent responses at the national, regional, and international levels to counter trafficking in human beings, and welcome OSCE efforts towards its implementation.

5. We recognize the progress achieved to date by OSCE participating States individually and collectively to address this heinous crime. We recall our full adherence to the OSCE’s commitment to combating human trafficking and our strong resolve to implement that commitment through a multidimensional approach, (...).

6. We express grave concern that despite sustained measures taken at the international, regional, and national levels, trafficking remains a serious problem, the number of victims of human trafficking which have been identified and assisted remains relatively low and few traffickers have been brought to justice. We are deeply concerned that human trafficking for the removal of organs, for the purpose of sexual exploitation, as well as for the purpose of labour exploitation, including domestic servitude, remains a serious problem.

7. (...) we commend recent efforts by the OSCE to highlight trafficking for labour exploitation, including domestic servitude, as well as child trafficking and trafficking in persons for the removal of organs.

8. We promote and support multidisciplinary co-operation, cross-sectoral training and multilateral partnerships. (...).

II.

9. We recognize the need to enhance the criminal justice responses to human trafficking, including the prosecution of traffickers and their accomplices, while ensuring that victims are treated in a manner that respects their human rights and that they are provided with access to justice, to legal assistance, and to effective remedies and other services as applicable. We will explore investigative techniques such as financial investigations, improve information sharing relating to organized crime groups, and promote cross-border law-enforcement and judicial collaboration to identify effectively both traffickers and potential victims of human trafficking.

10. We recognize that adequate measures should be taken to ensure that, where appropriate, identified victims of human trafficking are not penalized for their involvement in unlawful activities to the extent that they have been compelled to do so. We urge participating States to implement comprehensive and appropriate measures on assistance to victims of trafficking in persons.

11. We will renew efforts to identify and assist victims of human trafficking taking into account especially vulnerable populations. As applicable, we will promote awareness-raising campaigns aimed at persons at risk of being trafficked and addressing the social, economic, cultural, political, and other factors that contribute to the vulnerability of being trafficked. We will increase and support prevention efforts by focusing on the demand that fosters all forms of trafficking and the goods and services that result from trafficking in persons.

12. We acknowledge the important role of civil society organizations in providing assistance and empowerment to victims of trafficking in persons.

13. We acknowledge that child protection systems need to be strengthened in order effectively to help prevent, identify, and respond to child trafficking in all its forms to provide appropriate assistance and protection (...) to child victims of trafficking or those at risk of being trafficked, including through appropriate services and measures for the physical and psychological well-being as well as for their education, rehabilitation and reintegration.

14. We acknowledge that, in order to prevent trafficking in human beings for the purpose of labour exploitation effectively, labour rights must be respected. We recommend the development and application of measures to improve labour practices and promote the effective enforcement of internationally recognized labour rights, by means such as labour inspections, monitoring of private employment agencies, and the development of other programs to support workers in exercising their labour rights.

15. We encourage participating States to work with the business sector to apply principles of due diligence and transparency in assessing and addressing risks of exploitation throughout supply chains and ensuring that workers have access to mechanisms for the redress and remedy of abusive practices. We encourage the dissemination and implementation of the newly adopted United Nations Guiding Principles on Business and Human Rights. Similarly, we encourage governments to consider incorporating similar standards, including “zero-tolerance” policies, in government procurement of goods and services.

III.

16. We underscore that the OSCE provides a highly valuable platform for dialogue and enhanced co-operation among participating States for a comprehensive response to human trafficking in all its forms. With this in mind, we reaffirm our determination to implement OSCE commitments, including the Action Plan to Combat Trafficking in Human Beings, to use relevant structures of the OSCE to the full, and to strengthen the OSCE’s partnership with other international and regional organizations, as well as with civil society.

Vilnius 2011 (Decision 10/11 on promoting equal opportunity for women in the economic sphere)

(...)

3. Facilitate the development of women’s entrepreneurial and other work-related skills, and, incorporate gender aspects, with particular attention to women, in migration policies, in order, *inter alia*, to prevent human trafficking and re-trafficking;

Kyiv 2013 (Decisions no. 7.13 Combating Trafficking in Human Beings)

The Ministerial Council,

Reaffirming the relevant OSCE commitments of the years 2000 to 2008 and the 2011 Vilnius Ministerial Declaration on Combating All Forms of Human Trafficking,

Reiterating the strategic value of the 2003 OSCE Action Plan to Combat Trafficking in Human Beings which provides the participating States with advanced recommendations on actions to be taken at the international and national levels in the field of prosecution, prevention and protection, and guides the activities of the relevant OSCE executive structures,

Deeply concerned by the significant growth in all forms of THB, both transnational and internal, and reiterating the particular need to take more vigorous measures to address the challenging current and emerging THB trends and patterns,

Endorses the adoption of the Addendum to the OSCE Action Plan to Combat Trafficking in Human Beings: One Decade Later by Permanent Council Decision No. 1107, and considers the Addendum: One Decade Later to be an integral part of the 2003 OSCE Action Plan to Combat Trafficking in Human Beings.

Vienna 2017 (Decision No. 6/17 on Strengthening Efforts to Prevent Trafficking in Human Beings)

The Ministerial Council,

Reaffirming that trafficking in human beings is a grave and heinous crime that violates human dignity and that all aspects of combating human trafficking should be firmly based on the rule of law and respect for human rights,

Reaffirming our strongest condemnation of all forms of trafficking in human beings, including for the purpose of labour and sexual exploitation, child trafficking, forced criminality, as well as for the purpose of organ removal, and recognizing that the prevention of this crime is a priority,

Reaffirming also our commitment to addressing factors that make persons more vulnerable to trafficking and emphasizing the importance of a cross-dimensional and comprehensive approach to combating trafficking in human beings, which requires a focus on carrying out effective prevention measures,

(...)

Recalling the relevance for the prevention of and fight against trafficking in human beings of the 2030 Agenda for Sustainable Development as well as the United Nations Convention on the Rights of the Child (1989) if they are a party,

(...)

Recognizing the contribution of civil society, including religious organizations, in preventing trafficking in human beings, and in assisting its victims,

Calls on participating States to:

1. Develop targeted prevention policies based on, as appropriate, enhanced research and systematically gathered reliable information, including with the support of national mechanisms, such as national rapporteurs where they exist, in order to maximize the effect and impact of anti-trafficking efforts at the national and international level;
2. Promote dialogue and co-operation among governments, international organizations, civil society, and the private sector, including businesses, and trade unions and employers organizations as social partners, with a view to enhance efforts to prevent human trafficking, *inter alia* through increasing awareness of each actor's role and through facilitating the exchange of information on human trafficking among countries of origin, transit and destination, including the Partners for Co-operation, and recognizing the importance of the voice of victims of human trafficking in elaborating effective anti-trafficking strategies;
3. Continue to use the OSCE as a platform for dialogue on judicial and law enforcement co-operation, border security and management as an important element to prevent trafficking in human beings;
4. Promote multi-agency, cross-sectorial and multinational capacity-building programmes that foster measures to prevent human trafficking in all of its forms, with a particular focus on factors that make people vulnerable to trafficking;
5. Take appropriate measures for effectively combating human trafficking, by developing harmonized procedures and training courses, *inter alia* on identification and protection of trafficking victims, including for relevant authorities, civil society organizations, health care and social workers as well as others that may have first contact with victims; 6. Strengthen education and awareness-raising efforts, including human rights education, and develop and implement empowerment programmes which take into account the particular needs of women, men, girls and boys, in order to enhance the capacity to recognize, prevent and fight human trafficking within communities;
7. Adopt a victim-centred, trauma-informed and, (...) gender-sensitive approach, that fully respects human rights and fundamental freedoms in all preventive and assistance efforts;
8. Recognize the important contribution that media can make to the prevention of human trafficking, *inter alia*, through the adoption of voluntary professional standards to responsibly and sensitively cover cases of human trafficking;
9. Identify, develop and share best practices, (...), for successful national and global partnerships between the public and private sector in combating human trafficking, to promote respect for human rights and corporate social responsibility, including through public awareness-raising about the risk of human trafficking in production and sources of goods and provision of services;
10. Encourage the private sector to adopt policies and procedures to prevent all forms of human trafficking, to be actively involved in multi-stakeholder efforts, to develop awareness about the risks of human trafficking and to take into account best practices such as establishing independent monitoring, verification and certification mechanisms to document compliance with and implementation of codes of conduct or self-established ethical standards, including through providing incentives for businesses to act with due diligence and transparency to prevent the abuse and exploitation of workers throughout their supply chains and to enable a level playing field for responsible companies;

11. Promote policies, in complementarity with national legislation, that take into account whether businesses are taking appropriate and effective steps to address the risks of human trafficking, including with regards to their subcontractors and employees, when considering the awarding of government contracts for goods and services;

12. Take appropriate measures to identify and eradicate the abusive and fraudulent recruitment and employment practices which can lead to trafficking for labour exploitation, sexual exploitation, for forced criminality, or other forms of trafficking, including measures to promote clear criteria for the official registration of recruitment and placement agencies and through reinforcing the role of competent authorities, such as labour inspectors;

13. Promote measures to prevent and address the use of forced labour by diplomatic and other personnel of diplomatic missions and consular posts and international organizations, and promote a zero-tolerance policy for trafficking by such personnel, and take into account international best practices as compiled, for example, in the OSCE Handbook on how to prevent human trafficking for domestic servitude in diplomatic households and protect private domestic workers, and noting that many such measures are consistent with the Vienna Conventions on Diplomatic Relations and Consular Relations as well as headquarter agreements of international organizations and recognizing that the Vienna Conventions include a duty to respect the laws and regulations of the receiving State, including those designed to prevent and address human trafficking;

14. Task the OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings and, as appropriate, other relevant executive structures in accordance with their mandates and in co-ordination with the OSCE Special Representative, to continue co-operation in the Alliance against Trafficking in Persons, and other regional and global platforms, *inter alia*, the Inter-Agency Coordination Group against Trafficking in Persons;

15. Encourage the relevant executive structures in accordance with their mandates and in co-ordination with the OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings, to continue undertaking research, in consultation with the participating States, to conduct capacity-building activities, to assist participating States, upon their request, in developing policies and guidelines to strengthen efforts to prevent human trafficking;

(...)

Vienna 2017 (Decision No. 7/17 on Strengthening Efforts to Combat all forms of Child Trafficking, including for Sexual Exploitation, as well as other forms of Sexual Exploitation of Children)

The Ministerial Council,

(...)

Deeply alarmed by the persistence of all forms of child trafficking, both transnational and internal, including the trafficking of children for the purposes of sexual and labour exploitation, and reiterating the need to take more vigorous measures against it,

Reaffirming that the best interests of the child shall be a primary consideration in decisions taken with regard to trafficked or sexually exploited children, and the importance of respecting the special needs of children for protection and assistance, and the opportunity for the child to be heard,

Distressed that sexual exploitation of children can result in serious, lifelong consequences for the physical and psychological development and well-being of a child and, in many instances, is a form of human trafficking,

Recognizing that all forms of child trafficking, including for sexual exploitation, as well as other forms of sexual exploitation of children violate human dignity and undermine the enjoyment of human rights and fundamental freedoms,

Considering that all forms of child trafficking, including for sexual exploitation, as well as other forms of sexual exploitation of children constitute grave and heinous crimes, in many cases involving organized crime, that must be prevented, investigated, prosecuted and penalized,

(...)

Acknowledging that the sexual exploitation of children in travel and tourism, which can include travel from one country to another, is a serious crime and contributes to the demand that fosters trafficking in children for sexual exploitation,

Commending participating States that are working with the travel and tourism industry, including airlines and other modes of transportation, as well as hotels, the broader hospitality industry, civil society, and relevant international organizations to prevent all forms of child trafficking, including for sexual exploitation, as well as other forms of sexual exploitation of children, and to establish and implement procedures for identifying, reporting and addressing suspected child trafficking,

Underlining that information and communications technologies (ICTs) can play a positive educational, developmental, and awareness-raising role for children, but can also be misused to facilitate access to children for exploitation or for advertisement of children for sexual exploitation, and that social media platforms can be misused to groom children who may be subjected to sexual exploitation as well as all forms of child trafficking,

Recalling that the 2013 Addendum to the OSCE Action Plan to Combat Trafficking in Human Beings calls on participating States to train border officials, law enforcement officials, judges, prosecutors, immigration, and other relevant officials regarding the use of the Internet and other information and communication technologies for human trafficking and related crimes, including all forms of child trafficking and sexual exploitation of children,

Concerned that children who access pornography on the Internet may become desensitized to it and more likely to become a victim of or perpetrate sexual exploitation,

Taking note that new forms of age verification technologies have been developed over the last decade and could help protect children from accessing pornography on the Internet,

Expressing concern that children in migration flows, particularly unaccompanied minors, can be particularly vulnerable to human trafficking and sexual exploitation and that specialized facilities, adequate security, training for and sufficient numbers of staff, as well as of female patrollers, can mitigate these risks,

1. Encourages co-operation among participating States, international organizations, and civil society in combating all forms of child trafficking, including for sexual exploitation, as well as other forms of sexual exploitation of children, taking note of their efforts to combat these crimes;

(...)

8. Encourages participating States to call on information and communication technologies and social media companies to prevent the distribution of and take down child sexual abuse content online, and to protect children by combating grooming by human traffickers online for all forms of child trafficking as well as other sexual exploitation of children, including through the development of new tools and technologies;

(...)

12. Tasks the relevant OSCE executive structures in accordance with their mandates and in co-ordination with the OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings to continue to assist participating States, upon their request, with implementation of their commitments related to all forms of child trafficking, including for sexual exploitation, as well as other forms of sexual exploitation of children;

13. Invites OSCE Partners for Co-operation to share voluntarily the commitments of the participating States on combating all forms of child trafficking, including for sexual exploitation, as well as other forms of sexual exploitation of children.

Milan 2018, (Decision No. 6/18 on Strengthening Efforts to Prevent and Combat Child Trafficking, Including of Unaccompanied Minors)

The Ministerial Council,

Gravely alarmed by the prevalence of trafficking in children, including those who are unaccompanied, in all its forms, including for the purpose of sexual exploitation, forced labour, forced criminality, forced marriage, and the removal of organs,

(...)

Deeply concerned about the large number of unaccompanied children who are vulnerable to human trafficking in recent years,

(...)

Commending participating States that adopt special legislative and other measures for the early identification, reception and protection of children vulnerable to human trafficking, including unaccompanied minors,

Recognizing the importance of the contribution of civil society, including religious organizations, in *inter alia* assisting the work of national authorities in preventing and combating all forms of child trafficking, through national anti-trafficking mechanisms, including National Referral Mechanisms, as appropriate,

Noting the 17th Alliance against Trafficking in Persons conference on “Trafficking in Children and the Best Interests of the Child” (2017) and the first OSCE Supplementary Human Dimension Meeting on “Child Trafficking: From Prevention to Protection” (2018),

Calls on the participating States to:

(...)

13. Task the relevant OSCE executive structures, in accordance with their mandates, within available resources and in co-ordination with the OSCE Special Representative and Co-ordinator for

Combating Trafficking in Human Beings, to continue assisting participating States, upon their request, in addressing all forms of child trafficking, by *inter alia* maximizing the existing knowledge basis and ensuring at the same time that no duplication of efforts and funded programmes occurs.

6.2.2 Investigation, Law Enforcement and Prosecution

Istanbul 1999 (Charter for European Security: III. Our Common Response)

24. We will undertake measures to (...) end (...) all forms of trafficking in human beings. In order to prevent such crimes we will, among other means, promote the adoption or strengthening of legislation to hold accountable persons responsible for these acts (...)

Vienna 2000 (Decision on Enhancing the OSCE's Efforts to Combat Trafficking in Human Beings)

The Ministerial Council,

(...)

3. Recognizes the primary responsibility of participating States in combating trafficking based on an integrated and co-ordinated approach which includes (...) prosecution of traffickers and their accomplices;

(...)

9. Commits to take necessary measures, including by adopting and implementing legislation, to criminalize trafficking in human beings, including appropriate penalties, with a view to ensuring effective law enforcement response and prosecution. Such legislation should take into account a human rights approach to the problem of trafficking, and include provision for the protection of the human rights of victims, ensuring that victims of trafficking do not face prosecution solely because they have been trafficked;

Bucharest 2001 (Decision No. 6/01)

The Ministerial Council,

(...)

Encourages information exchange with a view to strengthening investigation, law enforcement and crime prevention;

Porto 2002 (Declaration on Trafficking in Human Beings)

We call on participating States to enhance international co-operation in combating transnational organized crime, including criminal acts such as trafficking in drugs and arms, as well as smuggling of migrants. Such co-operation should include international law enforcement bodies, such as Europol and Interpol, as well as the Southeast European Co-operative Initiative (SECI), with a view to investigating and prosecuting those responsible for trafficking in human beings in accordance with domestic law and, where applicable, international obligations (...)

Maastricht 2003 (Annex to Decision No. 2/03 on Combating Trafficking in Human Beings; OSCE Action Plan to Combat Trafficking in Human Beings)

III. INVESTIGATION, LAW ENFORCEMENT AND PROSECUTION

(...)

Recommended action at the national level

1. Criminalization

1.1 Adopting such legislative and other measures as may be necessary to establish as criminal offences the conduct set forth in Article 3 of the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

1.2 Adopting such legislative and other measures as may be necessary to establish as criminal offences:

- Attempting to commit this criminal offence;
- Participating as an accomplice in this criminal offence;
- Organizing or directing other persons to commit this criminal offence.

1.3 Adopting such measures as may be necessary to establish the liability of legal persons for trafficking offences in addition to the liability of natural persons. Subject to the legal principles of the participating State, the liability of legal persons may be criminal, civil and/or administrative.

1.4 Making legislative provisions for effective and proportionate criminal penalties, including imprisonment, that take into account the serious nature of this crime. Where appropriate, legislation should provide for additional penalties to be applied to persons found guilty of trafficking in aggravating circumstances, such as in the case of offences involving trafficking in children or offences committed by or involving the complicity of State officials.

1.5 Considering legislative provisions for confiscation of the instruments and proceeds of trafficking and related offences, specifying, where not inconsistent with national legislation, that the confiscated proceeds of trafficking will be used for the benefit of victims of trafficking. Giving consideration to the establishment of a compensation fund for victims of trafficking and the use of the confiscated assets to help finance such a fund.

1.6 Ensuring that trafficking, its constitutive acts and related offences constitute extraditable offences under national law and extradition treaties.

1.7 Adopting such legislative and other measures to establish as criminal offences acts of active or passive corruption of public officials, as referred to in Articles 8 and 9 of the United Nations Convention against Transnational Organized Crime.

1.8 Ensuring that victims of trafficking are not subject to criminal proceedings solely as a direct result of them having been trafficked.

2. Law enforcement response

2.1 Fully implementing anti-trafficking and related measures set out in legislation.

2.2 Establishing special anti-trafficking units — comprising both women and men — with advanced training in investigating offences involving sexual assault or involving children, in order to promote competence, professionalism and integrity.

2.3 Building capacity in the anti-corruption field.

2.4 Developing community-policing programmes: raising levels of trust between the police and the public in order, *inter alia*, to contribute to the acquisition of information relating to trafficking and to increase the willingness of victims to report offences.

2.5 Enhancing co-operation between law enforcement investigating bodies in order to establish the possibly criminal, trafficking-related origins of suspicious assets.

2.6 Providing not only the resources and training for developing intelligence-led policing for the management and analysis of crime and criminal information, but also the other advanced skills and equipment necessary for law enforcement bodies to carry out their anti-trafficking tasks.

2.7 Encouraging investigators and prosecutors to carry out investigations and prosecutions without relying solely and exclusively on witness testimony. Exploring alternative investigative strategies to preclude the need for victims to be required to testify in court.

2.8 Taking practicable measures to ensure that OSCE mission members who are behaving in breach of the OSCE Code of Conduct for Mission Members and other regulations face prescribed sanctions, including, as appropriate, disciplinary and criminal proceedings.

2.9 Targeting corruption of local law enforcement as a matter of priority, and ensuring that appropriate disciplinary and criminal proceedings are undertaken against law enforcement authorities found to be engaged in corrupt practices related to trafficking in human beings.

