

# **DEMOCRACY AND HUMAN RIGHTS ASSISTANCE**

**OSCE ODIHR  
PROGRAMMES AND PROJECT OUTLINES**

**2004-2005**

**Warsaw, 19 December 2003**

## **ODIHR PROGRAMMING 2004-2005**

### **General outline**

The Office for Democratic Institutions and Human Rights (ODIHR) in Warsaw is the principal institution of the OSCE responsible for the advancement of democracy and human rights, i.e. the human dimension of security. The 1992 Helsinki Document established the ODIHR's mandate to help OSCE participating States to:

*“ensure full respect for human rights and fundamental freedoms, to abide by the rule of law, to promote principles of democracy and... to build, strengthen and protect democratic institutions, as well as promote tolerance throughout society.”*

The ODIHR fulfils its mandate through a variety of activities, including through permanent interaction with the OSCE's 55 participating States on a political level through the Permanent Council in Vienna, as well as through direct contacts with participating States institutions on human dimension issues. The most visible events of this form of assistance are the regular “human dimension meetings” in Warsaw and Vienna, at which all participating States, but also other organisations and a large number of civil society representatives, participate. In addition to the human dimension meetings, such as the annual Human Dimension Implementation Meetings, the Human Dimension Seminars, and the three Supplementary Human Dimension Meetings, and other forms of monitoring, the ODIHR also takes pro-active steps to assist States in following up on their own commitments and the ODIHR's recommendations in the areas of human rights, elections and democratisation.

With the present programming document the ODIHR presents the outline of these technical assistance activities (programmes and individual projects) planned for implementation in 2004-2005.

In accordance with its mandate, the ODIHR:

- Promotes democratic election processes through in-depth observation of, and recommendations concerning, national and local elections, and conducts election assistance projects that enhance meaningful participatory democracy;
- Provides practical support in consolidating democratic institutions and uses long-term programmes and targeted projects to strengthen civil society and democratic governance practices;
- Assists OSCE field missions in implementing their human dimension activities, including through provision of expertise, training, exchange of experiences, and regional co-ordination;
- Contributes to early warning and conflict prevention by monitoring the implementation of OSCE human dimension commitments by participating States;

- Provides regular human rights training for government authorities, civil society, and OSCE staff;
- Assists participating States with the implementation of international legal obligations and OSCE commitments, most recently in combating trafficking in human beings and terrorism in line with human rights principles; and
- Serves as the OSCE Contact Point for Roma and Sinti Issues; and promotes the full integration of Roma and Sinti groups into the societies in which they live.

### **Developing specific assistance activities: the evolution from 1998 to 2003**

While the ODIHR, in its early years, focused primarily on formal human dimension meetings as well as on monitoring the implementation of human dimension commitments through, e.g., the observation of elections, participating States increasingly sought assistance in meeting their commitments. As a response, the ODIHR developed a series of concrete human dimension related assistance projects, which it carries out in recipient States and are funded primarily through extra-budgetary, voluntary contributions by donors. Between 1999 and 2002, this package of activities expanded to an average of 130 individual projects per year with a total annual average value of over €4m.

These assistance projects constitute a prime vehicle for providing ODIHR expertise to the field and thereby serving the respective participating State and relevant other OSCE bodies. They also constitute a useful channel for learning from practices in the field, gathering additional expertise and feedback from the ground. These lessons are fed back into the ODIHR's overall mandated activities as well as into the planning process for future activities, in the same country or elsewhere. The implementation of projects in the field has thus become one of the ODIHR's primary tools for bringing life to abstract human dimension principles, which serves its overall mandate and responsibility vis-à-vis the Organization.

### **The new approach to 2004/2005 programming: A comprehensive set of thematic programmes for technical assistance**

Several years of hand-on experiences with project implementation have gained the ODIHR considerable knowledge of handling the operational side of field activities, as well as invaluable practical feedback for its more standard-related work on human dimension commitments in the Warsaw or Vienna meetings. At the same time, the need for more consistent, longer-term engagement, and the need to ensure continuity and consistency in its assistance work, have now led the ODIHR to consolidate its project related work into more comprehensive programmes. This development was also due to recommendations received from participating States, donors and recipient countries alike, as well as from its partners in other OSCE bodies such as field missions. This approach also serves to better reflect the interrelation between Warsaw-centred monitoring, analysis and recommendations, and activities in the field.

In the years 2004 and 2005, the ODIHR therefore intends to focus on targeted institution-building and capacity-building programmes, while still keeping the possibility for shorter-

term projects as a rapid response to emerging needs. The programmatic shift is expected to provide greater continuity in assistance, the chance to build upon existing work in a broader framework, and to link related development challenges.

Since 1998, the ODIHR has been systematically providing technical assistance to a number of OSCE participating States: either upon request through memoranda of understanding (concluded with Armenia, Azerbaijan, Georgia, Kazakhstan, Kyrgyzstan, Tajikistan, and Uzbekistan); or upon mutual agreement through a consultation process with host country Delegations, capitals and, where applicable, OSCE field presences. Finally, special OSCE mechanisms and mandates, such as action plans and specific recommendations emerging from human dimension meetings, provide a basis for ODIHR activities in the field.

The project work hitherto undertaken by the ODIHR in its various fields of expertise reflects the need for interactive, relevant and concrete assistance to participating States. The diversity of challenges faced by participating States also affects the nature, duration and modalities of ODIHR projects. The ODIHR, with the support of the OSCE's participating States, has been able to respond to these needs with great flexibility, and has tried to tailor assistance projects as much as possible to the concrete field context. Some of these projects are of a regional, or trans-border character, many address post-conflict needs, several are generic and general, whereas some are uniquely connected to a specific situation. Also in terms of target groups, partners and techniques, the ODIHR has developed a broad variety of approaches, in order to maximise the impact of its field activities. In providing concrete assistance, the ODIHR can draw on its own in-house expertise as well as on the vast resources of expertise provided by participating States.

The ODIHR programming for 2004-5 takes into account that the OSCE, as a security organisation with a comprehensive approach and a strong focus on field presence, is well suited to provide certain types of technical assistance and project work. Like OSCE missions, the ODIHR does not operate in a vacuum. On the contrary, a considerable number of actors, both national and international, both governmental and no-governmental, pursue objectives which coincide with those of the OSCE: establishing and strengthening democratic institutions and promoting and protecting human rights.

The extension and broadening of the ODIHR's programmatic planning to a two-year cycle is based upon a recognition that many projects have a more lasting effect when embedded in longer term programmes, and can be better evaluated, adjusted and followed up as part of a more comprehensive thematic approach.

### **A reinforced focus on planning and co-ordination**

In recent months, special care has been taken to ensure that the ODIHR's programming is based on careful needs assessments, intensive planning and extensive consultation with relevant host countries, OSCE field presences, other international organisations, civil society actors and potential donors, in order to identify the ODIHR's added value and to avoid duplication of efforts. Only after completing this process, the ODIHR designed this comprehensive programming document, which has been consulted with OSCE field

presences and recipient States. After this careful and labour-intensive procedure it can now be presented to all participating States in its entirety. In line with this new approach, the ODIHR has sought, for the first time, a portion of the OSCE Unified Budget for some of its programmatic activities, which have so far been covered by extra-budgetary contributions. However, a large part of the programmes presented here will only be possible due to the continuous generous support of individual participating States. The programming document thus also serves as a funding appeal tool.

In order to reinforce its planning and programming capacity, the ODIHR has established a Project Management Unit under the direct supervision of the First Deputy Director, which serves as the focal point for all project related information, in particular the handling of extra-budgetary contributions, planning-related communication with host countries, field missions and the OSCE Secretariat.

