

OSCE HUMAN DIMENSION COMMITMENTS

A REFERENCE GUIDE



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PREFACE

The selection of commitments contained in the thematic and the chronological parts of this publication has been 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, tolerance and the rule of law, as well as to national minorities, human contacts and international humanitarian law.¹ In addition, the compilation includes provisions for mechanisms to monitor the implementation of these commitments as well as the mandates of all 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.

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 which were produced by relevant expert meetings and later incorporated in the CSCE/OSCE body of commitments by other forums. Provisions relating to mandates of OSCE institutions can be found in the thematic part only. All other commitments can be found in both the thematic and the chronological parts.

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.

¹ This definition is also reflected in the agenda of the annual OSCE Human Dimension Implementation Meeting.

FOREWORD

From the outset, the Conference on Security and Co-operation in Europe (CSCE), later transformed into the Organization for Security and Co-operation in Europe (OSCE), has been very much a “work in progress”, an on-going process that has led to a significant expansion of its normative foundations. This expansion accelerated rapidly following the end of the Cold War, in a spirit of openness and change that very much characterizes the Charter of Paris for a New Europe and other documents adopted in the early 1990s.

Since the signing of the Helsinki Final Act in 1975, the CSCE/OSCE has accumulated a substantial body of commitments in the fields of human rights, democracy, rule of law and national minorities. These commitments relating to the so-called human dimension of the OSCE are contained in an ever-growing set of documents adopted by CSCE/OSCE Summits and other political forums. As a result, it has become increasingly difficult to survey the achievements that have been made in developing new standards for the CSCE/OSCE area.

As early as 1992, the Helsinki Summit recommended “the drawing up of compilations of existing CSCE Human Dimension commitments in order to promote greater understanding of the implementation of these commitments”. Subsequently, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) produced in 1995 a chronological compilation of human dimension commitments. This compilation represented a first and important step towards facilitating access to the OSCE’s body of commitments. However, five years and two OSCE Summits later, that publication has become outdated. Moreover, its usefulness had always been limited due to its purely chronological structure and the absence of an index.

In the year of the 10th anniversary of the OSCE/ODIHR, the OSCE’s main institution dealing with the human dimension, I am pleased to present to the public a completely revised compilation of OSCE human dimension commitments, which contains not only an update of the chronological part, but also, for the first time ever, a thematic part listing all relevant human dimension commitments topic-by-topic.

I am convinced that this publication represents a much-needed, user-friendly and practical tool for governments, OSCE personnel and the general public to easily access OSCE commitments on specific topics, as well as chronologically.

One of the reasons for the success of the Helsinki Final Act was the agreement by all signatory States to publish the document and disseminate it in their countries as widely as possible. This enabled the citizens of the participating States to inform themselves about the commitments their governments had undertaken and to call their country’s leadership to account for failing to put these commitments into practice.

By publishing and distributing this compilation, the OSCE/ODIHR seeks to contribute to a better knowledge and understanding of OSCE commitments in the field of the human dimension – among the OSCE governments as well as among the citizens and civil society actors in the OSCE region. I strongly hope that this publication thus will ultimately also foster further progress in the implementation of these commitments by the governments of the OSCE participating States.

Ambassador Gérard Stoudmann

Director of the OSCE Office for Democratic Institutions and Human Rights

THE HUMAN DIMENSION OF THE OSCE: AN INTRODUCTION

In 2000 the Organization for Security and Co-operation in Europe (OSCE) commemorated the 25th anniversary of the signing of its founding document, the Helsinki Final Act. Since 1975 the OSCE has created a large set of human rights norms and standards which are generally reflective of traditional human rights norms and concepts as enshrined in other human rights treaties and declarations. However, building on these, 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 collapse of Communist monopoly rule in Central and Eastern Europe. The OSCE human rights framework thus has been one of the most effective human rights frameworks, and it continues to play an important role today.

It is a unique framework, comprised of a set of documents, which, 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 and the 1990 Charter of Paris for a New Europe have added other important foundations that are needed to understand the OSCE human dimension as it exists today.

The purpose of this article is to provide guidance on how to read and use these norms and to give an introduction to some of the basic aspects of the human dimension of the OSCE¹.

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 more than merely the absence of 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 10 guiding principles the “(r)espect for human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief”. This constitutes a milestone in the history of human

¹ 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 article.

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 beyond question. There is no hierarchy among these principles, and no government can claim 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. For example, the exclusion of individuals or certain groups from society, sometimes on ethnic grounds, has led to tensions and sometimes even armed conflict is one example. The impact of refugee crises on security, often as a result of massive human rights abuses, is another example.

In OSCE terminology, the term “human dimension” is used to describe the set of norms and activities related to human rights and democracy, which are 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.

Firstly, it means that there is a forum for discussing the implementation of the standards agreed in previous meetings. Secondly, it has led to a set of successive OSCE documents specifying and elaborating the human dimension commitments adopted in past documents. As a result of this, the OSCE developed a very flexible and dynamic norm–creating process in the human rights field, a process which is ongoing. Among the innovations adopted in recent documents is, for example, the acknowledgement of trafficking in human beings, previously treated most often in an organized crime context, as a human rights concern (Vienna Ministerial Council 2000).

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 have therefore been of differing importance 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 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 find out which standards exactly apply to a specific situation, in particular as each document contains, to a varying degree, repetitions and innova-

tions. As a basic guideline the user should note that all 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 “*acquis OSCE*”. They have been adopted by consensus and thus are politically binding on all OSCE participating States. This also applies to newly admitted participating States 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 then is 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 which puts the different parts of the document in a wider context. Reading the document in its entirety can thus equally provide important information as to the understanding and interpretation of the norms concerned. This explains the dual approach in this compilation which consists of thematic and chronological components.

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 55 participating States, but a “community of values”. 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 law/legal structures.

4. Politically binding commitments

The OSCE process is essentially a political process which does not create legally binding norms and 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 intention, but a political promise to comply with these standards.

While deliberations on international legal documents usually take considerable time until 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 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 human dimension within the OSCE is that human rights and pluralistic democracy are not considered an internal affair 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 are no longer in a position to invoke the non-intervention principle to avoid discussions about human rights problems 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” does not only focus on the right to criticize other states concerning 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

The 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 an exception 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.

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 persons 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 one of the basic purposes of government”.

From the beginning it was clear that formulating standards alone is not 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 which help to monitor and assist with the implementation of OSCE human dimension commitments.

Unlike other human rights treaties,² 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. To 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

² 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.

process approach has created over time a refined system of political summits and other conferences where the implementation of OSCE commitments is discussed.³

This – at times confusing – structure of summits, meetings, conferences and seminars generates two important effects. Firstly, 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. Secondly, 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 OSCE State.

An important feature of OSCE human dimension meetings is that they are open to the active participation of non-governmental organizations (NGOs). NGOs thus 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, the Vienna mechanism⁴ and the Moscow mechanism⁵, 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 problem. This includes the right to investigate alleged violations of human dimension commitments, in exceptional circumstances even without the consent of the accused State.

The human dimension mechanism has practically fallen into abeyance, partly due to the development of the OSCE into a permanently functioning organization and partly due to the political considerations involved in invoking such *ad hoc* mechanisms.⁶

³ OSCE Summits and Ministerial Councils 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 take place in years when no OSCE summit is scheduled and provide the forum for discussing the implementation of OSCE human dimension commitments. In addition, a Human Dimension Seminar and three Supplementary Human Dimension Meetings are organized every year. For more information, see *OSCE Handbook*, 4th edition, Vienna 2000.

⁴ As established in the Vienna Concluding Document of 1989.

⁵ The Moscow mechanism was agreed upon at the last meeting of the Conference on the Human Dimension of the CSCE in Moscow (1991).

⁶ Nevertheless, the responsible OSCE institution, the Office for Democratic Institutions and Human Rights, continues to maintain an active list of experts as required by the Moscow mechanism.

4. OSCE institutions with relevance for 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. These institutions play an increasingly important role. The following gives a very basic overview about these institutions without giving a full account of their activities.

a. OSCE Office for Democratic Institutions and Human Rights

The OSCE Office for Democratic Institutions and Human Rights (ODIHR), based in Warsaw, is the principal institution of the OSCE responsible for the human dimension. The ODIHR promotes democratic elections through a cycle of in-depth observations of elections and assistance projects aimed at improving the framework for elections. It provides technical support in consolidating democratic institutions and the respect for human rights as well as strengthening civil society and the rule of law through targeted projects. Other fields of activities include the combat of trafficking in human beings, promoting gender equality, and projects on migration and freedom of movement issues, freedom of religion and preventing torture. The ODIHR also serves as the OSCE Contact Point for Roma and Sinti Issues. Finally, it plays a certain monitoring role with regard to the implementation of OSCE human dimension commitments by participating States.

b. OSCE 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 tension. In addition to seeking first-hand information, the High Commissioner seeks to promote dialogue, confidence and co-operation.

c. The OSCE 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.

C. 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 which 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, 6 September 1983 (hereafter referred to as **Madrid 1983**)

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

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

Document of the Second Meeting of the CSCE Council, Prague, 30–31 January 1992 (hereafter referred to as **Prague 1992**)

Concluding Document of Helsinki – The Fourth Follow-up Meeting, 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, 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, 19 November 1999 (hereafter referred to as **Istanbul 1999**)

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

| PART A |

THEMATIC COMPILATION
OF OSCE HUMAN DIMENSION
COMMITMENTS

I. GENERAL PROVISIONS

Human rights as “birth rights” deriving from the inherent dignity of the human person

HELSINKI 1975 (“Declaration on Principles Guiding Relations between Participating States”, principle VII, par.2)

[The participating States] will promote and encourage the effective exercise of civil, political, 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.

PARIS 1990 (“Human Rights, Democracy and Rule of Law”, par. 2)

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.

Universality of human rights

HELSINKI 1975 (“Declaration on Principles Guiding Relations between Participating States”, principle VII, par. 5 and 6)

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 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.

Human rights, democracy and rule of law as main foundations of the human dimension

COPENHAGEN 1990 (Preamble, par. 9 and 11)

[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.

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.

BUDAPEST 1994 (Summit Declaration, par. 14)

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.

BUDAPEST 1994 (Chapter VIII, par. 2)

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 (...) is an essential foundation of democratic civil society.

Human dimension as matter of “international concern”

MOSCOW 1991 (Preamble, par. 9)

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.

ISTANBUL 1999 (Charter for European Security, par. 7)

7. (...) 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.

Protection and promotion of human rights as basic purpose of government

COPENHAGEN 1990 (Par. 1)

(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.

The obligation to implement

COPENHAGEN 1990 (Preamble, par. 11)

The participating States (...) reaffirm their commitment to implement fully all provisions of the Final Act and of the other CSCE documents relating to the human dimension and undertake to build on the progress they have made.

PARIS 1990 ("Human Dimension", par. 1)

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.

ISTANBUL 1999 (Charter for European Security, par. 7)

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 have helped us to bring about an end to the old confrontation in Europe and to foster a new era of democracy, peace and solidarity throughout the OSCE area. They established clear standards for participating States' treatment of each other and of all individuals within their territories. 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.

Scope of legitimate restrictions to human rights

COPENHAGEN 1990 (Par. 24)

(24) The participating States will ensure that the exercise of all the human rights and fundamental freedoms set out above¹ 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.

¹For the rights referred to, see Part B, Copenhagen Document.

***Adherence to commitments as basis for participation
in the CSCE/OSCE process***

HELSINKI 1992 (Summit Declaration, par. 6)

6. We welcome the commitment of all participating States to our shared values. Respect for human rights and fundamental freedoms (...) democracy, the rule of law, economic liberty, social justice and environmental responsibility are our common aims. They are immutable. Adherence to our commitments provides the basis for participation and co-operation in the CSCE and a cornerstone for further development of our societies.

Reference to obligations under international law

HELSINKI 1975 (“Declaration on Principles Guiding Relations between Participating States”, principle X, par. 1 and 2)

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 (...)

Charter of the United Nations, Universal Declaration of Human Rights

HELSINKI 1975 (“Declaration on Principles Guiding Relations between Participating States”, principle VII, par 8 and principle X, par. 3)

In the field of human rights and fundamental freedoms, the participating States will act in conformity with the purposes and principles of the Charter of the United Nations and with the Universal Declaration of Human Rights. They will also fulfil their obligations as set forth in the international declarations and agreements in this field, including inter alia the International Covenants on Human Rights, by which they may be bound.

(...)

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.

International Covenant on Civil and Political Rights and International Covenant on Economic, Social and Cultural Rights

MADRID 1983 (“Questions relating to Security in Europe”, par. 19)

[The participating States] reaffirm the particular significance of (...) 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.

VIENNA 1989 (“Questions relating to Security in Europe”, par. 13.2)

[The participating States]

(13.2) – consider acceding to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Optional Protocol to the Covenant on Civil and Political Rights and other relevant international instruments, if they have not yet done so;

Convention on the Elimination of All Forms of Discrimination Against Women

VIENNA 1989 (“Questions relating to Security in Europe”, par. 15)

(15) [The participating States] 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.

Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment

COPENHAGEN 1990 (Par. 16.2)

[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;

UN Standard Minimum Rules for the Treatment of Prisoners/UN Code of Conduct for Law Enforcement Officials

VIENNA 1989 (“Questions relating to Security in Europe”, par. 23.3)

The participating States will

(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;

European Convention on Human Rights

COPENHAGEN 1990 (Par. 5.21)

(5.21) – (...) 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 (...)

Convention on the Rights of the Child

COPENHAGEN 1990 (Par. 13)

(13) [The participating States] will consider acceding to the Convention on the Rights of the Child, if they have not yet done so.

European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment

BUDAPEST 1994 (Chapter VIII, par. 20)

20. [The participating States] recognize the importance (...) 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.

Convention Relating to the Status of Refugees

ISTANBUL 1999 (Charter for European Security, par. 22)

22. (...) 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 (...)

Convention on the Elimination of all Forms of Racial Discrimination

HELSINKI 1992 (Chapter VI, par. 32)

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;

II. SPECIFIC HUMAN DIMENSION COMMITMENTS

OSCE COMMITMENTS RELATING TO THE RIGHT OF SELF-DETERMINATION OF PEOPLES

HELSINKI 1975 (“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.

These commitments were reaffirmed in:

- ▶ **VIENNA 1989** (“Questions relating to Security in Europe”, par. 4)
- ▶ **PARIS 1990** (“Friendly Relations among Participating States”, par.7)
- ▶ **MOSCOW 1991** (Preamble, par. 7)

OSCE COMMITMENTS RELATING TO CIVIL AND POLITICAL RIGHTS

Right to life/abolition of the capital punishment

VIENNA 1989 (“Questions relating to Security in Europe”, par. 24)

(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 (Par. 17 to 17.8)

(17) The participating States

(17.1) – recall the commitment undertaken in the Vienna Concluding Document to keep the question of capital punishment under consideration and to co-operate within relevant international organizations;

(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.

MOSCOW 1991 (Par. 36 to 36.1.iii)

(36) The participating States recall their commitment in the Vienna Concluding Document to keep the question of capital punishment under consideration and reaffirm their undertakings in the Document of the Copenhagen Meeting to exchange information on the question of the abolition of the death penalty and to make available to the public information regarding the use of the death penalty.

(36.1) They note

(i) that the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty entered into force on 11 July 1991;

(ii) that a number of participating States have recently taken steps towards the abolition of capital punishment;

(iii) the activities of several non-governmental organizations concerning the question of the death penalty.

These commitments were reaffirmed in:

▶ **HELSINKI 1992** (Decisions, chapter VI, par. 58)

▶ **BUDAPEST 1994** (Chapter VIII, par. 19)

Prohibition of torture and other cruel, inhuman or degrading treatment or punishment

See also:

▶ *Freedom from arbitrary arrest or detention/pre-trial detention*

VIENNA 1989 (“Questions relating to Security”, par. 23.2 to 23.6)

[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 (Par. 16 to 16.7)

(16) The participating States

(16.1) – reaffirm their commitment to prohibit torture and other cruel, inhuman or degrading treatment or punishment, to take effective legislative, administrative, judicial and other measures to prevent and punish such practices, to protect individuals from any psychiatric or other medical practices that violate human rights and fundamental freedoms and to take effective measures to prevent and punish such practices;

(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.

MOSCOW 1991 (Par. 23 to 23.2.ii)

(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.

BUDAPEST 1994 (Chapter VIII, par. 20)

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 Cruelly 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, par. 21)

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 cooperate with relevant international organizations and non-governmental organizations, as appropriate.

Prevention of trafficking in human beings

See also:

▶ *Equal rights of men and women*

MOSCOW 1991 (Paragraph 40.7)

[The participating States]

(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;

ISTANBUL 1999 (Charter for European Security, par. 24)

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. 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 (Ministerial Council Decision I)

ENHANCING THE OSCE'S EFFORTS TO COMBAT TRAFFICKING IN HUMAN BEINGS

The Ministerial Council,

Bearing in mind the Charter for European Security, which commits participating States “to 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” and to “promote the adoption or strengthening of legislation to hold accountable persons responsible for these acts and strengthening the protection of victims”,

Recalling the OSCE commitments on combating the traffic in human beings contained in the Moscow Document of 1991,

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;
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;
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;
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;

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;

12. Recognizes that OSCE field operations, within the legal framework of the host countries, can have a valuable role to play in the fight against trafficking, including by regular monitoring and reporting and assisting State authorities through, *inter alia*, promoting dialogue and acting as a bridge between governments and non-governmental organizations; and institutions, in resolving individual trafficking cases; and calls on field operations to strengthen co-operation among themselves;

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;

14. Welcomes the further development of the OSCE Secretariat's Code of Conduct for OSCE Mission Members to include provisions on trafficking in human beings and other human rights abuses, looks forward to its speedy implementation by all OSCE structures and institutions, requests heads of OSCE field operations to take appropriate measures if members of their staff use trafficking victims, and encourages all other international bodies, where appropriate, to adopt similar standards and practices.

Freedom from arbitrary arrest or detention/pre-trial detention

See also:

► *Prohibition of torture and other cruel, inhuman or degrading treatment or punishment*

VIENNA 1989 (“Questions relating to Security in Europe”, par. 23.1 to 23.3)

[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;

COPENHAGEN 1990 (Par. 5.15, 5.17, 5.19, 11 and 11.1)

(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;

(5.17) – 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;

(5.19) – everyone will be presumed innocent until proved guilty according to law;

(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;

MOSCOW 1991 (Par. 23 to 23.2.ii)

(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.

Right to a fair trial

See also:

- ▶ *Right to effective remedies*
- ▶ *Rule of law*
- ▶ *Independence of the judiciary*
- ▶ *Freedom from arbitrary arrest or detention/pre-trial detention*
- ▶ *Prohibition of torture and other cruel, inhuman or degrading treatment or punishment*

VIENNA 1989 (“Questions relating to Security”, par. 13.9 and 21)

[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 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.

(...)

(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 (Par. 5, 5.14, 5.16 to 5.19 and par. 12)

(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:

(...)

(5.14) – the rules relating to criminal procedure will contain a clear definition of powers in relation to prosecution and the measures preceding and accompanying prosecution;

(...)

(5.16) – 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.

Right to effective remedies

See also:

- ▶ *Rule of law*
- ▶ *Independence of the judiciary*
- ▶ *Prohibition of torture and other cruel, inhuman or degrading treatment or punishment*
- ▶ *Freedom from arbitrary arrest or detention/pre-trial detention*
- ▶ *Human rights defenders*
- ▶ *Prevention of aggressive nationalism, racism, chauvinism, xenophobia, anti-semitism and ethnic cleansing*

VIENNA 1989 (“Questions relating to Security”, par. 13.1, 13.4, 13.8, 13.9 and 21)

[The participating States will]

(13.1) – develop their laws, regulations and policies in the field of civil, political, 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;

(...)

(13.4) – 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;

(...)

(13.8) – 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 council 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.

(...)

(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 (Par. 5, 5.10, 5.11, 5.21 and 11 to 11.3)

(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.

MOSCOW 1991 (Par. 18.2 to 18.4)

(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.

(...)

Freedom of thought, conscience, religion or belief

See also:

- ▶ *National minorities*
- ▶ *Equality and non-discrimination clauses*
- ▶ *Prevention of aggressive nationalism, racism, chauvinism, xenophobia, anti-semitism and ethnic cleansing*

HELSINKI 1975 (“Declaration on Principles Guiding Relations between Participating States”, principle VII, par. 1 and 3)

The participating States will respect (...) 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.

MADRID 1983 (“Questions relating to Security in Europe”, par. 12, 13 and 14)

The participating States reaffirm that they will recognize, respect and furthermore agree to take the action necessary to ensure 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.

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 favorably consider applications by religious communities of believers practicing or prepared to practice 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”, par. 11, 16.1 to 16.11 and 17)

(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 (...)

(...)

(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.