3. Law enforcement co-operation and information exchange between participating States

3.1 Co-operating closely with one another and consistent with their respective domestic legal and administrative systems, to enhance the effectiveness of law enforcement action in combating the offences covered by this Action Plan. Promoting similar co-operation and co-ordination between law enforcement agencies within States.

3.2 Adopting, in particular, effective measures

- To enhance and where necessary to establish channels of communication between participating States;
- To co-operate on inquiries regarding offences covered by this Action Plan;
- To provide, when appropriate, items or evidence necessary for analytical or investigative purposes;
- To facilitate effective co-ordination between their competent authorities, agencies and services and to promote the exchange of personnel and other experts, including, subject to bilateral agreements or arrangements between the participating States concerned, the posting of liaison officers;

- To exchange information on specific means and methods used by organized criminal groups, including, where applicable, routes and conveyances and the use of false identities, altered or forged documents or other means of concealing their activities;
- To co-ordinate administrative and other measures considered appropriate for the early identification of the offences covered by this Action Plan.

3.3 Concluding agreements on bilateral and multilateral law enforcement co-operation to facilitate exchange of information.

3.4 Undertaking efforts to develop common standards for the collection of statistical data.

4. Assistance and protection of witnesses and victims in the criminal justice system

4.1 Taking appropriate measures within participating States' means, including legislative ones, to provide effective protection from potential retaliation or intimidation for witnesses in criminal proceedings who give testimony concerning offences covered by this Action Plan and, as appropriate, for their relatives and other persons close to them.

4.2 Sensitizing law enforcement authorities and officials to their responsibility for ensuring the safety and immediate well-being of victims of THB.

4.3 Ensuring data protection and the victim's right to privacy, also in the course of data collection and analysis.

4.4 Facilitating the victim's participation as a witness in the investigation and court hearings or other criminal proceedings by providing him/her with the possibility of relocation as a form of witness protection.

4.5 Providing legal counselling for victims when they are in the process of deciding whether or not to testify in court.

4.6 Permitting NGOs to support victims in court hearings, if it is not inconsistent with national legislation.

5. Training

5.1 Providing or improving training for border officials, law enforcement officials, judges, prosecutors, immigration and other relevant officials in all aspects of trafficking in persons.

5.2 Giving, in such training programs, consideration to human rights and child-and gender-sensitive issues, and encouraging co-operation with non-governmental organizations, other relevant organizations and other elements of civil society.

6. Border measures

6.1 Considering taking measures that permit, in accordance with its domestic law, the denial of entry, the revocation of visas or possibly the temporary detention of persons implicated in committing offences as defined by the legislation in force.

6.2 Considering strengthening co-operation among border control agencies by, *inter alia*, establishing and maintaining direct channels of communication.

7. Security and control of documents

7.1 Taking such measures as may be necessary, within available means, to ensure that travel or identity documents issued by or on behalf of participating States are of such quality that they cannot easily be misused, readily falsified or unlawfully altered, replicated or issued.

8. Legitimacy and validity of documents

8.1 At the request of another participating State and in accordance with its domestic law, verifying within a reasonable time the legitimacy and validity of travel or identity documents issued or purporting to have been issued in its name, where there are reasonable grounds to suspect their usage for trafficking in persons.

Sofia 2004 (Decision No. 13/04 on the Special Needs for Child Victims of Trafficking for Protection and Assistance)

The Ministerial Council,

(...)

1. Decides to enhance OSCE efforts aimed at preventing children from being trafficked, (...) and prosecuting those who traffic in children

(...)

3. Agrees to strengthen countering demand, including combating child sex tourism. In this context, also invites the participating States to consider, *inter alia*, elaboration of legal measures aimed at prosecution of their citizens for the sexual exploitation of children, including if such exploitation has taken place in another country (...)

Brussels 2006 (Decision No. 14/06 on Enhancing Efforts to Combat Trafficking in Human Beings, including for Labour Exploitation, through a Comprehensive and Proactive Approach)

The Ministerial Council,

(...)

2. Urges the participating States to promote a comprehensive approach to combating all forms of trafficking in human beings through national, regional and international arrangements, cooperation and coordination between law enforcement personnel, labour inspectorates, social protection units, medical institutions, immigration and border service officials (...) and any other relevant actors, also including a gender-sensitive approach. To this end, the participating States are recommended to establish National Referral Mechanisms (NRMs), as well as to appoint national coordinators;

(...)

6. Encourages the participating States to combat trafficking in human beings for labour exploitation in a more proactive manner, including by:

(...)

(g) Sharing current operational best practices in police investigations of trafficking in human beings for labour exploitation, and ensuring that police working on trafficking in human beings have regular contact with their counterparts in other agencies responsible for investigating labour

conditions as appropriate and have a multidisciplinary approach to identifying and protecting the rights of victims of trafficking for labour exploitation;

(...)

Madrid 2007 (Decision No. 8/07 on Combating Trafficking in Human Beings for Labour Exploitation)

The Ministerial Council,

(...)

Calls on participating States to:

(...)

4. Provide increased efforts and more effective procedures to identify victims of trafficking and, in this respect, provide training and resources necessary for this task to their labour inspectors and, where appropriate, step up inspections in sectors vulnerable to labour exploitation;

(...)

6. Consider allowing, in accordance with national law, for alternate representation for victims of trafficking for labour exploitation in proceedings where the victim is unable to do so;

(...)

14. Ensure effective and proportionate sanctions against those who facilitate trafficking for labour exploitation, including exploitative employers;

15. Ensure effective sanctions when employers or recruitment agencies create situations of debt bondage;

(...)

17. Consider ensuring that contractors who knowingly use subcontractors involved in trafficking for labour exploitation can be held accountable for that crime;

18. Consider providing training for judges, prosecutors, police officers and labour inspectors concerning trafficking for labour exploitation, from the perspectives of both prosecution and victim protection, and in this respect, ensure, where necessary, adequate resources are provided;

(...)

21. Increase co-operation at an international level by sharing information and best practices on combating trafficking for labour exploitation, and examining ways to strengthen collaboration concerning law enforcement (...)

(...)

Helsinki 2008 (Decision No. 5/08 on Enhancing Criminal Justice Responses to Trafficking in Human Beings through a Comprehensive Approach)

The Ministerial Council,

(...)

Reiterating its concern that, despite sustained measures taken at the international, regional and national levels, (...) few traffickers have been brought to justice,

Recognizing that providing victims of human trafficking with adequate protection and assistance and enhancing victim identification are among the prerequisites for an effective criminal justice response, including the prosecution of traffickers and their accomplices, to human trafficking,

Reiterating that the commitment to combat this crime applies equally to countries of origin, transit and destination,

Reaffirming our support for efforts by the participating States in cooperation with international and regional organizations, nongovernmental organizations and other relevant bodies to consider a comprehensive, coordinated and integrated approach to combating trafficking in human beings, which includes, *inter alia*, measures for preventing trafficking in human beings, (...) and prosecuting traffickers, as well as to combating the activities of transnational criminal organizations and others that profit from the trafficking in human beings,

(...)

Determined to enhance effective criminal justice responses to trafficking in human beings,

1. Encourages those participating States that have not yet done so to ensure that all forms of trafficking in human beings as defined in the OSCE Action Plan are criminalized in their national legislation and that perpetrators of human trafficking do not enjoy impunity;

2. Encourages the participating States to ensure that training on combating trafficking in human beings is included in the curricula for law enforcement personnel and that specialized anti-trafficking training is provided for relevant officials in national prosecution services and the judiciary. Each participating State will take into account policies and consequences regarding trafficking in human beings when instructing its military and civilian personnel to be deployed abroad;

3. Urges the participating States to ensure that law enforcement agencies and where appropriate the judiciary cooperate with each other and with other bodies including social services, and where appropriate with relevant civil society organizations in order to enhance identification of victims of human trafficking;

4. Encourages the participating States where appropriate and where provided for by their respective laws to ensure that civil society organizations engaged in protecting the rights of victims of trafficking have a possibility to provide assistance and support to victims also during criminal proceedings, and in this context, to consider establishing cooperation between law enforcement agencies and civil society organizations;

5. Calls on the participating States to ensure that, when authorities have reasonable grounds to believe that a person is a victim of human trafficking, that person will not be deported until the identification process has been adequately completed, and that person has been given appropriate

assistance, including, if required under domestic law, an appropriate recovery and reflection period during which deportation shall not be enforced;

(...)

7. Calls on the participating States that have not yet done so to provide for special measures of protection and assistance for child victims of human trafficking throughout criminal proceedings, in accordance with the principles of the best interest of the child, nondiscrimination, participation and the opportunity for the child to be heard;

8. Urges the participating States that have not yet done so to ensure that investigations into or prosecution of human trafficking shall not be dependent upon a report or accusation by a victim;

9. Calls on the participating States to continue their efforts to ensure that victims of human trafficking are treated in a manner that respects the full enjoyment of human rights without threat of intimidation or harassment, and to recognize victims' need to have adequate time to recover from trauma;

10. Encourages the participating States to take measures in accordance with the conditions under their respective laws so that victims of human trafficking have the possibility of obtaining fair and appropriate compensation for damage they have suffered, and to claim damages during criminal and/or civil proceedings as appropriate;

11. Calls for increased cooperation by national law enforcement and prosecution agencies with relevant international bodies, including Interpol and Europol, and with the law enforcement agencies of other participating States, for example, through the use of liaison officers or joint investigative teams, where doing so would enhance the efficiency and effectiveness of criminal justice responses;

12. Urges the participating States to intensify measures to disrupt trafficking networks, including by means of financial investigations, investigations of money laundering connected to human trafficking and the freezing or confiscation of the assets of human traffickers;

13. Tasks the Special Representative within existing resources as a part of regular reporting to the Permanent Council to recommend, in cooperation with the participating States, ways to further enhance criminal justice responses to trafficking in human beings.

Vilnius 2011 (Declaration on combating all forms of human trafficking)

(...)

9. We recognize the need to enhance the criminal justice responses to human trafficking, including the prosecution of traffickers and their accomplices, while ensuring that victims are treated in a manner that respects their human rights and that they are provided with access to justice, to legal assistance, and to effective remedies and other services as applicable. We will explore investigative techniques such as financial investigations, improve information sharing relating to organized crime groups, and promote cross-border law-enforcement and judicial collaboration to identify effectively both traffickers and potential victims of human trafficking.

(...)

13. We acknowledge that child protection systems need to be strengthened in order effectively to help prevent, identify, and respond to child trafficking in all its forms to provide appropriate assistance and protection (...) to child victims of trafficking or those at risk of being trafficked, including

through appropriate services and measures for the physical and psychological well-being as well as for their education, rehabilitation and reintegration.

Kyiv 2013 (Ministerial declaration on strengthening the OSCE's efforts to address transnational threats)

We, the members of the Ministerial Council of the OSCE, recognizing the evolving nature of transnational threats in the OSCE region and beyond, and the necessity to provide collective and effective international responses, co-ordinated and founded on a cross-dimensional approach, (...),

Commend the activities of the OSCE participating States in strengthening co-operation on addressing transnational threats in areas such as counter-terrorism, fight against organized crime, trafficking in human beings and (...), as well as development of confidence-building measures (CBMs) (...), which all contributed to enhancing the OSCE's profile in countering transnational threats; (...)

Encourage the OSCE participating States and relevant executive structures within their mandates and established procedures to intensify efforts to achieve greater unity of purpose and action in addressing existing and emerging transnational threats and to continue dialogue in this field, including at focused and result-oriented OSCE-wide thematic conferences to be held as appropriate and preferably annually;

Invite the OSCE participating States, where needed with the support of the relevant OSCE executive structures, to further develop co-operation with the UN and other relevant international and regional organizations on the basis of 1999 Platform for Co-operative Security, as well as with the OSCE Mediterranean and Asian Partners for co-operation, with a view to further strengthen the OSCE capacity in countering transnational threats, including with the engagement of civil society.

Basel 2014 (Decision No. 7/14 on Preventing and Combating Violence Against Women)

(...)

(D) PROSECUTION

7. Encourages the participating States to:

Strengthen the efforts to investigate, prosecute and punish the perpetrators of all forms of violence against women and provide victims with protection and appropriate remedies;

Ensure the development and effective implementation of legislation that criminalizes violence against women and that provides for preventative and protective measures, such as emergency barring orders and protection orders, where they exist, as well as the investigation, and submission for prosecution and appropriate punishment of perpetrators, including with a view to end impunity.

Vienna 2017 (Decision No. 6/17 on Strengthening Efforts to Prevent Trafficking in Human Beings)

(...)

5. Take appropriate measures for effectively combating human trafficking, by developing harmonized procedures and training courses, *inter alia* on identification and protection of trafficking

victims, including for relevant authorities, civil society organizations, health care and social workers as well as others that may have first contact with victims;

Vienna 2017 (Decision No. 7/17 on Strengthening Efforts to Combat all forms of Child Trafficking, including for Sexual Exploitation, as well as other forms of Sexual Exploitation of Children)

(...)

3. Calls on OSCE participating States which have not already done so to consider legal measures that would allow them to prosecute their citizens for serious sexual crimes against children, even if these crimes are committed in another country;

4. Calls on OSCE participating States to prevent all forms of child trafficking and sexual exploitation of children, including in tourist destinations, through education and awareness-raising, and to work with the private sector and civil society to raise awareness among the tourism industry, as well as business travellers and tourists, to help eliminate demand that fuels child trafficking and sexual exploitation of children;

5. Calls on OSCE participating States to strengthen co-operation and co-ordination among relevant authorities, such as law enforcement and immigration and border services of participating States, Partners for Co-operation, and destination States outside the OSCE region, including through considering measures, in full accordance with national laws and national and international data protection frameworks, such as:

(a) Adopting additional administrative measures in relation to perpetrators, such as the registration in sex offender registers of persons convicted of child sexual exploitation or abuse, as appropriate;

(b) Where relevant, a means to exchange and/or receive information transnationally among law enforcement agencies and/or judicial authorities on persons convicted of child sexual exploitation or abuse;

6. Urges participating States to prosecute human traffickers and perpetrators of sexual exploitation of children, including those who misuse information and communication technologies to recruit children or facilitate access to children for the purpose of subjecting them to trafficking or sexual exploitation, and impose penalties that are effective dissuasive, and proportionate to the crime;

7. Calls on participating States which have not already done so to promote the implementation of age verification technologies with a view to limit the access of children to pornographic websites;

8. Encourages participating States to call on information and communication technologies and social media companies to prevent the distribution of and take down child sexual abuse content online, and to protect children by combating grooming by human traffickers online for all forms of child trafficking as well as other sexual exploitation of children, including through the development of new tools and technologies;

9. Calls on participating States to share data, as appropriate and while protecting personal data from criminal use, concerning child trafficking and sexual exploitation of children with the Interpol International Child Sexual Exploitation (ICSE) image database, which is a hub for victim identification worldwide and also can help identify traffickers and their collaborators, and trace the financial flow to dismantle criminal networks;

10. Calls on participating States to enhance further specialized training on information and communications technologies for border officials, law enforcement officials, judges, prosecutors, immigration and other relevant officials as well as teachers and health professionals, as appropriate, to combat all forms of child trafficking as well as other sexual exploitation of children;

11. Encourages participating States to raise public awareness on the vulnerabilities of children in migration flows to all forms of child trafficking, including for sexual exploitation, as well as other forms of sexual exploitation of children, to increase the capacity and broaden the scope of first line responders to identify child victims of trafficking and other sexual exploitation, and provide them with protection, as well as appropriate assistance and referrals for legal assistance as well as effective remedies and other services as applicable, in line with the relevant provisions of the 2013 Addendum to the OSCE Action Plan to Combat Trafficking in Human Beings;

Milan 2018, (Decision No. 6/18 on Strengthening Efforts to Prevent and Combat Child Trafficking, Including of Unaccompanied Minors)

(...)

9. Encourage law enforcement, or other relevant authorities, as appropriate, to co-operate with one another by collecting and exchanging information, in accordance with their respective domestic laws, including concerning the protection of personal data, about child victims of trafficking and those at risk of being subjected to human trafficking, for the purpose of strengthening their protection and addressing the issue of missing children;

10. Strengthen national, regional and international co-operation for preventing and combating child trafficking, particularly with regard to reporting and sharing information, about child victims of trafficking, including those unaccompanied, in accordance their respective domestic laws, including concerning the protection of personal data;

11. Consider the appointment of a national focal point to whom enquiries can be addressed by officials from other countries regarding child victims of trafficking, including those who went missing and/or whom they plan to return to in their respective country of origin;

12. Promote efforts to prevent child trafficking, countering the culture of impunity, and reducing and addressing the demand which fosters all forms of exploitation;

6.2.3 Protection of Victims and Provision of Assistance

Istanbul 1999 (Charter for European Security: III. Our Common Response)

24. We will undertake measures to (...) end violence against women and children as well as sexual exploitation and all forms of trafficking in human beings. In order to prevent such crimes we will, among other means (...) strengthen the protection of victims.

Vienna 2000 (Decision on Enhancing the OSCE'S Efforts to Combat Trafficking in Human Beings)

The Ministerial Council,

(...)

3. Recognizes the primary responsibility of participating States in combating trafficking based on an integrated and co-ordinated approach which includes (...) protection of victims (...)

9. Commits to take necessary measures, including by adopting and implementing legislation, to criminalize trafficking in human beings (...) Such legislation should take into account a human rights approach to the problem of trafficking, and include provision for the protection of the human rights of victims, ensuring that victims of trafficking do not face prosecution solely because they have been trafficked;

10. Will consider adopting legislative or other appropriate measures, such as shelters, which permit victims of trafficking in persons to remain in their territories, temporarily or permanently, in appropriate cases; and establishing appropriate repatriation processes for the victims of trafficking, with due regard to their safety, including the provision of documents; and developing policies concerning the provision of economic and social benefits to victims as well as their rehabilitation and reintegration in society;

Porto 2002 (Declaration on Trafficking in Human Beings)

We will strive to render assistance and protection to the victims of trafficking, especially women and children, and to this end, when appropriate, to establish effective and inclusive national referral mechanisms, ensuring that victims of trafficking do not face prosecution solely because they have been trafficked. The dignity and human rights of victims must be respected at all times (...)

We recognize that intensified co-operation among relevant actors in countries of origin, transit and destination plays a critical role in the return programmes for victims of trafficking and facilitates their reintegration. Therefore, we encourage all organizations providing assistance to victims, including NGOs, to further develop such co-operation.

We will consider adopting legislative or other measures that permit victims of trafficking to remain in our territory, temporarily or permanently, in appropriate cases, and giving consideration to humanitarian and compassionate factors.

Maastricht 2003 (Annex to Decision No. 2/03 on Combating Trafficking in Human Beings; OSCE Action Plan to Combat Trafficking in Human Beings)

V. PROTECTION AND ASSISTANCE

(...)

1. Data collection and research

1.1 Collecting data through the exchange and analysis of best practices and other information regarding effective protection of and assistance to victims of trafficking in the OSCE participating States.

2. Legislative measures

2.1 Considering the need for adopting legislation which will provide the legal basis for rendering assistance and protection to victims of THB, especially during pre-trial investigations and in court proceedings.

2.2 Ratifying, or acceding to, and fully implementing the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

3. National Referral Mechanisms (NRM)*

3.1 Establishing National Referral Mechanisms by creating a co-operative framework within which participating States fulfil their obligations to protect and promote the human rights of the victims of THB in co-ordination and strategic partnership with civil society and other actors working in this field.

3.2 Providing guidance to facilitate the accurate identification and appropriate treatment of the victims of THB, in ways which respect the views and dignity of the persons concerned.

3.3 Combining the efforts of law-enforcement bodies, including specially established anti-trafficking units and police at local level, officials of migration and border services, social protection units, medical institutions, as well as NGOs and other civil society institutions as the most relevant actors to be involved in NRM activities.

3.4 Establishing appropriate mechanisms to harmonize victim assistance with investigative and prosecutorial efforts.

3.5 Drawing special attention to the need for enhanced co-operation between the police and NGOs in identifying, informing and protecting victims of THB.

3.6 Linking the activities of NRMs with those of inter-ministerial bodies, national co-ordinators, NGOs and other relevant national institutions to form a cross-sectoral and multidisciplinary team capable of developing and monitoring the implementation of anti-trafficking policies.