### **ODIHR programmes in 2004/2005**

Within the areas of its mandate and expertise, and in response to needs identified, the ODIHR plans to implement a series of programmes in the following thematic areas for the period 2004-5:

#### **Democratization**

- Rule of Law, including
  - Fair Trials
  - Criminal Justice
  - Rule of Law
- Freedom of Movement/Migration, including
  - Co-operation on Migration - related Information
  - Labour Migration
  - Right to Choice of Residence
  - Rights of Migrants
- NGO & Democratic Governance, including
  - Strengthening the Third Sector
  - Civic Dialogue
  - Civic Diplomacy
  - Civic Education
- Gender Equality, including
  - Women's Leadership Development
  - Building and Strengthening Local Expertise on Gender
  - Gender Education of Youth
  - Integrating Gender Aspects into Government
  - Prevention of Violence Against Women
- Combating Trafficking in Human Beings, including
  - Anti-Trafficking Contact Point
  - Anti-Trafficking Awareness-raising: Media and NGO Training
  - Anti-Trafficking Standard-Setting and Capacity-building

- Countries of Destination: Promotion of Victim Protection
- Anti-Trafficking Commitments: Technical Assistance
- Strengthening Democratic Institutions in South Eastern Europe, including
  - Civil Society and Youth Affairs
  - Penitentiary Reform and Fair Trials
  - Strengthening Institutions
- Legislative Support
  - “legislationline.org”
  - Legislative Reform Assistance to Participating States

## **Human Rights**

- Promoting Tolerance and non-Discrimination
- Freedom of Religion and Belief
- Freedom of Assembly and Association
- Human Rights in the Administration of Justice
- Death Penalty
- Trial Monitoring
- Human Rights Training and Education
- Terrorism and Human Rights Analysis
- Anti-terrorism Technical Legislative Assistance
- Terror Prevention

## **Elections**

Although the main election-related activity of the ODIHR remains the observation of elections in participating States and the preparation of recommendations based thereupon, the ODIHR has developed a number of technical assistance programmes in support of the advancement of electoral process:

- Domestic Observation Capacity Building
- Electoral Legislation Alert and Assistance
- Follow-up on ODIHR-Observed Elections
- Development of Guidelines for Media Monitoring of Elections 2004-2005
- Voter Registration Best Practices Project

## **Roma & Sinti Issues**

In addition to new activities which emerge from the OSCE Action Plan on Roma and Sinti Issues, the Contact Point will implement a number of project activities, including:

- Roma under the Stability Pact “Roma use your ballot wisely”
- Roma Advisory Board for Election-Related Work of the CPRSI
- Combat of Discrimination and Confidence Building in Access of Roma to Legal Housing and Non-Segregated Residence in the OSCE Space, in Particular in the Countries of Central and South Eastern Europe
- Police and Roma: Toward Safety for Multi-Ethnic Communities

- Romani, Ashkali and Egyptian Refugees: An Independent Voice
- Establishment of a Kosovar Roma Non-profit Office in Pristina

### **Targeted funds under the ODIHR's supervision**

In order to accommodate the need for rapid reaction to crisis situations in the OSCE region and to be able to provide ongoing support to important initiatives, the ODIHR has established a number of funds which provide support to capacity building activities, enabling it to provide a flexible and participatory response which includes civil society and governmental structures.

- Anti-Trafficking Project Fund
- Grassroots Democracy Fund
- Fund for NGO participation in Human Dimension Events
- Fund for Participation of Election Observers from Emerging Democracies

These funds are financed by voluntary extra-budgetary contributions by participating States and serve to facilitate the implementation of specific aspects of the OSCE's human dimension commitments. This form of providing assistance was chosen for areas where concrete assistance would often be on too small a level to merit the design of a specific project or programme, but where nevertheless urgent action and support can make a difference to a specific situation. After several years of operation, these funds have proven to be appropriately crafted tools complementing other more formal activities such as the meetings and longer-term assistance programmes. Meetings become much more relevant and interesting through the participation of NGOs and representatives from all participating States, and many worthwhile civil society initiatives and concrete anti-trafficking measures would have been impossible without the existence of these funds. The ODIHR therefore intends to continue to operate these flexible and useful tools to complement its set of activities.

### **The programming document as a 'living text'**

This programming document consists of descriptions of the general thematic programmes as well as individual project outlines, which give an overview of the ODIHR's planned assistance activities in all its fields of expertise. As the ODIHR has moved towards a bi-annual time horizon but nevertheless needs to be able to adjust its activities to changing and newly arising needs in the field, the document will be used as a 'living text', which will guide the ODIHR's assistance work but will be updated and adjusted over time. This regards both general thematic programmes as well as individual projects. Within its programmes, the ODIHR might, in close co-operation with recipient States, donor States and field presences, develop projects which are not contained in this outline. On the whole, the ODIHR hopes to have served the Organization and its participating States by this move towards better planning and a more coherent presentation of its activities

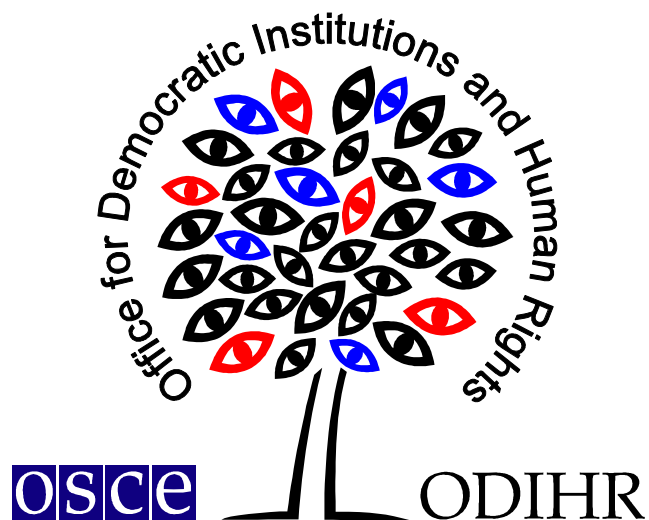
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**OSCE ODIHR TECHNICAL ASSISTANCE  
PROGRAMMING**

**2004-2005**

**ADVANCING DEMOCRACY**

**Warsaw, 19 December 2003**



## **PROGRAMME OUTLINE**

### **1. Programme Information**

#### **FAIR TRIALS PROGRAMME: ASSISTANCE IN DEVELOPING AND PROMOTING FAIR TRIAL STANDARDS**

##### **Location:**

Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Tajikistan, Ukraine and Uzbekistan.

##### **Summary:**

The Fair Trials Programme will focus on further developing fair trial processes in specific nations by working with lawyers, judges and/or prosecutors to improve access to fair trials.

##### **Objectives:**

- Training judiciaries in the conduct of fair trials according to international standards
- Assisting the prosecution services in developing appropriate standards
- Furthering the development of fair trial processes in selected countries in the CIS
- Building the capacity of lawyers to represent clients in civil and criminal cases.
- Support legal and structural reforms that increase access to professional legal assistance

##### **Justification:**

The countries of the Commonwealth of Independent States currently possess systems that aspire to international standards. As with all countries in transition, they require assistance to achieve those ideals of meeting international standards and commitments. As matters stand, the court systems of many of these countries retain many Soviet features, with dominant prosecutorial offices almost entirely controlling trials in criminal cases, and to a certain extent in civil cases, throughout the judicial process. There is an acute need for concentrated training for all stages of the trial system to begin to ensure that fair trial standards are inculcated at all levels of the justice system. The Fair Trials Programme will concentrate on building the skills and capacity required for those systems to comply with OSCE and other relevant international standards.

Criminal law is only one component of a satisfactory system of law. The Fair Trials Programme will look at the training of legal professionals and capacity building for those working both in criminal and civil law. The ODIHR has already conducted many projects aimed at judges, and to a lesser extent prosecutors, in a number of the countries that are included in the Fair Trials Programme. However in many of these States needs remain acute. Lawyers are another target group for the Fair Trials Programme which has

previously not received as much attention from the international community as have others in the legal community (i.e. judges and prosecutors). It is expected that the ODIHR will continue to conduct its projects under the Fair Trials Programme in partnership with other organisations who are doing similar work. However, it is also expected that the Fair Trials Programme will fill a gap in assistance programmes by targeting countries, and in particular legal professionals who are not currently targeted by others in the international community.

**Approach:**

The Fair Trials Programme will use a number of different approaches including training and technical assistance which will be specifically developed considering the particular circumstances and stage of development in each country but will also include relevant international fair trials standards. In many countries, one focus of the Fair Trials Programme will be on training defence lawyers. Where appropriate, the Fair Trials Programme will focus on providing assistance to the judiciary or to prosecutors.

Assistance may include the placement of longer-term experts to provide day-to-day assistance, and training-of-trainer programs for Judicial Training Centres. In all instances, the approach taken will be specific to the country and to improving and enhancing access to fair trials. In addition to co-ordinating with OSCE field presences and other international organisations, one source of information that the Rule of Law Unit will use in determining the most appropriate specific assistance for individual countries will be gathered through the Trial Monitoring Programme conducted by the ODIHR Human Rights Section. At the political level, the ODIHR will continue to support legal and structural reforms that increase access to professional legal assistance.