COPENHAGEN 1990 (Par. 9.4 and 18.1 to 18.6)

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;

[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 to compulsory military service;

(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 (Chapter VIII, par. 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, [the participating States] expressed their concern about the exploitation of religion for aggressive ends.

ISTANBUL 1999 (Charter for European Security, par. 19)

19. (...) We commit ourselves to counter such threats to security as violations of (...) the freedom of thought, conscience, religion or belief (...)

Freedom of expression, free media and information (including the right to act upon one's right)

See also:

- ▶ *Representative on Freedom of the Media*
- ▶ *Freedom of thought, conscience, religion or belief*
- ▶ *Right to a fair trial*
- ▶ *Cultural rights/cultural heritage*
- ▶ *National minorities*

HELSINKI 1975 (“Declaration on Principles Guiding Relations between Participating States”, principle VII, par. 5 and 7)

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 confirm the right of the individual to know and act upon his rights and duties in this field.

VIENNA 1989 (“Questions relating to Security in Europe”, par. 13.3, 13.4 and 26)

[The participating States 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;

(...)

(26) They confirm that governments, institutions, organizations and persons have a relevant and positive role to play in contributing to the achievement of the aims of their co-operation and to the full realization of the Final Act (...) They will (...) 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 (Par. 7.8, 9, 9.1 and 10 to 10.2)

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

(...)

(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) 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;

MOSCOW 1991 (Par. 26 to 26.2, 28.9 and 34)

(26) The participating States reaffirm the right to freedom of expression, including the right to communication and 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 (Chapter VIII, par. 36 to 38)

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, par. 9 and 11)

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. In the Helsinki Final Act, we have pledged ourselves to respect this principle. There is a need to strengthen the implementation of OSCE commitments in the field of the media, taking into account, as appropriate, the work of other international organizations.

ISTANBUL 1999 (Summit Declaration, par. 27)

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. 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, par. 26)

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, which we consider to be an essential component of any democratic, free and open society.

See also:

- ▶ **HELSINKI 1975** ("Information"), pp. 162 - 166
- ▶ **MADRID 1983** ("Information"), pp. 183 - 184
- ▶ **VIENNA 1989** ("Information"), pp. 198 - 199

Freedom of association and the right of peaceful assembly

See also:

- ▶ *Freedom of thought, conscience, religion or belief*
- ▶ *Workers' rights/conditions of work*
- ▶ *National minorities*
- ▶ *Human rights defenders*
- ▶ *Non-governmental organizations*

Freedom of association

COPENHAGEN 1990 (Par. 7, 7.6, 9, 9.3, 10, 10.3 and 10.4)

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

(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;

(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

(...)

(10.3) – 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.

Right of peaceful assembly

COPENHAGEN 1990 (Par. 9, 9.2)

(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;

Freedom of movement/human contacts

See also:

- ▶ *Migration, refugees, displaced persons and returnees*
- ▶ *Migrant workers*
- ▶ *Cultural rights/cultural heritage*
- ▶ *National minorities*
- ▶ *Right to education*

Specific commitments relating to freedom of movement

HELSINKI 1975 (“Human contacts”, par. d)

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.

VIENNA 1989 (“Questions relating to Security in Europe”, par. 20 to 22)

- (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.

(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.

- (22) In this context they will allow all refugees who so desire to return in safety to their homes.

COPENHAGEN 1990 (Par. 9.5, 19, 19.1 to 19.3)

[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;

(...)

(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.

MOSCOW 1991 (Par. 33)

(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 (Chapter VIII, par. 40)

[The participating States]

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 (...)

For commitments relating to human contacts in general see also:

▶ **HELSINKI 1975** (“Human Contacts”), pp. 159 - 162

▶ **MADRID 1983** (“Human Contacts”), pp. 181 - 183

▶ **VIENNA 1989** (“Human Contacts”), pp. 194 - 198

Respect for private and family life

See also:

▶ *Freedom of movement/human contacts*

MOSCOW 1991 (Par. 24)

(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.

Rights of the child

See also:

- ▶ *Freedom of movement/human contacts*
- ▶ *Migrant workers*
- ▶ *Right to education*

COPENHAGEN 1990 (Par. 13)

(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, par. 28)

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, including by organizing a special meeting dedicated to children in armed conflict during the year 2000. 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, par. 24)

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, 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.

Rights of persons with disabilities

MOSCOW 1991 (Par. 41 to 41.5)

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.

Property rights

See also:

- ▶ *Freedom of expression, free media and information,*
- ▶ *Prevention of aggressive nationalism, racism, chauvinism, xenophobia, anti-semitism and ethnic cleansing*

COPENHAGEN 1990 (Par. 9.6)

[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.

Nationality/citizenship

HELSINKI 1992 (Decisions, chapter VI, par. 55 and 56)

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, par. 19)

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.

Human rights defenders

See also:

- ▶ *Non-governmental organizations*
- ▶ *Freedom of association and the right of peaceful assembly*
- ▶ *Freedom of expression, free media and information*

VIENNA 1989 (“Questions relating to Security in Europe”, par. 13.5, 13.6 and 21)

[The participating States]

(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;

(...)

(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 (Par. 10, 10.1 to 10.4, 11 and 11.2)

(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.

(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
(...)

(11.2) – 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;

BUDAPEST 1994 (Chapter VIII , par. 18)

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”.

Non-governmental organizations

See also:

- ▶ *Human rights defenders*
- ▶ *Freedom of association and the right of peaceful assembly*
- ▶ *Office for Democratic Institutions and Human Rights*

VIENNA 1989 (“Questions relating to Security in Europe”, par. 26)

(26) [The participating States] confirm that governments, institutions, organizations and persons have a relevant and positive role to play in contributing to the achievement of the aims of their co-operation and to the full realization of the Final Act. 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 (Par. 10 and 10.3)

(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

(...)

(10.3) – 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;

PARIS 1990 (“Non-governmental Organizations”)

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 (Par. 9 and par. 43 to 43.4)

(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, par. 27)

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.

OSCE COMMITMENTS RELATING TO THE RULE OF LAW

Rule of Law

See also:

- ▶ *Right to a fair trial*
- ▶ *Right to effective remedies*
- ▶ *Independence of the judiciary*
- ▶ *Ombudsman and national human rights institutions*
- ▶ *Derogation clauses/protection of human rights during a state of public emergency*

COPENHAGEN 1990 (Par. 2 to 5 and 24)

(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. 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;

(5.7) – 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;

(5.10) – 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;

(5.12) – 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;

(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.

(...)

(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 (Par. 18, 18.1 and 21 to 22)

(18) The participating States recall their commitment to the rule of law in the Document of the Copenhagen Meeting and affirm their dedication to supporting and advancing those principles of justice which form the basis of the rule of law. In particular, they again reaffirm that democracy is an inherent element in the rule of law and that pluralism is important in regard to political organizations.

(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.

(...)

(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 (Chapter VIII, par. 18)

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 (...)

ISTANBUL 1999 (Charter for European Security, par. 33)

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.

Right to a fair trial/Right to effective remedies

See page 34.

Independence of the judiciary

See also:

- ▶ *Rule of law*
- ▶ *Right to a fair trial*
- ▶ *Right to effective remedies*

COPENHAGEN 1990 (Par. 5, 5.12, 5.13 and 5.16)

(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;

(...)

(5.16) – 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;

MOSCOW 1991 (Par. 19 and 20)

(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.

Ombudsman/national human rights protection institutions

COPENHAGEN 1990 (Par. 27)

(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.

OSCE COMMITMENTS RELATING TO ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Economic and social rights

See also:

- ▶ *Workers' rights/conditions of work*
- ▶ *Migrant workers*
- ▶ *National minorities*
- ▶ *Equal rights of women and men*
- ▶ *Rights of the child*

HELSINKI 1975 ("Questions relating to Security in Europe", principle VII, par. 2)

[The participating States] will promote and encourage the effective exercise of (...) economic [and] social (...) rights (...) 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", par. 10)

[The participating States] stress their determination to develop their laws and regulations in the field of (...) economic, social (...) 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", par. 12, 13, 13.1, 13.2, 14 and 21)

(12) [The participating States] recognize that (...) economic, social (...) 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 (...) 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 [and] social (...) 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 [and] social (...) 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 [and] health (...) 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, [and] social (...) rights (...)

(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 (Par. 23)

(23) The participating States reaffirm their conviction expressed in the Vienna Concluding Document that the promotion of economic [and] social (...) rights (...) is of paramount importance for human dignity and for the attainment of the legitimate aspirations of every individual. They also reaffirm their commitment taken in the Document of the Bonn Conference on Economic Co-operation in Europe to the promotion of social justice and the improvement of living and working conditions. In the context of continuing their efforts with a view to achieving progressively the full realization of economic [and] social (...) rights by all appropriate means, they will pay special attention to problems in the areas of employment, housing, social security [and] health (...)

HELSINKI 1992 (Summit Declaration, par. 6)

6. We welcome the commitment of all participating States to our shared values. Respect for human rights and fundamental freedoms, including (...) economic liberty [and] justice are our common aims. They are immutable. Adherence to our commitments provides the basis for participation and co-operation in the CSCE and a cornerstone for further development of our societies.

LISBON 1996 (Declaration on a Common and Comprehensive Security Model for Europe for the Twenty-First Century, par. 3)

3. (...) Our approach is one of co-operative security based on democracy, respect for human rights, fundamental freedoms and the rule of law, market economy and social justice (...)

ISTANBUL 1999 (Charter for European Security, par. 5)

5. Acute economic problems and environmental degradation may have serious implications for our security. Co-operation in the fields of economy, science and technology and the environment will be of critical importance. 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. We applaud the unprecedented process of economic transformation taking place in many participating States. We encourage them to continue this reform process, which will contribute to security and prosperity in the entire OSCE area (...)

Workers' rights /conditions of work

See also:

- ▶ *Migrant workers*
- ▶ *Economic and social rights*
- ▶ *Freedom of association and the right of peaceful assembly*

MADRID 1983 (“Questions relating to Security in Europe”, par. 17)

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.

VIENNA 1989 (“Co-operation in other areas”, par. 45)

(45) The participating States acknowledge that the impact of economic and technological change is being acutely felt in the work place. They underline their readiness to encourage co-operation in the field of vocational training policy through increased exchange of information and experience, with the aim of enhancing the educational standards, professional knowledge, skills and adaptability of personnel involved in industry and commerce.

COPENHAGEN 1990 (Par. 9, 9.3 and 23)

(9) The participating States reaffirm that

(9.3) (...) 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;

(23) In the context of continuing their efforts with a view to achieving progressively the full realization of economic, social and cultural rights by all appropriate means, [the participating States] will pay special attention to problems in the areas of employment (...)

Cultural rights/cultural heritage

See also

▶ *National minorities*

HELSINKI 1975 (“Declaration on Principles Guiding Relations between Participating States”, principle VII, par. 2)

[The participating States] will promote and encourage the effective exercise of (...) cultural (...) rights (...) 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”, par. 10)

[The participating States] similarly stress their determination to develop their laws and regulations in the field of (...) cultural (...) human rights (...) they also emphasize their determination to ensure the effective exercise of these rights (...)

VIENNA 1989 (“Questions relating to Security in Europe”, par. 12, 13 13.1, 13.2, 14 and 21)

(12) [The participating States] recognize that (...) cultural (...) rights (...) 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 (...) cultural (...) rights (...) 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 (...) cultural 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 (...) 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 (...) 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 (...) cultural rights (...)

(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 (Par. 23)

(23) The participating States reaffirm their conviction expressed in the Vienna Concluding Document that the promotion of (...) cultural rights (...) is of paramount importance for human dignity and for the attainment of the legitimate aspirations of every individual (...). In the context of continuing their efforts with a view to achieving progressively the full realization of (...) cultural rights by all appropriate means, they will pay special attention to problems in the areas of (...) culture.

MOSCOW 1991 (Par. 35)

(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, and express the view that cultural issues, including cultural freedom, creativity and co-operation, should be further considered in the CSCE.

BUDAPEST 1994 (Chapter VIII, par. 39)

39. The participating States will further encourage and facilitate (...) cultural (...) exchanges and co-operate in accordance with CSCE provisions. They will continue to implement their commitments in the cultural field, as laid down in the Document of the Cracow Symposium on the Cultural Heritage of the CSCE Participating States and other relevant CSCE documents. They will encourage public and private efforts aimed at the preservation of the cultural heritage in their States.

See also:

- ▶ **HELSINKI 1975** (“Co-operation and Exchanges in the Field of Culture”), pp. 166 - 172
- ▶ **MADRID 1983** (“Co-operation and Exchanges in the Field of Culture”), pp. 184 - 185
- ▶ **VIENNA 1989** (“Co-operation and Exchanges in the field of culture”), pp. 195 - 201
- ▶ **PARIS 1990** (“Culture”) p. 244
- ▶ **CRACOW 1991**, pp. 227 - 232

Right to education

See also:

- ▶ *Freedom of thought, conscience, religion and belief*
- ▶ *National minorities*
- ▶ *Migrant workers*

VIENNA 1989 (“Questions relating to Security in Europe”, par. 14)

(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 (...) In this context they will pay special attention to problems in the areas of (...) education (...)

VIENNA 1989 (“Co-operation in other areas”, par. 45 and 46)

(45) The participating States acknowledge that the impact of economic and technological change is being acutely felt in the work place. They underline their readiness to encourage co-operation in the field of vocational training policy through increased exchange of information and experience, with the aim of enhancing the educational standards, professional knowledge, skills and adaptability of personnel involved in industry and commerce.

(46) The participating States recognize the importance of facilitating the integration of young people into professional life. They will therefore continue their efforts to ensure the necessary conditions for the education and vocational training of young people and to promote youth employment opportunities in various sectors of the economy. They will continue their efforts to create conditions for developing the level of scientific and cultural knowledge of their citizens, especially young people, and for facilitating their access to achievements in the areas of natural and social sciences, as well as culture.

VIENNA 1989 (“Co-operation and exchanges in the field of education”, par. 63 to 71)

(63) They 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.

(64) In order to encourage wider co-operation in science and education, they will facilitate unimpeded communication between universities and other institutions of higher education and research. They will also facilitate direct personal contacts, including contacts through travel, between scholars, scientists and other persons active in these fields.

(65) They will also ensure unimpeded access by scholars, teachers and students from the other participating States to open information material available in public archives, libraries, research institutes and similar bodies.

(66) They will facilitate exchanges of schoolchildren between their countries on the basis of bilateral arrangements, where necessary, including meeting and staying with families of the host country in their homes, with the aim of acquainting schoolchildren with life, traditions and education in other participating States.

(67) They will encourage their relevant government agencies or educational institutions to include, as appropriate, the Final Act as a whole in the curricula of schools and universities.

(68) They 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.

(69) They will encourage their radio and television organizations to inform each other of the educational programmes they produce and to consider exchanging such programmes.

(70) They will encourage direct contacts and co-operation between relevant governmental institutions or organizations in the field of education and science.

(71) They will encourage further cooperation and contacts between specialized institutions and experts in the field of education and rehabilitation of handicapped children.

COPENHAGEN 1990 (Par. 14 and 23)

(14) The participating States agree to encourage the creation, within their countries, of conditions for the training of students and trainees from other participating States, including persons taking vocational and technical courses. They also agree to promote travel by young people from their countries for the purpose of obtaining education in other participating States and to that end to encourage the conclusion, where appropriate, of bilateral and multilateral agreements between their relevant governmental institutions, organizations and educational establishments.

(...)

(23) (...) In the context of continuing their efforts with a view to achieving progressively the full realization of economic, social and cultural rights by all appropriate means, they will pay special attention to problems in the areas of (...) education (...)

MOSCOW 1991 (Par. 42 to 42.6)

(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.

See also:

▶ **HELSINKI 1975** (“Co-operation and Exchanges in the Field of Education”), pp. 172 - 176

▶ **MADRID 1983** (“Co-operation and Exchanges in the Field of Education”), pp. 185 - 186

OSCE COMMITMENTS RELATING TO PLURALIST DEMOCRACY

Democracy/democratic institutions

See also:

- ▶ *Elections*
- ▶ *Rule of law*
- ▶ *Derogation clauses/protection of human rights during a state of public emergency*

COPENHAGEN 1990 (Preamble, par. 9 and 11)

[The participating States] recognize that pluralistic democracy [is] 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.

The participating States express their conviction that (...) 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 (...)

COPENHAGEN 1990 (Par. 3, 5 to 5.9, 6 and 26)

(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.

(...)

(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;

(5.7) – 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;

(...)

(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.

(...)

(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.

PARIS 1990 (“Human Rights, Democracy and Rule of Law”, par. 1, 2, 3, 4 and 9)

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 (Par. 18 and 18.1)

(18) The participating States (...) reaffirm that democracy is an inherent element in the rule of law and that pluralism is important in regard to political organizations.

(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.

HELSINKI 1992 (Decisions, chapter VI, par. 2, 53 and 54)

(2) The participating States express their strong determination (...) to promote the principles of democracy and, in this regard, to build, strengthen and protect democratic institutions (...)
(...)

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.

BUDAPEST 1994 (Summit Declaration, par. 7 and 14)

7. (...) The CSCE's democratic values are fundamental to our goal of a community of nations with no divisions, old or new, in which the sovereign equality and the independence of all States are fully respected, there are no spheres of influence and the human rights and fundamental freedoms of all individuals, regardless of race, colour, sex, language, religion, social origin or of belonging to a minority, are vigorously protected.
(...)

14. (...) 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 (...)

BUDAPEST 1994 (Decisions, chapter VIII, par. 2)

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 (...)

LISBON 1996 (Summit Declaration, par. 4 and 9)

4. Respect for human rights remains fundamental to our concept of democracy and to the democratization process enshrined in the Charter of Paris. We are determined to consolidate the democratic gains of the changes that have occurred since 1989 and peacefully manage their further development in the OSCE region. We will co-operate in strengthening democratic institutions.

9. The OSCE's comprehensive approach to security requires improvement in the implementation of all commitments in the human dimension, in particular with respect to human rights and fundamental freedoms. This will further anchor the common values of a free and democratic society in all participating States, which is an essential foundation for our common security (...)

ISTANBUL 1999 (Charter for European Security, par. 14 and 19)

14. Peace and security in our region is best guaranteed by the willingness and ability of each participating State to uphold democracy, the rule of law and respect for human rights (...)

19. We reaffirm 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 (...)

Elections

See also:

- ▶ *Office for Democratic Institutions and Human Rights*
- ▶ *Democracy/democratic institutions*
- ▶ *Freedom of association and peaceful assembly*

PARIS 1990 (“Human Rights, Democracy and Rule of Law”)

Democratic government is based on the will of the people, expressed regularly through free and fair elections. (...)

We affirm that, (...) everyone (...) has the right: (...) to participate in free and fair elections (...)

COPENHAGEN 1990 (Par. 5, 5.1, 6 to 8 and 24)

(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 unalienable 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 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.

LISBON 1996 (Summit Declaration, par. 9)

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, par. 26)

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, par. 25)

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.

OSCE COMMITMENTS RELATING TO TOLERANCE AND NON-DISCRIMINATION

Equality and non-discrimination clauses

See also:

- ▶ *Equality between women and men*
- ▶ *Prevention of aggressive nationalism, racism, chauvinism, xenophobia, anti-semitism and ethnic cleansing*
- ▶ *National minorities*
- ▶ *Roma and Sinti*
- ▶ *Migrant workers*
- ▶ *Freedom of thought, conscience, religion or belief*

HELSINKI 1975 (“Declaration on Principles Guiding Relations between Participating States”, principle VII, par. 1)

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.

VIENNA 1989 (“Questions relating to Security in Europe”, par. 13.7 and 13.8)

[The participating States will]

(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 (Par. 5 and 5.9)

(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 (...)

PARIS 1990 (“Human rights, Democracy and Rule of Law”, par. 3 and 5)

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

(...)

We affirm that, without discrimination,

every individual has the right to freedom of thought, conscience and religion or belief, freedom of expression,

freedom of association and peaceful assembly,

freedom of movement;

no one will be:

subject to arbitrary arrest or detention,

subject to torture or other cruel, inhuman or degrading treatment or punishment;

everyone also has the right :

to know and act upon his rights,

to participate in free and fair elections,

to fair and public trial if charged with an offence,

to own property alone or in association and to exercise individual enterprise,

to enjoy his economic, social and cultural rights.

BUDAPEST 1994 (Summit Declaration, par. 7)

7. (...) The CSCE's democratic values are fundamental to our goal of a community of nations with no divisions, old or new, in which the sovereign equality and the independence of all States are fully respected, there are no spheres of influence and the human rights and fundamental freedoms of all individuals, regardless of race, colour, sex, language, religion, social origin or of belonging to a minority, are vigorously protected.

ISTANBUL 1999 (Summit Declaration, par 2)

2. [The participating States] reiterate unreservedly [their] commitment to respect human rights and fundamental freedoms and to abstain from any form of discrimination.