4. Shelters

4.1 Establishing shelters, run by governmental bodies, NGOs, or other institutions of civil society to meet the needs of trafficked persons; these shelters are to provide safety, access to independent advice and counselling in a language known by the victim, first-hand medical assistance, and an opportunity for reflection delay after the experienced trauma. Shelters may be established on the basis of already existing facilities such as crisis centres for women.

4.2 Providing access to shelters for all victims of trafficking, regardless of their readiness to co-operate with authorities in investigations.

4.3 Giving special attention to ensuring security for personnel of such shelters, confidentiality of information obtained, and safety and privacy for victims of THB.

4.4 Using shelters to provide the kind of training opportunities for victims of THB which will facilitate their future reintegration, employment and independence, as well as improving their competitive capabilities after the experienced trauma.

5. Provision of documents

5.1 Ensuring provision of documents, if necessary, as a first step to clarifying the victim's identity and status in countries of destination, thus making it possible to proceed with options of assistance

* The ODIHR's [*National Referral Mechanisms: A Practical Handbook*] may serve as a useful source of advice and information regarding the role of NRMs in rendering assistance and protection to victims of THB).

in appropriate cases, such as repatriation, preferably voluntary, provision of a temporary or permanent residence permit, and/or legalization of employment.

5.2 Enhancing co-operation amongst law enforcement bodies in the countries of origin, transit and destination, and responsible officials of all institutions involved in the restoration of rights of victims of THB, including the personnel of embassies and consulates of participating States in order to facilitate the speedy verification of personal data and the avoidance of undue or unreasonable delay.

5.3 Informing identified victims of THB of their right to access to diplomatic and consular representatives of their country of nationality.

6. Provision of social assistance

6.1 Developing social assistance and integration programmes, including legal counselling in a language known by the victim, medical and psychological assistance and access to health care, to be made available either in shelters or other relevant institutions.

6.2 Considering, where not inconsistent with national legislation, legal measures to allow confiscated assets to be used to supplement government funding for programmes that address the needs of victims of THB and to compensate the victims in accordance with the gravity of the crime committed against them.

7. Repatriation, rehabilitation and reintegration

7.1 Assisting the victims of THB in — preferably — voluntary repatriation to the country of origin with due regard for their safety and that of their families, and without undue or unreasonable delay.

7.2 Ensuring due process in all return and removal proceedings, taking into account a humanitarian and compassionate approach.

7.3 Considering contributing to the rehabilitation and social reintegration of victims of THB by providing them with social and economic benefits.

7.4 Raising media awareness of the need to safeguard privacy by avoiding public disclosure of the identity of victims of THB, or publication of confidential information inimical to victims' security or to the cause of justice in criminal proceedings.

8. Provision of a reflection delay and temporary or permanent residence permits

8.1 Considering the introduction of a reflection delay to give the victim due time to decide whether or not to act as a witness.

8.2 Considering on a case-by-case basis, if appropriate, the provision of temporary or permanent residence permits, taking into account such factors as potential dangers to victims' safety.

8.3 Considering, if appropriate, the provision of work permits to victims during their stay in the receiving country.

9. Ensuring the right to apply for asylum

9.1 Ensuring that anti-trafficking laws, policies, programmes and interventions do not affect the right of all persons, including victims of THB, to seek and enjoy asylum from persecution in accordance with international refugee law, in particular through effective application of the principle of *non-refoulement*.

10. Protection of children

10.1 Ensuring that the special needs of children and the best interests of the child are fully taken into account when deciding upon appropriate housing, education and care. In appropriate cases, if there is no direct threat to the safety of the child, providing the children with access to the State educational system.

10.2 Deciding on the repatriation of a child victim of THB only after having taken account of all the circumstances of the specific case and if there is a family or special institution in the country of origin to ensure the child's safety, protection, rehabilitation and reintegration.

10.3 Considering the provisions outlined in the United Nations High Commissioner for Refugees Guidelines for the Protection of Unaccompanied Minors when elaborating policies targeted at this risk group, and in particular for those who are not in possession of identification documents.

10.4 Using bilateral and/or regional agreements on fundamental principles of good reception of unaccompanied children in order to combine efforts targeted at the protection of children.

10.5 Ratifying or acceding to, and fully implementing, the Optional Protocol to the Convention on the Rights of the Child, on the Sale of Children, Child Prostitution and Child Pornography.

11. National Referral Mechanism

11.1 Enhancing the activities of the OSCE, especially the ODIHR, in assisting participating States, upon their request, in establishing the NRM.

11.2 Tasking the OSCE Strategic Police Matters Unit, together with the ODIHR, with the further development of guidelines or a manual on the identification of suspected victims and of evidence of THB, in order to assist participating States, as appropriate.

(...)

14. Training

(...)

14.2 Tasking the ODIHR with the collection and dissemination of information on measures, training programmes and materials already in place in OSCE participating States.

15. Legislative measures

15.1 In co-ordination with the United Nations Office on Drugs and Crime, the Council of Europe and other relevant actors, the ODIHR will continue to assist participating States, upon their request, in bringing their national legislation into compliance with international norms and standards, particularly by promoting a humanitarian and compassionate approach to the victims of THB.

Sofia 2004 (Decision No. 13/04 on the Special Needs for Child Victims of Trafficking for Protection and Assistance)

The Ministerial Council,

(...)

1. Decides to enhance OSCE efforts aimed at preventing children from being trafficked, protecting and assisting child victims of trafficking (...)

Brussels 2006 (Decision No. 14/06 on Enhancing Efforts to Combat Trafficking in Human Beings, including for Labour Exploitation, through a Comprehensive and Proactive Approach)

The Ministerial Council,

(...)

2. Urges the participating States to promote a comprehensive approach to combating all forms of trafficking in human beings through national, regional and international arrangements, cooperation and coordination between law enforcement personnel, labour inspectorates, social protection units, medical institutions, immigration and border service officials, civil society organizations, victim support services, and the business community and any other relevant actors, also including a gender-sensitive approach. To this end, the participating States are recommended to establish National Referral Mechanisms (NRMs), as well as to appoint national coordinators;

(...)

4. Urges the participating States, in cooperation with international organizations and NGOs when appropriate, to seek to diminish the risk for repatriated victims to be re-trafficked, particularly by addressing factors that make persons more vulnerable to trafficking in human beings such as poverty, discrimination, lack of access to education and economic opportunities, sexual abuse, and domestic violence and by conducting risk assessments to ensure that return of victims is done with due regard for their safety;

5. Underlines the importance of providing effective access to justice for victims of trafficking in human beings, including in the areas of counselling and information about their legal rights in a language that they can understand, as well as in providing the possibility to obtain compensation for damage suffered and calls on the participating States to implement their obligations under the relevant provisions of the UN Convention against Transnational Organized Crime (Palermo Convention) and its supplementing Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children;

(...)

Madrid 2007 (Decision No. 8/07 on Combating Trafficking in Human Beings for Labour Exploitation)

The Ministerial Council,

(...)

Calls on participating States to:

1. Ensure that victims of trafficking for labour exploitation have access to justice;
2. In conformity with domestic law and international obligations, provide a reflection delay and grant temporary or permanent residence permits to victims of trafficking, allow for the provision of work permits to victims during their stay, and raise awareness of such opportunities;
3. Ensure the provision of assistance to victims of trafficking for labour exploitation, and in particular access to shelter, healthcare, legal assistance and social assistance taking into consideration the recommendations in Part V of the OSCE Action Plan to Combat Trafficking in Human

Beings and its Addendum Addressing the Special Needs of Child Victims of Trafficking for Protection and Assistance, and raise awareness about the availability of such services;

4. Provide increased efforts and more effective procedures to identify victims of trafficking and, in this respect, provide training and resources necessary for this task to their labour inspectors and, where appropriate, step up inspections in sectors vulnerable to labour exploitation;

5. Support and promote partnerships between civil society, including NGOs, and State agencies with a labour protection mandate to monitor working conditions, to provide, among others, assistance to victims and prevent trafficking for labour exploitation and violation of labour laws, including through targeted awareness-raising programmes or voluntary codes of conduct;

6. Consider allowing, in accordance with national law, for alternate representation for victims of trafficking for labour exploitation in proceedings where the victim is unable to do so;

7. Consider elaborating or strengthening their legislation that offers victims of trafficking for labour exploitation the possibility of obtaining compensation for damage suffered, including, where appropriate, restitution of wages owed to them;

8. Increase multi-agency cooperation and interaction on labour trafficking issues among their labour and immigration officials, law enforcement, judicial officials and social services providers, including through the establishment or strengthening, as appropriate, of national referral mechanisms as recommended in the OSCE Action Plan to Combat Trafficking in Human Beings;

9. Ensure that civil society organizations, which legally provide assistance to victims of trafficking for labour exploitation, are not penalized or criminalized for providing such assistance;

10. Provide, in accordance with the basic principles of their legal system, for the possibility, where appropriate, of not imposing penalties on victims for their involvement in unlawful activities, to the extent that they have been compelled to do so;

(...)

18. Consider providing training for judges, prosecutors, police officers and labour inspectors concerning trafficking for labour exploitation, from the perspectives of both prosecution and victim protection, and in this respect, ensure, where necessary, adequate resources are provided;

(...)

21. Increase co-operation at an international level by sharing information and best practices on combating trafficking for labour exploitation, and examining ways to strengthen (...) victim protection and reintegration assistance in situations of repatriation;

(...)

Helsinki 2008 (Decision No. 5/08 on Enhancing Criminal Justice Responses to Trafficking in Human Beings through a Comprehensive Approach)

The Ministerial Council,

(...)

Reiterating its concern that, despite sustained measures taken at the international, regional and national levels, the number of victims of human trafficking which have been identified and assisted remains limited (...),

(...)

Reaffirming our support for efforts by the participating States in cooperation with international and regional organizations, nongovernmental organizations and other relevant bodies to consider a comprehensive, coordinated and integrated approach to combating trafficking in human beings, which includes, *inter alia*, measures for preventing trafficking in human beings, protecting and assisting victims, with full respect for their human rights (...),

(...)

4. Encourages the participating States where appropriate and where provided for by their respective laws to ensure that civil society organizations engaged in protecting the rights of victims of trafficking have a possibility to provide assistance and support to victims also during criminal proceedings, and in this context, to consider establishing cooperation between law enforcement agencies and civil society organizations;

5. Calls on the participating States to ensure that, when authorities have reasonable grounds to believe that a person is a victim of human trafficking, that person will not be deported until the identification process has been adequately completed, and that person has been given appropriate assistance, including, if required under domestic law, an appropriate recovery and reflection period during which deportation shall not be enforced;

6. Encourages the participating States to ensure that victims of human trafficking have access without undue delay to secure accommodation, psychological and medical treatment and counselling regarding their legal rights and the services available to them;

7. Calls on the participating States that have not yet done so to provide for special measures of protection and assistance for child victims of human trafficking throughout criminal proceedings, in accordance with the principles of the best interest of the child, nondiscrimination, participation and the opportunity for the child to be heard;

(...)

9. Calls on the participating States to continue their efforts to ensure that victims of human trafficking are treated in a manner that respects the full enjoyment of human rights without threat of intimidation or harassment, and to recognize victims' need to have adequate time to recover from trauma;

10. Encourages the participating States to take measures in accordance with the conditions under their respective laws so that victims of human trafficking have the possibility of obtaining fair and appropriate compensation for damage they have suffered, and to claim damages during criminal and/or civil proceedings as appropriate;

Vilnius 2011 (Declaration on combating all forms of human trafficking)

(...)

10. We recognize that adequate measures should be taken to ensure that, where appropriate, identified victims of human trafficking are not penalized for their involvement in unlawful activities

to the extent that they have been compelled to do so. We urge participating States to implement comprehensive and appropriate measures on assistance to victims of trafficking in persons.

11. We will renew efforts to identify and assist victims of human trafficking taking into account especially vulnerable populations. As applicable, we will promote awareness-raising campaigns aimed at persons at risk of being trafficked and addressing the social, economic, cultural, political, and other factors that contribute to the vulnerability of being trafficked. We will increase and support prevention efforts by focusing on the demand that fosters all forms of trafficking and the goods and services that result from trafficking in persons.)

12. We acknowledge the important role of civil society organizations in providing assistance and empowerment to victims of trafficking in persons.

13. We acknowledge that child protection systems need to be strengthened in order effectively to help prevent, identify, and respond to child trafficking in all its forms to provide appropriate assistance and protection in the best interest of the child to child victims of trafficking or those at risk of being trafficked, including through appropriate services and measures for the physical and psychological well-being as well as for their education, rehabilitation and reintegration.(...)

Basel 2014 (Decision No. 7/14 on Preventing and Combating Violence Against Women)

(...)

(c) PROTECTION

5. Encourages the participating States to:

Ensure that victims of all forms of violence against women receive timely and adequate information on available legal measures and support services, such as sexual violence crisis centres, shelters or other relevant structures, as well as healthcare, and to ensure that they are easily accessible;

Promote programmes and activities that empower and support women who have been victims of violence.

6. Tasks the OSCE executive structures to, within their mandates:

Assist the participating States, upon their request, in strengthening their capacities for protection of victims of all forms of violence against women;

Facilitate the exchange between the participating States of information, experience, and best practices concerning protection;

Provide technical assistance to the participating States that request so, in organizing support services such as telephone hotlines, crisis centres, etc.;

Offer to participating States specialized training courses for relevant professionals from interested participating States dealing with victims or perpetrators of all forms of violence against women, including sexual and domestic violence.

Vienna 2017 (Decision No. 6/17 on Strengthening Efforts to Prevent Trafficking in Human Beings)

(...)

5. Take appropriate measures for effectively combating human trafficking, by developing harmonized procedures and training courses, *inter alia* on identification and protection of trafficking victims, including for relevant authorities, civil society organizations, health care and social workers as well as others that may have first contact with victims;

Vienna 2017 (Decision No. 7/17 on Strengthening Efforts to Combat all forms of Child Trafficking, including for Sexual Exploitation, as well as other forms of Sexual Exploitation of Children)

(...)

Reaffirming that the best interests of the child shall be a primary consideration in decisions taken with regard to trafficked or sexually exploited children, and the importance of respecting the special needs of children for protection and assistance, and the opportunity for the child to be heard,

(...)

2. Encourages participating States to adopt a victim-centred and trauma-informed approach that takes into account the respective gender-specific concerns of girls and boys, in the best interests of the child, and fully respects the human rights and fundamental freedoms of children subjected to human trafficking or sexual exploitation;

(...)

11. Encourages participating States to raise public awareness on the vulnerabilities of children in migration flows to all forms of child trafficking, including for sexual exploitation, as well as other forms of sexual exploitation of children, to increase the capacity and broaden the scope of first line responders to identify child victims of trafficking and other sexual exploitation, and provide them with protection, as well as appropriate assistance and referrals for legal assistance as well as effective remedies and other services as applicable, in line with the relevant provisions of the 2013 Addendum to the OSCE Action Plan to Combat Trafficking in Human Beings;

(...)

6.3 Prevention of Illicit Trafficking in Drugs and Arms, and Other Forms of International Organized Crime

See also:

II. 6.2: Prevention of Trafficking in Human Beings

II. 6.4: Prevention of Terrorism

Paris 1990 (A New Era of Democracy, Peace and Unity)

We will (...) join together in combating illicit trafficking in drugs.

Helsinki 1992 (Summit Declaration)

27. Illicit trafficking in drugs represents a danger to the stability of our societies and democratic institutions. We will act together to strengthen all forms of bilateral and multilateral co-operation in the fight against illicit trafficking in drugs and other forms of international organized crime.

Bucharest 2001 (Ministerial Declaration)

4. (...) Organized crime, illicit traffic in drugs and arms, and trafficking in human beings, affect the security, economy and social structure of all participating States. The Ministerial Council supports enhanced efforts and greater international co-operation to combat these challenges, and urges participating States who have not yet done so to become parties to the United Nations Convention Against Transnational Organized Crime and its Protocols.

Porto 2002 (Declaration on Trafficking in Human Beings)

We call on participating States to enhance international co-operation in combating transnational organized crime, including criminal acts such as trafficking in drugs and arms, as well as smuggling of migrants. Such co-operation should include international law enforcement bodies, such as Europol and Interpol, as well as the Southeast European Co-operative Initiative (SECI)

Maastricht 2003 (OSCE Strategy to Address Threats to Security and Stability in the Twenty-First Century)

31. The OSCE will step up its work to combat organized crime. Regular meetings of police experts from OSCE participating States and representatives of other relevant specialized international and regional organizations would constitute an important contribution in this respect (...) The OSCE Document on SALW remains a key instrument for combating trafficking in and proliferation of SALW in all its aspects. Its implementation will be further strengthened. The OSCE will continue the collaborative efforts already underway with the UNODC to address the issue of illicit traffic in narcotic drugs. An effective and comprehensive international approach to dealing with this issue needs to be developed.

32. The Strategic Police Matters Unit was set up to improve the capacity of participating States to address threats posed by criminal activity and to assist them in upholding the rule of law. The aim is to enhance key policing skills, including respect for human rights and fundamental freedoms. The OSCE will, at the request of participating States, increase its focus on assistance to authorities, including at the local level, on fighting crime and criminal networks and will define and develop core competencies for police activities such as training and capacity-building activities.

33. The OSCE will intensify its efforts to address such issues as smuggling of migrants and illegal migration.

34. A comprehensive and multidisciplinary approach is required to effectively prevent and combat corruption in all its forms. The OSCE, in close co-ordination with the UNODC and other relevant international organizations and financial institutions, will contribute to reducing corruption across the OSCE region.

35. Threats of terrorism and organized crime are often interlinked, and synergetic approaches to deal with them will be further explored. Cross-border movement of persons, resources and

weapons as well as trafficking for the purpose of financing and providing logistic support play an increasing role for terrorist activities. The OSCE is committed to addressing these problems and to strengthening its capacities to promote open and secure borders, *inter alia*, through the elaboration of an OSCE Border Security and Management Concept in order to enhance capacity building and mutually beneficial inter-State co-operation.

Ljubljana 2005 (Border Security and Management Concept: Framework for Co-operation by the OSCE Participating States)

2. The OSCE participating States reaffirm the obligations and commitments on borderrelated issues that they have undertaken at all levels:

(...)

2.2 At the OSCE level: The participating States reaffirm the norms, principles, commitments and values enshrined in the Helsinki Final Act, all of which apply equally and unreservedly, each of them being interpreted taking into account the others. They reaffirm the principles and commitments contained in the Copenhagen Document 1990, the Helsinki Document 1992 and the Charter for European Security 1999. They recall the action plans, decisions and other relevant agreed OSCE documents which address borderrelated issues. In particular, strengthening OSCE capacities to promote open and secure borders and enhancing mutually beneficial inter-State co-operation are means to address the threats of (...) organized crime, (...) and the illicit trafficking in weapons, drugs and human beings, as identified in paragraph 35 of the OSCE Strategy to Address Threats to Security and Stability in the TwentyFirst Century;

(...)

4. The participating States will promote co-operation between their border services, customs authorities, agencies issuing travel documents and visas, and law enforcement and migration agencies, as well as other competent national structures, with a view to achieving the following aims:

(...)

4.3 To prevent and repress transnational organized crime, illegal migration, corruption, smuggling and trafficking in weapons, drugs and human beings;

Ljubljana 2005 (Decision No.3/05 on Combating Transnational Organized Crime)

The Ministerial Council,

(...)