**Description of Activities:**

Specific projects to be conducted under the Fair Trials Programme include:

1. Defence Lawyers Training

There is an acute need for better-trained lawyers in many nations of the CIS. In many CIS law schools, lawyer training has changed little since Soviet times. There is a continuing stress on the memorisation of codes and the use of passive teaching methods. Interactive education methods are still very much the exception and not the rule of legal education. Training in basic lawyering skills is still unusual in most law schools, and unavailable to lawyers once they begin practising. Lawyers, therefore, often have a hard time applying their legal knowledge in the service of clients because they lack basic skills such as: advocacy, interviewing, negotiation, professional ethics and practice management. This results in lawyers failing to provide the best possible service to their clients and the courts. This project will focus on providing basic skills training to lawyers within specific countries. *Anticipated time frame: two years.*

2. Assistance to the Judiciary in Kazakhstan

Respect for human rights and Rule of Law is largely dependent on an efficient, professional and independent Judiciary. The role of the Judiciary has undergone considerable changes in Kazakhstan in the last several years. Since the Judicial Training

Institute (JTI) was established in 2002 under the auspices and operational responsibility of the Supreme Court of Kazakhstan, the ODIHR in co-operation with other partners has assisted in strengthening the Institute and enhancing its training capacity. Under this project the ODIHR will continue to provide assistance to the Judiciary, including the JTI in Kazakhstan, to improve and enhance the performance of the judiciary. *Anticipated time frame: two years.*

### 3. Follow-up to the ICCPR Training, Kyrgyzstan

The ODIHR carried out the project "Training on ICCPR for Judges, Prosecutors and Defence Lawyers" in 2002-2003. In the course of the project implementation, a partnership was formed with the International Commission of Jurists (ICJ), the Soros Foundation - Kyrgyzstan, and the NGO "Youth Human Rights Group" (YHRG) to make the ODIHR project a part of the larger ICCPR compliance programme for Kyrgyzstan. As part of this programme, the ICJ pledged to undertake an expert assessment on ICCPR compliance and develop recommendations for the Kyrgyzstan legislators and decision-makers. Following the ICJ expert assessment, the ODIHR will co-sponsor round tables with relevant authorities in Kyrgyzstan to discuss the expert findings and recommendations. These round tables will be instrumental in assisting the Kyrgyzstan government in developing a comprehensive, strategic approach to ensuring ICCPR compliance. *Anticipated time frame: One Year*

## **2. Expected Results**

It is expected that a direct result of the Fair Trials Programme will be an improvement in the capacity of legal professionals including judges, prosecutors and lawyers. This will mean that defence lawyers will be able to do a better job representing their clients and by doing so they may get better outcomes and improved implementation of fair trial standards on behalf of their clients. Likewise, better-trained judges may become stronger and more independent. An independent judiciary is a necessary institution in all stable democracies. Additionally, prosecutors who receive training and exposure to other models of legal practice are more likely to conduct trials in compliance with fair trial standards. Improving access to fair trials has a potential multiplier effect far outside the legal community, as citizens will gain greater confidence in their legal system, and by extension, their system of laws. It is expected that, over time, this will contribute to building a greater rule of law culture in various countries.

### **Sustainability:**

The ODIHR programmes seek to achieve a maximum sustainability through activities proposed, particularly at the policy and institutional levels. Therefore a programme approach has been chosen to ensure a longer-term perspective including a monitoring component. By addressing the next generation of judges, lawyers and defence attorneys, this programme aims at influencing current and future attitudes of practitioners and the population at large which will have a positive impact on confidence in the legal system.

The programme's focus on education has a dual impact of addressing systemic issues now, but seeks to provide a sustainable basis for all future training in these key areas of legal development.

**REGIONAL: CAUCASUS, CENTRAL ASIA, CENTRAL EASTERN EUROPE**  
**FAIR TRIAL PROGRAMME**  
**BASIC SKILLS TRAINING FOR LAWYERS**

**Objectives**

- To improve the skills and professional level of lawyers from countries in the CIS, including in Central Asia and the Caucasus;
- To introduce, improve and where practical, institutionalise skills-based training for lawyers to providers of legal education within the CIS;
- To introduce and encourage a client- and court-centred approach to legal practice in selected CIS countries.

**Background**

The protection of human rights in any country depends to a great degree on the active and proactive participation of well-trained committed lawyers. Some countries within the Commonwealth of Independent States continue to confront serious human rights abuses. Legal training in many of these nations fails to provide the basic skills that lawyers need to equip them adequately to represent clients in what are frequently highly contentious circumstances.

In many law schools of the CIS, lawyer training has changed little since Soviet times. There is a continuing stress on the memorisation of codes and the use of passive teaching methods. Interactive education methods are still very much the exception and not the rule of legal education. Training in basic lawyering skills is still unusual in most law schools, and unavailable to lawyers once they begin practising. Lawyers, therefore, often have a hard time applying their legal knowledge in the service of clients because they lack basic skills such as: advocacy, interviewing, negotiation, professional ethics and practice management. This results in lawyers failing to provide the best possible service to their clients and the courts. Lawyers in many of these nations face the added challenge of poor legal structures surrounding the practice of law. This means that lawyers are often times not paid or poorly paid for their legal services. In many countries legal reforms need to be made at a national level so that lawyers have the necessary legal protections to enable them to do their jobs.

**Approach**

Phase One: Curriculum development

In close co-operation with professional legal educators in other nations, particularly the UK and Russia, this phase will develop a curriculum that will introduce interactive teaching methods to teach basic lawyering skills such as advocacy, interviewing, negotiation, professional ethics and practice management. Included in the curriculum will be examples of how other nations organise and regulate the practice of law.

Phase Two: Identification of trainers

It is anticipated that in many of these countries, trainers from outside the particular country will initially be used. After the first training is completed, potential trainers from the training group will be identified for later training of trainers.

Phase Three: Training of Practising Lawyers

The initial skills training will be conducted over a several week period with lawyers selected to participate in the training through a competitive process. Both civil and criminal lawyers will be eligible for participation. The goal will also be to have lawyers from both the capital and areas outside the capital in each training session. After the initial training session, the ODIHR will conduct an in-house evaluation to determine how to improve the training and revise country-specific curricula.

Phase Four: Training of trainers.

Where appropriate, potential trainers will be identified to participate in later training-of-trainers sessions. Potential trainers will be identified both through the participants in the training programme and through existing providers of legal education and continuing legal education in the particular country.

Phase Five: Institutional Development.

Where appropriate, and where practical, this final phase will seek to include professional skills training into selected law school curriculum.

**Timeframe:** on-going through the year 2006.

<b>KAZAKHSTAN FAIR TRIAL PROGRAMME JUDICIAL ASSISTANCE PROJECT</b>
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**Objectives**

- To continue to raise awareness on the role of the judiciary in a democratic society and increase the population's trust in the judicial system;
- To improve the performance of the judiciary through technical, methodological and managerial advice to the Judicial Training Institute and other judicial institutions;
- To raise knowledge and understanding of international standards in the field of criminal justice.

**Background**

Respect for human rights and rule of law is largely dependent on an efficient, professional and independent judiciary. The role of the judiciary has undergone considerable changes in Kazakhstan in the last several years. Since the Judicial Training Institute (JTI) was established in 2002, under the auspices and operational responsibility of the Supreme Court of Kazakhstan, the ODIHR in co-operation with other partners assisted in strengthening the Institute and enhancing its training capacity. In the course of these activities, the ODIHR developed a working relationship with the Supreme Court and its Committee for Judicial Administration, who approached the ODIHR with suggestions for co-operation in other areas, including judicial administration and an awareness-raising campaign for the general public.

**Approach**

The ODIHR will continue its close working relationship with the Judicial Training Institute, and with the Supreme Court of Kazakhstan. The following project components are envisaged on the basis of discussions with the Supreme Court and the Judicial Training Institute:

- Awareness raising events to enhance the judiciary's independence and to increase the transparency of its functioning;
- Technical advice and assessment related to court administration and case management, in order to make the judicial system more accessible and transparent;
- Informational campaigns to ensure a broader understanding of international standards and how to apply them in the domestic context (through training, distribution of materials etc);
- Facilitating international contacts with the judiciary and judicial training institutions other CIS countries in order to exchange best practices.

**Timeframe:** 2004 - 2005

<b>KYRGYZSTAN</b> <b>FAIR TRIAL PROGRAMME</b> <b>ICCPR TRAINING FOLLOW-UP PROJECT</b>
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**Objectives**

- To continue the discussion on International Covenant on Civil and Political Rights (ICCPR) compliance with the stakeholders and assist in the implementation of the ICCPR commitments in Kyrgyzstan;
- To increase the awareness of the decision-makers and legal practitioners about international human rights commitments and the application of these commitments in the Kyrgyz domestic law.