Equal rights of women and men

See also:

▶ *Equality and non-discrimination clauses*

MADRID 1983 (“Questions relating to Security in Europe”, par. 16)

[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”, par. 15)

(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 (Par. 40 to 40.13)

(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, par. 23 and 24)

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..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 (...)

Prevention of aggressive nationalism, racism, chauvinism, xenophobia, anti-semitism and ethnic cleansing

See also:

- ▶ *Equality and non-discrimination clauses*
- ▶ *National minorities*
- ▶ *Roma and Sinti*
- ▶ *Migration, refugees, displaced persons and returnees*
- ▶ *Migrant workers*

COPENHAGEN 1990 (Par. 40 to 40.7)

(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

(40.1) –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;

(40.2) –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;

(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;

(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;

(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.

PARIS 1990 (“Human dimension”, par. 4)

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.

HELSINKI 1992 (Summit Declaration, par. 12)

12. This is a time of promise but also a time of instability and insecurity. Economic decline, social tension, aggressive nationalism, intolerance, xenophobia and ethnic conflicts threaten stability in the CSCE area. Gross violations of CSCE commitments in the field of human rights and fundamental freedoms, including those related to national minorities, pose a special threat to the peaceful development of society, in particular in new democracies.

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, chapter VI, par. 30 to 35)

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;

(32) Will consider adhering to the International Convention on the Elimination of All Forms of Racial Discrimination, if they have not already done so;

(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;

(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;

(35) Reaffirm, in this context, 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.

STOCKHOLM 1992 (Summary of Conclusions, par. 5)

The Ministers (...) committed themselves to act to counter the growing manifestations of racism, anti-semitism and all forms of intolerance in the CSCE area.

STOCKHOLM 1992 (Decisions, "The CSCE as a Community of Values", par. 5)

The Ministers expressed their profound concern at the recent manifestations of aggressive nationalism, xenophobia, anti-semitism, racism and other violations of human rights. Violations of international humanitarian law and CSCE principles and commitments, such as "ethnic cleansing", or mass deportation, endangered the maintenance of peace, security and democracy and will not be tolerated. They were convinced that increased attention should be paid by the CSCE, and in particular by the Committee of Senior Officials and the High Commissioner on National Minorities, to these threats to human rights and fundamental freedoms (...)

ROME 1993 (Chapter X)

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.

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

- to task the Permanent Committee to study possible follow-up actions;
- to invite the High Commissioner on National Minorities, in light of his mandate, to pay particular attention to all aspects of aggressive nationalism, racism, chauvinism, xenophobia and anti-semitism;

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

BUDAPEST 1994 (Decisions, chapter VIII, par. 1, 25 and 26)

1. (...) The participating States acknowledged (...) that there was a serious deterioration in some areas and a need for action against the continuing violations of human rights and manifestations of aggressive nationalism, such as territorial expansionism, as well as racism, chauvinism, xenophobia and anti-semitism, which continue to cause human suffering.

(...)

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. 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. 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.

LISBON 1996 (Summit Declaration, par. 9 and 10)

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.

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 (...)

ISTANBUL 1999 (Charter for European Security, par. 19 and 22)

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. 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.

(...)

OSCE COMMITMENTS RELATING TO NATIONAL MINORITIES AND INDIGENOUS POPULATIONS

National minorities

See also:

- ▶ *Roma and Sinti*
- ▶ *High Commissioner on National Minorities*
- ▶ *Equality and non-discrimination clauses*
- ▶ *Prevention of aggressive nationalism, racism, chauvinism, xenophobia, anti-semitism and ethnic cleansing*

HELSINKI 1975 (“Declaration on Principles Guiding Relations between Participating States”, principle VII, par. 4)

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”, par.15)

[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”, par. 18, 19 and 21)

(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.

(19) They will protect and create conditions for the promotion of the ethnic, cultural, linguistic and religious identity of national minorities on their territory. They will respect the free exercise of rights by persons belonging to such minorities and ensure their full equality with others.

(...)

(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 (Par. 30 to 40.7)

(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 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.

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 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;

(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;

(32.5) – to disseminate, have access to and exchange information in their mother tongue;

(32.6) – to establish and maintain organizations or associations within their country and to participate in international non-governmental organizations.

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.

(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.

(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.

They will consider convening a meeting of experts for a thorough discussion of the issue of national minorities.

(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

(40.1) – 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;

(40.2) – 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;

(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;

(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;

(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.

PARIS 1990 (“Human rights, Democracy and Rule of Law”, par. 6)

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.

PARIS 1990 (“Human Dimension”, par. 3)

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. We declare that questions related to national minorities can only be satisfactorily resolved in a democratic political framework. We further acknowledge that the rights of persons belonging to national minorities must be fully respected as part of universal human rights (...)

MOSCOW 1991 (Par. 37)

(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 (Summit Declaration, par. 6)

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

HELSINKI 1992 (Decisions, Chapter VI, par. 23 to 27)

The participating States

(23) Reaffirm in the strongest terms their determination to implement in a prompt and faithful manner all their CSCE commitments, including those contained in the Vienna Concluding Document, the Copenhagen Document and the Geneva Report, 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 including through democratic participation in decision-making and consultative bodies at the national, regional and local level, inter alia, through political parties and associations;

(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, chapter VIII, par. 2, 21 and 22)

2. (...) 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 (...)

(...)

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”, par. 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, par. 30)

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. We also support the adoption and full implementation of comprehensive anti–discrimination legislation to promote full equality of opportunities for all. We commend the essential work of the High Commissioner on National Minorities. 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, par. 3 and 19)

3. (...) We will reinforce our efforts to ensure full respect for human rights and fundamental freedoms, including the rights of persons belonging to national minorities (...)

19. (...) 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. In this respect we reaffirm our commitments, in particular under the relevant provisions of the Copenhagen 1990 Human Dimension Document, and recall the Report of the Geneva 1991 Meeting of Experts on National Minorities. 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. Various concepts of autonomy as well as other approaches outlined in the above–mentioned documents, 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. 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. We emphasize that questions relating to national minorities can only be satisfactorily resolved in a democratic political framework based on the rule of law.

See also:

▶ **GENEVA 1991**, pp. 233 - 240

Roma and Sinti

See also:

- ▶ *Office for Democratic Institutions and Human Rights*
- ▶ *National minorities*
- ▶ *High Commissioner on National Minorities*
- ▶ *Equality and non-discrimination clauses*
- ▶ *Prevention of aggressive nationalism, racism, chauvinism, xenophobia, anti-semitism and ethnic cleansing*

COPENHAGEN 1990 (Par. 40)

(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 (Chapter VI, par. 1 and 2)

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.

MOSCOW 1991 (Par. 42.2)

[The participating States]

(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.

HELSINKI 1992 (Decisions, chapter VI, par. 34 and 35)

The participating States

(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 understanding and research;

(35) Reaffirm, in this context, 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.

ISTANBUL 1999 (Summit Declaration, par. 31)

31. We deplore violence and other manifestations of racism and discrimination against minorities, including the Roma and Sinti. 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. 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. We emphasize the important role that the ODIHR Contact Point for Roma and Sinti issues can play in providing support. A further helpful step might be the elaboration by the Contact Point of an action plan of targeted activities, drawn up in co-operation with the High Commissioner on National Minorities and others active in this field, notably the Council of Europe.

ISTANBUL 1999 (Charter for European Security, par. 20)

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.

Indigenous populations

HELSINKI 1992 (Decisions, chapter VI, par. 29)

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.

OSCE COMMITMENTS RELATING TO MIGRATION

Migration, refugees, displaced persons and returnees

See also:

- ▶ *Freedom of movement/human contacts*
- ▶ *Migrant workers*

VIENNA 1989 (“Questions relating to Security in Europe”, par. 22)

(22) [The participating States] will allow all refugees who so desire to return in safety to their homes.

HELSINKI 1992 (Decisions, chapter VI, par. 39 to 45)

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 (“The CSCE as a Community of Values”, par. 5 and 7)

(...) Violations of international humanitarian law and CSCE principles and commitments, such as “ethnic cleansing”, or mass deportation, endangered the maintenance of peace, security and democracy and will not be tolerated. [The Ministers] were convinced that increased attention should

be paid by the CSCE, and in particular by the Committee of Senior Officials and the High Commissioner on National Minorities, to these threats to human rights and fundamental freedoms (...)

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 (Chapter IV, par. 3)

In the context of conflict prevention and crisis management, the issue of mass migration, namely displaced persons and refugees, will be addressed, as appropriate, by the CSO and the Permanent Committee of the CSCE, taking into account the role of other relevant international bodies.

BUDAPEST 1994 (Decisions, chapter VIII, par. 32)

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. Taking into account the Rome Council Decisions 1993, they decide to expand their co-operation with appropriate international bodies in this respect.

They take note of efforts undertaken by UNHCR to prepare a regional conference to address the problems of refugees, displaced persons, other forms of involuntary displacement and returnees in the countries of the CIS and other interested neighbouring States.

LISBON 1996 (Summit Declaration, par. 9 and 10)

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. We commend the work of the ODIHR Migration Advisor and express support for his continuing activities to follow up on the Programme of Action agreed at the May 1996 Regional Conference to address the problems of refugees, displaced persons, other forms of involuntary displacement and returnees in the relevant States.

ISTANBUL 1999 (Charter for European Security, par. 22)

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.

Migrant workers

See also:

- ▶ *Migration, refugees, displaced persons and returnees*
- ▶ *Freedom of movement/human contacts*

HELSINKI 1975 (“Economic and social aspects of migrant labour”)

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”, par. 27 and 28)

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 co-operation, 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 other areas”, par. 40 to 44)

(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, in accordance with their relevant commitments undertaken in the Final Act and the Madrid Concluding Document, 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 (Par. 22 to 22.4)

(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;

(22.4) – express their readiness to examine, at future CSCE meetings, the relevant aspects of the further promotion of the rights of migrant workers and their families.

PARIS 1990 (“Migrant Workers”)

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 (Par. 38 to 38.4)

(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.

(38.4) They recommend that the CSCE in its future work on the human dimension consider appropriate means to hold focused discussions on all issues regarding migrant workers, including, inter alia, familiarization with the language and social life of the country concerned.

HELSINKI 1992 (Decisions, chapter VI, par. 36 to 38)

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, chapter VIII, par. 28 to 31)

28. The participating States reconfirm that human rights are universal and indivisible. They recognized that the protection and promotion of the rights of migrant workers have their human dimension. They underline the right of migrant workers 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 consistent with international standards.

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.

30. They reconfirm their condemnation of 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, continue to take effective measures to this end.

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.

DEROGATION CLAUSES/PROTECTION OF HUMAN RIGHTS DURING A STATE OF PUBLIC EMERGENCY

See also:

- ▶ *Prohibition of torture and other cruel, inhuman or degrading treatment or punishment*
- ▶ *Office for Democratic Institutions and Human Rights*

COPENHAGEN 1990 (Par. 6 and 25 to 25.4)

(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.

(...)

(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 (Par. 17 to 17.2 and 28 to 28.10)

(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;

(...)

(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.

(28.6) The participating States confirm that any derogation 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.

(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 must be taken in strict conformity with the procedural requirements laid down in those instruments. Such measures 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.

Such measures will not discriminate solely on the grounds of race, colour, sex, language, religion, social origin or of belonging to a minority.

(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.

INTERNATIONAL HUMANITARIAN LAW

HELSINKI 1992 (Decisions, chapter VI, par. 47 to 52)

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.

BUDAPEST 1994 (Chapter VIII, par. 33 to 35)

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, par. 22)

(...)

In order to enhance the protection of civilians in times of conflict, we will seek ways of reinforcing the application of international humanitarian law.

III. MECHANISMS TO MONITOR THE IMPLEMENTATION OF HUMAN DIMENSION COMMITMENTS

Vienna mechanism

VIENNA 1989 (“Human Dimension of the CSCE”, par. 1 to 4)

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 (Par. 42)

(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.

Moscow mechanism

MOSCOW 1991 (Par. 1 to 16) as amended by **ROME 1993** (Chapter IV, par. 5)

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 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, non-governmental 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.

Any reference to the Committee of Senior Officials in this document is subject to the decision of that Committee and the Council.

HELSINKI 1992 (Decisions, chapter VI, par. 7)

(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.

IV. OSCE INSTITUTIONS WITH
PARTICULAR RELEVANCE FOR
THE HUMAN DIMENSION

OFFICE FOR DEMOCRATIC INSTITUTIONS AND HUMAN RIGHTS

See also:

- ▶ *Mechanisms to monitor the implementation of human dimension commitments*
- ▶ *Elections*
- ▶ *Democracy/democratic institutions*
- ▶ *National minorities*
- ▶ *Prevention of aggressive nationalism, racism, chauvinism, xenophobia, anti-semitism and ethnic cleansing*

PARIS 1990 (“New structures and institutions of the CSCE Process”, par. 13)

(...)

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, “Institutional arrangements”, part G)

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 (...)
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.

PRAGUE 1992 (“Prague Document on Further Development of the CSCE Institutions and Structures”, par. 9 to 14)

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. The Helsinki Follow-up Meeting will work out the organizational modalities for such meetings;

- 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. 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, chapter VI, par. 4 to 6)

(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.

ROME 1993 (Decisions, chapter IV, par. 3 and 4)

3. The political consultation process and CSCE missions

In order to further political consideration and action under the human dimension, the decision-making bodies of the CSCE will consider human dimension issues on a regular basis as an integral part of deliberations relating to European security. Resources and information will be made available by the ODIHR in support of such consideration.

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;
- enhancement of its role in comprehensive election monitoring;
- 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, chapter VIII, par. 8 to 13)

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.

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.

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.

VIENNA 2000 (Decision I, par. 7 and 13)

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; (...)

Contact point for Roma and Sinti Issues

BUDAPEST 1994 (Decisions, chapter VIII, par. 23 and 24)

(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 OSCE 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", par. 1 to 3)

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.

3. Tasks the Permanent Council with devising appropriate ways to ensure adequate resources to implement this decision.

HIGH COMMISSIONER ON NATIONAL MINORITIES

See also:

- ▶ *National minorities*
- ▶ *Roma and Sinti*
- ▶ *Prevention of aggressive nationalism, racism, chauvinism, xenophobia, anti-semitism and ethnic cleansing*

HELSINKI 1992 (Chapter II)

(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.

REPRESENTATIVE ON FREEDOM OF THE MEDIA

See also:

▶ *Freedom of expression, free media and information*

COPENHAGEN 1997 (Annex I)

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.

13. The OSCE Representative on Freedom of the Media will be established and staffed in accordance with this mandate and with OSCE Staff Regulations. The OSCE Representative on Freedom of the Media, and his or her Office, will be funded by the participating States through the OSCE budget according to OSCE financial regulations. Details will be worked out by the informal Financial Committee and approved by the Permanent Council.

| PART B | CHRONOLOGICAL COMPILATION
OF OSCE HUMAN DIMENSION
COMMITMENTS

FINAL ACT OF THE CONFERENCE ON SECURITY AND CO-OPERATION IN EUROPE, HELSINKI, 1 AUGUST 1975

(...)

The High Representatives of the participating States have solemnly adopted the following:

Questions relating to Security in Europe

The States participating in the Conference on Security and Co-operation in Europe,

Reaffirming their objective of promoting better relations among themselves and ensuring conditions in which their people can live in true and lasting peace free from any threat to or attempt against their security;

Convinced of the need to exert efforts to make détente both a continuing and an increasingly viable and comprehensive process, universal in scope, and that the implementation of the results of the Conference on Security and Co-operation in Europe will be a major contribution to this process;

Considering that solidarity among peoples, as well as the common purpose of the participating States in achieving the aims as set forth by the Conference on Security and Cooperation in Europe, should lead to the development of better and closer relations among them in all fields and thus to overcoming the confrontation stemming from the character of their past relations, and to better mutual understanding;

Mindful of their common history and recognizing that the existence of elements common to their traditions and values can assist them in developing their relations, and desiring to search, fully taking into account the individuality and diversity of their positions and views, for possibilities of joining their efforts with a view to overcoming distrust and increasing confidence, solving the problems that separate them and co-operating in the interest of mankind;

Recognizing the indivisibility of security in Europe as well as their common interest in the development of co-operation throughout Europe and among selves and expressing their intention to pursue efforts accordingly;

Recognizing the close link between peace and security in Europe and in the world as a whole and conscious of the need for each of them to make its contribution to the strengthening of world peace and security and to the promotion of fundamental rights, economic and social progress and well-being for all peoples;

Have adopted the following:

1.(a) Declaration on Principles Guiding Relations between Participating States

The participating States,

Reaffirming their commitment to peace, security and justice and the continuing development of friendly relations and co-operation;

Recognizing that this commitment, which reflects the interest and aspirations of peoples, constitutes for each participating State a present and future responsibility, heightened by experience of the past;

Reaffirming, in conformity with their membership in the United Nations and in accordance with the purposes and principles of the United Nations, their full and active support for the United Nations and for the enhancement of its role and effectiveness in strengthening international peace, security and justice, and in promoting the solution of international problems, as well as the development of friendly relations and co-operation among States;

Expressing their common adherence to the principles which are set forth below and are in conformity with the Charter of the United Nations, as well as their common will to act, in the application of these principles, in conformity with the purposes and principles of the Charter of the United Nations;

Declare their determination to respect and put into practice, each of them in its relations with all other participating States, irrespective of their political, economic or social systems as well as of their size, geographical location or level of economic development, the following principles, which all are of primary significance, guiding their mutual relations:

I. Sovereign equality, respect for the rights inherent in sovereignty

The participating States will respect each other's sovereign equality and individuality as well as all the rights inherent in and encompassed by its sovereignty, including in particular the right of every State to juridical equality, to territorial integrity and to freedom and political independence. They will also respect each other's right freely to choose and develop its political, social, economic and cultural systems as well as its right to determine its laws and regulations.

Within the framework of international law, all the participating States have equal rights and duties. They will respect each other's right to define and conduct as it wishes its relations with other States in accordance with international law and in the spirit of the present Declaration. They consider that their frontiers can be changed, in accordance with international law, by peaceful means and by agreement. They also have the right to belong or not to belong to international organizations, to be or not to be a party to bilateral or multilateral treaties including the right to be or not to be a party to treaties of alliance; they also have the right to neutrality.

II. Refraining from the threat or use of force

The participating States will refrain in their mutual relations, as well as in their international relations in general, from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations and with the present Declaration. No consideration may be invoked to serve to warrant resort to the threat or use of force in contravention of this principle.

Accordingly, the participating States will refrain from any acts constituting a threat of force or direct or indirect use of force against another participating State.

Likewise they will refrain from any manifestation of force for the purpose of inducing another participating State to renounce the full exercise of its sovereign rights. Likewise they will also refrain in their mutual relations from any act of reprisal by force.

No such threat or use of force will be employed as a means of settling disputes, or questions likely to give rise to disputes, between them.

III. Inviolability of frontiers

The participating States regard as inviolable all one another's frontiers as well as the frontiers of all States in Europe and therefore they will refrain now and in the future from assaulting these frontiers.

Accordingly, they will also refrain from any demand for, or act of, seizure and usurpation of part or all of the territory of any participating State.

IV. Territorial integrity of States

The participating States will respect the territorial integrity of each of the participating States.

Accordingly, they will refrain from any action inconsistent with the purposes and principles of the Charter of the United Nations against the territorial integrity, political independence or the unity of any participating State, and in particular from any such action constituting a threat or use of force.

The participating States will likewise refrain from making each other's territory the object of military occupation or other direct or indirect measures of force in contravention of international law, or the object of acquisition by means of such measures or the threat of them. No such occupation or acquisition will be recognized as legal.

V. Peaceful settlement of disputes

The participating States will settle disputes among them by peaceful means in such a manner as not to endanger international peace and security, and justice.

They will endeavour in good faith and a spirit of co-operation to reach a rapid and equitable solution on the basis of international law. For this purpose they will use such means as negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement or other peaceful

means of their own choice including any settlement procedure agreed to in advance of disputes to which they are parties.

In the event of failure to reach a solution by any of the above peaceful means, the parties to a dispute will continue to seek a mutually agreed way to settle the dispute peacefully.

Participating States, parties to a dispute among them, as well as other participating States, will refrain from any action which might aggravate the situation to such a degree as to endanger the maintenance of international peace and security and thereby make a peaceful settlement of the dispute more difficult.

VI. Non-intervention in internal affairs

The participating States will refrain from any intervention, direct or indirect, individual or collective, in the internal or external affairs falling within the domestic jurisdiction of another participating State, regardless of their mutual relations.

They will accordingly refrain from any form of armed intervention or threat of such intervention against another participating State.

They will likewise in all circumstances refrain from any other act of military, or of political, economic or other coercion designed to subordinate to their own interest the exercise by another participating State of the rights inherent in its sovereignty and thus to secure advantages of any kind.

Accordingly, they will, inter alia, 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.

VII. Respect for human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief

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.

They will promote and encourage the effective exercise of civil, political, 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.

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.