- Underscoring links that exist between transnational organized crime and other threats, such as illicit drugs, terrorism, illicit trade in small arms and light weapons, as well as in sensitive materials and technologies, trafficking in human beings, smuggling of migrants, cyber crime, corruption and illegal migration in the context of organized crime and money laundering,
- Recognizing that the United Nations Convention against Transnational Organized Crime and its Protocols, adopted by the General Assembly of the United Nations on 15 November 2000 in New York, mark a major step forward in international cooperation against transnational organized crime and provide the opportunity for a global response,
- Recognizing the ongoing work of the OSCE in the areas linked to combating organized crime,

- Convinced that the OSCE concept of comprehensive security is well placed to enhance the ability of all participating States to tackle the threat of organized crime, and that the OSCE may provide a relevant framework for promoting the fight against organized crime and acknowledging the important work done by relevant international organizations and institutions, in particular United Nations Office on Drugs and Crime,
- Urges participating States to enhance cooperation between themselves and the UNODC, the Council of Europe and other relevant international organizations;
- Invites the OSCE participating States that have not yet done so to consider becoming parties to the United Nations Convention against Transnational Organized Crime and its Protocols, adopted by the General Assembly of the United Nations on 15 November 2000 in New York, and to fully implement their obligations under these instruments thereafter;
- Tasks the Secretary General with providing the requesting participating States with support for the mobilization of technical assistance, including the necessary expertise and resources, from relevant competent international organizations for the implementation of the United Nations Convention against Transnational Organized Crime and its Protocols in support of and in close consultation with the Conference of Parties and the UNODC;
- Recalls that preventing and combating organized crime require a coherent approach by the participating States, in promoting the implementation of their own relevant national legislation and programmes, in particular in the field of criminal justice, consistent with the rule of law and OSCE participating States' commitments;
- Tasks the Permanent Council to carry forward co-operation between participating States and to work on designing, with the support of the Secretary General and the relevant OSCE institutions, possible measures and forms of assistance that could be available to requesting participating States with a view to improving and promoting the functioning of criminal justice systems, *inter alia*, legislation, law enforcement, prosecution, administration of justice, international legal co-operation, including extradition, and the penal system, in consultation with the UNODC, the Council of Europe and other pertinent international organizations;

(...)

Brussels 2006 (Decision No. 5/06 on Organized Crime)

The Ministerial Council,

(...)

Concerned that organized crime is becoming increasingly efficient at exploiting our globalized economies and open societies and is representing a growing multidimensional challenge to all participating States throughout the whole OSCE area,

Concerned that organized crime commands vast wealth and can wield tremendous power, potentially undermining the democratic values in our societies and threatening the safety and security of ordinary citizens directly and indirectly,

Concerned also by the challenges and threats posed by the links between organized crime, trafficking in human beings, weapons and illicit drugs, corruption and terrorism as well as other forms of transnational and domestic criminal activity,

Convinced that addressing organized crime must remain a central element in our policies to provide safety and security to our citizens, both domestically and through international co-operation,

Underscoring that organized crime can best be fought through democratic institutions that respect human rights and the rule of law, and are accountable to citizens and civil society,

Emphasizing the key role played by an efficient and effective criminal justice system in upholding public safety and security,

Recognizing that policies and activities regarding the criminal justice system should comprise and integrate, *inter alia*, crime prevention, law enforcement, the police, the judicial system, the prosecution, defence lawyers and penal systems,

Recognizing that efficient and effective criminal justice systems can only be developed on the basis of the rule of law and on the protection of human rights and that the rule of law itself requires the protection of such criminal justice systems,

Recognizing that efficient and effective criminal justice systems based on the rule of law are a prerequisite for combating organized crime, trafficking in human beings, illicit drugs and weapons, terrorism, corruption and other forms of transnational and domestic criminal activity and that specialist responses to these security challenges must take place within the overall framework of a criminal justice system,

Recognizing the continued relevance of the United Nations standards and norms in crime prevention and criminal justice and of the role of the United Nations Office on Drugs and Crime (UNODC) in supporting their use and application and welcoming increasing cooperation between the OSCE Secretariat, the UNODC and the UN Commission on Crime Prevention and Criminal Justice,

Recognizing the activities of other United Nations bodies and other international fora in the field of the rule of law,

Recognizing the importance of the implementation of the obligations under the United Nations Convention against Transnational Organized Crime (Palermo Convention) and, as appropriate, its supplementing protocols and under the United Nations Convention against Corruption, as ways for both addressing organized crime and corruption and for fostering international cooperation in criminal matters,

(...)

Recognizing the need for the OSCE to focus on enhancing international legal cooperation and on improving criminal justice systems as part of its overall security agenda, in coordination with the United Nations and other multilateral forums,

1. Urges participating States to continue to address organized crime as an important threat and, where possible, to strengthen the implementation of their respective international obligations and OSCE commitments in all areas of their criminal justice systems;

2. Recommends to consider adopting, as appropriate, national plans addressing security-related issues, and to apply an integrated approach, mindful of the fact that every element of the criminal justice system impacts on the other elements;

3. Invites participating States to consider undertaking self-assessments of their criminal justice systems, using, as appropriate, instruments available from international organizations, such as the UNODC/OSCE assessment toolkits and making, if necessary, best use of other tools available,

including from the Council of Europe (CEPEJ) and other organizations, academia or bar associations;

4. Urges participating States to pay due attention to the integrity and professionalism of law enforcement agencies and prosecution authorities, the efficient administration of justice and proper management of the court system, the independence of the judiciary and the proper functioning of the penitentiary system and to explore ways of alternatives to imprisonment;

5. Recommends, as part of policy planning in preventing and fighting organized crime, the improvement of data collection and analysis, the national development and use of risk and threat assessments, and the promotion of the exchange of information and best practices to the extent not already under way;

6. Recommends increasing national efforts at international co-operation, coordination and information exchange as an important step in countering transnational organized crime;

7. Urges participating States to enhance international legal cooperation in criminal matters, *inter alia*, through considering becoming parties to the UN Convention against Transnational Organized Crime (Palermo Convention), as appropriate the supplementing protocols thereto, the UN Convention against Corruption, and through implementing their obligations under these and other multilateral and bilateral legal cooperation instruments to which they are a party including through appropriate utilization of the relevant articles on mutual legal assistance and extradition;

8. Urges participating States to consider accession to the Convention on the Transfer of Sentenced Persons (Strasbourg, 21 November 1983) and its 1997 Additional Protocol, as appropriate, and to consider entering into bilateral agreements complementing this Convention, facilitating the transfer of sentenced persons;

9. Supports international police co-operation and takes note of the outcome of the OSCE chiefs of police meeting held in Brussels on 24 November 2006, including the suggestion to meet regularly, when such meetings are coordinated with and take into account other police chiefs' meetings;

10. Recommends undertaking efforts at outreach to the population, including cooperation between law enforcement authorities and civil society organizations, so that citizens may become more aware of their civil rights, develop greater trust in the criminal justice system as the guarantor of these rights, and feel comfortable when approaching the relevant authorities;

11.(a) Tasks the Secretary General and the relevant OSCE executive structures, within their respective mandates, with giving enhanced attention in their policies and activities to the key role of criminal justice systems in institution-building and in the promotion of the rule of law, as well as with co-operating and co-ordinating more closely in order to take better into account the interaction between the components of those systems;

(b) Tasks the Secretary General and the relevant OSCE executive structures, within their respective mandates, with building on and consolidating the existing knowledge and experience on criminal justice and organized crime;

(c) Tasks the Secretary General to support and promote international legal cooperation in criminal matters between participating States, also taking into account the framework provided by the UN Convention against Transnational Organized Crime and supporting its Conference of Parties and to continue co-operating with the UNODC in matters including combating organized crime and illicit drugs;

(d) Tasks the Secretary General and the ODIHR to brief the participating States regularly and to present a joint written report to the participating States before the summer recess in 2007, on the implementation of the abovementioned tasks;

(e) Tasks the Permanent Council to take note of the above-mentioned report and to consider, if appropriate, a possible follow-up;

(f) Tasks the Secretary General and the relevant OSCE executive structures including ODIHR, as appropriate in coordination and cooperation with other international organizations and institutions, to stand ready to respond to project proposals and requests for cooperation from participating States and to consider facilitating training programmes, all within their respective mandates and as contributions are available for this purpose;

(g) Underlines the importance of increased coherence and continuity of the efforts of all concerned OSCE bodies as well as reinforced co-operation with specialized agencies. In this respect, tasks the Secretary General to enhance co-ordination of these activities, within available resources and mandates. Invites the participating States to extend support to these activities.

Astana 2010

9. [I]n today's complex and inter-connected world, we must achieve greater unity of purpose and action in facing emerging transnational threats, such as (...) organized crime, (...) and the illicit trafficking in small arms and light weapons, [and] drugs (...). Such threats can originate within or outside our region.

Kyiv 2013 (Ministerial Declaration on Strengthening the OSCE's efforts to address transnational threats)

(...)

(...) recognizing the evolving nature of transnational threats in the OSCE region and beyond, and the necessity to provide collective and effective international responses, co-ordinated and founded on a cross-dimensional approach, (...),

Commend the activities of the OSCE participating States in strengthening co-operation on addressing transnational threats in areas such as counter-terrorism, fight against organized crime, trafficking in human beings and in illicit drugs, police-related activities and border security and management, as well as development of confidence-building measures (CBMs) (...) which all contributed to enhancing the OSCE's profile in countering transnational threats;

(...)

Welcome also the efforts of the OSCE participating States under the guidance of the OSCE Ukrainian Chairmanship-in-Office and supported by the relevant OSCE executive structures in achieving progress in implementing the OSCE Concept for Combating the Threat of Illicit Drugs and the Diversion of Chemical Precursors, the OSCE Strategic Framework for Police-Related Activities, the OSCE Consolidated Framework for the Fight against Terrorism, as well as the OSCE Border Security and Management Concept;

Note that the aforementioned documents establish a solid basis for the OSCE's work in the field of countering transnational threats and underline the importance of their full and continued operationalization and integration in OSCE activities;

Encourage the OSCE participating States and relevant executive structures within their mandates and established procedures to intensify efforts to achieve greater unity of purpose and action in addressing existing and emerging transnational threats and to continue dialogue in this field, including at focused and result-oriented OSCE-wide thematic conferences to be held as appropriate and preferably annually;

Invite the OSCE participating States, where needed with the support of the relevant OSCE executive structures, to further develop co-operation with the UN and other relevant international and regional organizations on the basis of 1999 Platform for Co-operative Security, as well as with the OSCE Mediterranean and Asian Partners for co-operation, with a view to further strengthen the OSCE capacity in countering transnational threats, including with the engagement of civil society.

Milan 2018, (Decision No. 6/18 on Strengthening Efforts to Prevent and Combat Child Trafficking, Including of Unaccompanied Minors)

(...)

Acknowledging that the adoption of a victim-centred and trauma-informed approach that takes into account the respective gender-specific concerns of girls and boys and the best interests of the child, is paramount to effectively prevent and protect children from being subjected to trafficking in human beings,

Recognizing that collaboration among States, first line responders and civil society, can further help safeguard children, including those who are unaccompanied, from being subjected to human trafficking,

Recalling that in Ministerial Council Decision No. 7/17, the participating States expressed concern about the vulnerability of unaccompanied minors to human trafficking and encouraged participating States to raise public awareness of the vulnerabilities of children in migration flows, to all forms of child trafficking, and to increase the capacity and broaden the scope of first line responders to identify child victims of trafficking and provide such children with protection, as well as with appropriate assistance, effective remedies and other services as applicable under domestic law,

(...)

Calls on the participating States to:

1. Adopt relevant measures so that all child victims of human trafficking are treated in line with the principle of non-discrimination, and in accordance with their individual needs and taking into account their best interests, providing opportunities for them to be heard, as appropriate, and upholding and protecting their human rights;
2. Adopt a victim-centred and trauma-informed approach that takes into account the respective gender-specific concerns of girls and boys and the best interests of the child, and fully respects the human rights and fundamental freedoms of children subjected to human trafficking;
3. Provide, as relevant, government service providers and agencies that come into contact with children with adequate guidance and training on how to properly identify, report, assist, and protect child victims of trafficking in an age-appropriate and manner that takes into account the respective gender-specific concerns of girls and boys, and consider the provision of relevant training to private sector actors that come into contact with child victims of trafficking;

4. Take measures to provide child victims of trafficking, when necessary, with a qualified and trained guardian or equivalent and/or a legal representative as a matter of priority, in order to safeguard the interests of child victims of trafficking, including those who are unaccompanied, and that their guardians and/or legal representatives are involved in procedures concerning their assistance and in finding durable and sustainable solutions for them;
5. Address the situation of child victims of trafficking, including those unaccompanied, within a child protection framework;
6. Promote national anti-trafficking mechanisms, including National Referral Mechanisms where they exist, and child protection systems where appropriate, that recognize the needs and rights of child victims of trafficking; incorporate victim-centred, trauma-informed and age-appropriate assistance; apply a multidisciplinary approach, respecting human rights, that takes into account the respective gender-specific concerns of girls and boys, and reflects, as appropriate, input and recommendations from survivors of human trafficking when providing immediate assistance and looking for durable and sustainable solutions; as well as establish referral channels that are appropriate for children;
7. Provide that, to the extent possible, any assessment of the needs of a child victim of trafficking takes into account his or her interests and views and the need for care, protection and safety;
8. Upon identification of a child as a victim of trafficking, or when there are reasonable grounds to believe that a child may have been subjected to trafficking, take appropriate action to keep the child safe, in particular by preventing sexual and other abuse, preventing re-victimization, in accordance with national laws, provide for the possibility of not imposing penalties on victims for their involvement in unlawful activities, to the extent that they have been compelled to do so, and by providing suitable rehabilitation, reintegration and/or repatriation programmes, where appropriate;

Tirana 2020 (Declaration on Strengthening Co-operation in countering Transnational Organized Crime)

(...)

3. We reiterate our grave concern about the negative effects of transnational organized crime on stability and security, including the exploitation of globalized economies and open societies, the undermining of democratic values and governance and the threatening of the safety and security of citizens, directly or indirectly, as well as human rights and fundamental freedoms.
4. We reaffirm participating States' primary role in combatting transnational organized crime and underscore that it can best be fought by ensuring respect for human rights, fundamental freedoms, and by upholding the rule of law, and emphasise the key role played by an effective, trusted, professional, independent and accountable criminal justice system in upholding public safety and security.
5. We acknowledge the central role of the United Nations in countering transnational organized crime, as well as the importance of the work done by relevant international organizations. We reaffirm that the OSCE's comprehensive concept of security complements global efforts to counter the complex threat of transnational organized crime.
6. We underline that countering transnational organized crime, and its root causes, requires effective and democratic institutions accountable to citizens, criminal justice systems based on the rule of law, and the application of a holistic, comprehensive and coherent approach, in order to prevent

and reduce opportunities for organized criminal groups to operate in, or infiltrate the fabric of, our societies, licit economies, and institutions, or to benefit from the proceeds of their crimes.

7. We recall the relevant international tools and mechanisms available to assist participating States in undertaking self-assessments and, where necessary, enhancing their criminal justice systems.

8. We recognize that transnational organized crime can have a differential impact on diverse groups within society. We encourage co-operation between all relevant stakeholders, including civil society, in order to help build resilient communities, and to develop comprehensive responses to, and preventive measures against, transnational organized crime which take into account the needs, concerns and interests of all groups within society, protect the victims of crime and provide them access to appropriate remedies, while promoting the full, equal and meaningful participation of women in the efforts to counter transnational organized crime.

9. We underline the importance of strengthening national co-ordination and international co-operation in countering transnational organized crime, including, where appropriate, through direct contact and engagement between relevant authorities, and by exchange of information and best practices, as well as by using the tools provided by the OSCE, the UNODC, and other relevant international organizations.

10. We recommit to maintaining the countering of transnational organized crime among the priorities of the OSCE by enhancing implementation of the respective international obligations and the OSCE's existing commitments. We reaffirm the tasking of the relevant OSCE executive structures to brief the participating States regularly on OSCE activities related to the implementation of existing OSCE commitments to address transnational organized crime, and encourage continued discussions on this topic among participating States.

11. We invite the OSCE Partners for Co-operation to join us in affirming this declaration.

6.4 Prevention of Terrorism

6.4.1 *Condemnation of, and Commitment to Combat, Terrorism*

Madrid 1983 (Questions Relating to Security in Europe: Principles)

(...)

The participating States condemn terrorism, including terrorism in international relations, as endangering or taking innocent human lives or otherwise jeopardizing human rights and fundamental freedoms and emphasize the necessity to take resolute measures to combat it.

They express their determination to take effective measures for the prevention and suppression of acts of terrorism, both at the national level and through international co-operation including appropriate bilateral and multilateral agreements, and accordingly to broaden and reinforce mutual co-operation to combat such acts. They agree to do so in conformity with the Charter of the United Nations, the United Nations Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States and the Helsinki Final Act.

(...)

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

Vienna 1989 (Questions Relating to Security in Europe: Principles)

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

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

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

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

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

(...)

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

(...)

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

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

Helsinki 1992 (Summit Declaration)

26. (...) We will encourage exchange of information concerning terrorist activities. We will seek further effective avenues for co-operation as appropriate. We will also take the necessary steps at a national level to fulfil our international obligations in this field.

Budapest 1994 (Decisions: IV. Code of Conduct on Politico-Military Aspects of Security)

6. The participating States will not support terrorist acts in any way and will take appropriate measures to prevent and combat terrorism in all its forms. They will co-operate fully in combating the threat of terrorist activities through implementation of international instruments and commitments they agree upon in this respect (...)

Istanbul 1999 (Charter for European Security: I. Our Common Challenges)

4. International terrorism, violent extremism, organized crime and drug trafficking represent growing challenges to security. Whatever its motives, terrorism in all its forms and manifestations is unacceptable...The excessive and destabilizing accumulation and uncontrolled spread of small arms and light weapons represent a threat to peace and security. We are committed to strengthening our protection against these new risks and challenges; strong democratic institutions and the rule of law are the foundation for this protection. We are also determined to co-operate more actively and closely with each other to meet these challenges.

Bucharest 2001 (Ministerial Declaration)

2. We resolutely condemn all acts of terrorism. Terrorism, whatever its motivation or origin, has no justification. No cause can justify the purposeful targeting of innocent people. In the fight against terrorism, there is no neutrality.

3. (...) We reiterate that the struggle against terrorism is not a war against religions or peoples (...)

Bucharest 2001 (Decision No. 1 on Combating Terrorism)

The 55 participating States of the OSCE stand united against terrorism, a scourge of our times.

The OSCE participating States resolutely condemn the barbaric acts of terrorism that were committed against the United States on 11 September 2001. They represented an attack on the whole of the international community, and on people of every faith and culture. These heinous deeds, as well as other terrorist acts in all forms and manifestations, committed no matter when, where or by whom, are a threat to international and regional peace, security and stability. There must be no safe haven for those perpetrating, financing, harbouring or otherwise supporting those responsible for such criminal acts (...)

The OSCE participating States will not yield to terrorist threats, but will combat them by all means in accordance with their international commitments. This will require a long and sustained effort, but they take strength from their broad coalition, reaching from Vancouver to Vladivostok (...) They firmly reject identification of terrorism with any nationality or religion (...)

The OSCE participating States pledge to reinforce and develop bilateral and multilateral co-operation within the OSCE, with the United Nations and with other international and regional organizations, in order to combat terrorism in all its forms and manifestations, wherever and by whomever committed. As a regional arrangement under Chapter VIII of the Charter of the United Nations, the OSCE is determined to contribute to the fulfilment of international obligations as enshrined, *inter alia*, in United Nations Security Council resolution 1373 (2001), and will act in conformity with the purposes and principles of the Charter of the United Nations. The OSCE participating States pledge to become parties to all 12 United Nations conventions and protocols related to terrorism as soon as possible. They call for a speedy finalization of negotiations for a Comprehensive United Nations Convention on International Terrorism.

(...)

(...) the OSCE Ministerial Council adopts The Bucharest Plan of Action for Combating Terrorism, annexed to this Decision.

Bucharest 2001 (Annex to Decision No. 1 on Combating Terrorism: The Bucharest Plan of Action for Combating Terrorism)

I. GOAL OF THE ACTION PLAN

1. (...) The OSCE participating States commit their political will, resources and practical means to the implementation of their obligations under existing international terrorism conventions (...)

3. The aim of the Action Plan is to establish a framework for comprehensive OSCE action to be taken by participating States and the Organization as a whole to combat terrorism, fully respecting international law, including the international law of human rights and other relevant norms of international law. (...)

II. INTERNATIONAL LEGAL OBLIGATIONS AND POLITICAL COMMITMENTS

4. (...) The widest and most comprehensive participation in and implementation of existing instruments and commitments to combat terrorism by the participating States must be pursued and ensured.

5. Participating States: Pledge themselves to apply efforts to become parties to all 12 United Nations conventions and protocols relating to terrorism, by 31 December, 2002, if possible, recognizing the important role that parliamentarians may play in ratification and other anti-terrorism legislative processes. (...) Will participate constructively in the ongoing negotiations at the United Nations on a Comprehensive Convention against International Terrorism and an International Convention for the Suppression of Acts of Nuclear Terrorism, with a view to their early and successful conclusion. (...)