**Background**

The ODIHR carried out the project "Training on ICCPR for Judges, Prosecutors and Defence Lawyers" in 2002-2003. In the course of the project implementation, a partnership was formed with the International Commission of Jurists (ICJ), the Soros Foundation - Kyrgyzstan, and the NGO "Youth Human Rights Group" (YHRG) to make the ODIHR project a part of a larger ICCPR compliance programme for Kyrgyzstan. As part of this programme, the ICJ pledged to undertake an expert assessment on ICCPR compliance and develop recommendations for the Kyrgyzstan legislators and decision-makers. These recommendations would then be publicised and discussed with the key stakeholders. The discussion will be particularly topical as Kyrgyzstan's next periodic report to the UN Human Rights Committee is due in 2004.

**Approach**

Following the ICJ expert assessment, the ODIHR will co-sponsor roundtables with the relevant authorities in Kyrgyzstan to discuss the expert findings and recommendations. These roundtables will be instrumental in assisting the Kyrgyzstani Government in developing a comprehensive strategic approach to ensuring ICCPR compliance.

**Timeframe:** 2004



## PROGRAMME OUTLINE

### **1. Programme Information**

#### **CRIMINAL JUSTICE PROGRAMME: ASSISTANCE IN DEVELOPING AND PROMOTING CRIMINAL JUSTICE REFORM UNDER OSCE COMMITMENTS**

##### **Location:**

Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Tajikistan, Ukraine, and Uzbekistan.

##### **Summary:**

The Criminal Justice Programme will work towards assisting development for longer-term reform in criminal justice systems. This represents a consolidated approach to work that the ODIHR Rule of Law Unit has conducted for many years. Through the Criminal Justice Programme, the ODIHR Rule of Law Unit will continue its work in prison reform, focusing on efforts to bring reform to criminal justice systems including in pre-trial detention, investigation and alternative sentencing. Under the Criminal Justice Programme, the ODIHR will continue to work to confront and combat torture.

##### **Objectives:**

- To build capacity within the criminal justice system in the relevant countries by taking an issue oriented approach;
- To respond in a quick and flexible way to enhance reform efforts in criminal justice systems;
- To integrate anti-torture work as an on-going element of criminal justice reform;
- To build and enhance capacity in the penitentiary systems of the CIS to treat prisoners in accordance with international standards;
- To assist in the exchange of information on best practices in the area of public monitoring of places of detention and support efforts to build effective and independent monitoring systems for places of detention;
- To assist in developing and delivering training in alternative sentencing and restorative justice.

##### **Justification:**

In many of the transitional states of the former Soviet Union, the criminal justice system has been and continues to be in need of expert advice and assistance to develop and meet relevant international standards and OSCE commitments.

To this point, the criminal justice work of ODIHR has been based on individual project work, each dealing with a specific aspect of the field. Whilst this approach has been successful, it has demonstrated that there is a requirement for more flexibility for work within a consistent and directed framework. The fields of anti-torture work, prison reform, alternative sentencing and restorative justice have been areas in which ODIHR has developed a high degree of expertise and they are all closely linked. Similarly, the OSCE's expertise in monitoring places of detention has proved useful in building the capacity of NGOs to act in the prevention of torture.

This new approach is envisaged whereby such projects will be undertaken in a single, comprehensive Criminal Justice Programme which will give a far greater degree of flexibility to the work and the ability to be proactive and, where necessary, to act quickly when needs and opportunities for positive change develop. Reform in criminal justice systems is often closely linked to the political dimension, and the ODIHR will continue to work through the political level to encourage reform. This comprehensive approach will also enable the ODIHR to build on the links and best practices developed through the project work that has been ongoing in these areas for many years.

**Approach:**

The Criminal Justice Programme will use a number of different approaches primarily training, technical assistance and work through the political dimension. The common link between all of the assistance efforts under the Criminal Justice Programme will be to support and encourage existing efforts for reform in individual countries. The Criminal Justice Programme will build on existing ODIHR expertise and provide a degree of flexibility and consistency that has hitherto been unavailable in smaller, unrelated projects. The goals will be to assist and encourage reform in the criminal justice systems of those countries in the most need, and where there is the political will, to support such changes; and to attempt to ensure that participating States have the capacity to meet their OSCE and other international commitments.

**Description of Activities:**

Specific projects to be conducted under the Criminal Justice Programme include:

1. Central Asia Prison Reform Assistance

In the past years, the ODIHR has contributed to criminal law and prison reform processes in Central Asia through a variety of events and activities. The ODIHR's work in this area has included offering technical assistance and advice on how to bring practices in line with the main international instruments on conditions of detention, legislative assistance, and expert exchanges. During this time, the ODIHR has seen new organisations entering this field. Many of these organisations are well-positioned to do much of the direct training work that the ODIHR previously did. Therefore, while continuing to stress and note positive lessons learned and best practices from our existing work in the region, over the next two years the ODIHR intends to continue reducing its direct involvement and hand over certain aspects of the penitentiary project work to other relevant international actors who have become increasingly engaged in this reform work in Central Asia. As a part of this process, the ODIHR will continue to offer political support and assistance to the

Central Asia prison systems in the coming years to maintain the level and pace of reform. Anticipated time frame: two years.

## 2. Prosecutors Program: Republic of Armenia

The ODIHR, and OSCE Office in Yerevan have identified a gap in the international community assistance efforts in Armenia in terms of addressing the needs of prosecutors. Most of the international organisations in Armenia are focusing on judges and defence attorneys, with very few resources and very little attention being focused on providing assistance to prosecutors. One clear and undisputed need is in the area of continuing legal education for prosecutors. Through this project, the ODIHR intends to focus attention and training on prosecutors to assist them in achieving better compliance with the international obligations undertaken by Armenia. Anticipated Time Frame: one year

## 3. Caucasus Prison Reform Assistance

Since 2000, the ODIHR has been promoting criminal law and prison reform in Armenia, Azerbaijan and Georgia. The transfer of prison administrations from Ministries of Interior to Ministries of Justice in all three republics is both a milestone of the reform process and an imperative for continued assistance in the on-going consolidation process that the prison administrations are subject to as a result of structural reorganisation. The recent accession of all three South Caucasus republics to the Council of Europe, together with their membership in the OSCE, constitutes a good basis for increasingly addressing the needs of prison reform through a regional approach enhancing dialogue and experience among the regions' penitentiary professionals. The ODIHR intends to continue to offer political support and assistance to the South Caucasus republics in the next two years to further their continuing efforts towards reform. Anticipated time frame: two years.

## 4. Central Asian Restorative Justice Project

As a part of on-going reforms in criminal justice in Central Asia, a number of countries have adopted restorative justice provisions thereby allowing the mediation of criminal cases. Restorative justice has the potential to contribute to decreasing prison populations, since one aspect of the mediation process is oftentimes that the perpetrator of the offence agrees to restitution in lieu of imprisonment. However, as the possibility for restorative justice has increased, there are more questions about when and how to appropriately use this possible alternative in the criminal process. The ODIHR will help to share best practices from a number of OSCE participating States that currently use restorative justice in their criminal justice systems. Anticipated time frame: one year

## 5. Belarus Alternative Sentencing Project

In 2001 Belarus adopted new Criminal, Criminal Procedure and Criminal Execution Codes. These new pieces of legislation are far more liberal than the previous ones and corresponding to many more international standards. The new Criminal Code, for instance, provides for alternative types of sentencing, such as fines and public labour. However, the majority of these provisions are not being applied for a number of reasons. The project will have several components, including seminars on alternative sentencing with the participation of experts from countries where such procedures are actively applied. The seminars will target judiciary, prosecutors, the penal execution bodies, city authorities and

others with the goal being to improve implementation of existing legislation. Anticipated Time Frame: Through 2004. Partially funded by European Commission.

#### 6. Anti-Torture Programme

The ODIHR Anti-Torture Programme has provided support for many years to OSCE participating States in projects that aim to prevent torture and other forms of ill treatment. All OSCE participating States have repeatedly committed themselves to the eradication of torture. They have also committed themselves to a comprehensive set of rule of law safeguards designed to help to prevent torture and other forms of ill treatment. However, torture and ill treatment continues to occur both in established democracies as well as in transition states. In many OSCE participating States, such treatment is widely applied by law enforcement structures. Those inflicting such treatment are rarely held accountable. It is anticipated that the ODIHR will increasingly focus its anti-torture work in the context of pre-trial detention. Torture is commonly used at this stage of detention in criminal cases as a primary “technique of investigation” to extract confessions. It is also anticipated that the ODIHR will increasingly focus on improving capacity of local lawyers and NGOs to take practical steps to advocate on behalf of their clients and victims of torture, thereby reducing future instances of torture. Anticipated time frame: two years.