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.

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 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.

They confirm the right of the individual to know and act upon his rights and duties in this field.

In the field of human rights and fundamental freedoms, the participating States will act in conformity with the purposes and principles of the Charter of the United Nations and with the Universal Declaration of Human Rights. They will also fulfil their obligations as set forth in the international declarations and agreements in this field, including *inter alia* the International Covenants on Human Rights, by which they may be bound.

VIII. Equal rights and self-determination of peoples

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.

IX. Co-operation among States

The participating States will develop their co-operation with one another and with all States in all fields in accordance with the purposes and principles of the Charter of the United Nations. In developing their co-operation the participating States will place special emphasis on the fields as set forth within the framework of the Conference on Security and Co-operation in Europe, with each of them making its contribution in conditions of full equality.

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.

They 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.

They will strive, in increasing their cooperation as set forth above, to develop closer relations among themselves on an improved and more enduring basis for the benefit of peoples.

X. Fulfilment in good faith of obligations under international law

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.

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.

The participating States, paying due regard to the principles above and, in particular, to the first sentence of the tenth principle, "Fulfilment in good faith of obligations under international law", note that the present Declaration does not affect their rights and obligations, nor the corresponding treaties and other agreements and arrangements.

The participating States express the conviction that respect for these principles will encourage the development of normal and friendly relations and the progress of co-operation among

them in all fields. They also express the conviction that respect for these principles will encourage the development of political contacts among them which in time would contribute to better mutual understanding of their positions and views.

The participating States declare their intention to conduct their relations with all other States in the spirit of the principles contained in the present Declaration.

(...)

Co-operation in the Field of Economics, of Science and Technology and of the Environment

(...)

6. Co-operation in other areas

(...)

Economic and social aspects of migrant labour

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.

(...)

Co-operation in Humanitarian and Other Fields

The participating States,

Desiring to contribute to the strengthening of peace and understanding among peoples and to the spiritual enrichment of the human personality without distinction as to race, sex, language or religion,

Conscious that increased cultural and educational exchanges, broader dissemination of information, contacts between people, and the solution of humanitarian problems will contribute to the attainment of these aims,

Determined therefore to cooperate among themselves, irrespective of their political, economic and social systems, in order to create better conditions in the above fields, to develop and strengthen existing forms of co-operation and to work out new ways and means appropriate to these aims,

Convinced that this co-operation should take place in full respect for the principles guiding relations among participating States as set forth in the relevant document,

Have adopted the following:

1. Human Contacts

The participating States,

Considering the development of contacts to be an important element in the strengthening of friendly relations and trust among peoples,

Affirming, in relation to their present effort to improve conditions in this area, the importance they attach to humanitarian considerations,

Desiring in this spirit to develop, with the continuance of détente, further efforts to achieve continuing progress in this field,

And conscious that the questions relevant hereto must be settled by the States concerned under mutually acceptable conditions,

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 connection,

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 connection 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 connection 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.

They 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.

(e) Improvement of Conditions for Tourism on an Individual or Collective Basis

The participating States consider that tourism contributes to a fuller knowledge of the life, culture and history of other countries, to the growth of understanding among peoples, to the improvement of contacts and to the broader use of leisure. They intend to promote the development of tourism, on an individual or collective basis, and, in particular, they intend:

- to promote visits to their respective countries by encouraging the provision of appropriate facilities and the simplification and expediting of necessary formalities relating to such visits;
- to increase, on the basis of appropriate agreements or arrangements where necessary, co-

operation in the development of tourism, in particular by considering bilaterally possible ways to increase information relating to travel to other countries and to the reception and service of tourists, and other related questions of mutual interest.

(f) Meetings among Young People

The participating States intend to further the development of contacts and exchanges among young people by encouraging:

- increased exchanges and contacts on a short or long term basis among young people working, training or undergoing education through bilateral or multilateral agreements or regular programmes in all cases where it is possible;
- study by their youth organizations of the question of possible agreements relating to frameworks of multilateral youth co-operation;
- agreements or regular programmes relating to the organization of exchanges of students, of international youth seminars, of courses of professional training and foreign language study;
- the further development of youth tourism and the provision to this end of appropriate facilities;
- the development, where possible, of exchanges, contacts and co-operation on a bilateral or multilateral basis between their organizations which represent wide circles of young people working, training or undergoing education;
- awareness among youth of the importance of developing mutual understanding and of strengthening friendly relations and confidence among peoples.

(g) Sport

In order to expand existing links and co-operation in the field of sport the participating States will encourage contacts and exchanges of this kind, including sports meetings and competitions of all sorts, on the basis of the established international rules, regulations and practice.

(h) Expansion of Contacts

By way of further developing contacts among governmental institutions and non-governmental organizations and associations, including women's organizations, the participating States will facilitate the convening of meetings as well as travel by delegations, groups and individuals.

2. Information

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,

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

(i) *Oral Information*

- To facilitate the dissemination of oral information through the encouragement of lectures and lecture tours by personalities and specialists from the other participating States, as well as exchanges of opinions at round table meetings, seminars, symposia, summer schools, congresses and other bilateral and multilateral meetings.

(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. For this purpose:

they will encourage their competent firms and organizations to conclude agreements and contracts designed gradually to increase the quantities and the number of titles of newspapers and publications imported from the other participating States. These agreements and contracts should in particular mention the speediest conditions of delivery and the use of the normal channels existing in each country for the distribution of its own publications and newspapers, as well as forms and means of payment agreed between the parties making it possible to achieve the objectives aimed at by these agreements and contracts; where necessary, they will take appropriate measures to achieve the above objectives and to implement the provisions contained in the agreements and contracts.

- To contribute to the improvement of access by the public to periodical and non-periodical printed publications imported on the bases indicated above. In particular:

they will encourage an increase in the number of places where these publications are on sale, they will facilitate the availability of these periodical publications during congresses, conferences, official visits and other international events and to tourists during the season, they will develop the possibilities for taking out subscriptions according to the modalities particular to each country;

they will improve the opportunities for reading and borrowing these publications in large public libraries and their reading rooms as well as in university libraries.

They intend to improve the possibilities for acquaintance with bulletins of official information issued by diplomatic missions and distributed by those missions on the basis of arrangements acceptable to the interested parties.

(iii) *Filmed and Broadcast Information*

- To promote the improvement of the dissemination of filmed and broadcast information. To this end:

they will encourage the wider showing and broadcasting of a greater variety of recorded and filmed information from the other participating States, illustrating the various aspects of life in their countries and received on the basis of such agreements or arrangements as may be necessary between the organizations and firms directly concerned;

they will facilitate the import by competent organizations and firms of recorded audio-visual material from the other participating States.

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 render 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.

3. Co-operation and Exchanges in the Field of Culture

The participating States

Considering that cultural exchanges and co-operation contribute to a better comprehension among people and among peoples, and thus promote a lasting understanding among States,

Confirming the conclusions already formulated in this field at the multilateral level, particularly at the Intergovernmental Conference on Cultural Policies in Europe, organized by UNESCO in Helsinki in June 1972, where interest was manifested in the active participation of the broadest possible social groups in an increasingly diversified cultural life,

Desiring, with the development of mutual confidence and the further improvement of relations between the participating States, to continue further efforts toward progress in this field,

Disposed in this spirit to increase substantially their cultural exchanges, with regard both to persons and to cultural works, and to develop among them an active co-operation, both at the bilateral and the multilateral level, in all the fields of culture,

Convinced that such a development of their mutual relations will contribute to the enrichment of the respective cultures, while respecting the originality of each, as well as to the reinforcement among them of a consciousness of common values, while continuing to develop cultural co-operation with other countries of the world,

(...)

Declare that they jointly set themselves the following objectives:

- (a) to develop the mutual exchange of information with a view to a better knowledge of respective cultural achievements,
- (b) to improve the facilities for the exchange and for the dissemination of cultural property,
- (c) to promote access by all to respective cultural achievements,
- (d) to develop contacts and co-operation among persons active in the field of culture,
- (e) to seek new fields and forms of cultural co-operation,

Thus give expression to their common will to take progressive, coherent and long-term action in order to achieve the objectives of the present declaration; and

Express their intention now to proceed to the implementation of the following:

Extension of Relations

To expand and improve at the various levels co-operation and links in the field of culture, in particular by:

- concluding, where appropriate, agreements on a bilateral or multilateral basis, providing for the extension of relations among competent State institutions and non-governmental organizations in the field of culture, as well as among people engaged in cultural activities, taking into account the need both for flexibility and the fullest possible use of existing agreements, and bearing in mind that agreements and also other arrangements constitute important means of developing cultural co-operation and exchanges;
- contributing to the development of direct communication and co-operation among relevant State institutions and non-governmental organizations, including, where necessary, such communication and co-operation carried out on the basis of special agreements and arrangements;
- encouraging direct contacts and communications among persons engaged in cultural activities, including, where necessary, such contacts and communications carried out on the basis of special agreements and arrangements.

Mutual Knowledge

Within their competence to adopt, on a bilateral and multilateral level, appropriate measures which would give their peoples a more comprehensive and complete mutual knowledge of their achievements in the various fields of culture, and among them:

- to examine jointly, if necessary with the assistance of appropriate international organizations, the possible creation in Europe and the structure of a bank of cultural data, which would collect information from the participating countries and make it available to its correspondents on their request, and to convene for this purpose a meeting of experts from interested States;
- to consider, if necessary in conjunction with appropriate international organizations, ways of compiling in Europe an inventory of documentary films of a cultural or scientific nature from the participating States;
- to encourage more frequent book exhibitions and to examine the possibility of organizing periodically in Europe a large-scale exhibition of books from the participating States;
- to promote the systematic exchange, between the institutions concerned and publishing houses, of catalogues of available books as well as of pre-publication material which will include, as far as possible, all forthcoming publications; and also to promote the exchange of material between firms publishing encyclopaedias, with a view to improving the presentation of each country;
- to examine jointly questions of expanding and improving exchanges of information in the various fields of culture, such as theatre, music, library work as well as the conservation and restoration of cultural property.

Exchanges and Dissemination

To contribute to the improvement of facilities for exchanges and the dissemination of cultural property, by appropriate means, in particular by:

- studying the possibilities for harmonizing and reducing the charges relating to international commercial exchanges of books and other cultural materials, and also for new means of insuring works of art in foreign exhibitions and for reducing the risks of damage or loss to which these works are exposed by their movement;
- facilitating the formalities of customs clearance, in good time for programmes of artistic events, of the works of art, materials and accessories appearing on lists agreed upon by the organizers of these events;
- encouraging meetings among representatives of competent organizations and relevant firms to examine measures within their field of activity - such as the simplification of orders, time limits for sending supplies and modalities of payment - which might facilitate international commercial exchanges of books;
- promoting the loan and exchange of films among their film institutes and film libraries;
- encouraging the exchange of information among interested parties concerning events of a cultural character foreseen in the participating States, in fields where this is most appropriate, such as music, theatre and the plastic and graphic arts, with a view to contributing to the compilation and publication of a calendar of such events, with the assistance, where necessary, of the appropriate international organizations;
- encouraging a study of the impact which the foreseeable development, and a possible harmonization among interested parties, of the technical means used for the dissemination of culture might have on the development of cultural co-operation and exchanges, while keeping in view the preservation of the diversity and originality, of their respective cultures;
- encouraging, in the way they deem appropriate, within their cultural policies, the further development of interest in the cultural heritage of the other participating States, conscious of the merits and the value of each culture;
- endeavouring to ensure the full and effective application of the international agreements and conventions on copyrights and on circulation of cultural property to which they are party or to which they may decide in the future to become party.

Access

To promote fuller mutual access by all to the achievements - works, experiences and performing arts - in the various fields of culture of their countries, and to that end to make the best possible efforts, in accordance with their competence, more particularly:

- to promote wider dissemination of books and artistic works, in particular by such means as: facilitating, while taking full account of the international copyright conventions to which they are party, international contacts and communications between authors and publishing houses as well as other cultural institutions, with a view to a more complete mutual access to cultural achievements;

recommending that, in determining the size of editions, publishing houses take into account also the demand from the other participating States, and that rights of sale in other participating States be granted, where possible, to several sales organizations of the importing countries, by agreement between interested partners;

encouraging competent organizations and relevant firms to conclude agreements and contracts and contributing, by this means, to a gradual increase in the number and diversity of works by authors from the other participating States available in the original and in translation in their libraries and bookshops;

promoting, where deemed appropriate, an increase in the number of sales outlets where books by authors from the other participating States, imported in the original on the basis of agreements and contracts, and in translation, are for sale;

promoting, on a wider scale, the translation of works in the sphere of literature and other fields of cultural activity, produced in the languages of the other participating States, especially from the less widely-spoken languages, and the publication and dissemination of the translated works by such measures as:

encouraging more regular contacts between interested publishing houses;

developing their efforts in the basic and advanced training of translators;

encouraging, by appropriate means, the publishing houses of their countries to publish translations;

facilitating the exchange between publishers and interested institutions of lists of books which might be translated;

promoting between their countries the professional activity and co-operation of translators;

carrying out joint studies on ways of further promoting translations and their dissemination;

improving and expanding exchanges of books, bibliographies and catalogue cards between libraries;

- to envisage other appropriate measures which would permit, where necessary by mutual agreement among interested parties, the facilitation of access to their respective cultural achievements, in particular in the field of books;

- to contribute by appropriate means to the wider use of the mass media in order to improve mutual acquaintance with the cultural life of each;

- to seek to develop the necessary conditions for migrant workers and their families to preserve their links with their national culture, and also to adapt themselves to their new cultural environment;

- to encourage the competent bodies and enterprises to make a wider choice and effect wider distribution of full-length and documentary films from the other participating States, and to

promote more frequent non-commercial showings, such as premières, film weeks and festivals, giving due consideration to films from countries whose cinematographic works are less well known;

- to promote, by appropriate means, the extension of opportunities for specialists from the other participating States to work with materials of a cultural character from film and audio-visual archives, within the framework of the existing rules for work on such archival materials;
- to encourage a joint study by interested bodies, where appropriate with the assistance of the competent international organizations, of the expediency and the conditions for the establishment of a repertory of their recorded television programmes of a cultural nature, as well as of the means of viewing them rapidly in order to facilitate their selection and possible acquisition.

Contacts and Co-operation

To contribute, by appropriate means, to the development of contacts and co-operation in the various fields of culture, especially among creative artists and people engaged in cultural activities, in particular by making efforts to:

- promote for persons active in the field of culture, travel and meetings including, where necessary, those carried out on the basis of agreements, contracts or other special arrangements and which are relevant to their cultural co-operation;
- encourage in this way contacts among creative and performing artists and artistic groups with a view to their working together, making known their works in other participating States or exchanging views on topics relevant to their common activity;
- encourage, where necessary through appropriate arrangements, exchanges of trainee and specialists and the granting of scholarships for basic and advanced training in various fields of culture such as the arts and architecture, museums and libraries, literary studies and translation, and contribute to the creation of favourable conditions of reception in their respective institutions;
- encourage the exchange of experience in the training of organizers of cultural activities as well as of teachers and specialists in fields such as theatre, opera, ballet, music and fine arts;
- continue to encourage the organization of international meetings among creative artists, especially young creative artists, on current questions of artistic and literary creation which are of interest for joint study;
- study other possibilities for developing exchanges and co-operation among persons active in the field of culture, with a view to a better mutual knowledge of the cultural life of the participating States.

Fields and Forms of Co-operation

To encourage the search for new fields and forms of cultural co-operation, to these ends contributing to the conclusion among interested parties, where necessary, of appropriate agreements and arrangements, and in this context to promote:

- joint studies regarding cultural policies, in particular in their social aspects, and as they relate to planning, town-planning, educational and environmental policies, and the cultural aspects of tourism;

- the exchange of knowledge in the realm of cultural diversity, with a view to contributing thus to a better understanding by interested parties of such diversity where it occurs;

- the exchange of information, and as may be appropriate, meetings of experts, the elaboration and the execution of research programmes and projects, as well as their joint evaluation, and the dissemination of the results, on the subjects indicated above;

- such forms of cultural co-operation and the development of such joint projects as:

international events in the fields of the plastic and graphic arts, cinema, theatre, ballet, music, folklore, etc.; book fairs and exhibitions, joint performances of operatic and dramatic works, as well as performances given by soloists,

instrumental ensembles, orchestras, choirs and other artistic groups, including those composed of amateurs, paying due attention to the organization of international cultural youth events and the exchange of young artists;

the inclusion of works by writers and composers from the other participating States in the repertoires of soloists and artistic ensembles;

the preparation, translation and publication of articles, studies and monographs, as well as of low-cost books and of artistic and literary collections, suited to making better known respective cultural achievements, envisaging for this purpose meetings among experts and representatives of publishing houses;

the co-production and the exchange of films and of radio and television programmes, by promoting, in particular, meetings among producers, technicians and representatives of the public authorities with a view to working out favourable conditions for the execution of specific joint projects and by encouraging, in the field of co-production, the establishment of international filming teams;

the organization of competitions for architects and town-planners, bearing in mind the possible implementation of the best projects and the formation, where possible, of international teams;

the implementation of joint projects for conserving, restoring and showing to advantage works of art, historical and archaeological monuments and sites of cultural interest, with the help, in appropriate cases, of international organizations of a governmental or non-governmental character as well as of private institutions –competent and active in these fields - envisaging for this purpose:

periodic meetings of experts of the interested parties to elaborate the necessary proposals, while bearing in mind the need to consider these questions in a wider social and economic context;

the publication in appropriate periodicals of articles designed to make known and to compare, among the participating States, the most significant achievements and innovations;

a joint study with a view to the improvement and possible harmonization of the different systems used to inventory and catalogue the historical monuments and places of cultural interest in their countries;

the study of the possibilities for organizing international courses for the training of specialists in different disciplines relating to restoration.

National minorities or regional cultures. The participating States, recognizing the contribution that national minorities or regional cultures can make to co-operation among them in various fields of culture, intend, when such minorities or cultures exist within their territory, to facilitate this contribution, taking into account the legitimate interests of their members.

4. Co-operation and Exchanges in the Field of Education

The participating States,

Conscious that the development of relations of an international character in the fields of education and science contributes to a better mutual understanding and is to the advantage of all peoples as well as to the benefit of future generations,

Prepared to facilitate, between organizations, institutions and persons engaged in education and science, the further development of exchanges of knowledge and experience as well as of contacts, on the basis of special arrangements where these are necessary,

Desiring to strengthen the links among educational and scientific establishments and also to encourage their co-operation in sectors of common interest, particularly where the levels of knowledge and resources require efforts to be concerted internationally, and

Convinced that progress in these fields should be accompanied and supported by a wider knowledge of foreign languages,

Express to these ends their intention in particular:

(a) Extension of Relations

To expand and improve at the various levels co-operation and links in the fields of education and science, in particular by:

- concluding, where appropriate, bilateral or multilateral agreements providing for co-operation and exchanges among State institutions, non-governmental bodies and persons engaged in activities in education and science, bearing in mind the need both for flexibility and the fuller use of existing agreements and arrangements;
- promoting the conclusion of direct arrangements between universities and other institutions of higher education and research, in the framework of agreements between governments where appropriate;
- encouraging among persons engaged in education and science direct contacts and communications“ including those based on special agreements or arrangements where these are appropriate.

(b) Access and Exchanges

To improve access, under mutually acceptable conditions, for students, teachers and scholars of the participating States to each other's educational, cultural and scientific institutions, and to intensify exchanges among these institutions in all areas of common interest, in particular by:

- increasing the exchange of information on facilities for study and courses open to foreign participants, as well as on the conditions under which they will be admitted and received;
- facilitating travel between the participating States by scholars, teachers and students for purposes of study, teaching and research as well as for improving knowledge of each other's educational, cultural and scientific achievements;
- encouraging the award of scholarships for study, teaching and research in their countries to scholars, teachers and students of other participating States;
- establishing, developing or encouraging programmes providing for the broader exchange of scholars, teachers and students, including the organization of symposia, seminars and collaborative projects, and the exchanges of educational and scholarly information such as university publications and materials from libraries;
- promoting the efficient implementation of such arrangements and programmes by providing scholars, teachers and students in good time with more detailed information about their placing in universities and institutes and the programmes envisaged for them; by granting them the opportunity to use relevant scholarly, scientific and open archival materials; and by facilitating their travel within the receiving State for the purpose of study or research as well as in the form of vacation tours on the basis of the usual procedures;
- promoting a more exact assessment of the problems of comparison and equivalence of academic degrees and diplomas by fostering the exchange of information on the organization, duration and content of studies, the comparison of methods of assessing levels of knowledge, and academic qualifications, and, where feasible, arriving at the mutual recognition of academic

degrees and diplomas either through governmental agreements, where necessary, or direct arrangements between universities and other institutions of higher learning and research;

- recommending, moreover, to the appropriate international organizations that they should intensify their efforts to reach a generally acceptable solution to the problems of comparison and equivalence between academic degrees and diplomas.