7. Participating States: Will consider how the OSCE may draw upon best practices and lessons learned from other relevant groups, organizations, institutions and fora in areas such as police and judicial co-operation; prevention and suppression of the financing of terrorism; denial of other means of support; border controls including visa and document security; and access by law enforcement authorities to information.

8. The participating States will also use the Forum for Security Co-operation (FSC) to strengthen their efforts in combating terrorism through full and timely implementation of all relevant measures agreed by the OSCE. To this end they will enhance implementation of existing politico-military commitments and agreements, in particular the Code of Conduct on Politico-Military Aspects of Security and the Document on Small Arms and Light Weapons (SALW) (...)

III. PREVENTIVE ACTION AGAINST TERRORISM IN THE OSCE AREA

(...)

11. Promoting human rights, tolerance and multi-culturalism: Participating States/Permanent Council/ODIHR/High Commissioner on National Minorities (HCNM)/Representative on Freedom of the Media: Will promote and enhance tolerance, co-existence and harmonious relations between ethnic, religious, linguistic and other groups as well as constructive co-operation among participating States in this regard. Will provide early warning of and appropriate responses to violence, intolerance, extremism and discrimination against these groups and, at the same time, promote their respect for the rule of law, democratic values and individual freedoms. Will work

to ensure that persons belonging to national minorities have the right freely to express, preserve and develop their ethnic, cultural, linguistic or religious identity.

(...)

13. Addressing negative socio-economic factors: Participating States/Secretariat: Will aim to identify economic and environmental issues that undermine security, such as poor governance; corruption; illegal economic activity; high unemployment; widespread poverty and large disparities; demographic factors; and unsustainable use of natural resources (...)

14. Preventing violent conflict and promoting peaceful settlement of disputes: Drawing on all its capacities, the OSCE will continue and intensify work aimed at early warning and appropriate response, conflict prevention, crisis management and post-conflict rehabilitation; will strengthen its ability to settle conflicts; will increase efforts to find lasting solutions to unresolved conflicts, including through promotion of the rule of law and crime prevention in such conflict zones through increased co-operation with the United Nations, the European Union and other international organizations; and will further develop its rapid deployment capability (REACT) in crisis situations.

15. Addressing the issue of protracted displacement: Participating States/ODIHR/HCNM/Representative on Freedom of the Media: Will explore strengthened OSCE potential for contributing to durable solutions, supporting and closely co-operating with other relevant organizations, primarily the Office of the United Nations High Commissioner for Refugees. Will closely monitor situations of protracted displacement.

16. Strengthening national anti-terrorism legislation: Participating States: Will commit themselves to implementing all the obligations they have assumed under relevant conventions and protocols relating to terrorism as well as the United Nations Convention against Transnational Organized Crime and its additional protocols, sharing information and methods in this regard and considering ways and means of co-operation in implementation at bilateral, OSCE-wide and sub-regional meetings.

(...)

24. Suppressing the financing of terrorism. Participating States: Will, within the framework of the United Nations Convention on the Suppression of Financing of Terrorism and UNSCR 1373 (2001), take action to prevent and suppress the financing of terrorism, criminalize the wilful provision or collection of funds for terrorist purposes, and freeze terrorist assets also bearing in mind UNSCR 1267 (1999). Will, in accordance with their domestic legislation and obligations under international law, provide early response to requests for information by another participating State and relevant international organizations.

25. Participating States/Secretariat: (...) Will consider how the OSCE may contribute, within the framework of its work on transparency and the fight against corruption, to the wider international effort to combat terrorism. Will consider taking on a catalytic role in providing targeted projects for the training of the personnel of domestic financial institutions in counter-terrorism areas, *inter alia* on monitoring of financial flows and on prevention of money laundering. Participating States will participate constructively in the forthcoming negotiations at the United Nations on a global instrument against corruption, with a view to their early and successful conclusion.

26. Preventing movement of terrorists: Participating States: Will prevent the movement of terrorist individuals or groups through effective border controls and controls on issuance of identity papers and travel documents, as well as through measures for ensuring the security of identity papers and

travel documents and preventing their counterfeiting, forgery and fraudulent use. Will apply such control measures fully respecting their obligations under international refugee and human rights law. Will, through the proper application of the exclusion clauses contained in the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol, ensure that asylum is not granted to persons who have participated in terrorist acts. Will provide for the timely detention and prosecution or extradition of persons charged with terrorist acts, in accordance with their obligations under international and national law.

IV. ACTION UNDER THE PLATFORM FOR CO-OPERATIVE SECURITY – CO-OPERATION WITH OTHER ORGANIZATIONS (...)

28. Participating States/Secretariat: Will strengthen co-operation and information exchanges, both formally and informally, with other relevant groups, organizations, and institutions involved in combating terrorism. Will strengthen co-operation with the European Union on analysis and early warning and reinforce synergy with the Stability Pact for South Eastern Europe and the Central European Initiative in areas relevant to combating terrorism. Will promote dialogue within the OSCE area on issues relating to new threats and challenges. Will broaden dialogue with partners outside the OSCE area, such as the Mediterranean Partners for Co-operation and Partners for Co-operation in Asia, the Shanghai Co-operation Organization, the Conference on Interaction and Confidence-Building Measures in Asia, the Organization of the Islamic Conference, the Arab League, the African Union, and those States bordering on the OSCE area to exchange best practices and lessons learned in counter-terrorism efforts for application within the OSCE area (...)

Bucharest 2001 (Decision No. 9 on Police-Related Activities)

The Ministerial Council,

(...)

Affirming that effective policing is essential to uphold the rule of law and to defend democratic institutions;

(...)

3. Decides to increase and promote co-operation among participating States in countering new security challenges, including by:

- at the request of participating States and with their agreement (...) providing and co-ordinating OSCE police training, including at the subregional level, with a view to:
- improving operational and tactical policing capacities;
- enhancing key policing skills, including respect for human rights and fundamental freedoms, and, as appropriate, dealing with the criminal aspects of illegal migration; and,
- increasing community policing, anti-drug, anti-corruption and anti-terrorist capacities; and,
- at the request of participating States and with their agreement: – providing advice or arranging for the provision of expert advice on requirements for effective policing (needs assessments) and how to meet them, (...) and,
- encouraging where appropriate the exchange of information among and between participating States regarding lessons learned and best policing practices in countering these new security challenges.

(...)

5. In keeping with the above undertakings, participating States commit to:

- enhance co-operation on police-related issues between and among themselves in order to address new risks and challenges to their security, both bilaterally and multilaterally, and, where appropriate, through increased contacts between relevant bodies; and,
- share OSCE expertise and lessons learned in police-related activities with other relevant international organizations of which they are members with a view to more effective international action to address these new risks and challenges to security.

Porto 2002 (Charter on Preventing and Combating Terrorism)

The OSCE participating States, firmly committed to the joint fight against terrorism,

(...)

2. (...) reaffirm that action against terrorism is not aimed against any religion, nation or people;

(...)

4. Declare that acts, methods and practices of terrorism, as well as knowingly providing assistance to, acquiescing in, financing, planning and inciting such acts, are contrary to the purposes and principles of the United Nations and the OSCE;

5. Consider of utmost importance to complement the ongoing implementation of OSCE commitments on terrorism with a reaffirmation of the fundamental and timeless principles on which OSCE action has been undertaken and will continue to be based in the future, and to which participating States fully subscribe;

(...)

8. Reaffirm that every State is obliged to refrain from (...) organizing, instigating, providing active or passive support or assistance to, or otherwise sponsoring terrorist acts in another State (...)

11. Recognize that the relevant United Nations conventions and protocols, and United Nations Security Council resolutions, in particular United Nations Security Council resolution 1373 (2001), constitute the primary international legal framework for the fight against terrorism;

12. Recognize the importance of the work developed by the United Nations Security Council Counter-Terrorism Committee and reaffirm the obligation and willingness of participating States and the OSCE to co-operate with this Committee;

13. Recall the OSCE's role as a regional arrangement under Chapter VIII of the United Nations Charter, and its obligations in this context to contribute to the global fight against terrorism;

(...)

15. Take note with satisfaction of the Declaration and the Programme of Action adopted at the Bishkek International Conference on Enhancing Security and Stability in Central Asia: Strengthening Comprehensive Efforts to Counter Terrorism, held on 13 and 14 December 2001;

(...)

17. Underscore that the prevention of and fight against terrorism must be built upon a concept of common and comprehensive security and enduring approach, and commit to using the three

dimensions and all the bodies and institutions of the OSCE to assist participating States, at their request, in preventing and combating terrorism in all its forms;

18. Undertake to fulfil their obligation, in accordance with the United Nations conventions, protocols and Security Council resolutions, as well as other international commitments, to ensure that terrorist acts and activities that support such acts, including the financing of terrorism, are established as serious criminal offences in domestic laws;

19. Will work together to prevent, suppress, investigate and prosecute terrorist acts, including through increased co-operation and full implementation of the relevant international conventions and protocols relating to terrorism;

20. Are convinced of the need to address conditions that may foster and sustain terrorism, in particular by fully respecting democracy and the rule of law, by allowing all citizens to participate fully in political life, by preventing discrimination and encouraging intercultural and inter-religious dialogue in their societies, by engaging civil society in finding common political settlement for conflicts, by promoting human rights and tolerance and by combating poverty;

21. Acknowledge the positive role the media can play in promoting tolerance and understanding among religions, beliefs, cultures and peoples, as well as for raising awareness of the threat of terrorism;

22. Commit themselves to combat hate speech and to take the necessary measures to prevent the abuse of the media and information technology for terrorist purposes, ensuring that such measures are consistent with domestic and international law and OSCE commitments;

23. Will prevent the movement of terrorist individuals or groups through effective border controls and controls relating to the issuance of identity papers and travel documents;

(...)

25. Reaffirm their commitment to fulfil their international obligations, as set out in United Nations Security Council resolutions 1373 (2001) and 1390 (2002), and in particular to freeze the assets of those designated by the Committee established pursuant to United Nations Security Council resolution 1267 (1999);

26. Note with concern the links between terrorism and transnational organized crime, money laundering, trafficking in human beings, drugs and arms, and in this regard emphasize the need to enhance co-ordination and to develop co-operative approaches at all levels in order to strengthen their response to these serious threats and challenges to security and stability (...)

Porto 2002 (Decision No.1 on Implementing the OSCE Commitments and Activities on Combating Terrorism)

The Ministerial Council,

(...)

Decides that all OSCE participating States, bodies and institutions shall continue on an urgent basis to implement and ensure the effectiveness of their Bucharest commitments;

Reaffirms the commitment of all participating States to become parties as soon as possible to all 12 United Nations conventions and protocols related to terrorism and welcomes the steps undertaken by participating States that have already completed these procedures;

Commit themselves to work towards the successful conclusion of negotiations on new universal instruments in this field, presently under way within the United Nations and confirms their readiness to consider, in co-ordination with the United Nations Security Council Counter-Terrorism Committee, requests for technical assistance and capacity building with a view to advancing the ratification and implementation of United Nations and other relevant instruments on terrorism;

(...)

Recalls the Personal Representative of the Chairman-in-Office for Preventing and Combating Terrorism's recommendation that the OSCE pursue activities *inter alia* in policing, border security, anti-trafficking and suppressing terrorist financing (...)

Decides that the OSCE participating States, bodies and institutions will intensify their efforts and their collective commitment to combat terrorism and the conditions that may foster and sustain it by exploiting its strengths and comparative advantages: its comprehensive approach to security; its expertise in early-warning, conflict prevention, crisis management and post-conflict rehabilitation; its wide ranging repertoire of proven confidence – and security-building measures and its expertise in capacity building.

Maastricht 2003 (OSCE Strategy to Address Threats to Security and Stability in the Twenty-First Century)

Threats to security and stability in the twenty-first century

10. Terrorism is one of the most important causes of instability in the current security environment. It seeks to undermine the very values that unite the participating States in the OSCE area. Terrorism will remain a key challenge to peace and stability and to State power, particularly through its ability to use asymmetric methods to bypass traditional security and defence systems. There is no justification for terrorism whatsoever. At the same time, terrorism requires a global approach, addressing its manifestations as well as the social, economic and political context in which it occurs.

(...)

Addressing terrorism and threats arising from other criminal activities

28. UN conventions and protocols as well as UN Security Council resolutions constitute the global legal framework for combating terrorism. In support of this, the OSCE has through decisions in 2001 and 2002 established a structure for comprehensive action by participating States and the Organization to address, as a main priority, the threat of terrorism, its manifestations and conditions that may foster and sustain it. (...)

29. (...) Special attention will be given to capacity building and other assistance in the sphere of counter-terrorism (...) Such measures include denying safe havens to terrorists and eliminating conditions in which terrorists may recruit and gain support. They also aim at preventing terrorists from increasing their capabilities, including by preventing terrorists from gaining access to SALW and other conventional weapons as well as WMD and associated technologies. Close interaction with other relevant international organizations and bodies, in particular the UN Security Council

Counter-Terrorism Committee (UN CTC) and the UN Office on Drugs and Crimes (UNODC), is sought through joint meetings, contacts at all levels and specific programmes and projects.

30. The OSCE has also decided to establish a Counter-Terrorism Network to promote the strengthening of co-ordination of counter-terrorism measures and information sharing between OSCE participating States and to support and supplement the work of the UN CTC in implementing Security Council resolution 1373.

(...)

35. Threats of terrorism and organized crime are often interlinked, and synergetic approaches to deal with them will be further explored. Cross-border movement of persons, resources and weapons as well as trafficking for the purpose of financing and providing logistic support play an increasing role for terrorist activities. The OSCE is committed to addressing these problems and to strengthening its capacities to promote open and secure borders, *inter alia*, through the elaboration of an OSCE Border Security and Management Concept in order to enhance capacity building and mutually beneficial inter-State co-operation.

Sofia 2004 (Ministerial Statement on Preventing and Combating Terrorism)

1. We, the members of the Ministerial Council of the OSCE (...) declare our resolute and unconditional condemnation of terrorist acts, in particular those committed in 2004 in Spain, Uzbekistan, Turkey and Russia (...) We grieve the loss of hundreds of human lives and express our profound solidarity with victims of acts of terrorism and their families. These acts have vividly exposed terrorism's inhuman nature. We express our solidarity with the States not participating in our Organization which were also attacked by terrorists.

Reiterating that terrorism constitutes one of the most serious threats to peace and security and considering that acts of terrorism seriously impair the enjoyment of human rights, we reaffirm our commitment to protect the enjoyment of human rights and fundamental freedoms, especially the right to life, of everyone within our jurisdiction against terrorist acts (...)

2. We underscore the leading role of the United Nations in the comprehensive fight against terrorism.

We reaffirm obligations and commitments adopted by our States in the field of combating terrorism within the United Nations, (...)

(...)

4. (...) We reaffirm that the OSCE efforts to counter terrorist threats should be taken in all OSCE dimensions, the security dimension, including the politico-military area, the economic and environmental dimension, and the human dimension. Based on the common, comprehensive and indivisible approach to security, our Organization could make further substantial contributions to global anti-terrorist efforts.

We are convinced that respect of human rights and fundamental freedoms is an important element of ensuring peace and stability and prevention of terrorism. We acknowledge that effective prevention of and fight against terrorism require the involvement of civil society in our countries.

(...) We will actively co-operate to find and bring to justice the perpetrators, organizers, supporters and sponsors of terrorist acts.

We also will continue to develop interaction and dialogue on the issues of preventing and combating terrorism with the Mediterranean and Asian Partners for Co-operation.

Ljubljana 2005 (Ministerial Statement on the International Convention for the Suppression of Acts of Nuclear Terrorism)

1. We, the Ministers for Foreign Affairs of the OSCE participating States, welcome the adoption by the United Nations General Assembly of the International Convention for the Suppression of Acts of Nuclear Terrorism.
 2. We pledge to apply all efforts to sign this International Convention on the day of its opening for signature at the United Nations Headquarters in New York on 14 September 2005.
 3. We encourage the implementation of all the necessary measures to ratify, accept, approve or otherwise become parties to this International Convention in the shortest possible time.
- (...)

Ljubljana 2005 (Border Security and Management Concept: Framework for Co-operation by the OSCE Participating States)

2. The OSCE participating States reaffirm the obligations and commitments on borderrelated issues that they have undertaken at all levels:

(...)

2.2 At the OSCE level: The participating States reaffirm the norms, principles, commitments and values enshrined in the Helsinki Final Act, all of which apply equally and unreservedly, each of them being interpreted taking into account the others. They reaffirm the principles and commitments contained in the Copenhagen Document 1990, the Helsinki Document 1992 and the Charter for European Security 1999. They recall the action plans, decisions and other relevant agreed OSCE documents which address borderrelated issues. In particular, strengthening OSCE capacities to promote open and secure borders and enhancing mutually beneficial inter-State co-operation are means to address the threats of terrorism (...) as identified in paragraph 35 of the OSCE Strategy to Address Threats to Security and Stability in the TwentyFirst Century;

(...)

4. The participating States will promote co-operation between their border services, customs authorities, agencies issuing travel documents and visas, and law enforcement and migration agencies, as well as other competent national structures, with a view to achieving the following aims:

(...)

- 4.2 To reduce the threat of terrorism, including by preventing crossborder movement of persons, weapons and funds connected with terrorist and other criminal activities;

(...)

- 4.5 To promote dignified treatment of all individuals wanting to cross borders, in conformity with relevant national legal frameworks, international law, in particular human rights, refugee, and humanitarian law, and relevant OSCE commitments;

(...)

Brussels 2006 (Ministerial Statement on Supporting and Promoting the International Legal Framework against Terrorism)

We, the members of the Ministerial Council of the OSCE, reaffirm our strong determination to combat terrorism in all its forms and manifestations, as a crime that has no justification, whatever its motivation or origin and to continue and reinforce OSCE counter-terrorism activities in line with existing OSCE commitments.

(...)

We are convinced of the importance of reinforcing the international legal framework against terrorism, comprised of the universal conventions and protocols related to the prevention and the suppression of terrorism, relevant United Nations Security Council resolutions, the recently adopted United Nations Global CounterTerrorism Strategy, as well as regional and bilateral legal instruments related to terrorism.

We call on the OSCE participating States to implement the relevant United Nations Security Council resolutions regarding the fight against terrorism.

We welcome the significant progress achieved in the participating States' compliance with the Bucharest Ministerial commitment to become party to the 12 antiterrorism conventions and protocols, with 46 participating States being party to all 12 instruments that are currently in force.

We call on those OSCE participating States which have not yet done so to make every effort to become party without delay to the universal conventions and protocols against terrorism currently in force, and to implement them, in particular through criminalization of related offences in their national legislation.

We reiterate our call on the OSCE participating States to consider becoming parties to the International Convention for the Suppression of Acts of Nuclear Terrorism and the United Nations Convention against Transnational Organized Crime, as well as the United Nations Convention against Corruption, and support continuing efforts to adopt a comprehensive convention on international terrorism on terms that advance the international community's counterterrorism objectives.

We call on participating States to consider becoming parties to regional and subregional legal instruments related to terrorism or legal cooperation in criminal matters adopted by organizations to which we belong, as well as — whenever appropriate to fill gaps in existing legal instruments — to conclude bilateral agreements on mutual legal assistance and extradition, in order to be able to cooperate fully, in accordance with the rules applicable under domestic and international law, in efforts to find and to bring to justice perpetrators, organizers, supporters and sponsors of terrorist acts, on the basis of the principle to *extradite or prosecute*.

We also will continue to develop interaction and dialogue on the issues of preventing and combating terrorism with the Mediterranean and Asian Partners for Co-operation.

Madrid 2007 (Ministerial Statement on Supporting the United Nations Global Counter-Terrorism Strategy)

(...)

3. We recognize the leading role of the United Nations in the international efforts against terrorism and support the UN Global Counter-Terrorism Strategy adopted on 8 September 2006 by the UN

General Assembly, which we look upon as providing guidance for OSCE counter-terrorism activities, since the Strategy outlines a comprehensive global approach towards countering terrorism by addressing not only its manifestations, but also the conditions conducive to its spread, within a framework based on human rights and the rule of law and complying with all obligations under international law, in particular international human rights law, refugee law and humanitarian law.