#### 7. Monitoring Places of Detention in the Caucasus and Central Asia

Many OSCE States are in the process of exploring the issue of improving prison conditions through increased transparency and openness, particularly through promoting national monitoring or visiting mechanisms involving civil society. With this project, ODIHR intends to assist prison administrations of the governments of the Caucasus and Central Asian States in developing national mechanisms for monitoring of places of detention. Roundtables will be conducted in those countries in Central Asia and the Caucasus where prison administration and NGOs are starting the process of creating monitoring mechanisms to discuss comparative models from other states. In addition assistance and advice will be provided in the legislative drafting process to assist in the establishment of monitoring boards, to provide for appropriate trainings for future members of the national monitoring boards, and to co-ordinate the role of other international actors involved in the creation of monitoring mechanisms. Anticipated time frame: one year

## **2. Expected Results**

The Criminal Justice Programme will assist in the on-going reform process in criminal justice systems by working with lawyers, judges, prosecutors and prison professionals. Through this consolidated approach the ODIHR expects to be able to build on existing dynamics for change in particular countries and therefore increase its impact. The Criminal Justice Programme will work on increasing implementation of alternative sentencing, thereby aiming to reduce prison populations. In Belarus, the Programme will assist in the implementation of alternative sentencing legislation through the provision of training, thereby improving prison conditions and providing more appropriate sentencing alternatives. The programme expects to successfully promote restorative justice systems in Central Asia with the twin benefits of providing more appropriate alternative sentencing

options for Central Asian judicial systems as well as reducing the drain on fiscal resources from overcrowded prisons.

Additionally, the Criminal Justice Programme will streamline the ODIHR's penal reform assistance efforts in Central Asia and the Caucasus into a more consolidated programme promoting exchanges of best practices from the regions, as well as to promote the ODIHR's political role in advocating for further penal reform initiatives. In so doing, the programme expects to continue to promote structural reform of penal systems as well as positively influencing conditions for prisoners. The programme will also seek to provide practical training for prosecutors in Armenia, thereby improving the entire trial and advocacy environment in the country. The Criminal Justice Programme also expects to integrate anti-torture work throughout its projects with a particular focus on torture prevention in the pre-trial detention stage. By focusing in this area, the ODIHR expects to be able to provide assistance and training on practical steps that lawyers, prosecutors, and judges can take to reduce instances of torture and improve compliance with international commitments.

**Sustainability:**

The ODIHR programmes seek to achieve maximum sustainability through the activities proposed, particularly at the policy and institutional levels. Therefore a programme approach has been chosen to ensure a longer-term perspective including a monitoring component. By taking a consolidated approach that is aimed at the various players in any criminal justice system, the ODIHR expects to change both attitudes and behaviours of those who are working in the system. By increasing the use of alternative sentences, prison populations should decrease which should leave a lasting impact in changed attitudes and approaches to criminal behaviour in particular societies. Changing attitudes means that prison crowding will be reduced in the future. Also as alternative sentences are increasingly used, crime victims may more frequently receive compensation. It is also expected that there will be longer-term attitude changes regarding what is acceptable punishment for particular crimes, and acceptable treatment for prisoners.

<p style="text-align: center;"><b>REGIONAL: CENTRAL ASIA</b> <b>CRIMINAL JUSTICE PROGRAMME</b> <b>PENITENTIARY REFORM ASSISTANCE – CENTRAL ASIA</b></p>
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**Objectives**

- To assist in criminal law reform with a view to compliance with international standards and in relation to "best practices" of OSCE participating States;
- To assist the Governments of Central Asia in upgrading the operational functioning of their prison systems.

**Background**

In the past years, the ODIHR has contributed to criminal law and prison reform processes in Central Asia through a variety of events and activities. The ODIHR's work in this area has included offering technical assistance and advice on how to bring practices in line with the main international instruments on conditions of detention, legislative assistance, and expert exchanges. One of the achievements of the discussions about prison reform at the political level and of the exchange of opinions was that most Central Asian Republics decided to transfer their penitentiary systems from the Ministry of Interior to the Ministry of Justice. This structural change was recommended by the international community to ensure inter-institutional control and better safeguards for the human rights of detainees.

The experiences of the various reform processes were discussed at the ODIHR Supplementary Human Dimension Meeting on Prison Reform in Vienna in July 2002. The meeting came up with a comprehensive set of recommendations. The ODIHR intends to continue reducing its direct involvement and handing over certain parts of the project work related to penitentiary reform to other international actors who have become increasingly engaged in prison reform work in Central Asia. As a part of this process, the ODIHR will continue to offer political support and assistance to the Central Asian prison systems in the coming year to maintain the level and pace of reform. On the basis of the above recommendations, the existing partnerships and taking into account what other actors are doing, a number of areas were identified, where the ODIHR's assets can be fully used and where its involvement in penitentiary issues is still indispensable.

**Approach**

The project will contain the following components where the ODIHR will continue to:

- Encourage overall reform in the criminal justice field;
- Provide support to improve implementation of alternative sentencing;
- Provide regional and international fora for the people involved in penitentiary reform to exchange best practices;
- Facilitate the exchange of information on best practices in training for penitentiary services.

Activities will be closely co-ordinated with the planned Legislative Support Unit of ODIHR which will be involved in bringing the legal basis in line with international standards.

**Timeframe:** 2004

**ARMENIA**  
**CRIMINAL JUSTICE PROGRAMME**  
**PROSECUTORS ASSISTANCE PROJECT**

**Objectives**

- Assist the prosecutor's office in conducting its procedures in compliance with international fair trial standards;
- Address prosecutors' immediate and comprehensive needs for legal education;
- Assess the longer-term needs of the Prosecutors Office.

**Background**

Individuals are never as vulnerable with respect to their fundamental rights and freedoms as they are in the context of criminal proceedings. Observing the basic principles of fair trials, such as procedural guarantees, is an integral part of any democratic criminal process.

The Republic of Armenia acceded to the Council of Europe in 2001. Accession came hand in hand with the ratification of a series of binding legal instruments and their internalisation into national legal practice. This is therefore the right moment to ensure full implementation and compliance with international obligations taken up by the Republic.

The ODIHR and OSCE Office in Yerevan have identified a gap in the international community assistance efforts in Armenia in terms of addressing the needs of prosecutors. Most international organisations in Armenia are focusing on judges and defence attorneys with very few resources and very little attention is being focused on providing assistance to prosecutors. One clear and undisputed need is in the area of continuing legal education for prosecutors.

**Approach**

Rule of law development is long-term work and needs long-term commitments. The Rule of Law Unit will build its assistance on several consecutive steps, starting with a pilot phase in 2004 addressing immediate short-term and assessing longer term needs as well as potential longer term assistance:

Phase One: Immediate Needs

Through 2004, the ODIHR together with its international and national partners will offer a series of quick-injection trainings on international standards in criminal procedure focussing on the domestic Criminal Procedure Code (CPC) of the Republic of Armenia and its relation to the European Convention on Human Rights (ECHR). The trainings will be conducted for all prosecutors in all regions of Armenia, in order to reach more remote areas that are less exposed to international outreach. One principal aspect of the trainings will be to raise awareness among professionals on the direct applicability of the ECHR in domestic jurisprudence, in cases where the ECHR provides for greater protection than domestic legislation. During 2003 ODIHR assessed that this is a current area of need as there is a new Criminal Procedure Code and many prosecutors are unaware of the new provisions, as well as being unaware of how the ECHR should impact on their daily practice.

Phase Two: Assessment:

The ODIHR will complete an assessment of the current institutional structure, legal basis and future training and technical assistance needs for the Prosecutors Office in Armenia. This is a new area of work for the ODIHR and there is a need to base any future planning for more comprehensive assistance on the current needs of the office. There is also a need to assess the current capacity of the Prosecutors Office to absorb future assistance. This assessment will be conducted in co-ordination with the other international organisations that have an interest in providing future assistance to the Prosecutors Office. This assessment will also include a specific assessment of the Prosecutorial Training Centre to examine their current capacities and potential capacity for future co-operation and technical assistance. Based on this assessment the ODIHR will plan what assistance efforts are appropriate in 2005.