(...)

(d) Foreign Languages and Civilizations

To encourage the study of foreign languages and civilizations as an important means of expanding communication among peoples for their better acquaintance with the culture of each country, as well as for the strengthening of international co-operation; to this end to stimulate, within their competence, the further development and improvement of foreign language teaching and the diversification of choice of languages taught at various levels, paying due attention to less widely-spread or studied languages, and in particular:

- to intensify co-operation aimed at improving the teaching of foreign languages through exchanges of information and experience concerning the development and application of effective modern teaching methods and technical aids, adapted to the needs of different categories of students, including methods of accelerated teaching; and to consider the possibility of conducting, on a bilateral or multilateral basis, studies of new methods of foreign language teaching;

- to encourage co-operation between institutions concerned, on a bilateral or multilateral basis, aimed at exploiting more fully the resources of modern educational technology in language teaching, for example through comparative studies by their specialists and, where agreed, through exchanges or transfers of audio-visual materials, of materials used for preparing textbooks, as well as of information about new types of technical equipment used for teaching languages;

- to promote the exchange of information on the experience acquired in the training of language teachers and to intensify exchanges on a bilateral basis of language teachers and students as well as to facilitate their participation in summer courses in languages and civilizations, wherever these are organized;

- to encourage co-operation among experts in the field of lexicography with the aim of defining the necessary terminological equivalents, particularly in the scientific and technical disciplines, in order to facilitate relations among scientific institutions and specialists;

- to promote the wider spread of foreign language study among the different types of secondary education establishments and greater possibilities of choice between an increased number of European languages; and in this context to consider, wherever appropriate, the possibilities for developing the recruitment and training of teachers as well as the organization of the student groups required;

- to favour, in higher education, a wider choice in the languages offered to language students and greater opportunities for other students to study various foreign languages; also to facilitate, where desirable, the organization of courses in languages and civilizations, on the basis of special arrangements as necessary to be given by foreign lecturers, particularly from European countries having less widely-spread or studied languages;
- to promote, within the framework of adult education, the further development of specialized programmes, adapted to various needs and interests, for teaching foreign languages to their own inhabitants and the languages of host countries to interested adults from other countries; in this context to encourage interested institutions to cooperate, for example, in the elaboration of programmes for teaching by radio and television and by accelerated methods, and also, where desirable, in the definition of study objectives for such programmes, with a view to arriving at comparable levels of language proficiency;
- to encourage the association, where appropriate, of the teaching of foreign languages with the study of the corresponding civilizations and also to make further efforts to stimulate interest in the study of foreign languages, including relevant out-of-class activities.

(e) Teaching Methods

To promote the exchange of experience, on a bilateral or multilateral basis, in teaching methods at all levels of education, including those used in permanent and adult education, as well as the exchange of teaching materials, in particular by:

- further developing various forms of contacts and co-operation in the different fields of pedagogical science, for example through comparative or joint studies carried out by interested institutions or through exchanges of information on the results of teaching experiments;
- intensifying exchanges of information on teaching methods used in various educational systems and on results of research into the processes by which pupils and students acquire knowledge, taking account of relevant experience in different types of specialized education;
- facilitating exchanges of experience concerning the organization and functioning of education intended for adults and recurrent education, the relationships between these and other forms and levels of education, as well as concerning the means of adapting education, including vocational and technical training, to the needs of economic and social development in their countries;
- encouraging exchanges of experience in the education of youth and adults in international understanding, with particular reference to those major problems of mankind whose solution calls for a common approach and wider international co-operation;
- encouraging exchanges of teaching materials - including school textbooks, having in mind the possibility of promoting mutual knowledge and facilitating the presentation of each country in such books - as well as exchanges of information on technical innovations in the field of education.

National minorities or regional cultures. The participating States, recognizing the contribution that national minorities or regional cultures can make to co-operation among them in various fields of education, intend, when such minorities or cultures exist within their territory, to facilitate this contribution, taking into account the legitimate interests of their members.

Follow-up to the Conference

The participating States,

Having considered and evaluated the progress made at the Conference on Security and Co-operation in Europe,

Considering further that, within the broader context of the world, the Conference is an important part of the process of improving security and developing co-operation in Europe and that its results will contribute significantly to this process,

Intending to implement the provisions of the Final Act of the Conference in order to give full effect to its results and thus to further the process of improving security and developing co-operation in Europe,

Convinced that, in order to achieve the aims sought by the Conference, they should make further unilateral, bilateral and multilateral efforts and continue, in the appropriate forms set forth below, the multilateral process initiated by the Conference,

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, as well as, in the context of the questions dealt with by the latter, on the deepening of their mutual relations, the improvement of security and the development of co-operation in Europe, and the development of the process of détente in the future;

(b) by organizing to these ends meetings among their representatives, beginning with a meeting

at the level of representatives appointed by the Ministers of foreign Affairs. This meeting will define the appropriate modalities for the holding of other meetings which could include further similar meetings and the possibility of a new Conference;

3. The first of the meetings indicated above will be held at Belgrade in 1977. A preparatory meeting to organize this meeting will be held at Belgrade on 15 June 1977. The preparatory meeting will decide on the date, duration, agenda and other modalities of the meeting of representatives appointed by the Ministers of Foreign Affairs;

4. The rules of procedure, the working methods and the scale of distribution for the expenses of the Conference will, *mutatis mutandis*, be applied to the meetings envisaged in paragraphs 1 (c), 2 and 3 above. All the above-mentioned meetings will be held in the participating States in rotation. The services of a technical secretariat will be provided by the host country.

The original of this Final Act, drawn up in English, French, German, Italian, Russian and Spanish, will be transmitted to the Government of the Republic of Finland, which will retain it in its archives. Each of the participating States will receive from the Government of the Republic of Finland a true copy of this Final Act.

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.

The Government of the Republic of Finland is requested to transmit to the Secretary-General of the United Nations the text of this Final Act, which is not eligible for registration under Article 102 of the Charter of the United Nations, with a view to its circulation to all the members of the Organization as an official document of the United Nations.

The Government of the Republic of Finland is also requested to transmit the text of this Final Act to the Director-General of UNESCO and to the Executive Secretary of the United Nations Economic Commission for Europe.

Wherefore, the undersigned High Representatives of the participating States, mindful of the high political significance which they attach to the results of the Conference, and declaring their determination to act in accordance with the provisions contained in the above texts, have subscribed their signatures below (...)

CONCLUDING DOCUMENT OF MADRID – THE SECOND FOLLOW-UP MEETING, 6 SEPTEMBER 1983

Questions relating to Security in Europe

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, including their commitment to conduct their relations with all other States in the spirit of these principles;

(...)

Principles

(...)

They emphasize that all the participating States recognize in the Final Act 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.

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.

They similarly stress their determination to develop their laws and regulations in the field of civil, political, 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.

They 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.

The participating States reaffirm that they will recognize, respect and 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.

They 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.

They 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.

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.

They reaffirm that governments, institutions, organizations and persons have a relevant and positive role to play in contributing toward the achievement of the above-mentioned aims of their co-operation.

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.

They agree to give favourable consideration to the use of bilateral round-table meetings, held on a voluntary basis, between delegations composed by each participating State to discuss issues of human rights and fundamental freedoms in accordance with an agreed agenda in a spirit of mutual respect with a view to achieving greater understanding and co-operation based on the provisions of the Final Act.

They decide to convene a meeting of experts of the participating States on questions concerning respect, in their States, for human rights and fundamental freedoms, in all their aspects, as embodied in the Final Act.

(...)

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 co-operation, 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 (...)

Co-operation in Humanitarian and other Fields

The participating States,

Recalling the introductory sections of the Chapter on Co-operation in Humanitarian and other Fields of the Final Act including those concerning the development of mutual understanding between them and detente and those concerning progress in cultural and educational exchanges, broader dissemination of information, contacts between people and the solution of humanitarian problems,

Resolving to pursue and expand co-operation in these fields and to achieve a fuller utilization of the possibilities offered by the Final Act,

Agree now to implement the following:

Human Contacts

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.

The participating States reaffirm their commitment fully to implement the provisions regarding diplomatic and other official missions and consular posts of other participating States contained in relevant multilateral or bilateral conventions, and to facilitate the normal functioning of those missions. Access by visitors to these missions will be assured with due regard to the necessary requirements of security of these missions.

They also reaffirm their willingness to take, within their competence, reasonable steps, including necessary security measures, when appropriate, to ensure satisfactory conditions for activities within the framework of mutual co-operation on their territory, such as sporting and cultural events, in which citizens of other participating States take part.

The participating States will endeavour, where appropriate, to improve the conditions relating to legal, consular and medical assistance for citizens of other participating States temporarily on their territory for personal or professional reasons, taking due account of relevant multilateral or bilateral conventions or agreements.

They will further implement the relevant provisions of the Final Act, so that religious faiths, institutions, organizations and their representatives can, in the field of their activity, develop contacts and meetings among themselves and exchange information.

The participating States will encourage contacts and exchanges among young people and foster the broadening of co-operation among their youth organizations. They will favour the holding among young people and youth organizations of educational, cultural and other comparable events and activities. They will also favour the study of problems relating to the younger generation. The participating States will further the development of individual or collective youth tourism, when necessary on the basis of arrangements, inter alia by encouraging the granting of suitable facilities by the transport authorities and tourist

organizations of the participating States or such facilities as those offered by the railway authorities participating in the “Inter-Rail” system.

Information

The participating States will further encourage the freer and wider dissemination of printed matter, periodical and non-periodical, imported from other participating States, as well as an increase in the number of places where these publications are on public sale. These publications will also be accessible in reading rooms in large public libraries and similar institutions.

In particular, to facilitate the improvement of dissemination of printed information, the participating States will encourage contacts and negotiations between their competent firms and organizations with a view to concluding long-term agreements and contracts designed to increase the quantities and number of titles of newspapers and other publications imported from other participating States. They consider it desirable that the retail prices of foreign publications are not excessive in relation to prices in their country of origin.

They confirm their intention, according to the relevant provisions of the Final Act, to further extend the possibilities for the public to take out subscriptions.

They 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 re-examine 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.

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.

(...)

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.

Co-operation and Exchanges in the Field of Culture

They will endeavour, by taking appropriate steps, to make the relevant information concerning possibilities offered by bilateral cultural agreements and programmes available to interested persons, institutions and non-governmental organizations, thus facilitating their effective implementation.

The participating States will further encourage wider dissemination of and access to books, films and other forms and means of cultural expression from other participating States, to this end improving by appropriate means, on bilateral and multilateral bases, the conditions for international commercial and non-commercial exchange of their cultural goods, inter alia by gradually lowering customs duties on these items.

The participating States will endeavour to encourage the translation, publication and dissemination of works in the sphere of literature and other fields of cultural activity from other participating States, especially those produced in less widely spoken languages, by facilitating co-operation between publishing houses, in particular through the exchange of lists of books which might be translated as well as of other relevant information.

They will contribute to the development of contacts, co-operation and joint projects among the participating States regarding the protection, preservation and recording of historical heritage and monuments and the relationship between man, environment and this heritage; they express their interest in the possibility of convening an inter-governmental conference on these matters within the framework of UNESCO.

The participating States will encourage their radio and television organizations to continue developing the presentation of the cultural and artistic achievements of other participating States on the basis of bilateral and multilateral arrangements between these organizations, providing inter alia for exchanges of information on productions, for the broadcasting of shows

and programmes from other participating States, for co-productions, for the invitation of guest conductors and directors, as well as for the provision of mutual assistance to cultural film teams.

At the invitation of the Government of Hungary a “Cultural Forum” will take place in Budapest, commencing on 15 October 1985. It will be attended by leading personalities in the field of culture from the participating States. The “Forum” will discuss interrelated problems concerning creation, dissemination and co-operation, including the promotion and expansion of contacts and exchanges in the different fields of culture. A representative of UNESCO will be invited to present to the “Forum” the views of that organization. The “Forum” will be prepared by a meeting of experts, the duration of which will not exceed two weeks and which will be held upon the invitation of the Government of Hungary in Budapest, commencing 21 November 1984.

Co-operation and Exchanges in the Field of Education

The participating States will promote the establishment of governmental and non-governmental arrangements and agreements in education and science, to be carried out with the participation of educational or other competent institutions.

The participating States will contribute to the further improvement of exchanges of students, teachers and scholars and their access to each other’s educational, cultural and scientific institutions, and also their access to open information material in accordance with the laws and regulations prevailing in each country. In this context, they will facilitate travel by scholars, teachers and students within the receiving State, the establishment by them of contacts with their colleagues, and will also encourage libraries, higher education establishments and similar institutions in their territories to make catalogues and lists of open archival material available to scholars, teachers and students from other participating States.

They will encourage a more regular exchange of information about scientific training programmes, courses and seminars for young scientists and facilitate a wider participation in these activities of young scientists from different participating States. They will call upon the appropriate national and international organizations and institutions to give support, where appropriate, to the realization of these training activities.

The representatives of the participating States noted the usefulness of the work done during the “Scientific Forum” held in Hamburg, Federal Republic of Germany, from 18 February to 3 March 1980. Taking into account the results of the “Scientific Forum”, the participating States invited international organizations as well as the scientific organizations and scientists of the participating States to give due consideration to its conclusions and recommendations.

The participating States will favour widening the possibilities of teaching and studying less widely spread or studied European languages. They will, to this end, stimulate, within their competence, the organization of and attendance at summer university and other courses, the

granting of scholarships for translators and the reinforcement of linguistic faculties including, in case of need, the provision of new facilities for studying these languages.

The participating States express their readiness to intensify the exchange, among them and within competent international organizations, of teaching materials, school textbooks, maps, bibliographies and other educational material, in order to promote better mutual knowledge and facilitate a fuller presentation of their respective countries.

CONCLUDING DOCUMENT OF VIENNA - THE THIRD FOLLOW-UP MEETING, 19 JANUARY 1989

(...)

Questions relating to Security in Europe

The participating States express their determination

- to build on the current positive developments in their relations in order to make detente a viable, comprehensive and genuine process, universal in scope;
- to assume their responsibility fully to implement the commitments contained in the Final Act and other CSCE documents;
- to intensify their efforts to seek solutions to problems burdening their relations and to strengthen safeguards for international peace and security;
- to promote co-operation and dialogue among them, to ensure the effective exercise of human rights and fundamental freedoms and to facilitate contacts and communication between people;
- to exert new efforts to make further progress to strengthen confidence and security and to promote disarmament.

Principles

(...)

(4) [The participating States] (...) 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.

(...)

(11) They 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.

(12) They express their determination to guarantee 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. They recognize that civil, political, 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 civil, political, 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 Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Optional Protocol to the Covenant on Civil and Political Rights and other relevant international instruments, if they have not yet done so;

(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;

(13.7) - 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;

(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.

(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.

(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.

(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.

(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.

(19) They will protect and create conditions for the promotion of the ethnic, cultural, linguistic and religious identity of national minorities on their territory. They will respect the free exercise of rights by persons belonging to such minorities and ensure their full equality with others.

(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.

(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.

(22) In this context they will allow all refugees who so desire to return in safety to their homes.

(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) 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.

(25) With the aim of developing mutual understanding and confidence, promoting friendly and good neighbourly relations, strengthening international peace, security and justice and improving the implementation of their CSCE commitments, the participating States will further develop co-operation and promote dialogue between them in all fields and at all levels on the basis of full equality. They agree that full respect for and application of the principles and the fulfilment of the other CSCE provisions will improve their relations and advance the development of their co-operation. They will refrain from any action inconsistent with the provisions of the Final Act and other CSCE documents and recognize that any such action

would impair relations between them and hinder the development of co-operation among them.

(26) They confirm that governments, institutions, organizations and persons have a relevant and positive role to play in contributing to the achievement of the aims of their co-operation and to the full realization of the Final Act. 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.

(27) The participating States heard accounts of the Meeting of Experts on Questions concerning Respect, in their States, for Human Rights and Fundamental Freedoms, in all their Aspects, as embodied in the Final Act, held in Ottawa from 7 May to 17 June 1985. They welcomed the fact that frank discussions had taken place of matters of key concern. Noting that these discussions had not led to agreed conclusions, they agreed that such thorough exchanges of views themselves constitute a valuable contribution to the CSCE process. In this respect it was noted in particular that proposals made at the Meeting had received further consideration at the Vienna Follow-up Meeting. They also welcomed the decision to allow public access to part of the Meeting and noted that this practice was further developed at later meetings.
(...)

Co-operation in the Field of Economics, of Science and Technology and of the Environment

(...)

Co-operation in other areas

(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, in accordance with their relevant commitments undertaken in the Final Act and the Madrid Concluding Document, 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.

(45) The participating States acknowledge that the impact of economic and technological change is being acutely felt in the work place. They underline their readiness to encourage co-operation in the field of vocational training policy through increased exchange of information and experience, with the aim of enhancing the educational standards, professional knowledge, skills and adaptability of personnel involved in industry and commerce.

(46) The participating States recognize the importance of facilitating the integration of young people into professional life. They will therefore continue their efforts to ensure the necessary conditions for the education and vocational training of young people and to promote youth employment opportunities in various sectors of the economy. They will continue their efforts to create conditions for developing the level of scientific and cultural knowledge of their citizens, especially young people, and for facilitating their access to achievements in the areas of natural and social sciences, as well as culture.

(...)

Co-operation in Humanitarian and Other Fields

The participating States,

Considering that co-operation in humanitarian and other fields is an essential factor for the development of their relations,

Agreeing that their co-operation in these fields should take place in full respect for the principles guiding relations between participating States as set forth in the Final Act as well as for the provisions in the Madrid Concluding Document and in the present Document pertaining to those principles,

Confirming that, in implementing the provisions concerning co-operation in humanitarian and other fields in the framework of their laws and regulations, they will ensure that those

laws and regulations conform with their obligations under international law and are brought into harmony with their CSCE commitments,

Recognizing that the implementation of the relevant provisions of the Final Act and of the Madrid Concluding Document requires continuous and intensified efforts,

Have adopted and will implement the following:

Human Contacts

(1) In implementing the human contacts provisions of the Final Act, the Madrid Concluding Document and the present Document, they 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 travelling 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 omissions 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 above-mentioned 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, 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.

(25) They will facilitate and encourage the establishment and maintenance of direct personal contacts between their citizens as well as between representatives of their institutions and organizations through travel between States and other means of communication.

(26) They will facilitate such contacts and co-operation among their peoples through such measures as direct sports exchanges on a local and regional level, the unimpeded establishment and implementation of town-twinning arrangements, as well as student and teacher exchanges.

(27) They will encourage the further development of direct contacts between young people, as well as between governmental and non-governmental youth and student organizations and institutions; the conclusion between such organizations and institutions of bilateral and multilateral arrangements and programmes; and the holding on a bilateral and multilateral basis of educational, cultural and other events and activities by and for young people.

(28) They will make further efforts to facilitate travel and tourism by young people, *inter alia* by recommending to those of their railway authorities which are members of the International Union of Railways (UIC) that they expand the Inter-Rail system to cover all their European networks and by recommending to those of their railway authorities which are not members of the UIC that they consider establishing similar facilities.

(29) In accordance with the Universal Postal Convention and the International Telecommunication Convention, they will

- guarantee the freedom of transit of postal communication;
- ensure the rapid and unhindered delivery of correspondence, including personal mail and parcels;
- respect the privacy and integrity of postal and telephone communications; and
- ensure the conditions necessary for rapid and uninterrupted telephone calls, including the use of international direct dialling systems, where they exist, and their development.

(30) They will encourage direct personal contacts between the citizens of their States, *inter alia* by facilitating individual travel within their countries and by allowing foreigners to meet their citizens as well as, when invited to do so, to stay in private homes.

(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.

(33) They heard accounts of the Meeting of Experts on Human Contacts held in Bern from 15 April to 26 May 1986. Noting that no conclusions had been agreed upon at the Meeting, they regarded both the frankness of the discussion and the greater degree of openness in the exchanges as welcome developments. In this respect they noted the particular importance of the fact that proposals made at the Meeting had received further consideration at the Vienna Follow-up Meeting.

Information

(34) They will continue efforts to contribute to an ever wider knowledge and understanding of life in their States, thus promoting confidence between peoples.

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.

In this connection and 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, they will ensure that individuals can freely choose their sources of information. In this context they will

- ensure that radio services operating in accordance with the ITU Radio Regulations can be directly and normally received in their States; and
- 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 above-mentioned 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. They will bear in mind the effects of these modern means of communication on their mass media.

(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.

(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.

(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.

(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.

Co-operation and exchanges in the field of culture

(47) They will promote and give full effect to their cultural co-operation, *inter alia* through the implementation of any relevant bilateral and multilateral agreements concluded among them in the various fields of culture.

(48) They will encourage non-governmental organizations interested in the field of culture to

participate, together with State institutions, in the elaboration and implementation of these agreements and specific projects, as well as in the elaboration of practical measures concerning cultural exchange and co-operation.