4. We recall the comprehensive global approach of the Strategy towards countering terrorism by addressing not only its manifestations, but also the conditions conducive to its spread, including but not limited to, prolonged unresolved conflicts, dehumanization of victims of terrorism in all its forms and manifestations, lack of rule of law and violations of human rights, ethnic, national and religious discrimination, political exclusion, socio-economic marginalization and lack of good governance, while recognizing that none of these conditions can excuse or justify acts of terrorism.

(...)

6. We recall the commitment to implement all UN Security Council resolutions related to international terrorism, recognizing that many States continue to require assistance in their implementation.

(...)

8. (...) The OSCE, in particular its participating States (...) will continue to implement counter-terrorism commitments and could focus, albeit not exclusively, on the following activities:

9. The OSCE will continue promoting the international legal framework against terrorism, in particular the universal anti-terrorism conventions and protocols, encouraging participating States to become parties to them and to implement their obligations under these instruments;

(...)

17. The OSCE will continue its activities in countering violent extremism and radicalization that lead to terrorism. Intolerance and discrimination must be addressed and countered by the OSCE's participating States and OSCE's executive structures within their respective mandates. The Permanent Council, with the support of the Secretariat and institutions, will consider in 2008 how the OSCE, with a multidimensional approach, could contribute to the development of a better understanding of the phenomena of violent extremism and radicalization that lead to terrorism, through sharing of national experiences;

(...)

Helsinki 2008 (Decision No. 10/08 on Further Promoting the OSCE's Action in Countering Terrorism)

The Ministerial Council,

(...)

Reaffirming the existing OSCE counter-terrorism commitments and the intention to maintain counter-terrorism activities among the priorities of the OSCE,

(...)

Reiterating the need to address conditions that may foster and sustain terrorism, in particular by fully respecting democracy and the rule of law, by allowing all citizens to participate fully in

political life, by preventing discrimination and encouraging intercultural and inter-religious dialogue in their societies, by engaging civil society in finding common political settlement for conflicts, by promoting human rights and tolerance and by combating poverty,

(...)

1. Calls upon the participating States and the OSCE executive structures to continue their efforts aimed at actively contributing to the implementation of the UN Global CounterTerrorism Strategy and other UN counterterrorism documents;

2. Calls upon the participating States to continue promoting publicprivate partnerships with civil society, media, the business community and industry in countering terrorism, including through the dissemination of lessons learned and exchange of relevant information and national best practices both at the OSCE and national, subregional and regional levels, where appropriate;

(...)

4. Calls upon the OSCE participating States to make use of the OSCE executive structures in countering violent extremism and radicalization that lead to terrorism in their respective countries. To this end, participating States are encouraged to continue to exchange ideas and national best practices about their strategies and measures to counter violent extremism and radicalization that lead to terrorism as well as to enhance their cooperation with media, the business community, industry and civil society;

(...)

Athens 2009 (Decision No. 3/09 on Further Measures to Support and Promote the International Legal Framework against Terrorism)

The Ministerial Council,

(...)

(...) welcoming the significant progress achieved in connection with participating States becoming party to the 12 universal anti-terrorism conventions and protocols of 1963–1999, as well as the progress in the signing and ratifying of the International Convention for the Suppression of Acts of Nuclear Terrorism (2005),

(...)

Recognizing the need to implement the offence provisions from universal anti-terrorism conventions and protocols into national criminal and, where applicable, also administrative and civil legislation, making them punishable by appropriate penalties, in order to bring to justice perpetrators, organizers, supporters and sponsors of terrorist acts within the rule of law and facilitate international legal co-operation based on the principle “*extradite or prosecute*”, as required by relevant UN Security Council resolutions and the universal anti-terrorism instruments,

Recognizing also that OSCE participating States may require technical assistance in their efforts with regard to the above,

Recognizing the important role that parliamentarians play in the ratification and national legislative implementation of the universal anti-terrorism conventions and protocols,

Urges those OSCE participating States that have not yet done so to make every effort to become party without delay to the 13 universal anti-terrorism conventions and protocols currently in force and to fully implement their provisions;

Calls on OSCE participating States to consider becoming party to the Amendment to the Convention on the Physical Protection of Nuclear Material (2005), the Protocol to the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation (2005), and the Protocol to the Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf (2005) and to fully implement their provisions thereafter;

Calls on OSCE participating States to consider becoming parties to regional and subregional legal instruments related to terrorism, including to the Council of Europe Convention on the Prevention of Terrorism;

(...)

Calls on the OSCE participating States to strengthen inter-State co-operation in promoting the universal anti-terrorism conventions and protocols through sharing technical expertise and tasks the Secretary General with continuing to facilitate inter-State co-operation, including, matching offers and requests for technical assistance between participating States;

Tasks the Secretary General and relevant OSCE executive structures, within available resources with continuing to collaborate with the UNODC in strengthening the legal regime against terrorism by promoting implementation of the universal counter-terrorism instruments, in particular continuing to enhance and streamline, the support provided to the UNODC Terrorism Prevention Programme with regard to:

- Awareness raising and helping build the political will of participating States to become party to the universal anti-terrorism conventions and protocols;
- Providing technical assistance to requesting participating States in drafting anti-terrorism criminal legislation;
- Training of judicial officials in international legal co-operation in criminal matters related to terrorism;

(...)

Astana 2010

9. [I]n today's complex and inter-connected world, we must achieve greater unity of purpose and action in facing emerging transnational threats, such as terrorism (...). Such threats can originate within or outside our region.

Dublin 2012 (Declaration on Strengthening Good Governance and Combating Corruption, Money-Laundering and the Financing of Terrorism)

(...)

We, (...), reaffirm our full commitment to tackling corruption and countering money-laundering, the financing of terrorism and related offences by making them policy priorities backed up by appropriate legal instruments, adequate financial, human and institutional resources and, where necessary, appropriate tools for their practical and effective implementation.

(...)

We recognize that acts of international terrorism depend on the financing that terrorists may obtain. We consider that the financing of terrorism is a matter of grave concern to the international community as a whole. We are convinced of the urgent need to enhance international co-operation among States in devising and adopting effective measures for the prevention of the financing of terrorism, as well as for its suppression through the prosecution and punishment of its perpetrators.

Kyiv 2013 (Ministerial Declaration on Strengthening the OSCE's efforts to address transnational threats)

We, the members of the Ministerial Council of the OSCE, recognizing the evolving nature of transnational threats in the OSCE region and beyond, and the necessity to provide collective and effective international responses, co-ordinated and founded on a cross-dimensional approach, (...),

Commend the activities of the OSCE participating States in strengthening co-operation on addressing transnational threats in areas such as counter-terrorism, (...).

Belgrade 2015 (Ministerial Declaration on Reinforcing OSCE Efforts to counter Terrorism in the Wake of Recent Terrorist Attacks)

We, the Ministers for Foreign Affairs of the participating States of the Organization for Security and Co-operation in Europe, are horrified by the deadly terrorist attacks against civilians that occurred across the OSCE area and in its neighbourhood in 2015; we offer heartfelt condolences to the families of the victims, and to the people and governments that have been targeted, and wish a speedy recovery to those who were injured.

We condemn unequivocally and in the strongest terms all terrorist attacks, including the indiscriminate killing of civilians and the deliberate targeting of individuals and communities, *inter alia* on the basis of their religion or belief, in particular by the Islamic State in Iraq and the Levant, also known as DAESH (ISIL/DAESH), Al-Nusrah Front (ANF), and all other individuals, groups, undertakings and entities associated with Al-Qaida, which constitute a global and unprecedented threat to international peace and security.

We reaffirm that terrorism, in all its forms and manifestations, constitutes one of the most serious threats to international peace and security and that any acts of terrorism are criminal and unjustifiable regardless of their motivations, whenever and by whomsoever committed, and that terrorism cannot and should not be associated with any race, religion, nationality or civilization.

We are committed to reinforcing our efforts to address the threat of terrorism, including the threat posed by foreign terrorist fighters, and to this aim to continue to fully implement OSCE commitments in the field of preventing and combating terrorism, as well as UN Security Council resolutions 2170, 2178, 2199 and 2249.

We recall that participating States shall prevent and suppress the financing of terrorist acts, and shall refrain from providing any form of support, active or passive, to entities or persons involved in terrorist acts, including by suppressing recruitment of members of terrorist groups and eliminating the supply of weapons to terrorists.

We reaffirm our commitment to remain united in combating terrorism and to work together to prevent and suppress terrorist acts, as well as to address the conditions conducive to its spread, through increased international solidarity and co-operation, in full recognition of the central role of the United Nations, and in accordance with the UN Charter and other obligations under

applicable international law, in particular international human rights law, international refugee law and international humanitarian law, as well as through the full implementation of the UN Security Council resolutions and the UN Global Counter-Terrorism Strategy.

We underscore that respect for human rights, fundamental freedoms and the rule of law are complementary and mutually reinforcing with effective counter-terrorism measures, and are an essential part of a successful counter-terrorism effort, and note the importance of the respect for the rule of law so as to effectively prevent and combat terrorism.

We reiterate our determination and commitment to co-operate fully in preventing and countering terrorism in accordance with our obligations under international law in order to find, deny safe haven to and bring to justice, on basis of the principle of “*extradite or prosecute*”, any person who supports, facilitates, participates in or attempts to participate in the financing, planning, preparation or perpetration of terrorist acts or provides safe havens.

We stress that terrorism can only be defeated by a sustained and comprehensive approach involving the active participation and co-operation of all participating States and relevant international and regional organizations, as well as, where appropriate, civil society, to impede, impair, isolate and incapacitate terrorist threat.

(...)

We are convinced that combating terrorism, in accordance with OSCE principles and commitments, requires comprehensive and sustained efforts, in addressing the manifestations of terrorism, as well as the various social, economic, political and other factors, which might engender conditions in which terrorist organizations could engage in recruitment and win support, while recognizing that none of these conditions can excuse or justify acts of terrorism.

We reaffirm the steadfast determination of the participating States to protect the fundamental principles on which the OSCE is based, and to implement all OSCE commitments, particularly those related to preventing and combating terrorism, including the phenomenon of foreign terrorist fighters to countering violent extremism and radicalization that lead to terrorism, to respecting human rights and the rule of law and to fostering tolerance and non-discrimination, mutual respect and understanding in our societies.

Belgrade 2015 (Ministerial Declaration on Preventing and Countering Violent Extremism and Radicalization that Lead to Terrorism)

(...)

Underscoring our resolute and unconditional condemnation of terrorism and violent extremism, and our profound solidarity with all the victims of terrorism,

Reaffirming the commitment of participating States to work together to prevent, suppress, investigate and prosecute terrorism-related acts, including their financing, and stressing their strong determination to combat terrorism in all its forms and manifestations, as a crime that has no justification, whatever its motivation or origin, and that terrorism and violent extremism cannot and should not be associated with any race, ethnicity, nationality or religion

(...)

Recognizing the leading role of the United Nations in the international efforts to prevent and counter terrorism and violent extremism, and the commitment of participating States to the full implementation of the UN Global Counter-Terrorism Strategy,

Guided by our conviction that combating terrorism and violent extremism, in accordance with OSCE principles and commitments, requires comprehensive and sustained efforts, in addressing the manifestations of terrorism, as well as the various social, economic, political and other factors, which might engender conditions in which terrorist organizations could engage in recruitment and win support,

Reaffirming the commitment of participating States to exchange ideas and national best practices about their strategies and measures to counter violent extremism and radicalization that lead to terrorism, in order to enhance practical co-operation,

(...)

Hamburg 2016 (Ministerial Declaration on Strengthening OSCE Efforts to Prevent and Counter Terrorism)

1. We, the Ministers for Foreign Affairs of the participating States of the Organization for Security and Co-operation in Europe, condemn in the strongest possible terms all terrorist attacks that occurred across the OSCE area, neighbouring regions, and worldwide, in particular in 2016. We reaffirm our solidarity with victims of terrorism and emphasize the need to promote international solidarity in support of them and to ensure that they are treated with dignity and respect. We offer heartfelt condolences to the families of the victims, and to the people and governments that have been targeted.

2. We condemn unequivocally and express outrage at the indiscriminate killing and deliberate targeting of civilians, numerous atrocities, persecutions of individuals and communities, *inter alia* on the basis of their religion or belief, by terrorist organizations, in particular by the so-called Islamic State in Iraq and Levant, also known as DAESH (ISIL/DAESH), Al-Qaida, ANF/Jabhat Fatah al-Sham, and associated individuals, groups, undertakings and entities.

3. We reaffirm that terrorism, in all its forms and manifestations, constitutes one of the most serious threats to international peace and security and that any act of terrorism is criminal and unjustifiable regardless of its motivations, and that terrorism cannot and should not be associated with any race, religion, nationality or civilization.

4. We underscore the central role of the United Nations in preventing and countering terrorism, and strongly reaffirm our commitment to take the measures needed to protect everyone within our jurisdictions against terrorist acts and the need for all actions to be conducted in compliance with the UN Charter, and all other applicable obligations under international law, in particular international human rights law, international refugee law and international humanitarian law, as well as relevant UN Security Council resolutions. In accordance with these documents, we underscore the importance of our commitments under the UN Global Counter-Terrorism Strategy. We also take note of the relevant good practices documents adopted by the Global Counterterrorism Forum.

5. We recall all relevant OSCE documents adopted in the field of preventing and countering terrorism under the previous Chairmanships. We also take note of the Council of Europe Convention on the Prevention of Terrorism and encourage OSCE participating States to consider becoming a Party to the Convention and to its Additional Protocol.

6. We stress that participating States have the primary role in preventing and countering terrorism and violent extremism and radicalization that lead to terrorism (VERLT), while respecting their obligations under international law, in particular human rights and fundamental freedoms. We strongly reaffirm our determination and commitment to remain united in preventing and countering terrorism, through increased international solidarity and co-operation and a sustained and comprehensive approach at all relevant levels, involving the active participation and co-operation of all participating States and relevant international and regional organizations. We recognize that participating States should take measures, consistent with their OSCE commitments, and while ensuring national ownership, to address the conditions conducive to the spread of terrorism, while recognizing that none of these conditions can excuse or justify acts of terrorism. In this context, we recognize the need to address the threat posed by narratives used by terrorists, including public justification of terrorism, incitement and recruitment, and call on the participating States to act co-operatively to develop the most effective responses to this threat, in compliance with international law, including international human rights law.

7. We welcome the work done by the Financial Action Task Force (FATF) and stress that all participating States shall take appropriate steps to prevent and suppress the financing of terrorism and refrain from any form of financial support, in particular through engagement in favour of terrorist organizations in direct or indirect trade in natural resources, such as oil and oil products, in weapons, ammunition and spare parts, in cultural property and other items of archaeological, historical, cultural, rare scientific and religious importance. We also underscore the importance of co-operation among OSCE participating States to prevent and counter the recruitment of members of terrorist groups, including foreign terrorist fighters. We will further reduce the threat of terrorism by preventing cross-border movement of persons, weapons, funds connected to the terrorist activities, in line with OSCE commitments.

8. We reaffirm that those who participate in the financing, planning, facilitating, preparing, or perpetrating terrorist acts must be held accountable and brought to justice on the basis of the principle *extradite or prosecute*, in compliance with the obligations under international law, as well as applicable domestic legislation. We reiterate our determination and commitment to co-operate fully in preventing and countering terrorism, while respecting human rights and fundamental freedoms, and in compliance with obligations under international law. We call on States to co-operate in efforts to address the threat posed by terrorists, including foreign terrorist fighters and returnees, by *inter alia* developing and implementing, after prosecution, rehabilitation and re-integration strategies.

9. We emphasize the key importance of information-sharing, especially in the areas of foreign terrorist fighters, stolen and lost travel documents, firearms, and looted or stolen cultural property, such as antiquities and encourage all States to make full use of available multilateral and bilateral mechanisms and data exchange systems.

10. We stress the importance of co-operation among OSCE participating States, including by involving where appropriate, civil society, to prevent and counter terrorism. We also underscore the important role that civil society, in particular youth, families, women, victims of terrorism, religious, cultural and education leaders, as well as the media and the private sector can play in preventing VERLT, *inter alia* by countering terrorist and violent extremism messaging and offering alternatives to these narratives, including on the Internet, social and other media. We encourage political leaders and public figures including from civil society and religious leaders to speak out strongly and promptly against violent extremism and radicalization that lead to terrorism.

11. We take positive note of the continued implementation of the “OSCE United in Countering Violent Extremism (#United CVE) campaign” and we recall that the UN General Assembly took note of the Plan of Action to Prevent Violent Extremism presented by the Secretary-General of the United Nations suggesting that States consider its relevant recommendations when developing, where appropriate, and as applicable in their domestic context, national and regional plans of action for preventing violent extremism conducive to terrorism.

12. We welcome the activities pursued by the OSCE executive structures, including the OSCE institutions, within existing mandates and available resources, in support of the implementation of OSCE commitments in the field of preventing and countering terrorism, in line with the OSCE’s comprehensive approach to security.

13. We invite the OSCE Partners for Co-operation to join us in affirming this declaration.

6.4.2 Respecting Human Rights and the Rule of Law while Combating Terrorism

Madrid 1983 (Questions Relating to Security in Europe: Principles)

The participating States (...) express their determination to take effective measures for the prevention and suppression of acts of terrorism...They agree to do so in conformity with (...) the Helsinki Final Act.

Copenhagen 1990

(6) The participating States (...) recognize their responsibility to defend and protect, in accordance with their laws, their international human rights obligations and their international commitments, the democratic order freely established through the will of the people against the activities of persons, groups or organizations that engage in or refuse to renounce terrorism or violence aimed at the overthrow of that order or of that of another participating State.

Bucharest 2001 (Ministerial Declaration)

3. (...) We reiterate that the struggle against terrorism is not a war against religions or peoples. We reaffirm our commitment to protecting human rights and fundamental freedoms.

4. We are determined to protect our citizens from new challenges to their security while safeguarding the rule of law, individual liberties, and the right to equal justice under law.

Bucharest 2001 (Decision No. 1/01 on Combating Terrorism)

(...) The OSCE participating States will not yield to terrorist threats, but will combat them by all means in accordance with their international commitments (...) They will defend freedom and protect their citizens against acts of terrorism, fully respecting international law and human rights. They firmly reject identification of terrorism with any nationality or religion and reconfirm the norms, principles and values of the OSCE.

Bucharest 2001 (Annex to Decision 1/01 on Combating Terrorism: The Bucharest Plan of Action for Combating Terrorism)

26. Preventing movement of terrorists: Participating States: Will prevent the movement of terrorist individuals or groups through effective border controls and controls on issuance of identity papers and travel documents... Will apply such control measures fully respecting their obligations under international refugee and human rights law.

Porto 2002 (Charter on Preventing and Combating Terrorism)

The OSCE participating States (...)

5. Consider of utmost importance to complement the ongoing implementation of OSCE commitments on terrorism with a reaffirmation of the fundamental and timeless principles on which OSCE action has been undertaken and will continue to be based in the future, and to which participating States fully subscribe;

6. Reaffirm their commitment to take the measures needed to protect human rights and fundamental freedoms, especially the right to life, of everyone within their jurisdiction against terrorist acts;

7. Undertake to implement effective and resolute measures against terrorism and to conduct all counter-terrorism measures and co-operation in accordance with the rule of law, the United Nations Charter and the relevant provisions of international law, international standards of human rights and, where applicable, international humanitarian law;

Maastricht 2003 (OSCE Strategy to Address Threats to Security and Stability in the Twenty-First Century)

29. (...) Special attention will be given to capacity building and other assistance in the sphere of counter-terrorism. The important challenge of implementing effective measures against terrorism in full accordance with the rule of law and international law, including human rights law, is also addressed. (...)

Sofia 2004 (Ministerial Statement on Preventing and Combating Terrorism)

(...) We re-emphasize our determination to combat terrorism in all its forms and manifestations (...) and to conduct this fight with respect for the rule of law and in accordance with our obligations under international law, in particular international human rights, refugee and humanitarian law.

2. We underscore the leading role of the United Nations in the comprehensive fight against terrorism (...) we support the resolution 2004/87 of the United Nations Commission on Human Rights (...)