**Timeframe:**

2004

<p style="text-align: center;"><b>REGIONAL: CAUCASUS</b> <b>CRIMINAL JUSTICE PROGRAMME</b> <b>PENITENTIARY REFORM ASSISTANCE - CAUCASUS</b></p>
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### **Objectives**

- To assist in criminal law reform with a view to compliance with international standards and best practices in the OSCE area;
- To assist the governments of the South Caucasus region in upgrading the operational functioning of their prison systems;
- To continue support for all three states to establish comprehensive training programs for prison personnel (including the development of prison training facilities and a curriculum based on international standards for the treatment of prisoners);
- To review reforms that are taking place in the three Caucasus States as a result of their entry into the Council of Europe and to share information among the prison officials of the three States and form linkages for future co-operation;
- To share information on the application of international standards for the treatment of prisoners.

### **Background**

Since 2000, the ODIHR has been promoting criminal law and prison reform in Armenia, Azerbaijan and Georgia. The transfer of prison administrations from Ministries of Interior to Ministries of Justice in all three republics is both a milestone of the reform process and an imperative for continued assistance in the on-going consolidation process that the prison administrations are subject to as a result of structural reorganisation. The recent accession of all three South Caucasus republics to the Council of Europe, together with their membership in the OSCE, constitutes a good basis for increasingly addressing the needs of prison reform through a regional approach enhancing dialogue and experience among the republics' professionals.

The experiences of the various reform processes were discussed at the ODIHR Supplementary Human Dimension Meeting on Prison Reform in Vienna in July 2002. The final document adopted a comprehensive set of recommendations for the OSCE participating States to implement. On the basis of these recommendations, the ODIHR intends to continue to offer political support and assistance to the South Caucasus republics in their continuing efforts towards reform during the next two years.

In 2003, the ODIHR focused on capacity building for prison personnel, following two simultaneous tracks: addressing immediate training needs and supporting the establishment of prison training centres (an institution-building component). The implementation of the training module started in early 2003 and will continue throughout 2004. Training is country-specific, based on needs assessment and adjusted to the political commitment to reform.

In addition, the ODIHR will increasingly use its political capital to widen the impact of prison reform as a process for influencing change in other areas of criminal law (for example, promoting alternative sentencing initiatives, restorative justice etc).

**Approach**

- Capacity building: The ODIHR will continue to implement its comprehensive, four-phased training module in Armenia. This will be expanded to Azerbaijan and Georgia as appropriate. The goal is to reach all prison officials for initial or refresher training and to enhance the capacities of national training institutions.
- Reforming Policy: The ODIHR will continue to encourage expanding prison reform efforts to stimulate overall reform in the field of criminal justice. One strategic priority will be promoting alternatives to imprisonment. The ODIHR will continue to provide regional and international fora for exchange of experiences and best practices among prison professionals.
- Public Monitoring: the ODIHR will continue to support the establishment of national monitoring mechanisms (a separate project in this project package)

**Timeframe:**

2004 – 2005

<p style="text-align: center;"><b>REGIONAL: CENTRAL ASIA CRIMINAL JUSTICE PROGRAMME RESTORATIVE JUSTICE PROJECT</b></p>
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### **Objectives**

- To increase awareness of alternative models of restorative justice (mediation of criminal cases);
- To encourage the implementation of current restorative justice provisions in Central Asian countries, in compliance with OSCE principles;
- To increase awareness about various alternative dispute-resolution practices in the context of resolving criminal cases;
- To encourage the creation of country-specific solutions to criminal justice problems using traditions already engrained in the country's culture and history and in compliance with OSCE principles and international human rights standards.

### **Background**

Restorative justice is mediation in criminal cases. Among its benefits is the potential to create greater justice for victims of crimes who can receive the restitution they seek. Defendants and the system as a whole benefit as well, since restorative justice oftentimes means that the defendant pays restitution as a substitution for a prison sentence. It is also possible that the process of restorative justice may help the defendant to understand the consequences of his or her criminal behaviour, thereby reducing re-offending rates.

As a part of on-going reforms in criminal justice in Central Asia, a number of countries have adopted restorative justice provisions. However, as the possibility for restorative justice has increased, there are also more questions about when and how to appropriately use this possible alternative in the criminal process. The ODIHR will help to share best practices from a number of OSCE participating States that currently use restorative justice in their criminal justice systems.

### **Approach**

To reach its objectives in increasing awareness of and encouraging appropriate use of restorative justice in Central Asia, the ODIHR will:

- Create fora, such as conferences and roundtables, for heightened discourse about the issues surrounding restorative justice
- Encourage an exchange of best practices between experts from countries with strong and effective restorative justice programs and their Central Asian counter-parts.
- Encourage the targeted use of restorative justice so that it is used for crimes where it is the most appropriate alternative to formal criminal proceedings.

**Timeframe:** 2004

<p style="text-align: center;"><b>BELARUS</b> <b>CRIMINAL JUSTICE PROGRAMME</b> <b>ALTERNATIVE SENTENCING</b></p>
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**Objectives**

- To share knowledge of alternative sentencing and international experiences with the Belarussian judiciary and prosecutor's office,
- To develop a procedure of alternative sentencing jointly by Belarussian and International experts,
- To implement a pilot project of alternative sentencing with the Minsk City Executive Committee and the Punishment Execution Committee of Belarus.

**Background**

As from 1 January 2001, the new Criminal legislation entered into force in Belarus, namely Criminal, Criminal Procedure and Criminal Execution Codes all became valid. The new legislation is far more liberal and corresponding to many international standards than the previous one. The new Criminal Code provides for alternative types of sentencing, such as fines, public labour, etc. However, the majority of these provisions are not being applied for a number of reasons. Among those reasons are the lack of a procedure for sentencing to public works and, secondly, the Government has neither the structure nor experience to implement those provisions. Considering that a small country like Belarus with a population of less than 10 million people has 56,000 prisoners, application of alternative sentencing could be one of the solutions to the problem.

**Approach**

The project will have several components, including two seminars on alternative sentencing with the participation of experts from the countries where such procedures are actively applied. Such seminars could target the judiciary, prosecutors, penal execution bodies, city authorities and others. The second phase will envisage a procedure for applying alternative sentencing to be jointly developed by Belarussian and international experts. The third phase will include a pilot project of assistance to the Minsk City Executive Committee in establishing a structural unit within the Committee, which will collect and distribute information on available municipal work to be offered to those who have been sentenced. The project will also envisage publications.

**Timeframe:** 2003 - 2004

<b>OSCE REGION CRIMINAL JUSTICE PROGRAMME ODIHR ANTI-TORTURE PROGRAMME</b>
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**Objectives**

- To work towards the eradication of torture and other forms of degrading and inhuman treatment or punishment in the OSCE;
- To raise the awareness of ill treatment as a major human rights concern among governmental officials, law enforcement, the legal community, NGOs and society at large;
- To increase awareness and enforcement of anti-torture provisions in domestic and international law;
- To develop and assist in the implementation of anti-torture strategies for governments in the OSCE.

**Background**

The OSCE participating States have repeatedly committed themselves to the eradication of torture. They have also committed themselves to a comprehensive set of rule of law safeguards that helping to prevent torture and other forms of ill treatment. However, torture and ill treatment continues to occur both in established democracies as well as in transition states. In many OSCE participating States such treatment is widely applied by the law enforcement structures. Those inflicting such treatment are rarely held accountable.

In a number of OSCE participating States, there is little awareness of the problem of torture, and in some areas torture is regularly practised. There is a need to address structural shortcomings that are conducive to torture and that lead to systematic impunity for those responsible for inflicting torture. Similarly there is limited awareness of the redress available in existing domestic and international legal frameworks to make torturers accountable and to provide redress for victims. In addition, the domestic legal systems of many participating States have adequate provisions for reparation for victims of torture which often times go unenforced in practice.

It is anticipated that the ODIHR will increasingly focus its anti-torture work in the context of pre-trial detention. Torture is commonly used at this stage of detention in criminal cases as a primary “technique of investigation” to extract confessions. It is also anticipated that the ODIHR will increasingly focus on improving the capacity of local lawyers and NGOs to take practical steps to advocate on behalf of their clients and victims of torture, thereby reducing the possibility for future instances of torture.

**Approach**

To reach its objectives in working towards eradicating torture in the OSCE area, the ODIHR will:

- Conduct a broad range of anti-torture activities, including seminars, roundtables, working groups, and other activities.
- Increase awareness of existing domestic and international mechanisms to punish perpetrators and provide redress for the victims of torture.