(49) They will favour the establishment, by mutual agreement, of cultural institutes or centres of other participating States on their territory. Unhindered access by the public to such institutes or centres as well as their normal functioning will be assured.

(50) They will assure unhindered access by the public to cultural events organized on their territory by persons or institutions from other participating States and ensure that the organizers can use all means available in the host country to publicize such events.

(51) They will facilitate and encourage direct personal contacts in the field of culture, on both an individual and a collective basis, as well as contacts between cultural institutions, associations of creative and performing artists and other organizations in order to increase the opportunities for their citizens to acquaint themselves directly with the creative work in and from other participating States.

(52) They will ensure the unimpeded circulation of works of art and other cultural objects, subject only to those restrictions which are aimed at preserving their cultural heritage, are based on respect for intellectual and artistic property rights or derive from their international commitments on the circulation of cultural property.

(53) They will encourage co-operation between and joint artistic endeavours of persons from different participating States who are engaged in cultural activities; as appropriate, facilitate specific initiatives to this end by such persons, institutions and organizations and encourage the participation of young people in such initiatives. In this context they will encourage meetings and symposia, exhibitions, festivals and tours by ensembles or companies, and research and training programmes in which persons from the other participating States may also freely take part and make their contribution.

(54) The replacement of persons or groups invited to participate in a cultural activity will be exceptional and subject to prior agreement by the inviting party.

(55) They will encourage the holding of film weeks including, as appropriate, meetings of artists and experts as well as lectures on cinematographic art; facilitate and encourage direct contacts between film directors and producers with a view to co-producing films; and encourage co-operation in the protection of film material and the exchange of technical information and publications about the cinema.

(56) They will explore the scope for computerizing bibliographies and catalogues of cultural works and productions in a standard form and disseminating them.

(57) They will encourage museums and art galleries to develop direct contacts, *inter alia* with a view to organizing exhibitions, including loans of works of art, and exchanging catalogues.

(58) They will renew their efforts to give effect to the provisions of the Final Act and the Madrid Concluding Document relating to less widely spoken languages. They will also encourage initiatives aimed at increasing the number of translations of literature from and into these languages and improving their quality, in particular by the holding of workshops involving translators, authors and publishers, by the publication of dictionaries and, where appropriate, by the exchange of translators through scholarships.

(59) They 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.

(60) They heard accounts of the work done and the ideas advanced during the Cultural Forum held in Budapest from 15 October to 25 November 1985. Noting that no conclusions had been agreed upon at the Forum, they welcomed the fact that many of the useful ideas and proposals put forward there had received renewed consideration at the Vienna Follow-up Meeting and that institutions and organizations in the participating States have based many activities on these ideas. They expressed their appreciation of the significant contributions made to the event by leading personalities in the field of culture, and noted, in the light of the experience gained, the importance of securing, both inside and outside future meetings of this nature, arrangements which would permit a freer and more spontaneous discussion.

(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.

Co-operation and exchanges in the field of education

(63) They 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.

(64) In order to encourage wider co-operation in science and education, they will facilitate unimpeded communication between universities and other institutions of higher education and research. They will also facilitate direct personal contacts, including contacts through travel, between scholars, scientists and other persons active in these fields.

(65) They will also ensure unimpeded access by scholars, teachers and students from the other participating States to open information material available in public archives, libraries, research institutes and similar bodies.

(66) They will facilitate exchanges of schoolchildren between their countries on the basis of bilateral arrangements, where necessary, including meeting and staying with families of the

host country in their homes, with the aim of acquainting schoolchildren with life, traditions and education in other participating States.

(67) They will encourage their relevant government agencies or educational institutions to include, as appropriate, the Final Act as a whole in the curricula of schools and universities.

(68) They 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.

(69) They will encourage their radio and television organizations to inform each other of the educational programmes they produce and to consider exchanging such programmes.

(70) They will encourage direct contacts and co-operation between relevant governmental institutions or organizations in the field of education and science.

(71) They will encourage further co-operation and contacts between specialized institutions and experts in the field of education and rehabilitation of handicapped children.

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.

(...)

Follow-up to the Conference

In conformity with the relevant provisions of the Final Act and with their resolve and commitment to continue the multilateral process initiated by the CSCE, the participating States will hold further meetings regularly among their representatives.

(...)

The participating States examined the scope for rationalizing the modalities for future CSCE follow-up meetings, for enhancing their effectiveness and for ensuring the best possible use of resources. In the light of their examination and in connection with the steps taken at the main Vienna Meeting, including the drawing up of mandates annexed to this document, they decided:

- to dispense with preparatory meetings unless otherwise agreed;
- bearing in mind the purpose of the meeting, to limit the number of subsidiary working bodies meeting simultaneously to the lowest possible;
- to limit the duration of meetings, unless otherwise agreed, to a period not exceeding four weeks;
- in the case of meetings to which non-governmental participants are invited to contribute, to make maximum use of the possibility of having informal meetings in order to allow for a more spontaneous discussion;

(...)

Annex XI

Chairman's Statement on the Openness and Access to the CSCE Follow-up Meetings mentioned in the Vienna Concluding Document

The practices of openness and access to CSCE meetings based on the relevant provisions of

the Final Act and applied by host countries have evolved in a positive way. These practices relate *inter alia* to access to the host State, to the venue and to open sessions of CSCE meetings for representatives of the media, representatives of non-governmental organizations or religious groups, and private individuals, both nationals and foreigners; unimpeded contacts between delegates or visitors and citizens of the host State, respect for CSCE-related activities, including the holding of peaceful gatherings, and for the freedom of journalists to report without hindrance as well as to pursue their professional activity in conformity with CSCE commitments. In the light of that experience, all participating States understand that Governments of host countries for the CSCE Follow-up Meetings mentioned in the Vienna Concluding Document will follow and build upon these practices as they were most recently applied at the Vienna Meeting.

DOCUMENT OF THE COPENHAGEN MEETING OF THE CONFERENCE ON THE HUMAN DIMENSION OF THE CSCE, 29 JUNE 1990

(...)

The participating States welcome with great satisfaction the fundamental political changes that have occurred in Europe since the first Meeting of the Conference on the Human Dimension of the CSCE in Paris in 1989. They note that the CSCE process has contributed significantly to bringing about these changes and that these developments in turn have greatly advanced the implementation of the provisions of the Final Act and other CSCE documents.

They 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.

At the Copenhagen Meeting the participating States held a review of the implementation of their commitments in the field of the human dimension. They considered that the degree of compliance with the commitments contained in the relevant provisions of the CSCE documents had shown a fundamental improvement since the Paris Meeting. They also expressed the view, however, that further steps are required for the full realization of their commitments relating to the human dimension.

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. They therefore reaffirm their commitment to implement fully all provisions of the Final Act and of the other CSCE documents relating to the human dimension and undertake to build on the progress they have made.

They 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.

In order to strengthen respect for, and enjoyment of, human rights and fundamental freedoms, to develop human contacts and to resolve issues of a related humanitarian character, the participating States agree on the following:

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.

(2) They 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. 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;

(5.7) - 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;

(5.10) - 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;

(5.12) - 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;

(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.

(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.

II

(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;

(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;

(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;

(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;

(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.

(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.

(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.

(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.

(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.

(14) The participating States agree to encourage the creation, within their countries, of conditions for the training of students and trainees from other participating States, including persons taking vocational and technical courses. They also agree to promote travel by young people from their countries for the purpose of obtaining education in other participating States and to that end to encourage the conclusion, where appropriate, of bilateral and multilateral agreements between their relevant governmental institutions, organizations and educational establishments.

(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.

(16) The participating States

(16.1) - reaffirm their commitment to prohibit torture and other cruel, inhuman or degrading treatment or punishment, to take effective legislative, administrative, judicial and other measures to prevent and punish such practices, to protect individuals from any psychiatric or other medical practices that violate human rights and fundamental freedoms and to take effective measures to prevent and punish such practices;

(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.

(17) The participating States

(17.1) - recall the commitment undertaken in the Vienna Concluding Document to keep the question of capital punishment under consideration and to co-operate within relevant international organizations;

(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.

(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 to compulsory military service;

(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.

(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.

(20) The participating States concerned will consult and, where appropriate, cooperate in dealing with problems that might emerge as a result of the increased movement of persons.

(21) The participating States recommend the consideration, at the next CSCE Follow-up Meeting in Helsinki, of the advisability of holding a meeting of experts on consular matters.

(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;

(22.4) - express their readiness to examine, at future CSCE meetings, the relevant aspects of the further promotion of the rights of migrant workers and their families.

(23) The participating States reaffirm their conviction expressed in the Vienna Concluding Document that the promotion of economic, social and 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 also reaffirm their commitment taken in the Document of the Bonn Conference on Economic Co-operation in Europe to the promotion of social justice and the improvement of living and working conditions. In the context of continuing their efforts with a view to achieving progressively the full realization of economic, social and cultural rights by all appropriate means, they will pay special attention to problems in the areas of employment, housing, social security, health, education and culture.

(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.

(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.

III

(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.

(28) The participating States recognize the important expertise of the Council of Europe in the field of human rights and fundamental freedoms and agree to consider further ways and means to enable the Council of Europe to make a contribution to the human dimension of the CSCE. They agree that the nature of this contribution could be examined further in a future CSCE forum.

(29) The participating States will consider the idea of convening a meeting or seminar of experts to review and discuss co-operative measures designed to promote and sustain viable democratic institutions in participating States, including comparative studies of legislation in participating States in the area of human rights and fundamental freedoms, inter alia drawing upon the experience acquired in this area by the Council of Europe and the activities of the Commission "Democracy through Law".

IV

(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 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.

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 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;

(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;

(32.5) - to disseminate, have access to and exchange information in their mother tongue;

(32.6) - to establish and maintain organizations or associations within their country and to participate in international non-governmental organizations.

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.

(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.

(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.

They will consider convening a meeting of experts for a thorough discussion of the issue of national minorities.

(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

(40.1) - 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;

(40.2) - 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;

(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;

(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;

(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.

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. They agree that the Conference on the Human Dimension of the CSCE and the human dimension mechanism described in the section on the human dimension of the CSCE of the Vienna Concluding Document have demonstrated their value as methods of furthering their dialogue and co-operation and assisting in the resolution of relevant specific questions. They express their conviction that these should be continued and developed as part of an expanding CSCE process.

(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.

(43) The participating States examined practical proposals for new measures aimed at improving the implementation of the commitments relating to the human dimension of the CSCE. In this regard, they considered proposals related to the sending of observers to examine situations and specific cases, the appointment of rapporteurs to investigate and suggest appropriate solutions, the setting up of a Committee on the Human Dimension of the CSCE, greater involvement of persons, organizations and institutions in the human dimension mechanism and further bilateral and multilateral efforts to promote the resolution of relevant issues.

They decide to continue to discuss thoroughly in subsequent relevant CSCE fora these and other proposals designed to strengthen the human dimension mechanism, and to consider adopting, in the context of the further development of the CSCE process, appropriate new measures. They agree that these measures should contribute to achieving further effective progress, enhance conflict prevention and confidence in the field of the human dimension of the CSCE.

(...)

CHARTER OF PARIS FOR A NEW EUROPE, 21 NOVEMBER 1990

(...)

A New Era of Democracy, Peace and Unity

We, the Heads of State or Government of the States participating in the Conference on Security and Co-operation in Europe, have assembled in Paris at a time of profound change and historic expectations. The era of confrontation and division of Europe has ended. We declare that henceforth our relations will be founded on respect and co-operation.

Europe is liberating itself from the legacy of the past. The courage of men and women, the strength of the will of the peoples and the power of the ideas of the Helsinki Final Act have opened a new era of democracy, peace and unity in Europe.

Ours is a time for fulfilling the hopes and expectations our peoples have cherished for decades: steadfast commitment to democracy based on human rights and fundamental freedoms; prosperity through economic liberty and social justice; and equal security for all our countries.

The Ten Principles of the Final Act will guide us towards this ambitious future, just as they have lighted our way towards better relations for the past fifteen years. Full implementation of all CSCE commitments must form the basis for the initiatives we are now taking to enable our nations to live in accordance with their aspirations.

Human Rights, Democracy and Rule of Law

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.

We affirm that, without discrimination,

every individual has the right to freedom of thought, conscience and religion or belief, freedom of expression,

freedom of association and peaceful assembly,
freedom of movement;

no one will be:

subject to arbitrary arrest or detention,

subject to torture or other cruel, inhuman or degrading treatment or punishment;

everyone also has the right :

to know and act upon his rights,

to participate in free and fair elections,

to fair and public trial if charged with an offence,

to own property alone or in association and to exercise individual enterprise,

to enjoy his economic, social and cultural rights.

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.

We will ensure that everyone will enjoy recourse to effective remedies, national or international, against any violation of his rights.

Full respect for these precepts is the bedrock on which we will seek to construct the new Europe.

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

(...)

Friendly Relations among Participating States

(...)

To uphold and promote democracy, peace and unity in Europe, we solemnly pledge our full commitment to the Ten Principles of the Helsinki Final Act. We affirm the continuing validity of the ten Principles and our determination to put them into practice. All the principles apply equally and unreservedly, each of them being interpreted taking into account the others. They form the basis for our relations.

Our relations will rest on our common adherence to democratic values and to human rights

and fundamental freedoms. We are convinced that in order to strengthen peace and security among our States, the advancement of democracy, and respect for and effective exercise of human rights, are indispensable. We reaffirm the equal rights of peoples and their right to self-determination in conformity with the Charter of the United Nations and with the relevant norms of international law, including those relating to territorial integrity of States.

(...)

Guidelines for the future

Proceeding from our firm commitment to the full implementation of all CSCE principles and provisions, we now resolve to give a new impetus to a balanced and comprehensive development of our co-operation in order to address the needs and aspirations of our peoples.

Human Dimension

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.

Proceeding from the Document of the Copenhagen Meeting of the Conference on the Human Dimension, we will cooperate to strengthen democratic institutions and to promote the application of the rule of law. To that end, we decide to convene a seminar of experts in Oslo from 4 to 15 November 1991.

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. We declare that questions related to national minorities can only be satisfactorily resolved in a democratic political framework. We further acknowledge that the rights of persons belonging to national minorities must be fully respected as part of universal human rights. Being aware of the urgent need for increased cooperation on, as well as better protection of, national minorities, we decide to convene a meeting of experts on national minorities to be held in Geneva from 1 to 19 July 1991.

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.

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. We welcome increased tourism and visits among our countries.

The human dimension mechanism has proved its usefulness, and we are consequently determined to expand it to include new procedures involving, inter alia, the services of experts or a roster of eminent persons experienced in human rights issues which could be raised under the mechanism. We shall provide, in the context of the mechanism, for individuals to be involved in the protection of their rights. Therefore, we undertake to develop further our commitments in this respect, in particular at the Moscow Meeting of the Conference on the Human Dimension, without prejudice to obligations under existing international instruments to which our States may be parties.

We recognize the important contribution of the Council of Europe to the promotion of human rights and the principles of democracy and the rule of law as well as to the development of cultural co-operation. We welcome moves by several participating States to join the Council of Europe and adhere to its European Convention on Human Rights. We welcome as well the readiness of the Council of Europe to make its experience available to the CSCE.
(...)

Culture

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.

In view of the recent changes in Europe, we stress the increased importance of the Cracow Symposium and we look forward to its consideration of guidelines for intensified co-operation in the field of culture. We invite the Council of Europe to contribute to this Symposium.

In order to promote greater familiarity amongst our peoples, we favour the establishment of cultural centres in cities of other participating States as well as increased co-operation in the audio-visual field and wider exchange in music, theatre, literature and the arts.

We resolve to make special efforts in our national policies to promote better understanding, in particular among young people, through cultural exchanges, co-operation in all fields of education and, more specifically, through teaching and training in the languages of other participating States. We intend to consider first results of this action at the Helsinki Follow-up Meeting in 1992.

Migrant Workers

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.
(...)

Non-governmental Organizations

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.

New structures and institutions of the CSCE Process

(...)

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

Recognizing the important role parliamentarians can play in the CSCE process, we call for greater parliamentary involvement in the CSCE, in particular through the creation of a CSCE parliamentary assembly, involving members of parliaments from all participating States. To this end, we urge that contacts be pursued at parliamentary level to discuss the field of activities, working methods and rules of procedure of such a CSCE parliamentary structure, drawing on existing experience and work already undertaken in this field.

(...)

DOCUMENT OF THE CRACOW SYMPOSIUM ON THE CULTURAL HERITAGE OF THE CSCE PARTICIPATING STATES, 6 JUNE 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.

They 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.

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.

Reaffirming their commitment to the full implementation of the provisions relating to the cultural dimension in the Helsinki Final Act and other CSCE documents, the participating States agree on the following:

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.
8. The participating States are resolved to promote the mutual knowledge of their respective cultures. Accordingly, they will encourage co-operation and exchanges in all fields of culture and creative work.
9. The participating States are convinced of the enrichment which regional and local cultures, including those connected with national minorities, bring to cultural life.

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.

III. Principal Areas of Preservation and Co-operation

20. The participating States will encourage training, at the initial and advanced levels, for the various professions and crafts involved in preserving and restoring the cultural heritage, as well as in administering it. They agree to keep one another informed of any important developments in this field and to co-operate with one another.

20.1 The dissemination of knowledge and skills, especially vanishing skills related to the cultural heritage, through training, the exchange of personnel, research and technical publication, is necessary to ensure continuity in cultural preservation. They therefore reaffirm their commitments to encourage bilateral and multilateral exchanges of trainees and specialists.

20.2 The participating States should invite the appropriate professional organizations to set up a national register of skilled craftspersons competent in the field of the protection and preservation of the cultural heritage, in order to facilitate contacts between such persons and the users of their services both nationally and internationally.

21. The participating States will exchange data on their cultural heritage policies, particularly regarding the methods, means and possibilities provided by new technologies.

22. The participating States will strive to share their knowledge and experience in the area of publishing and distribution of printed and audiovisual material.

22.1 With a view to increasing public awareness regarding the preservation of the cultural heritage, the participating States will make information available that will assist radio and television stations, as well as the print media, to promote information in this area.

23. They will endeavour to improve storage conditions for perishable cultural goods such as paper, film tapes and recorded sound materials, to establish national programmes for the preservation of the perishable cultural heritage and to set commonly accepted standards for all types of carriers of cultural products in order to safeguard the permanence of such items of culture.

24. The participating States will encourage the establishment of links between resource centres and data banks in cultural fields so as to facilitate the exchange of information between them.

25. With a view to a better understanding of the cultural values of the countries whose languages are less widely spoken, the participating States welcome the dissemination of knowledge about and of such languages, in particular through the translation and publication of literary works from these countries. The organization of international training courses for media and cultural personnel involved in promoting the understanding of less-spoken languages and less widely-known cultures should also be considered.

26. Acknowledging the important contribution of religious faiths, institutions and organizations to the cultural heritage, the participating States will co-operate closely with them regarding the preservation of the cultural heritage and pay due attention to monuments and objects of

religious origin whose original communities no longer use them or no longer exist in the particular region.

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.

28. The participating States will accord due attention to strengthening the heritage of popular culture of the past, including indigenous and vernacular cultures, and to encouraging a contemporary popular culture within the framework of their overall efforts for the preservation, study, protection and promotion of mutual awareness of their cultural heritage. The participating States note the importance of research into various forms of expression of past and present cultures – symbolic practices, technical objects and knowledge, folk art, languages – and the importance of doing what is necessary to highlight them.

29. The participating States will also pay attention to more recent contributions to the cultural heritage (art, including architectural works, of the 20th century).

30. The participating States will co-operate in preventing the illegal circulation of cultural objects, for example by considering adhering to the relevant international instruments.

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.

33. The participating States recognize that, in defining priorities for preservation, it is important to take into account both the intrinsic value of the cultural heritage, its relative state of deterioration and its historic cultural content. To this effect they will, as appropriate, endeavour to promote the use of risk charts, the exchange of information and the organization of on-site workshops, ideal also for the involvement of younger generations.

34. The participating States bear in mind that the preservation of the status of monuments and sites related to their history and culture, wherever they are located, constitutes an integral part of the overall efforts within the CSCE for the preservation and protection of the common cultural heritage.

35. The participating States believe that taking concerted measures to protect the common cultural heritage from environmental damage is necessary. To this end they will consider establishing or joining networks for the collection of data and co-ordination of research. They

will endeavour to co-ordinate policy decisions and undertake direct measures to reduce the impact of air pollution and other degradation on the common cultural heritage.

36. With a view to protecting cultural sites in urban environments, measures will be taken by the participating States to counteract the effects of pollution on the architectural complexes of threatened cities; to restore, preserve and revitalize historical urban centres; and to safeguard sites and protect them from damage due to the increasing flow of tourists.

37. The participating States note the importance of protecting the cultural landscape, particularly in villages and rural areas, from the danger inherent in changes in the pattern of economic activities and in the impact of pollution, with a special view to protecting dwellings and coherent ensembles of the everyday living environment.