We are convinced that respect of human rights and fundamental freedoms is an important element of ensuring peace and stability and prevention of terrorism. We acknowledge that effective prevention of and fight against terrorism require the involvement of civil society in our countries.

Sofia 2004 (Decision No. 3/04 on Combating the Use of the Internet for Terrorist Purposes)

(...) Concerned by the extent of use of the Internet by terrorist organizations (...) Decides that participating States will exchange information on the use of the Internet for terrorist purposes and

identify possible strategies to combat this threat, while ensuring respect for international human rights obligations and standards, including those concerning the rights to privacy and freedom of opinion and expression;

Brussels 2006 (Ministerial Statement on Supporting and Promoting the International Legal Framework against Terrorism)

(...)

We emphasize that measures to conduct this fight must be undertaken with full respect for the rule of law, and in accordance with our obligations under international law, in particular international human rights, refugee and humanitarian law.

(...)

Madrid 2007 (Decision No. 5/07 on Public-Private Partnerships in Countering Terrorism)

(...)

Reaffirming the fundamental importance, including in response to terrorism and the fear of terrorism, of respecting all human rights and fundamental freedoms and the rule of law and complying with applicable obligations under international law, in particular international human rights law, refugee law and humanitarian law,

(...)

(...) In this regard, efforts should particularly take due account of:

(...) Promoting tolerance, human rights, the rule of law, democracy, good governance and inter-cultural dialogue,

Promoting public awareness and outreach through the media and educational institutions, while respecting cultural and religious diversity,

(...)

Decides to:

1. Task the Secretary General and OSCE institutions to continue to promote the involvement of the private sector (civil society and the business community) in their counter-terrorist activities, where relevant and appropriate;

(...)

Helsinki 2008 (Decision No. 7/08 on Further Strengthening the Rule of Law in the OSCE Area)

The Ministerial Council,

(...)

4. Encourages participating States, with the assistance, where appropriate, of relevant OSCE executive structures in accordance with their mandates and within existing resources, to continue and to enhance their efforts to share information and best practices and to strengthen the rule of law, *inter alia* in the following areas:

(...)

- Respect for the rule of law and human rights in the fight against terrorism according to their obligations under international law and OSCE commitments;

(...)

Helsinki 2008 (Decision No. 10/08 on Further Promoting the OSCE's Action in Countering Terrorism)

The Ministerial Council,

Re-emphasizing the OSCE participating States' determination to combat terrorism in all its forms and manifestations, as a crime that has no justification, whatever its motivation or origin, and to conduct this fight with respect for the rule of law and in accordance with their obligations under international law, in particular international human rights, refugee and humanitarian law,

(...)

6.4.3 Prevention of Terrorism-Related Activities on the Territory of Participating States

Madrid 1983 (Questions Relating to Security in Europe: Principles)

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

Vienna 1989 (Questions Relating to Security in Europe: Principles)

(10) (...) the participating States express their intention

(...)

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

Istanbul 1999 (Charter for European Security: I. Our Common Challenges)

4. (...) We will enhance our efforts to prevent the preparation and financing of any act of terrorism on our territories and deny terrorists safe havens (...)

Bucharest 2001 (Annex to Decision No. 1/01 on Combating Terrorism: The Bucharest Plan of Action for Combating Terrorism)

24. Suppressing the financing of terrorism. Participating States: Will, within the framework of the United Nations Convention on the Suppression of Financing of Terrorism and UNSCR 1373 (2001), take action to prevent and suppress the financing of terrorism, criminalize the wilful provision or collection of funds for terrorist purposes, and freeze terrorist assets also bearing in mind UNSCR 1267 (1999). Will, in accordance with their domestic legislation and obligations under international

law, provide early response to requests for information by another participating State and relevant international organizations.

25. Participating States/Secretariat: (...) Will consider how the OSCE may contribute, within the framework of its work on transparency and the fight against corruption, to the wider international effort to combat terrorism. Will consider taking on a catalytic role in providing targeted projects for the training of the personnel of domestic financial institutions in counter-terrorism areas, *inter alia* on monitoring of financial flows and on prevention of money laundering. Participating States will participate constructively in the forthcoming negotiations at the United Nations on a global instrument against corruption, with a view to their early and successful conclusion.

26. Preventing movement of terrorists: Participating States: Will prevent the movement of terrorist individuals or groups through effective border controls and controls on issuance of identity papers and travel documents, as well as through measures for ensuring the security of identity papers and travel documents and preventing their counterfeiting, forgery and fraudulent use. Will apply such control measures fully respecting their obligations under international refugee and human rights law. Will, through the proper application of the exclusion clauses contained in the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol, ensure that asylum is not granted to persons who have participated in terrorist acts. Will provide for the timely detention and prosecution or extradition of persons charged with terrorist acts, in accordance with their obligations under international and national law.

Porto 2002 (Charter on Preventing and Combating Terrorism)

The OSCE participating States, firmly committed to the joint fight against terrorism,

8. Reaffirm that every State is obliged to refrain from harbouring terrorists, organizing, instigating, providing active or passive support or assistance to, or otherwise sponsoring terrorist acts in another State, or acquiescing in organized activities within its territory directed towards the commission of such acts;

(...)

24. Recognize the need to complement international co-operation by taking all necessary measures to prevent and suppress, in their territories through all lawful means, assistance to, and the financing and preparation of, any acts of terrorism, and to criminalize the wilful provision or collection of funds for terrorist purposes, in the framework of their obligations under the International Convention for the Suppression of the Financing of Terrorism and relevant Security Council resolutions;

(...)

Belgrade 2015 (Ministerial Declaration on Preventing and Countering Violent Extremism and Radicalization that Lead to Terrorism)

(...)

Underscoring our resolute and unconditional condemnation of terrorism and violent extremism, and our profound solidarity with all the victims of terrorism,

Reaffirming the commitment of participating States to work together to prevent, suppress, investigate and prosecute terrorism-related acts, including their financing, and stressing their strong determination to combat terrorism in all its forms and manifestations, as a crime that has no

justification, whatever its motivation or origin, and that terrorism and violent extremism cannot and should not be associated with any race, ethnicity, nationality or religion,

Expressing particular concern that youth, including children, are being radicalized to terrorism and recruited as foreign terrorist fighters, and recognizing the importance of working with youth to prevent and counter radicalization of youth to terrorism,

Strongly condemning manifestations of intolerance, including on the basis of religion or belief, reaffirming the will of participating States to foster tolerance and non-discrimination, mutual respect and understanding in their societies, and reaffirming our commitment to promote and protect human rights and fundamental freedoms, including freedom of expression and freedom of thought, conscience, religion or belief,

Expressing deep concern at the fact that some serious crimes committed by terrorists or terrorist groups, including foreign terrorist fighters, have targeted persons and groups on the basis of their ethnicity, religion or belief, and noting the role that discrimination and intolerance can play in fuelling violent extremism and radicalization that lead to terrorism, Underscoring the commitment of participating States to take the measures needed to protect everyone within their jurisdiction against terrorist acts, and to take resolute action to counter terrorism and foreign terrorist fighters, (...), in support of our relevant OSCE commitments, and in compliance with applicable obligations under international law, including international human rights law, international refugee law and international humanitarian law,

Strongly condemning the destruction of cultural heritage and religious sites, including the targeted destruction of UNESCO World Heritage sites, by terrorists, foreign terrorist fighters associated with ISIL and other terrorist groups,

Recognizing the leading role of the United Nations in the international efforts to prevent and counter terrorism and violent extremism, and the commitment of participating States to the full implementation of the UN Global Counter-Terrorism Strategy,

Guided by our conviction that combating terrorism and violent extremism, in accordance with OSCE principles and commitments, requires comprehensive and sustained efforts, in addressing the manifestations of terrorism, as well as the various social, economic, political and other factors, which might engender conditions in which terrorist organizations could engage in recruitment and win support,

Reaffirming the commitment of participating States to exchange ideas and national best practices about their strategies and measures to counter violent extremism and radicalization that lead to terrorism, in order to enhance practical co-operation,

Taking note of the fact that radicalization to terrorism and recruitment by terrorists can take place in prisons, and therefore affirming the importance of elaborating and sharing, as appropriate, international guidelines on reintegration, rehabilitation and the prevention of radicalization to terrorism in prison,

Stressing that participating States have the primary role in preventing and countering terrorism and violent extremism, while respecting their obligations under international law,

Stressing the important roles that youth, families, women, victims of terrorism, religious, cultural and education leaders, civil society, as well as the media, can play to counter the violent extremist

narrative that can incite terrorist acts, and to address the conditions conducive to the spread of terrorism, in particular by fostering mutual respect and understanding, reconciliation and peaceful coexistence among cultures, and by promoting and protecting human rights, fundamental freedoms, democratic principles and the rule of law,

(...)

Call upon the participating States:

1. To further increase their efforts to prevent and counter violent extremism and radicalization that lead to terrorism in their countries, following a multi-dimensional approach, and in this regard to make use, as appropriate and where necessary, of the OSCE executive structures, including field operations within their respective mandates;
2. To strengthen their efforts to counter and suppress the financing of terrorism, in application of, and in compliance with relevant United Nations Security Council resolutions, and in support of OSCE commitments, (...);
3. To adopt measures as may be necessary and appropriate and in accordance with their obligations under international law, including with respect to human rights and fundamental freedoms, to prohibit by law incitement to commit a terrorist act or acts, and to prevent such conduct;
4. To co-operate in preventing and countering violent extremism and radicalization that lead to terrorism, through, *inter alia*, capacity-building, co-ordination of plans and efforts and sharing lessons learned, including in eliminating the supply of weapons to terrorists, preventing the radicalization to terrorism, recruitment, and mobilization of individuals as terrorists, including as foreign terrorist fighters;
5. To consider, as appropriate, developing and updating national counter-terrorism strategies and action plans, including specific policies and measures to prevent and counter violent extremism and radicalization that lead to terrorism, in furtherance of OSCE commitments and in compliance with their obligations under international law, including human rights law;
6. To foster a comprehensive approach at all levels in preventing and countering violent extremism and radicalization that lead to terrorism, including co-ordination among national authorities, co-operation among participating States, and co-operation with relevant international and regional organizations;
7. To promote research and information sharing on the conditions conducive to the spread of violent extremism and radicalization that lead to terrorism, and on how to counter them;
8. To encourage political leaders and public figures, including civil society and religious leaders to contribute to preventing and countering violent extremism and radicalization that lead to terrorism, by speaking out strongly and promptly against violent extremism and radicalization that lead to terrorism;
9. To further promote public-private partnerships in countering terrorism, where appropriate, among public authorities, the private sector, civil society, members of, or representatives of religious communities, and the media, in line with, *inter alia*, Ministerial Council Decision No. 10/08, in order to counter incitement to terrorism and violent extremism and radicalization that lead to terrorism;

10. To enhance international co-operation and public-private partnerships to develop practical measures to counter the use of the Internet and other means for the purposes of inciting violent extremism and radicalization that lead to terrorism and for recruiting foreign terrorist fighters. Such international co-operation and public-private partnerships could foster communication efforts, including via social media, to counter violent extremist messaging, while fully respecting the right to freedom of opinion and expression;

(...)

12. To encourage open and transparent intercultural, interfaith and interreligious dialogue and co-operation to contribute to, *inter alia*, enhancing tolerance, mutual respect and understanding, at the local, national, regional and international levels;

13. To take into account a gender perspective in their efforts to counter terrorism and to prevent and counter violent extremism and radicalization that lead to terrorism, with a focus on women's empowerment and the participation of women as well as men in these efforts;

14. To engage and empower youth, in preventing and countering violent extremism and radicalization that lead to terrorism, *inter alia*, by:

(a) Creating an enabling environment and opportunities for youth to participate and engage voluntarily and freely in public life and in the promotion of human rights, fundamental freedoms, democratic principles, the rule of law, tolerance, non – discrimination, dialogue, mutual respect and understanding, and to facilitate their access to social services;

(b) Supporting youth, which are willing to contribute to such efforts, through education in schools and higher education institutions;

(c) Supporting youth-led and youth-focused awareness-raising initiatives, including through the Internet and social media, to prevent and counter their radicalization to terrorism, and to promote respect for human rights, fundamental freedoms, tolerance and non-discrimination;

(d) Promoting programmes to facilitate youth access to employment;

15. To consider supporting OSCE activities in all three dimensions of security, including through voluntary financial contributions, which contribute to the global efforts to prevent and counter violent extremism and radicalization that lead to terrorism, while acknowledging the leading role of the United Nations;

16. To invite the OSCE Partners for Co-operation to actively engage with us to strengthen our dialogue and co-operation in preventing and countering violent extremism and radicalization that lead to terrorism, respecting and protecting human rights and fundamental freedoms in this context, preventing and countering manifestations of intolerance and discrimination, including on the basis of religion or belief, xenophobia, violence, as well as promoting interfaith, interreligious and intercultural dialogue, (...), and to encourage the Partners for Co-operation to continue to make the best use of the OSCE principles, norms and commitments, as well as its relevant tools;

17. We encourage parliamentarians to continue to dialogue with a view to strengthening legislation essential in combating terrorism, promoting solidarity with victims of terrorism, and to encourage them to speak out strongly and promptly against intolerance, discrimination, terrorism and violent extremism and radicalization leading to terrorism;

Call upon relevant OSCE executive structures, within their respective mandates and available resources:

18. To continue their support to participating States, upon request, in preventing and countering violent extremism and radicalization that lead to terrorism, following a multi-dimensional approach, including in relation to youth, as appropriate;

19. To facilitate the exchange of practical experiences and good practices, and, upon request, provide assistance as appropriate, *inter alia*:

(a) To promote research and information sharing on the conditions conducive to violent extremism and radicalization that lead to terrorism, and on how to counter them;

(b) To develop, where appropriate, national counter-terrorism strategies and action plans, including policies and measures to counter violent extremism and radicalization that lead to terrorism;

(c) To integrate a gender perspective in the context of preventing and countering violent extremism and radicalization that lead to terrorism, with a focus in particular on women's empowerment and the participation of women as well as men in these efforts; (d) To assist participating States in developing practical activities, in partnership with civil society and the private sector as appropriate, to support the elaboration of policies, approaches, and strategies to prevent and counter violent extremism and radicalization that lead to terrorism;

(e) To promote the sharing of best practices, as appropriate, and explore the possible elaboration of international guidelines on rehabilitation, reintegration and the prevention of terrorist radicalization in prisons;

(f) To implement community policing approaches to preventing terrorism and countering violent extremism and radicalization that lead to terrorism;

(g) To promote co-operation among experts from government, civil society, academia, the media and the private sector to prevent and counter violent extremism and radicalization that lead to terrorism;

(h) To strengthen the role of civil society, women, youth and religious leaders in preventing and countering violent extremism and radicalization that lead to terrorism;

(i) To promote and protect human rights and fundamental freedoms, as well as the rule of law, in the context of measures to prevent terrorism and to counter violent extremism and radicalization that lead to terrorism;

(j) To address negative socio-economic factors in the context of preventing terrorism and countering violent extremism and radicalization that lead to terrorism;

(k) To encourage educational initiatives and other measures to promote tolerance and non-discrimination, non-violence, and to raise public awareness of, and counter xenophobic stereotypes, intolerance and discrimination, as part of efforts to prevent and counter violent extremism and radicalization that lead to terrorism;

(l) To recognize the role of the media in encouraging pluralistic debate and to encourage professionalism and voluntary self-regulation in the media, with a view to fostering tolerance of ethnic, religious, linguistic and cultural diversity, and to preventing and countering violent extremism and radicalization that lead to terrorism, while respecting the independence and freedom of the media;

20. To co-operate with the United Nations and other relevant international and regional organizations and initiatives, to avoid duplication of efforts and maximize synergies in preventing and countering violent extremism and radicalization that lead to terrorism;

21. To support the Partners for Co-operation in accordance with the needs and priorities identified by them, (...);

22. We task field operations to report through the Secretariat to the Permanent Council by 26 May 2016 on their past, current, and possible activities, in accordance with their respective mandate, specifically aimed at supporting efforts in their respective host country to counter violent extremism and radicalization that lead to terrorism, following a multi-dimensional approach.

Hamburg 2016 (Decision No. 6/16 on Enhancing the Use of Advance Passenger Information)

(...)

Reiterating the need to combat terrorism, which constitutes one of the most serious threats to international peace and security, in accordance with the Charter of the United Nations and international law, including applicable international human rights law, international refugee law and international humanitarian law,

Recalling the obligation in UN Security Council resolution 2178 (2014) to prevent the movement of terrorists or terrorist groups, in accordance with applicable international law, by, *inter alia*, effective border controls, and to intensify and accelerate the exchange of operational information, in accordance with domestic and international law regarding actions or movements of terrorists and terrorist networks, including foreign terrorist fighters, especially with their States of residence or nationality, through bilateral or multilateral mechanisms,

(...)

Declaring our intention to detect and prevent the movement of foreign terrorist fighters in full compliance with UN Security Council resolutions 2178 (2014) and 2309 (2016), which call upon all States to “require that airlines operating in their territories provide advance passenger information to the appropriate national authorities in order to detect the departure from their territories, or attempted entry into or transit through their territories, by means of civil aircraft, of individuals designated by the Committee (...)

(...)

Decide that OSCE participating States commit to:

1. Establish national advance passenger information (API) systems in accordance with the provisions contained in ICAO’s Annex 9 to the Convention on International Civil Aviation (the Chicago Convention) and aligned with the WCO/IATA/ICAO Guidelines on Advance Passenger Information (API), including those on privacy and data protection, in order to effectively collect passenger and/or crew data from airlines operating in their territories;
2. Consider establishing at the national level an interactive system to exchange API data (iAPI) in order to prevent the movement of foreign terrorist fighters in line with UN Security Council resolutions 2178 (2014) and 2309 (2016);
3. Adhere to ICAO Document 9082 “ICAO’s Policies on Charges for Airports and Air Navigation Services” in the context of establishing an API system, recognizing that States are responsible for ensuring the implementation of adequate security measures at airports;
4. Collaborate with all relevant national stakeholders in the implementation of national-level API systems, and consider establishing one authority to receive, on behalf of all other authorities, all forms of passenger data through one single window data entry point;

5. Increase the added value of API data by seeking to establish automated cross-checking of this data against relevant national, regional and international watch lists, in particular Interpol databases and UN Sanctions Lists;

6. Provide assistance to support other requesting participating States in establishing an API system;

We task the OSCE executive structures, within their respective mandates and available resources, with:

7. Supporting global efforts in raising awareness of the requirements of UN Security Council resolutions 2178 (2014) and 2309 (2016) on advance passenger information and by determining the technical assistance needs of requesting participating States, as well as identifying potential donor assistance for capacity-building;

8. Supporting requesting participating States in the establishment of API systems, in co-operation with relevant international and regional organizations.

Hamburg 2016 (Ministerial Declaration on Strengthening OSCE Efforts to Prevent and Counter Terrorism)

(...)

9. We emphasize the key importance of information-sharing, especially in the areas of foreign terrorist fighters, stolen and lost travel documents, firearms, and looted or stolen cultural property, such as antiquities and encourage all States to make full use of available multilateral and bilateral mechanisms and data exchange systems.

10. We stress the importance of co-operation among OSCE participating States, including by involving where appropriate, civil society, to prevent and counter terrorism. We also underscore the important role that civil society, in particular youth, families, women, victims of terrorism, religious, cultural and education leaders, as well as the media and the private sector can play in preventing VERT, *inter alia* by countering terrorist and violent extremism messaging and offering alternatives to these narratives, including on the Internet, social and other media. We encourage political leaders and public figures including from civil society and religious leaders to speak out strongly and promptly against violent extremism and radicalization that lead to terrorism.

6.4.4 Extradition and Prosecution of Persons Implicated in Terrorist Acts

Vienna 1989 (Questions Relating to Security in Europe: Principles)

(10) (...) the participating States express their intention
(...)

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

Budapest 1994 (Decisions: IV. Code of Conduct on Politico-Military Aspects of Security)

6. The participating States (...) will, in particular, take steps to fulfil the requirements of international agreements by which they are bound to prosecute or *extradite* terrorists.

Bucharest 2001 (Annex to Decision No. 1/01 on Combating Terrorism: The Bucharest Plan of Action for Combating Terrorism)

19. Supporting law enforcement and fighting organized crime: Participating States: (...) Will afford one another the greatest measure of assistance in providing information in connection with criminal investigations or criminal extradition proceedings relating to terrorist acts, in accordance with their domestic law and international obligations.