- Develop and assist in implementing practical anti-torture strategies in co-operation with governments, using the reports of international treaty monitoring bodies and their recommendations as guides.
- Assist grassroots, anti-torture activities in participating States. Such activities complement ODIHR's own programming as they often result from ODIHR anti-torture events.
- Strengthen domestic monitoring mechanisms, particularly human rights institutions and Ombudsman offices, through financial and political support to reduce torture and ill treatment.

**Timeframe:** 2004 - 2005

**REGIONAL: CAUCASUS AND CENTRAL ASIA**  
**CRIMINAL JUSTICE PROGRAMME**  
**MONITORING PLACES OF DETENTION**

**Objectives**

- To assist prison administrations of the governments of the Caucasus and Central Asian States in developing national mechanisms for the monitoring of places of detention.

**Background**

One of the recommendations of the final document of the Supplementary Human Dimension Meeting on Prison Reform from July 2002 was to continue the process of opening up prison systems, particularly through promoting national monitoring or visiting mechanisms involving civil society. Many OSCE States are in the process of exploring this issue and showed interest in developing monitoring schemes. The ODIHR has already received requests from several states for information on monitoring mechanisms. The ODIHR NGO Unit has also been conducting human rights monitoring training for NGOs in Central Asia and the Caucasus for the last several years. The Rule of Law Unit, in co-operation with the Geneva based “Association for the Prevention of Torture” (APT), has developed a guide for monitoring of places of detention foreseen to be used for this project.

In 2003 the ODIHR chose one target country with positive indicators for successful establishment of a monitoring scheme within a reasonable timeframe. Upon a request from the Ministry of Justice from the Republic of Armenia, the ODIHR concentrated on assisting civil society representatives and the Ministry of Justice in Armenia in their efforts to establish a board of civil society monitors; negotiations are going on with the police to follow suit. The process is shortly before completion with a legal basis enacted and the board members being selected and trained. A pilot project is being conducted in various prisons and places of detention in the Republic.

Based on this experience and know-how in Armenia, it is foreseen to expand efforts to establish monitoring mechanisms also to other countries, both in the Caucasus and Central Asia. As a starting point, a series of roundtables were held in the Caucasus and in Central Asia, bringing together governmental and non-institutional actors for exchange of experiences and discussing best practices and models with international and regional experts.

**Approach**

The ODIHR will continue its support on various levels:

1. Using the OSCE assets (field presences, good knowledge of the NGO communities, comparative expertise, political dimension of mandate), the ODIHR, in co-operation with the Council of Europe, will continue supporting efforts by participating States towards creating sustainable public monitoring schemes. Activities will be closely co-ordinated with the ODIHR legislative support unit, which will be involved in bringing the legal basis in line with international standards.

2. Organise a series of roundtables in each of the Central Asian and Caucasian States for prison administration and NGOs starting the process of creating monitoring mechanisms and discussing comparative models from other states, particularly from states in the region that have already created such mechanisms (Georgia, Armenia). International experts who can discuss how the various models function and provide some lessons learned will also be invited.

3. The ODIHR Rule of Law Unit will consistently work together with its institutional partners in the Ministries of Justice providing assistance and advice in the legislative drafting process, assist in the establishment of monitoring boards, provide for appropriate trainings for future members of the national monitoring boards, and co-ordinate the role of other international actors involved in the creation of monitoring mechanisms.

**Timeframe:** 2004



## **PROGRAMME OUTLINE**

### **1. Programme Information**

#### **RULE OF LAW PROGRAMME**

##### **Location:**

OSCE Region

##### **Summary:**

The Rule of Law Programme will focus on new and existing projects for rule of law development work outside the judicial process. The Rule of Law Programme will develop and implement new projects that aim at changing the underlying attitudes that block rule of law development. An integral part of the Rule of Law Programme will be to base project development on more in-depth examinations of what is currently happening in particular countries to design projects that build onto existing dynamics for reform, and opportunities for reform. The unifying goal of these projects is that they will work towards attitude changes that will help to improve compliance with OSCE principles in the area of rule of law. The Rule of Law Programme is also designed to be flexible enough to provide for quick responses to changing situations in particular nations so that quick action can be taken when opportunities encouraging reform arise.

##### **Objectives:**

- To work toward the establishment of rule of law throughout the OSCE Region
- To focus on rule of law development outside judicially based dispute resolution processes.
- To enhance and support local initiatives that promote the establishment of rule of law, thereby improving the protection of human rights.
- To support projects that aim at changing attitudes to support development of rule of law.

##### **Justification:**

Rule of law reform in many OSCE States is slow, with some continuing to experience profound shortcomings in creating systems governed by rule of law. In some participating States new laws and structural reforms are still needed. However, an increasing focus of the ODIHR is to look at the challenges facing these nations in the implementation of laws that comply with international standards and OSCE principles. The poor implementation of laws and the structural changes that are still needed in some areas and in some States means that human rights are not protected at levels.

A key factor underlying the failure to implement laws is the attitude of the population, including civil society, towards law and its role in society. The legacy of communism in many of these States has resulted in a population that is passive and uninvolved in changing laws to become responsive to their needs, or in demanding that the laws are fully implemented. On a variety of levels, individuals do not recognise and agree with the importance and value of accepting and following the laws. It is this attitude, of failing to see law as a positive development, and failing to see the legal system as a legitimate forum to resolve disputes, that underlies the lack of rule of law development in many nations of the CIS.

Through the Rule of Law Programme, the ODIHR intends to strategically focus on projects that have as their underlying goal changing attitudes towards rule of law. The unifying goal of these projects is that they will work towards attitude changes that will help to improve compliance with OSCE principles in the area of rule of law.

The Rule of Law Programme will focus on building on work already conducted by ODIHR, and on building onto existing dynamics for change within specific countries. In previous years, the ODIHR has conducted a number of projects aimed at various sectors of the legal community including training for judges, lawyers and prosecutors, human rights institutions, human rights ombudsmen's institutions, and legal clinics. These programs have been successful in targeting specific areas of concern and highlighting particular specific areas for assistance. However, these programs have not always carried through them the unifying thread of working towards attitude changes in a particular nation. The Rule of Law Programme will support projects that include this unifying theme of working on attitudinal change.

**Approach:**

The Rule of Law Programme will support existing projects that focus on rule of law development outside the judicial process (for work focusing on the judicial process, please see the Fair Trials Programme and the Criminal Justice Programme). The Rule of Law Programme will implement projects that aim at changing the underlying attitudes that block rule of law development. An integral part of the Rule of Law Programme will be to base project development on a more in-depth examination of what is currently happening in particular countries in order to design projects that build onto existing dynamics for change, and opportunities for change. By making more thorough assessments, the Rule of Law Programme will identify areas where there is an opportunity to make an impact through political or programmatic means, on the underlying attitudes that impede the development of rule of law, and where others in the international community are not working, or where ODIHR partnership would improve the effectiveness of the programmes.

**Description of Activities:**

Specific activities that may be implemented under the Rule of Law Programme include:

### 1. Legal Clinic Project for Central Asia

Clinical legal education is proven to be an effective program to change the attitudes of the next generation of lawyers, encouraging them to become engaged as active problem solvers on behalf of their clients, and it also helps to change the attitudes of the clients who seek legal assistance. Under this programme ODIHR will continue to provide support to existing legal clinics in Central Asia. ODIHR will also help to build better regional co-operation by bringing together students and professors working in legal clinics in Central Asia. *Anticipated time frame: two years*

### 2. Civic Education

The ODIHR will continue to support the development of legal literacy programmes, specifically targeting programmes aimed at youth. The interactive civic Education programmes (also called "Streetlaw") are aimed at changing attitudes through increasing legal literacy. Educating young people about their legal rights results in changes in expectation. Oftentimes, once a person understands what their rights are, they start to expect that those rights will be respected and as a result will often work to protect their rights in ways they would not previously have considered. *Anticipated time frame: two years*

### 3. Conflict Management Skills Training

Basic conflict management skills are not a part of legal education in the CIS. This means that many lawyers, as well as governmental officials, do not now have basic conflict management skills such as negotiation and mediation. Improving the way in which professionals deal with conflict could have the direct effect of encouraging the development of rule of law. Included in this project will be training for conflict management skills for legal professionals, and introducing dispute-resolution skills training into the law school curriculum of specific countries. *Anticipated time frame: two years.*

### 4. Human Rights Ombudsmen Institutions

Currently there are a number of Ombudsman's offices in the CIS. Many of these were created in the last year (Kyrgyzstan, Kazakhstan and Azerbaijan are examples). The ODIHR has provided assistance to these new institutions and will continue to provide support in a targeted manner, working in co-operation with other international donors. The ODIHR will continue to support contacts between offices in various countries through exchanges of personnel and experience. *Anticipated time frame: one year.*