38. In view of the contribution which natural history can make to our understanding of the world of today and its evolution in the future, the participating States will endeavour to foster the preservation and interpretation of natural history sites and collections.

39. The participating States note the importance of safeguarding public and private parks and historical gardens, as works of humanity and nature, due to their historical, botanical and social interest, including their decorative and architectural elements.

40. The participating States will endeavour to safeguard and protect the archaeological sites located on their territories, including sites located under water. They will bear this aspect in mind during regional development operations which are likely to be a threat to sites which have not yet been scientifically surveyed, excavated or restored.

41. They stress the need for co-ordination of the activities of international organizations and institutions, such as the Council of Europe and UNESCO, in order to contribute to the full development of cultural co-operation among the participating States. Bearing in mind the need to avoid duplication of effort, the participating States will co-operate closely within the competent international organizations to which they belong.

(...)

REPORT OF THE CSCE MEETING OF EXPERTS ON NATIONAL MINORITIES, GENEVA, 19 JULY 1991

(...)

In accordance with the relevant provisions of the Charter of Paris, the representatives of the participating States had a thorough discussion on the issues of national minorities and of the rights of persons belonging to them that reflected the diversity of situations and of the legal, historical, political and economic backgrounds. They had an exchange of views on practical experience with national minorities, in particular on national legislation, democratic institutions, international instruments and other possible forms of co-operation. Views were expressed on the implementation of the relevant CSCE commitments, and the representatives of the participating States also considered the scope for the improvement of relevant standards. They also considered new measures aimed at improving the implementation of the aforementioned commitments.

A number of proposals were submitted for consideration by the Meeting and, following their deliberations, the representatives of the participating States adopted this Report.

The text of the Report of the Geneva Meeting of Experts on National Minorities will be published in each participating State, which will disseminate it and make it known as widely as possible.

The representatives of the participating States note that the Council will take into account the summing up of the Meeting, in accordance with the Charter of Paris for a New Europe.

I.

Recognizing that their observance and full exercise of human rights and fundamental freedoms, including those of persons belonging to national minorities, are the foundation of the New Europe,

Reaffirming their deep conviction that friendly relations among their 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,

Convinced that, in States with national minorities, democracy requires that all persons, including those belonging to national minorities, enjoy full and effective equality of rights and fundamental freedoms and benefit from the rule of law and democratic institutions,

Aware of the diversity of situations and constitutional systems in their countries, and therefore

recognizing that various approaches to the implementation of CSCE commitments regarding national minorities are appropriate,

Mindful of the importance of exerting efforts to address national minorities issues, particularly in areas where democratic institutions are being consolidated and questions relating to national minorities are of special concern,

Aware that national minorities form an integral part of the society of the States in which they live and that they are a factor of enrichment of each respective State and society,

Confirming the need to respect and implement fully and fairly their undertakings in the field of human rights and fundamental freedoms as set forth in the international instruments by which they may be bound,

Reaffirming their strong determination to respect and apply, to their full extent, all their commitments relating to national minorities and persons belonging to them in the Helsinki Final Act, the Madrid Concluding Document and the Vienna Concluding Document, the Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE, the Document of the Cracow Symposium on the Cultural Heritage as well as the Charter of Paris for a New Europe, the participating States present below the summary of their conclusions.

The representatives of the participating States took as the fundamental basis of their work the commitments undertaken by them with respect to national minorities as contained in the relevant adopted CSCE documents, in particular those in the Charter of Paris for a New Europe and the Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE, which they fully reaffirmed.

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. They further recognize that 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, including persons belonging to national minorities, 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.

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.

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. 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 reconfirm that 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.

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 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.

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.

The participating States reconfirm the importance of adopting, 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. They further recall the need to take the necessary measures to protect the ethnic, cultural, linguistic and religious identity of national minorities on their territory and create conditions for the promotion of that identity; 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.

They recognize that such 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:

- 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;
- bilateral and multilateral agreements and other arrangements regarding national minorities;
- 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;
- creation of government research agencies to review legislation and disseminate information related to equal rights and non-discrimination;
- 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;
- 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.

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, non-governmental organizations, and religious and other groups play in fostering cross-cultural 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.

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.

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.

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.

VIII.

The participating States welcome the positive contribution made by the representatives of the United Nations and the Council of Europe to the proceedings of the Geneva Meeting of Experts on National Minorities. They note that the work and activities of these organizations will be of continuing relevance to the CSCE's consideration of national minorities issues.

The participating States note that appropriate CSCE mechanisms may be of relevance in addressing questions relating to national minorities. Further, they recommend that the third Meeting of the Conference on the Human Dimension of the CSCE consider expanding the Human Dimension Mechanism. They will promote the involvement of individuals in the protection of their rights, including the rights of persons belonging to national minorities.

Finally, the representatives of the participating States request the Executive Secretary of the Meeting to transmit this Report to the third Meeting of the Conference on the Human Dimension of the CSCE.

(...)

DOCUMENT OF THE MOSCOW MEETING OF THE CONFERENCE ON THE HUMAN DIMENSION OF THE CSCE, 3 OCTOBER 1991

(...)

The participating States renew their commitment to implement fully all the principles and provisions of the Final Act of the Conference on Security and Co-operation in Europe, of the Charter of Paris for a New Europe and of the other CSCE documents relating to the human dimension, including, in particular, the Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE, and are determined to achieve still further progress in the implementation of these provisions, as 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 a lasting order of peace, security, justice and co-operation in Europe.

In this context, the participating States underlined that, in accordance with the Final Act of the Conference on Security and Co-operation in Europe and the Charter of Paris for a New Europe, the equal rights of peoples and their right to self-determination are to be respected in conformity with the Charter of the United Nations and the relevant norms of international law, including those relating to territorial integrity of States.

At the Moscow Meeting views were expressed by the participating States on the implementation of their commitments in the field of the human dimension. They considered that the degree of compliance with the commitments contained in the relevant provisions of the CSCE documents had shown further substantial improvement since the Copenhagen Meeting. They also considered that, in spite of the significant progress made, serious threats to and violations of CSCE principles and provisions continue to exist and have a sobering effect on the assessment of the over all situation in Europe. In particular, they deplored acts of discrimination, hostility and violence against persons or groups on national, ethnic or religious grounds. The participating States therefore expressed the view that, for the full realization of their commitments relating to the human dimension, continued efforts are still required which should benefit substantially from the profound political changes that have occurred.

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. They 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.

The participating States express their collective determination to further safeguard human rights and fundamental freedoms and to consolidate democratic advances in their territories. They also recognize a compelling need to increase the CSCE's effectiveness in addressing human rights concerns that arise in their territories at this time of profound change in Europe.

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:

I

(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 three experts appointed by each participating State will be established without delay at the CSCE Institution. The experts will be eminent persons, 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 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, non-governmental 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 three 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 three 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 three 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 may be placed on the agenda of the next regular meeting of the Committee of Senior Officials, 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 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, 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.

Any reference to the Committee of Senior Officials in this document is subject to the decision of that Committee and the Council.

II

(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;

(17.3) - recognize the need to make further peaceful efforts concerning human rights, democracy and the rule of law within the context of security and co-operation in Europe, individually

and collectively, to make democratic advances irreversible and prevent any falling below the standards laid down in the principles and provisions of the Final Act, the Vienna Concluding Document, the Document of the Copenhagen Meeting, the Charter of Paris for a New Europe and the present document.

(18) The participating States recall their commitment to the rule of law in the Document of the Copenhagen Meeting and affirm their dedication to supporting and advancing those principles of justice which form the basis of the rule of law. In particular, they again reaffirm that democracy is an inherent element in the rule of law and that pluralism is important in regard to political organizations.

(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.

(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.

(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.

(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.

(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.

(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.

(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.

(26) The participating States reaffirm the right to freedom of expression, including the right to communication and 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.

(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.

(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.

(28.6) The participating States confirm that any derogation 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.

(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 must be taken in strict conformity with the procedural requirements laid down in those instruments. Such measures 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. Such measures will not discriminate solely on the grounds of race, colour, sex, language, religion, social origin or of belonging to a minority.

(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.

(29) The participating States, recognizing their common interest in promoting contacts and the exchange of information amongst Ombudsmen and other institutions entrusted with similar functions of investigating individual complaints of citizens against public authorities, note with appreciation an offer by Spain to host a meeting of Ombudsmen.

(30) The participating States suggest that the appropriate CSCE fora consider expanding the functions of the Office for Free Elections to enable it to assist in strengthening democratic institutions within the participating States.

(31) The participating States acknowledge the extensive experience and expertise of the Council of Europe in the field of human rights. They welcome its contribution to strengthening democracy in Europe, including its readiness to make its experience available to the CSCE.

III

(32) The participating States reaffirm their enduring commitment to the principles and provisions of the Final Act, the Vienna Concluding Document, and other relevant CSCE

documents in which they undertook, inter alia, to respect human rights and fundamental freedoms and to ensure that they are guaranteed for all without distinction of any kind.

(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.

(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.

(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, and express the view that cultural issues, including cultural freedom, creativity and co-operation, should be further considered in the CSCE.

(36) The participating States recall their commitment in the Vienna Concluding Document to keep the question of capital punishment under consideration and reaffirm their undertakings in the Document of the Copenhagen Meeting to exchange information on the question of the abolition of the death penalty and to make available to the public information regarding the use of the death penalty.

(36.1) They note

(i) that the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty entered into force on 11 July 1991;

(ii) that a number of participating States have recently taken steps towards the abolition of capital punishment;

(iii) the activities of several non-governmental organizations concerning the question of the death penalty.

(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.

(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.

(38.4) They recommend that the CSCE in its future work on the human dimension consider appropriate means to hold focused discussions on all issues regarding migrant workers, including, inter alia, familiarization with the language and social life of the country concerned.

(39) The participating States will

(39.1) - increase their preparedness and co-operate fully to enable humanitarian relief operations to be undertaken speedily and effectively;

(39.2) - take all necessary steps to facilitate speedy and unhindered access to the affected areas for such relief operations;

(39.3) - make the necessary arrangements for those relief operations to be carried out.

(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.

(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.

(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.

(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.

(43.7) Guidelines for the participation of NGOs in the future work of the CSCE on the human dimension might, inter alia, include the following:

(i) NGOs should be allotted common space at such meeting sites or in their immediate vicinity for their use as well as reasonable access, at their own expense, to technical facilities, including photocopying machines, telephones and fax machines;

(ii) NGOs should be informed and briefed on openness and access procedures in a timely manner;

(iii) delegations to CSCE meetings should be further encouraged to include or invite NGO members.

The participating States recommend that the Helsinki Follow-up Meeting consider establishing such guidelines.

(...)

CONCLUDING DOCUMENT OF HELSINKI – THE FOURTH FOLLOW-UP MEETING, 10 JULY 1992

Helsinki Summit Declaration

Promises and Problems of Change

(...)

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

8. We emphasize 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. The protection and promotion of the human rights and fundamental freedoms and the strengthening of democratic institutions continue to be a vital basis for our comprehensive security.

(...)

12. This is a time of promise but also a time of instability and insecurity. Economic decline, social tension, aggressive nationalism, intolerance, xenophobia and ethnic conflicts threaten stability in the CSCE area. Gross violations of CSCE commitments in the field of human rights and fundamental freedoms, including those related to national minorities, pose a special threat to the peaceful development of society, in particular in new democracies.

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 Decisions

VI. The Human Dimension

(1) The participating States conducted a useful review of implementation of CSCE commitments in the Human Dimension. They based their discussion on the new community of values established among them, as set forth by the Charter of Paris for a New Europe and developed

by the new standards created within the CSCE in recent years. They noted major progress in complying with Human Dimension commitments, but recognized developments of serious concern and thus the need for further improvement.

(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.

(3) In this regard, the participating States adopt the following:

***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.

(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.

Implementation

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.

Enhanced commitments and co-operation in the Human Dimension

National minorities

The participating States

(23) Reaffirm in the strongest terms their determination to implement in a prompt and faithful manner all their CSCE commitments, including those contained in the Vienna Concluding Document, the Copenhagen Document and the Geneva Report, 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 including through democratic participation in decision-making and consultative bodies at the national, regional and local level, inter alia, through political parties and associations;

(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;

Indigenous populations

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.

Tolerance and non-discrimination

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;

(...)

(32) Will consider adhering to the International Convention on the Elimination of All Forms of Racial Discrimination, if they have not already done so;

(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;

(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;

(35) Reaffirm, in this context, 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.

Migrant workers

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.

Refugees and displaced persons

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;

International humanitarian law

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.

Democracy at a local and regional level

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.

Nationality

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;

(57) Will continue within the CSCE the discussion on these issues.

Capital punishment

The participating States

(58) Confirm their commitments in the Copenhagen and Moscow Documents concerning the question of capital punishment.

Compilation of Human Dimension commitments

The participating States

(61) Welcome the drawing up of compilations of existing CSCE Human Dimension commitments in order to promote greater understanding for the implementation of these commitments.

Domestic implementation guidelines

The participating States

(62) Will promote, where appropriate, the drawing up of guidelines to assist the effective implementation of domestic legislation on human rights issues related to CSCE commitments.
(...)

DOCUMENT OF THE THIRD MEETING OF THE CSCE COUNCIL, STOCKHOLM, 14-15 DECEMBER 1992

Summary of Conclusions of the Stockholm Council Meeting

Shaping a New Europe - the Role of the CSCE

(...)

The Ministers expressed their continuing commitment to use the CSCE to consolidate human rights, democracy, the rule of law and economic freedom as the foundation for peace, security and stability and to prevent, manage and solve conflicts in the CSCE area.

The Ministers condemned the extended use of force in Europe which has bred ever more violence and hatred. They strongly rejected continuing flagrant violations of human rights. They committed themselves to act to counter the growing manifestations of racism, anti-semitism and all forms of intolerance in the CSCE area. (...)

Important aspects of the CSCE strategy include:

(...)

- Emphasizing the CSCE's ability to provide early warning through the appointment of a High Commissioner on National Minorities who will enjoy the full political support of all participating States; (...)

- Increased efforts at treating the root causes of conflicts by applying all aspects of the human dimension of the CSCE and by involving non-governmental organizations and individual citizens more directly in the work of the CSCE;

- Making all governments accountable to each other for their behaviour towards their citizens and towards neighbouring States and holding individuals personally accountable for war crimes and acts in violation of international humanitarian law;

(...)

Decisions

(...)

2. The CSCE as a Community of Values

The CSCE's comprehensive concept of security relates peace, security and prosperity directly to the observance of human rights and democratic freedoms. Many of the present problems are linked to the failure to observe CSCE commitments and principles.

The human dimension mechanisms of the CSCE are being used increasingly as a major foundation for the CSCE's efforts at early warning and conflict prevention. Their further elaboration and utilization will strengthen considerably the CSCE's ability to pursue the root causes of tensions and to refine its mechanisms for early warning on potentially dangerous situations.

The Ministers welcomed the strengthened role of the Office for Democratic Institutions and Human Rights and the appointment of the High Commissioner on National Minorities as especially useful steps towards integrating the human dimension more fully into the political consultations and concerted action of the participating States (...) They expressed the hope that newly-admitted participating States would make particular use of the opportunities provided by these institutions.

Compliance with CSCE commitments is of fundamental importance. Monitoring of compliance provides governments of participating States with crucial information on which they can formulate policy (...)

The Ministers expressed their profound concern at the recent manifestations of aggressive nationalism, xenophobia, anti-semitism, racism and other violations of human rights. Violations of international humanitarian law and CSCE principles and commitments, such as "ethnic cleansing", or mass deportation, endangered the maintenance of peace, security and democracy and will not be tolerated. They were convinced that increased attention should be paid by the CSCE, and in particular by the Committee of Senior Officials and the High Commissioner on National Minorities, to these threats to human rights and fundamental freedoms. The CSO will report on this issue to the Council of Ministers at its next Meeting, when the Council will consider developments.

The Ministers also stressed the important role the Human Dimension of the CSCE should play in longer-term conflict prevention. They underlined the need for positive action aimed at fostering understanding, tolerance and national and local preventive action. They emphasized the importance of direct contact between experts, governmental and non-governmental, through the series of Human Dimension seminars successfully begun by the CSCE Seminar on Tolerance (...)

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.
(...)

3. High Commissioner on National Minorities

The Council appointed (...) as CSCE High Commissioner on National Minorities (HCNM) to strengthen the CSCE's capacity for early warning and preventive diplomacy. The High Commissioner will act within the mandate laid down in the Helsinki Document. 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.

(...)

DOCUMENT OF THE FOURTH MEETING OF THE CSCE COUNCIL, ROME, 30 NOVEMBER - 1 DECEMBER 1993

CSCE and the New Europe - Our Security is Indivisible

(...)

The Ministers expressed deep concern that threats to peace and stability proliferate and that crises, widespread violence and open confrontations persist. They strongly condemned the increasing violations of human rights and humanitarian law and the attempt of countries to acquire territories by the use of force. The increasing flow of refugees and appalling human suffering caused by armed conflicts must be urgently alleviated. The Ministers reiterated the personal accountability of those responsible for crimes against humanity.

Despite these events, there is encouraging progress in human rights, democracy and the rule of law in several parts of the CSCE area. The Ministers expressed satisfaction with the spread of free elections and development of democratic institutions registered in many participating States. The Ministers intended to ensure that the CSCE provided appropriate support for these efforts. (...)

The Ministers stressed the need to make wider use of CSCE capabilities in early warnings and preventive diplomacy and to further integrate the human dimension in this endeavour. They commended the contribution of the High Commissioner on National Minorities to the development of these capabilities.

They furthermore welcomed an increased role of the Office for Democratic Institutions and Human Rights in the human dimension, as well as the contributions of the CSCE missions in the field of conflict prevention and crisis management. The goal of further efforts should be to improve abilities to address potential crises at an early stage. (...)

To give substance and direction to their commitments, the Ministers have agreed on an action programme to be implemented through the decisions which they have adopted today.

These decisions, inter alia, address the following issues:

(...)

(c) The role of the High Commissioner for National Minorities will be enhanced.

(d) The human dimension will be further integrated into the CSCE political consultation process: the ODIHR will be reinforced.

(...)

(j) The role of the CSCE in combating aggressive nationalism, racism, chauvinism, xenophobia and anti-semitism will be strengthened.

Decisions of the Rome Council Meeting

(...)

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. They recognized the HCNM as an innovative and effective asset in early warning and preventive diplomacy. The Ministers stressed the importance of participating States co-operating fully with the High Commissioner and supporting follow-up and implementation of his recommendations. They welcomed the decision by the CSO to increase the resources available to the HCNM.

IV. The Human Dimension

1. The Ministers reiterated that human dimension issues are fundamental to the comprehensive security concept of the CSCE. They noted that adherence to human dimension commitments remains to be consolidated in large parts of the CSCE area, and expressed particular concern that civilians continue to be the victims of atrocities in ongoing conflicts in the CSCE area. 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.

2. To this end the Ministers decided to strengthen the instruments of conflict prevention and early warning which are available within the human dimension of the CSCE. They emphasized the need in this context for enhanced co-operation and co-ordination with relevant international organizations such as the Council of Europe, as well as with non-governmental organizations.

The following decisions were taken:

3. The political consultation process and CSCE missions

- In order to further political consideration and action under the human dimension, the decision-making bodies of the CSCE will consider human dimension issues on a regular basis as an integral part of deliberations relating to European security. Resources and information will be made available by the ODIHR in support of such consideration.

- 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.

- In the context of conflict prevention and crisis management, the issue of mass migration,

namely displaced persons and refugees, will be addressed, as appropriate, by the CSO and the Permanent Committee of the CSCE, taking into account the role of other relevant international bodies.

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;
- enhancement of its role in comprehensive election monitoring;
- 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.

The Ministers determined that in order to fulfil its new tasks, the ODIHR should be granted additional resources. They requested the CSO to consider the financial and administrative implications of strengthening the ODIHR as outlined above.

5. Streamlining the Moscow Mechanism

Recognizing the Moscow Mechanism as a significant inter-governmental instrument for follow-up within the human dimension, the Ministers agreed to develop its effectiveness and promote its use, by expanding the resource list and shortening time-frames under the mechanism. Also the Permanent Committee of the CSCE will be empowered to trigger the mechanism as well as to take follow-up action based on rapporteur's reports. To this end it was decided to modify the mechanism in accordance with annex A.

(...)

VIII. Integration of Recently Admitted Participating States

(...)

2. The Ministers underlined the importance of the Human Dimension in the further integration of the recently admitted participating States. While many of these States are in a difficult

period of political and economic transition, the Ministers expressed their expectation that the recently admitted participating States would do their utmost to ensure the implementation in their countries of all CSCE principles and commitments, also in times of crisis. They commended the role played by the ODIHR in helping to build democratic institutions in the recently admitted participating States. They requested the ODIHR to intensify its efforts to identify and implement co-operation projects with these States within the framework of the Programme or Co-ordinated Support. They noted also the important contribution made by the Human Dimension seminars organized by the ODIHR to increased understanding of the problems arising from the process of integration. They agreed on the importance of making full use of the experience gained at these seminars. (...)