Porto 2002 (Charter on Preventing and Combating Terrorism)

The OSCE participating States, firmly committed to the joint fight against terrorism,
(...)

10. Will take appropriate steps to ensure that asylum is not granted to any person who has planned, facilitated or participated in terrorist acts, in conformity with relevant provisions of national and international law (...)
(...)

18. Undertake to fulfil their obligation, in accordance with the United Nations conventions, protocols and Security Council resolutions, as well as other international commitments, to ensure that terrorist acts and activities that support such acts, including the financing of terrorism, are established as serious criminal offences in domestic laws;

19. Will work together to prevent, suppress, investigate and prosecute terrorist acts, including through increased co-operation and full implementation of the relevant international conventions and protocols relating to terrorism;

Ljubljana 2005 (Decision 4/05 on Enhancing Legal Co-operation in Criminal Matters to Counter Terrorism)

The Ministerial Council,

Determined to reinforce OSCE counter-terrorism activities in accordance with international law and in line with existing OSCE commitments,

Recalling United Nations Security Council resolutions 1373 (2001), 1566 (2004) and 1624 (2005), which call upon all States to become party as soon as possible to the relevant international conventions and protocols relating to terrorism, and to co-operate fully in the fight against terrorism, as well as relevant OSCE counter-terrorism commitments,

Recalling also United Nations Security Council resolution 1631 (2005), in particular where it urges “all relevant regional and subregional organizations to enhance the effectiveness of their counter-terrorism efforts within their respective mandates, including with a view to develop their capacity to help Member States in their efforts to tackle the threats to international peace and security posed by acts of terrorism”,

Welcoming the ongoing efforts within the United Nations to finalize, on an expedited basis, the draft comprehensive convention on terrorism,

Recognizing that the above-mentioned conventions and protocols represent a universal legal regime against terrorism and, in the absence of bilateral treaties on mutual legal assistance and extradition, could together with the UN Convention against Transnational Organized Crime (Palermo convention) serve as a basis for legal co-operation,

(...)

Decides that the participating States should co-operate actively and fully among themselves, in accordance with applicable rules under domestic and international law, in efforts to find and to bring to justice perpetrators, organizers, supporters and sponsors of terrorist acts, on the basis of the principle to *extradite or prosecute*

(...)

Tasks the Secretary General to organize for requesting participating States, in close co-operation with the UNODC, national training workshops for prosecutors and judicial officials on issues of extradition and mutual legal assistance in criminal matters, in particular those related to terrorism.

Brussels 2006 (Ministerial Statement on Supporting and Promoting the International Legal Framework against Terrorism)

(...)

We call on participating States to consider becoming parties to regional and subregional legal instruments related to terrorism or legal cooperation in criminal matters adopted by organizations to which we belong, as well as — whenever appropriate to fill gaps in existing legal instruments — to conclude bilateral agreements on mutual legal assistance and extradition, in order to be able to cooperate fully, in accordance with the rules applicable under domestic and international law, in efforts to find and to bring to justice perpetrators, organizers, supporters and sponsors of terrorist acts, on the basis of the principle to *extradite or prosecute*.

(...)

Madrid 2007 (Ministerial Statement on Supporting the United Nations Global Counter-Terrorism Strategy)

(...)

13. Participating States will co-operate fully in the fight against terrorism, in accordance with their obligations under international law, in order to find, deny safe haven to and bring to justice, on the basis of the principle of *extradite or prosecute*, any person who supports, facilitates, participates in or attempts to participate in the financing, planning, preparation or perpetration of terrorist acts or provides safe havens. Participating States will take appropriate measures in conformity with the relevant provisions of national and international law, including international standards of human rights, before granting refugee status, for the purpose of ensuring that the asylum seeker has not planned, facilitated or participated in the commission of terrorist acts. They will ensure, in conformity with international law, that refugee status is not abused by the perpetrators, organizers or facilitators of terrorist acts, and that claims of political motivation are not recognized as grounds for refusing requests for the extradition of alleged terrorists;

(...)

Athens 2009 (Decision No. 3/09 on Further Measures to Support and Promote the International Legal Framework against Terrorism)

The Ministerial Council,

(...)

Recognizing the need to implement the offence provisions from universal anti-terrorism conventions and protocols into national criminal and, where applicable, also administrative and civil legislation, making them punishable by appropriate penalties, in order to bring to justice perpetrators, organizers, supporters and sponsors of terrorist acts within the rule of law and facilitate international legal co-operation based on the principle “*extradite or prosecute*”, as required by relevant UN Security Council resolutions and the universal anti-terrorism instruments,

Recognizing also that OSCE participating States may require technical assistance in their efforts with regard to the above,

(...)

Hamburg 2016 (Ministerial Declaration on Strengthening OSCE Efforts to Prevent and Counter Terrorism)

(...)

8. We reaffirm that those who participate in the financing, planning, facilitating, preparing, or perpetrating terrorist acts must be held accountable and brought to justice on the basis of the principle *extradite or prosecute*, in compliance with the obligations under international law, as well as applicable domestic legislation. We reiterate our determination and commitment to co-operate fully in preventing and countering terrorism, while respecting human rights and fundamental freedoms, and in compliance with obligations under international law. We call on States to co-operate in efforts to address the threat posed by terrorists, including foreign terrorist fighters and returnees, by *inter alia* developing and implementing, after prosecution, rehabilitation and re-integration strategies.

6.4.5 Countering the Use of the Internet for Terrorist Purposes

Sofia 2004 (Decision No. 3/04 on Combating the Use of the Internet for Terrorist Purposes)

The Ministerial Council,

(...) Concerned by the extent of use of the Internet by terrorist organizations:

- To identify and to recruit potential members,
- To collect and transfer funds,
- To organize terrorist acts,
- To incite terrorist acts in particular through the use of propaganda,

Decides that participating States will exchange information on the use of the Internet for terrorist purposes and identify possible strategies to combat this threat (...)

Brussels 2006 (Decision No. 7/06 on Countering the Use of the Internet for Terrorist Purposes)

The Ministerial Council,

(...)

Remaining gravely concerned with the growing use of the Internet for terrorist purposes (...)

Reaffirming in this context the importance of fully respecting the right to freedom of opinion and freedom of expression, which include the freedom to seek, receive and impart information, which are vital to democracy and in fact are strengthened by the Internet (...) and the rule of law,

Recognizing that United Nations Security Council resolution 1624 (2005) calls upon States to take measures that are necessary and appropriate, and in accordance with their obligations under international law, to prohibit by law incitement to commit a terrorist act or acts and to prevent such conduct,

Reaffirming our commitments under the United Nations Global Counter-Terrorism Strategy, in particular “to coordinate efforts at the international and regional level to counter terrorism in all its forms and manifestations on the Internet” and “to use the Internet as a tool for countering the spread of terrorism, while recognizing that States may require assistance in this regard”,

(...)

Recalling the Council of Europe’s Convention on Cybercrime (2001), the only legally binding multilateral instrument that specifically addresses cybercrime by, *inter alia*, providing for a common legal framework for international co-operation between States parties to this Convention in combating cybercrime, and its Additional Protocol concerning the criminalization of acts of a racist and xenophobic nature committed through computer systems,

Recognizing the commitment by the G8 Summit (St. Petersburg, Russian Federation, 16 July 2006) to effectively counter attempts to misuse cyberspace for terrorist purposes, including incitement to commit terrorist acts, to communicate and plan terrorist acts, as well as recruitment and training of terrorists, and in particular noting the role of the G8 24/7 Computer Crime Network for countering criminal conduct in cyberspace,

(...)

Taking into account different national approaches to defining “illegal” and “objectionable” content and different methods of dealing with illegal and objectionable content in cyberspace, such as the possible use of intelligence collected from Internet traffic and content to closing websites of terrorist organizations and their supporters,

Concerned with continued hacker attacks, which though not terrorism related, still demonstrate existing expertise in the field and thus providing a possibility of terrorist cyber attacks against computer systems, affecting the work of critical infrastructures, financial institutions or other vital networks,

1. Decides to intensify action by the OSCE and its participating States, notably by enhancing international co-operation on countering the use of the Internet for terrorist purposes;
2. Calls on participating States to consider taking all appropriate measures to protect vital critical information infrastructures and networks against the threat of cyber attacks;

3. Calls on participating States to consider becoming party to and to implement their obligations under the existing international and regional legal instruments, including the Council of Europe's Conventions on Cybercrime (2001) and on the Prevention of Terrorism (2005);

4. Encourages participating States to join the G8 24/7 Computer Crime Network and to nominate an appropriate unit/contact person for this network for the purpose of streamlining international law enforcement co-operation on combating the criminal misuse of cyberspace and in criminal cases that involve electronic evidence, as appropriate;

5. Calls on participating States, when requested to deal with content that is illegal under their national legislation and is hosted within their jurisdiction, to take all appropriate action against such content and to co-operate with other interested States, in accordance with their national legislation and the rule of law, and in line with their international obligations, including international human rights law;

6. Invites participating States to increase their monitoring of websites of terrorist/violent extremist organizations and their supporters and to invigorate their exchange of information in the OSCE and other relevant fora on the use of the Internet for terrorist purposes and measures taken to counter it, in line with national legislation, while ensuring respect for international human rights obligations and standards, including those concerning the rights to privacy and freedom of opinion and expression, and the rule of law. Duplication of efforts with ongoing activities in other international fora should be avoided;

7. Recommends participating States to explore the possibility of more active engagement of civil society institutions and the private sector in preventing and countering the use of the Internet for terrorist purposes;

(...)

9. Tasks the Secretary General to promote, notably through the OSCE CounterTerrorism Network, the exchange of information on the threat posed by the use of the Internet for terrorist purposes, including incitement, recruitment, fund raising, training, targeting and planning terrorist acts, and on legislative and other measures taken to counter this threat.

Madrid 2007 (Ministerial Statement on Supporting the United Nations Global Counter-Terrorism Strategy)

(...)

14. Remaining seriously concerned about the use of the Internet for terrorist purposes, the OSCE participating States will continue the exchange of information about this threat, and take other measures in accordance with Ministerial Council Decision No. 7/06 on countering the use of the Internet for terrorist purposes;

(...)

Belgrade 2015 (Ministerial Declaration on Preventing and Countering Violent Extremism and Radicalization that Lead to Terrorism)

(...)

10. To enhance international co-operation and public-private partnerships to develop practical measures to counter the use of the Internet and other means for the purposes of inciting violent

extremism and radicalization that lead to terrorism and for recruiting foreign terrorist fighters. Such international co-operation and public-private partnerships could foster communication efforts, including via social media, to counter violent extremist messaging, while fully respecting the right to freedom of opinion and expression;

6.5 Countering the risks arising from the misuse of Information and Communication Technologies (ICT)

Hamburg 2016 (Decision No. 5/16 on OSCE Efforts related to Reducing the Risks of Conflict Stemming from the Use of Information and Communication Technologies)

(...)

The Ministerial Council (...),

Reaffirming that efforts by OSCE participating States to reduce the risks of conflict stemming from the use of information and communication technologies will be consistent with: international law, including, *inter alia*, the UN Charter and the International Covenant on Civil and Political Rights; the Helsinki Final Act; and their responsibilities to respect human rights and fundamental freedoms, (...)

9. Welcomes the work undertaken by the 2016 OSCE German Chairmanship aimed at identifying how OSCE efforts to reduce the risks of conflict stemming from the use of information and communication technologies can be made more effective and can be intensified to promote an open, secure, stable, accessible and peaceful information and communication technologies environment in line with relevant OSCE commitments;

(...)

10. Underscores that further OSCE activities to reduce the risks of conflict stemming from the use of information and communication technologies, including those of relevant OSCE executive structures, should build on existing OSCE efforts, be in line with respective mandates and OSCE commitments, complement efforts by the United Nations, international and other regional fora, and be organized within available resources;

Vienna 2017 (Decision No. 5/17 on OSCE Efforts to Reduce the Risks of Conflict Stemming from the Use of Information and Communication Technologies)

The Ministerial Council (...),

Noting the immense opportunities that information and communication technologies provide for social and economic development, and that they continue to grow in importance for the international community,

Recognizing that OSCE participating States benefit from an open, secure, stable, accessible and peaceful information and communication technologies environment,

Reaffirming that efforts by OSCE participating States to reduce the risks of conflict stemming from the use of information and communication technologies will be consistent with: international law,

including, *inter alia*, the UN Charter and the International Covenant on Civil and Political Rights; the Helsinki Final Act; and their responsibilities to respect human rights and fundamental freedoms,

Expressing concern about the increase in significant incidents involving the malicious use of information and communication technologies, and stressing that these negative trends hold security risks for all OSCE participating States and their citizens, as well as public and private sectors, (...),

Recognizing the need to further enhance OSCE efforts to continue building trust and to reduce the risks of conflict stemming from the use of information and communication technologies,

Decides to:

1. Continue to implement all decisions on confidence-building measures adopted by the OSCE to reduce the risks of conflict stemming from the use of information and communication technologies to contribute to an open, secure, stable, accessible and peaceful information and communication technologies environment in line with OSCE commitments;
2. Identify ways of strengthening and optimizing the work of the OSCE as a practical platform for reducing risks of conflict stemming from the use of information and communication technologies, and at the same time continuing the work of the cross-dimensional Informal Working Group established pursuant to Permanent Council Decision No. 1039;
3. Encourage executive OSCE structures, within their mandates and available resources, to assist participating States, upon their request, in the implementation of the OSCE confidence-building measures to reduce the risk of conflict stemming from the use of information and communication technologies, and to enhance pertinent national capabilities and processes;
4. Invite the OSCE Partners for Co-operation to enhance dialogue on efforts to reduce the risks of conflict stemming from the use of information and communication technologies.

Milan 2018 (Decision No. 4/18 on Preventing and Combating Violence Against Women)

(...)

Calls on the participating States to:

(...)

4. Organize awareness-raising campaigns on the risks of specific forms of violence facing women and girls, including through digital technologies, and on their rights and the support available for victims of such violence;
5. Take action to address violence, abuse, threats, and harassment, including through digital technologies, directed at women;
6. Take measures, in consultation with companies that work on information and communication technologies (ICT), to address specific forms of violence faced by women and girls through digital technologies;

7.

Commitments Related to International Humanitarian Law

Helsinki 1992 (Decisions: VI. The Human Dimension)

The participating States

- (47) Recall that international humanitarian law is based upon the inherent dignity of the human person;
- (48) Will in all circumstances respect and ensure respect for international humanitarian law including the protection of the civilian population;
- (49) Recall that those who violate international humanitarian law are held personally accountable;
- (50) Acknowledge the essential role of the International Committee of the Red Cross in promoting the implementation and development of international humanitarian law, including the Geneva Conventions and their relevant Protocols;
- (51) Reaffirm their commitment to extend full support to the International Committee of the Red Cross, as well as to the Red Cross and Red Crescent Societies, and to the United Nations organizations, particularly in times of armed conflict, respect their protective emblems, prevent the misuse of these emblems and, as appropriate, exert all efforts to ensure access to the areas concerned;
- (52) Commit themselves to fulfilling their obligation to teach and disseminate information about their obligations under international humanitarian law.

Stockholm 1992 (Decisions: 2. The CSCE as a Community of Values)

The increasing problem of refugees and displaced persons is an issue of major concern to all participating States, particularly in conflicts where the fulfilment of basic human needs is most at risk. The Ministers deplored the plight of civil populations most affected in such conflicts and called on all participating States to contribute to a concerted effort to share the common burden. All Governments are accountable to each other for their behaviour towards their citizens and towards their neighbours. Individuals are to be held personally accountable for war crimes and acts in violation of international humanitarian law.

Rome 1993 (Decisions: X. Declaration on Aggressive Nationalism, Racism, Chauvinism, Xenophobia and Anti-Semitism)

4. The Ministers focused attention on the need for urgent action to enforce the strict observance of the norms of international humanitarian law, including the prosecution and punishment of those guilty of war crimes and other crimes against humanity.

Budapest 1994 (Decisions: IV. Code of Conduct on Politico-Military Aspects of Security)

29. The participating States will make widely available in their respective countries the international humanitarian law of war. They will reflect, in accordance with national practice, their commitments in this field in their military training programmes and regulations.

30. Each participating State will instruct its armed forces personnel in international humanitarian law, rules, conventions and commitments governing armed conflict and will ensure that such

personnel are aware that they are individually accountable under national and international law for their actions.

31. The participating States will ensure that armed forces personnel vested with command authority exercise it in accordance with relevant national as well as international law and are made aware that they can be held individually accountable under those laws for the unlawful exercise of such authority and that orders contrary to national and international law must not be given. The responsibility of superiors does not exempt subordinates from any of their individual responsibilities.

(...)

34. Each participating State will ensure that its armed forces are, in peace and in war, commanded, manned, trained and equipped in ways that are consistent with the provisions of international law and its respective obligations and commitments related to the use of armed forces in armed conflict, including as applicable the Hague Conventions of 1907 and 1954, the Geneva Conventions of 1949 and the 1977 Protocols Additional thereto, as well as the 1980 Convention on the Use of Certain Conventional Weapons.

35. Each participating State will ensure that its defence policy and doctrine are consistent with international law related to the use of armed forces, including in armed conflict, and the relevant commitments of this Code.

Budapest 1994 (Decisions: VIII. The Human Dimension)

33. The participating States deeply deplore the series of flagrant violations of international humanitarian law that occurred in the CSCE region in recent years and reaffirm their commitment to respect and ensure respect for general international humanitarian law and in particular for their obligations under the relevant international instruments, including the 1949 Geneva Conventions and their additional protocols, to which they are a party.

34. They emphasize the potential significance of a declaration on minimum humanitarian standards applicable in all situations and declare their willingness to actively participate in its preparation in the framework of the United Nations. They commit themselves to ensure adequate information and training within their military services with regard to the provisions of international humanitarian law and consider that relevant information should be made available.

35. They highly value the developing co-operation between the CSCE and the International Committee of the Red Cross (ICRC), in particular in the case of CSCE missions, and welcome the readiness of the ICRC to develop this co-operation and commit themselves to further extend support to the ICRC, in particular by strengthening contacts already established between CSCE missions and the ICRC's delegations in the field.

Istanbul 1999 (Charter for European Security: III. Our Common Response)

22. We reject any policy of ethnic cleansing or mass expulsion (...) In order to enhance the protection of civilians in times of conflict, we will seek ways of reinforcing the application of international humanitarian law.

Sofia 2004 (Ministerial Declaration on the Sixtieth Anniversary of the End of World War II)

(...) We condemn all forms of ethnic cleansing. We confirm our adherence to the UN Convention on the Prevention and Punishment of the Crime of Genocide adopted on 9 December 1948. We call on the participating States to take every possible action to ensure that attempts to commit genocide are prevented today and in the future. The perpetrators of such crimes should be brought to justice.

Sofia 2004 (Decisions: Annex to Decision No. 14/04, 2004 OSCE Action Plan for the Promotion of Gender Equality)

- Support national and international efforts to bring to justice those who have perpetrated crimes against women which under applicable rules of international law are recognized as war crimes or crimes against humanity (...)

Helsinki 2008 (Ministerial Declaration on the 60th Anniversary of the Convention on the Prevention and Punishment of the Crime of Genocide)

We, the members of the Ministerial Council of the OSCE, mark the 60th anniversary of the Convention on the Prevention and Punishment of the Crime of Genocide, adopted by the United Nations General Assembly on 9 December 1948 (hereinafter referred to as the Convention).

(...)

We reaffirm the significance of the Convention as an important international instrument for the prevention and punishment of the crime of genocide.

We call upon the participating States, which have not yet done so, to consider becoming Parties to the Convention as early as possible and be part of this global framework to prevent and punish the crime of genocide. We further call upon the State-Parties to increase and intensify their activities aimed at the full implementation of their obligations under the Convention.

We note that in adopting the Convention, the United Nations recognized that the crime of genocide was an odious scourge which had inflicted great losses on humanity and was convinced that international cooperation was required to facilitate the speedy prevention and punishment of the crime of genocide.

We recognize that genocide is one of the most serious crimes under international law which is condemned by international community as a whole and can never be justified.

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