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.
6. The Ministers decided to keep this issue high on the agenda of the CSCE and therefore decided:
 - to task the Permanent Committee to study possible follow-up actions;
 - to invite the High Commissioner on National Minorities, in light of his mandate, to pay particular attention to all aspects of aggressive nationalism, racism, chauvinism, xenophobia and anti-semitism;

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

(...)

Annex A

The procedures in paragraphs 3, 7, 11, 13 and 14 of the 1991 Document of the Moscow Meeting of the Conference on the Human Dimension of the CSCE are modified to read as follows (all changes have been underlined):

(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 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.

(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.

(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.

(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.

CONCLUDING DOCUMENT OF BUDAPEST, 6 DECEMBER 1994

Budapest Summit Declaration

(...)

7. (...) The CSCE's democratic values are fundamental to our goal of a community of nations with no divisions, old or new, in which the sovereign equality and the independence of all States are fully respected, there are no spheres of influence and the human rights and fundamental freedoms of all individuals, regardless of race, colour, sex, language, religion, social origin or of belonging to a minority, are vigorously protected.

(...)

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. Periodic reviews of implementation of our commitments, fundamental throughout the CSCE, are critical in the Human Dimension. The enhanced capabilities of the Office for Democratic Institutions and Human Rights will continue to assist participating States, in particular those in transition. We underline the importance of human contacts in overcoming the legacy of old divisions. (...)

Budapest Decisions

I. Strengthening the CSCE

1. The new era of security and co-operation in Europe has led to a fundamental change in the CSCE and to a dramatic growth in its role in shaping our common security area. To reflect this the CSCE will henceforth be known as the Organization for Security and Co-operation in Europe (OSCE). The change in name will be effective on 1 January 1995. As of this date, all references to the CSCE will henceforth be considered as references to the OSCE.

(...)

3. The Heads of State or Government have directed that the future role and functions of the CSCE will include the following:

(...)

5. - to ensure full implementation of all CSCE commitments;

(...)

11. - to develop further CSCE work in the field of human rights and fundamental freedoms, and other areas of the human dimension;

(...)

14. To accomplish these objectives, the CSCE will function as follows:

15. The next Meeting of Heads of State or Government will take place in 1996 in Lisbon preceded by a preparatory meeting. The Summit will decide on the frequency of future Summit meetings.

16. The Ministerial Council (formerly the CSCE Council) as the central decision-making and governing body of the CSCE will meet, as a rule, towards the end of every term of chairmanship at the level of Foreign Ministers.

17. The Senior Council (replacing the Committee of Senior Officials) will meet in Prague twice a year, at the minimum. An additional meeting will be held before the Ministerial Council Meeting. The Senior Council will discuss and set forth policy and broad budgetary guidelines. The participating States are encouraged to be represented at the level of political directors or at a corresponding level. The Senior Council will also be convened as the Economic Forum.

18. The Permanent Council (formerly the Permanent Committee) will be the regular body for political consultation and decision-making. It can also be convened for emergency purposes. It will meet in Vienna and be composed of the permanent representatives of the participating States.

19. Overall responsibility for executive action will remain with the Chairman-in-Office (CIO). The CIO will continue to take full advantage of his/her mandate, inter alia, by dispatching personal representatives. The CIO will be assisted by the Troika. The term of chairmanship will normally last one calendar year.

20. The Secretary General will continue to take full advantage of his/her mandate and in support of the CIO will be more actively involved in all aspects of the management of the CSCE. He/she participates in Troika ministerial meetings.

21. The continuation of the activities of the High Commissioner on National Minorities will be supported and his/her resources will be enhanced. The participating States will increase their efforts to implement his/her recommendations.

22. The work of CSCE missions will be given political support and follow-up from the Permanent Council. In order to ensure the fulfilment of their tasks, the necessary human and financial resources will be committed by the participating States.

23. The CSCE Office for Democratic Institutions and Human Rights will be strengthened in playing an important role in CSCE activities.

24. The CIO will continue to maintain close contacts and an active dialogue with the

Parliamentary Assembly (PA). The CIO will draw the recommendations of the PA to the attention of the Permanent Council and inform the PA on the activities of the CSCE.

25. The current mode of review of implementation of all CSCE commitments will be maintained. The review meeting before each Summit will be held in Vienna.

(...)

VIII. The Human Dimension

Introduction

1. In their review of implementation of CSCE commitments in the human dimension, the participating States based their discussion on the community of values established among them, which is reflected in the high standards created within the CSCE. During the discussion, it was noted that major progress had been made in compliance with human dimension commitments. The participating States acknowledged, however, that there was a serious deterioration in some areas and a need for action against the continuing violations of human rights and manifestations of aggressive nationalism, such as territorial expansionism, as well as racism, chauvinism, xenophobia and anti-semitism, which continue to cause human suffering.

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. The participating States confirmed that issues of implementation of CSCE commitments are of legitimate and common concern to all participating States, and that the raising of these problems in the co-operative and result-oriented spirit of the CSCE was therefore a positive exercise. They undertook to encourage implementation of CSCE commitments through enhanced dialogue, implementation reviews and mechanisms. They will broaden the operational framework of the CSCE, in particular by enhancing the Office for Democratic Institutions and Human Rights (ODIHR), increasing its involvement in the work of the Permanent Council and mission activity, and furthering co-operation with international organizations and institutions active in human dimension areas.

3. The participation of non-governmental organizations (NGOs) was a welcome addition to the implementation review. In their statements, these organizations contributed ideas and raised issues of concern for participating States to take into consideration. They also informed the participating States of their activities, such as in the area of conflict prevention and resolution. The experience of the Budapest Review Conference invites further consideration with regard to promoting within the CSCE the dialogue between governments and NGOs of

the participating States, in addition to State-to-State dialogue.

4. Reaffirming their commitments in the human dimension, the participating States, while considering it essential to concentrate their efforts on the implementation of existing CSCE commitments, decide to enhance the framework of their co-operation and to this end adopt the following:

Enhancing Compliance with CSCE Commitments and Promoting Co-operation and Dialogue in the Human Dimension

Enhancing implementation

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.

7. The participating States reconfirm their appreciation for the HCNM, who has, fully in line with his mandate, been able to focus on, and to successfully address a number of national minority issues, taking also into account specific situations of participating States and of parties directly concerned. They encourage the HCNM to continue his present activities, and support him on taking up new and further ones, including those related to his recommendations. They will increase their efforts to implement these recommendations.

Role of the ODIHR

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

- enhance the CSCE's co-operation with other international organizations and institutions, in particular UNHCR and IOM, with a view to contributing to UNHCR's preparation of a regional conference to address the problems of refugees, displaced persons, other forms of involuntary displacement and returnees in the countries of the Commonwealth of Independent States (CIS) and other interested neighbouring States, by establishing, after consultation in the informal Financial Committee, a temporary position, financed by voluntary contributions for a migration expert;

- 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.

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.

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.

Commitments and Co-operation

Rule of law

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.

They also 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”.

Capital punishment

19. The participating States reconfirm their commitments in the Copenhagen and Moscow Documents concerning the question of capital punishment.

Prevention of torture

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 Cruelly 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.

National minorities

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.

Roma and Sinti

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.

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 request the ODIHR to continue to pay special attention to these phenomena, collecting information on their various manifestations in participating States. 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. 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.

Migrant workers

28. The participating States reconfirm that human rights are universal and indivisible. They recognized that the protection and promotion of the rights of migrant workers have their human dimension. They underline the right of migrant workers 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 consistent with international standards.

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.

30. They reconfirm their condemnation of 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, continue to take effective measures to this end.

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.

Migration

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. Taking into account the Rome Council Decisions 1993, they decide to expand their co-operation with appropriate international bodies in this respect.

They take note of efforts undertaken by UNHCR to prepare a regional conference to address the problems of refugees, displaced persons, other forms of involuntary displacement and returnees in the countries of the CIS and other interested neighbouring States.

International humanitarian law

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.

Freedom of expression/Free media

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.

Freedom of movement/Human contacts/Cultural heritage

39. The participating States will further encourage and facilitate human contacts, cultural and educational exchanges and co-operate in accordance with CSCE provisions. They will continue to implement their commitments in the cultural field, as laid down in the Document of the Cracow Symposium on the Cultural Heritage of the CSCE Participating States and other relevant CSCE documents. They will encourage public and private efforts aimed at the preservation of the cultural heritage in their States.

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. They will also consider the need for elaborating a document compiling relevant CSCE provisions.

41. The Permanent Council will explore the possibility of holding informal meetings on the issues mentioned in the two preceding paragraphs.

Programme of Co-ordinated Support

42. The participating States, taking into account the progress achieved through the implementation of the Programme of Co-ordinated Support during the past two years under the co-ordination of the ODIHR, have decided that this programme should continue. The ODIHR and the Secretary General will continue to arrange meetings and seminars on CSCE-related matters to enable interested States to fulfil their CSCE commitments more easily. The participating States will continue to include representatives of these States in government-sponsored internships, study and training programmes so that levels of experience, knowledge and expertise can be raised.

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.

LISBON DOCUMENT, 3 DECEMBER 1996

Lisbon Summit Declaration

(...)

3. We reaffirm the OSCE principles as set forth in the Helsinki Final Act and other OSCE commitments. We believe that observance of all these principles and implementation of all commitments need to be improved and constantly reviewed. We recognize that serious risks and challenges, such as those to our security and sovereignty, continue to be of major concern. We are committed to address them.

4. Respect for human rights remains fundamental to our concept of democracy and to the democratization process enshrined in the Charter of Paris. We are determined to consolidate the democratic gains of the changes that have occurred since 1989 and peacefully manage their further development in the OSCE region. We will co-operate in strengthening democratic institutions.

9. The OSCE's comprehensive approach to security requires improvement in the implementation of all commitments in the human dimension, in particular with respect to human rights and fundamental freedoms. This will further anchor the common values of a free and democratic society in all participating States, which is an essential foundation for our common security. Among the acute problems within the human dimension, the continuing violations of human rights, such as involuntary migration, and the lack of full democratization, threats to independent media, electoral fraud, 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.

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. We commend the work of the ODIHR Migration Advisor and express support for his continuing activities to follow up on the Programme of Action agreed at the May 1996 Regional Conference to address the problems of refugees, displaced persons, other forms of involuntary displacement and returnees in the relevant States.

11. Freedom of the press and media are among the basic prerequisites for truly democratic and civil societies. In the Helsinki Final Act, we have pledged ourselves to respect this principle. There is a need to strengthen the implementation of OSCE commitments in the field of the media, taking into account, as appropriate, the work of other international organizations. We

therefore task the Permanent Council to consider ways to increase the focus on implementation of OSCE commitments in the field of the media, as well as to elaborate a mandate for the appointment of an OSCE representative on freedom of the media to be submitted not later than to the 1997 Ministerial Council. (...)

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

1. We, the Heads of State or Government of the States participating in the OSCE and meeting in Lisbon, believe that history has offered us an unprecedented opportunity. Freedom, democracy and co-operation among our nations and peoples are now the foundation for our common security. We are determined to learn from the tragedies of the past and to translate our vision of a co-operative future into reality by creating a common security space free of dividing lines in which all States are equal partners.

2. We face serious challenges, but we face them together. They concern the security and sovereignty of States as well as the stability of our societies. Human rights are not fully respected in all OSCE States.

Ethnic tension, aggressive nationalism, violations of the rights of persons belonging to national minorities, as well as serious difficulties of economic transition, can threaten stability and may also spread to other States. Terrorism, organized crime, drug and arms trafficking, uncontrolled migration and environmental damage are of increasing concern to the entire OSCE community.

3. Drawing strength from our diversity, we shall meet these challenges together, through the OSCE and in partnership with other international organizations. Our approach is one of co-operative security based on democracy, respect for human rights, fundamental freedoms and the rule of law, market economy and social justice. It excludes any quest for domination. It implies mutual confidence and the peaceful settlement of disputes.

(...)

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

6. We jointly commit ourselves:

- to act in solidarity to promote full implementation of the principles and commitments of the OSCE enshrined in the Helsinki Final Act, the Charter of Paris and other CSCE/OSCE documents;

(...)

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 DOCUMENT, 19 NOVEMBER 1999

Istanbul Summit Declaration

(...)

2. (...) We reiterate unreservedly our commitment to respect human rights and fundamental freedoms and to abstain from any form of discrimination. We also reiterate our respect for international humanitarian law. We pledge our commitment to intensify efforts to prevent conflicts in the OSCE area, and when they occur to resolve them peacefully. We will work closely with other international organizations and institutions on the basis of the Platform for Co-operative Security, which we adopted as a part of our Charter.

(...)

6. (...) We underline the importance of respect for the rule of law and of vigorous efforts to fight organised crime and corruption, which constitute a great threat to economic reform and prosperity. We remain committed to the return of refugees and internally displaced persons, in particular minority return.

7. (...) We look forward to faster progress towards the return of refugees and displaced persons and the implementation of relevant international standards, particularly those related to equal treatment without regard to ethnicity, freedom of the media, and free and fair elections (...)

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.

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. 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.

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.

(...)

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. We also support the adoption and full implementation of comprehensive anti-discrimination legislation to promote full equality of opportunities for all. We commend the essential work of the High Commissioner on National Minorities. We reaffirm that we will increase our efforts to implement the recommendations of the High Commissioner on National Minorities.

31. We deplore violence and other manifestations of racism and discrimination against minorities, including the Roma and Sinti. 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. 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. We emphasize the important role that the ODIHR Contact Point for Roma and Sinti issues can play in providing support. A further helpful step might be the elaboration by the Contact Point of an action plan of targeted activities, drawn up in co-operation with the High Commissioner on National Minorities and others active in this field, notably the Council of Europe.

32. In line with our commitment to ensure full equality between women and men, we look forward to an early approval and implementation of an OSCE gender action plan.

37. We have in the Charter reaffirmed our commitment to the rule of law and stressed the need to combat corruption. We task the Permanent Council to examine how best to contribute to efforts to combat corruption, taking into account efforts of other organizations such as the Organization for Economic Co-operation and Development, Council of Europe and the United Nations. The results of this work will be reported to the 2000 Ministerial Meeting.

(...)

Charter for European Security

(...)

I. Our Common Challenges

(...)

3. (...) We will reinforce our efforts to ensure full respect for human rights and fundamental freedoms, including the rights of persons belonging to national minorities (...)

(...)

5. Acute economic problems and environmental degradation may have serious implications for our security. Co-operation in the fields of economy, science and technology and the environment will be of critical importance. 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. We applaud the unprecedented process of economic transformation taking place in many participating States. We encourage them to continue this reform process, which will contribute to security and prosperity in the entire OSCE area. We will step up our efforts across all dimensions of the OSCE to combat corruption and to promote the rule of law.

(...)

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 have helped us to bring about an end to the old confrontation in Europe and to foster a new era of democracy, peace and solidarity throughout the OSCE area. They established clear standards for participating States' treatment of each other and of all individuals within their territories. 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.

(...)

III. Our Common Response

(...)

Solidarity and Partnership

14. Peace and security in our region is best guaranteed by the willingness and ability of each participating State to uphold democracy, the rule of law and respect for human rights. 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 and 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. 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. We will explore ways to further increase the effectiveness of the Organization to deal with cases of clear, gross and continuing violations of those principles and commitments.

(...)

Our Institutions

17. The Parliamentary Assembly has developed into one of the most important OSCE institutions continuously providing new ideas and proposals. We welcome this increasing role, particularly in the field of democratic development and election monitoring. We call on the Parliamentary Assembly to develop its activities further as a key component in our efforts to promote democracy, prosperity and increased confidence within and between participating States.

18. The Office for Democratic Institutions and Human Rights (ODIHR), the High Commissioner on National Minorities (HCNM) and the Representative on Freedom of the Media are essential instruments in ensuring respect for human rights, democracy and the rule of law. The OSCE Secretariat provides vital assistance to the Chairman-in-Office and to the activities of our Organization, especially in the field. We will also strengthen further the operational capacities of the OSCE Secretariat to enable it to face the expansion of our activities and to ensure that field operations function effectively and in accordance with the mandates and guidance given to them. (...)

The Human Dimension

19. We reaffirm 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. 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.

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. In this respect we reaffirm our commitments, in particular under the relevant provisions of the Copenhagen 1990 Human Dimension Document, and recall the Report of the Geneva 1991 Meeting of Experts on National Minorities. 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.

Various concepts of autonomy as well as other approaches outlined in the above-mentioned documents, 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. 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. We emphasize that questions relating to national minorities can only be satisfactorily resolved in a democratic political framework based on the rule of law.

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.

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.

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.

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.

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. 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.

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.

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, which we consider to be an essential component of any democratic, free and open society.

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. (...)

Rule of Law and Fight against Corruption

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.

IV. Our Common Instruments

Enhancing our Dialogue

(...)

36. Reflecting our spirit of solidarity and partnership, we will also enhance our political dialogue in order to offer assistance to participating States, thereby ensuring compliance with OSCE commitments. To encourage this dialogue, we have decided, in accordance with established rules and practices, to make increased use of OSCE instruments, including:

(...)

- Organizing training programmes aimed at improving standards and practices, *inter alia*, within the fields of human rights, democratization and the rule of law;
- Addressing matters regarding compliance with OSCE commitments at OSCE review meetings and conferences as well as in the Economic Forum;

(...)

OSCE Field Operations

(...)

38. The development of OSCE field operations represents a major transformation of the Organization that has enabled the OSCE to play a more prominent role in promoting peace, security and compliance with OSCE commitments. Based on the experience we have acquired, we will develop and strengthen this instrument further in order to carry out tasks according to their respective mandates, which may, *inter alia*, include the following:

(...)

- Observing compliance with OSCE commitments and providing advice or recommendations for improved compliance;
- Assisting in the organization and monitoring of elections;

- Providing support for the primacy of law and democratic institutions and for the maintenance and restoration of law and order;

(...)

- Providing support in the rehabilitation and reconstruction of various aspects of society.

(...)

Police-related Activities

44. We will work to enhance the OSCE's role in civilian police-related activities as an integral part of the Organization's efforts in conflict prevention, crisis management and post-conflict rehabilitation. 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;
- Police training, which could, *inter alia*, include the following tasks:
(...)
- Creating a police service with a multi-ethnic and/or multi-religious composition that can enjoy the confidence of the entire population;
- Promoting respect for human rights and fundamental freedoms in general.
(...)

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. 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.

Peacekeeping

46. We remain committed to reinforcing the OSCE's key role in maintaining peace and stability throughout our area. The OSCE's most effective contributions to regional security have been in areas such as field operations, post-conflict rehabilitation, democratization, and human rights and election monitoring. We have decided to explore options for a potentially greater and wider role for the OSCE in peacekeeping. Reaffirming our rights and obligations under the Charter of the United Nations, and on the basis of our existing decisions, we confirm that the OSCE can, on a case-by-case basis and by consensus, decide to play a role in peacekeeping, including a leading role when participating States judge it to be the most effective and appropriate organization. In this regard, it could also decide to provide the mandate covering peacekeeping by others and seek the support of participating States as well as other organizations to provide resources and expertise. In accordance with the Platform for Co-operative Security, it could also provide a co-ordinating framework for such efforts.
(...)

VI. Conclusion

51. This Charter will benefit the security of all participating States by enhancing and strengthening the OSCE as we enter the twenty-first century. Today we have decided to develop its existing instruments and to create new tools. We will use them fully to promote a free, democratic and secure OSCE area (...)

DECISIONS OF THE EIGHTH MEETING OF THE
MINISTERIAL COUNCIL, VIENNA,
27-28 NOVEMBER 2000

Decision No. 1
Enhancing the OSCE's Efforts to Combat Trafficking
in Human Beings

The Ministerial Council,

Bearing in mind the Charter for European Security, which commits participating States "to 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" and to "promote the adoption or strengthening of legislation to hold accountable persons responsible for these acts and strengthening the protection of victims",

Recalling the OSCE commitments on combating the traffic in human beings contained in the Moscow Document of 1991,

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;
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;
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;
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;
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;
12. Recognizes that OSCE field operations, within the legal framework of the host countries, can have a valuable role to play in the fight against trafficking, including by regular monitoring and reporting and assisting State authorities through, *inter alia*, promoting dialogue and acting as a bridge between governments and non-governmental organizations; and institutions, in resolving individual trafficking cases; and calls on field operations to strengthen co-operation among themselves;

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;

14. Welcomes the further development of the OSCE Secretariat's Code of Conduct for OSCE Mission Members to include provisions on trafficking in human beings and other human rights abuses, looks forward to its speedy implementation by all OSCE structures and institutions, requests heads of OSCE field operations to take appropriate measures if members of their staff use trafficking victims, and encourages all other international bodies, where appropriate, to adopt similar standards and practices.

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