## **2. Expected Results**

Changing attitudes to assist in bringing a rule of law culture to particular countries are the long-term expected results. In the shorter term it is expected that law students who participate in legal clinics will change the way they look at the practice of law, thereby becoming different and better lawyers. It is expected that their clients will hold a different view about what is possible and not be as inclined to dismiss the legal system and laws as a solution to their problems and that they will therefore start to see the law as a tool to

achieve a better life. By changing the attitude of the population toward laws, it is expected that individuals within a society, and the civil society, will start to demand changes in the law, and better implementation of existing laws. This can have potentially far-ranging results as people demand change in their lives and changes in how state authorities treat them. Through civic education projects people learn about their legal rights. A very common result of these programs is that once people learn they have a particular right (like the right to a particular social benefit), they demand to receive it, and demand that their rights be respected. Once an individual receives a particular benefit, they and those who know them start to see the benefit of knowing their rights, and the immediate impact of demanding the implementation of a particular right. As with the above, the results can be far reaching as people demand changes in their lives and in how state authorities treat them. This change in attitude can bring very direct changes in behaviour by both the individual, and by local authorities responsible for implementing the laws.

**Sustainability:**

The ODIHR programmes seek to achieve a maximum sustainability through activities proposed, particularly at the policy and institutional levels. Therefore a programme approach has been chosen to ensure a longer-term perspective including a monitoring component. By focusing on activities that aim at attitude changes, the Rule of Law Programme will assist in changing the rule of law culture in particular countries.

**REGIONAL: CENTRAL ASIA  
RULE OF LAW PROGRAMME  
LEGAL CLINIC DEVELOPMENT PROJECT**

**Objectives**

- To encourage wider support of legal clinics by the international community in Central Asia;
- To provide on-going support to the existing legal clinics created with the ODIHR participation.

**Background**

In the post-Communist environment legal clinics have proved to be effective tools contributing to the change of legal culture of the younger generation of lawyers by bridging the gap between legal theory and practice. In the past, the ODIHR carried out a number of projects to support legal clinics in Central Asia. “Legal clinics” are programmes for law students to provide legal services to disadvantaged groups of the population under the supervision of experienced lawyers/instructors. The term is also used in relation to legal literacy programmes carried out by law students for targeted audiences, such as schoolchildren or prisoners, but this later type of clinics is better known as “streetlaw clinics.” In addition to their services to the communities, legal and streetlaw clinics are instrumental in increasing the quality of legal education, which is essential to the development and future strengthening of rule of law in the region.

International donors have not made a strong effort to develop and support the field of clinical legal education in Central Asia. This stands in contrast to the funding and attention that went into developing legal clinics in Russia and Ukraine. Instead, at this point, several organisations are discussing “phasing out” their programmes in this area. This is being done at a time when a “critical mass” has still not been reached with legal clinics in Central Asia and where without outside support there is a realistic concern that these fledging clinics will cease to exist. There is therefore a need to revive the donor interest in clinical legal education and make it an essential component in the rule of law development activities.

**Approach**

1. The ODIHR will continue to support the existing clinics which it helped to create in Central Asia:

The Student Legal Clinic in Osh, Kyrgyzstan

The ODIHR has supported the Student Criminal Law Clinic in Osh for the last three years. The Clinic is run by the NGO “Human Rights and Democracy Centre” with support and on the premises of the Osh State University. Last year, the Criminal Law Clinic merged with the Civil Law Clinic operated by the same local partner. Next year, the Legal Clinic will have criminal law, civil law, and legal literacy (streetlaw) components.

### The Streetlaw Clinic in Dushanbe, Tajikistan

This initiative has been supported by the ODIHR for the last two years. It has adopted a women's rights centred approach to street law training in Tajikistan, conducting extensive legal education in schools around the Dushanbe area. The students are drawn from the Tajik-Slavic University Law School in Dushanbe.

### The Streetlaw Clinic in Pavlodar, Kazakhstan

In 2002, OSCE/ODIHR decided to extend its support to Pavlodar's prison staff college with a long-term, streetlaw assistance programme. The programme aimed at injecting practical work in prisons into the prison staff college curriculum, but also in more general terms integrating the college as a part of civil society. The first results of this initiative were very encouraging: students who participate in the programme report that they have gained a better understanding of legal issues and the specific environment of prisons, and prisoners show ever increasing interest in the legal consultation that the students offer.

2. The ODIHR will facilitate better regional co-ordination and contacts between the various legal clinics in Central Asia, among students and professors.

**Timeframe:** 2004-2005

**REGIONAL: CAUCASUS AND CENTRAL ASIA**  
**RULE OF LAW PROGRAMME**  
**TECHNICAL ASSISTANCE FOR NATIONAL HUMAN RIGHTS INSTITUTIONS SUCH AS**  
**OMBUDSMAN**

**Objectives**

- To provide limited assistance to Ombudsman Offices in the Central Asia and Caucasus to improve their capacities;
- To assist, as needed, in the process of establishing Ombudsman Offices in those countries (Armenia) that have expressed an interest;
- To work in co-ordination with other international organisations providing assistance to Ombudsman offices to fill identified gaps in assistance;
- To encourage cross-border co-operation and sharing of best practices among human rights institutions and Ombudsman Offices in the Caucasus, Central Asia and in other regions.

**Background**

The ODIHR has been working for several years to provide technical assistance to Ombudsman offices and human rights institutions. In many countries this assistance has included assistance in establishing offices, including during the legislative drafting process. A number of countries opened new Ombudsman offices in the last year (Kyrgyzstan, Kazakhstan and Azerbaijan are examples). The ODIHR has provided assistance to these fledgling institutions. ODIHR will continue to provide assistance in a targeted manner, working in co-operation with other international donors. The ODIHR will continue to support contacts between offices in various countries to exchange both personnel and best practices.

**Approach**

Where appropriate, the ODIHR will arrange for training for personnel and exchanges of personnel between offices. The ODIHR will co-ordinate these assistance efforts in the various countries with the other international donors active in providing assistance to the particular offices. The ODIHR will attempt to identify and fill gaps. The ODIHR will also determine whether the particular institution is agreeable to receiving such assistance. Unfortunately, a number of new Ombudsman offices have started to view international donor assistance as limited to international travel. The ODIHR will provide assistance only under circumstances that ensure longer-term goals and true technical assistance.

**Timeframe:** 2004



## **PROGRAMME OUTLINE**

### **1. Programme Information**

#### **PROMOTING CROSS-BORDER CO-OPERATION ON MIGRATION-RELATED INFORMATION AND HUMAN RIGHTS OF MIGRANTS**

##### **Location:**

Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, the Russian Federation, Tajikistan, Ukraine, Uzbekistan

##### **Summary:**

###### goals

The Programme aims at mobilising and assisting OSCE participating States to create national and regional mechanisms to collect and share migration information thereby strengthening and fostering cross-border co-operation and ensuring greater respect for human rights and non-discrimination of migrants in the region. To build contacts between relevant agencies from OSCE participating States in order to develop an information exchange and co-operation on migration issues.

###### target groups

The target groups of the Programme are made up of the policy-makers responsible for development of migration policies, as well as experts in various government agencies responsible for the policies' practical implementation and collection of migration information.

###### main activities

The main activities of the Programme will be a number of workshops, small-scale training programmes and seminars aimed at strengthening national and regional capacity to collect and share information.

##### **Objectives:**

- To assist the newly independent states of Eurasia to build national and regional capacities to collect and share migration information thereby strengthening and fostering cross-border co-operation and ensuring greater respect for human rights and the elimination of discrimination against migrants in the region.
- To build positive examples and to share best practices to be replicated throughout the region.

**Justification:**

The primary principle is to assist those States that have taken tangible steps and made high-level commitments to improve their human rights performance in the aforementioned area. As an inter-governmental organisation, the OSCE is in a unique position to foster dialogue between States.

In the fall of 2000, the ODIHR and the International Organisation for Migration (IOM) conducted a workshop for officials of Eurasian states on cross-border co-operation and development of legislation. This workshop was followed by a workshop in May 2002 on organisational structures for migration management and exchange of migration-related information. Participants in both of these seminars concluded that managing international migratory flows in accordance with international human rights standards could be made easier if countries have information about the nature of these flows.

Legislation and policy development therefore require accurate information, including information received from neighbouring states. Policies and legislation based merely on perceptions and inaccurate information have led to violations of human rights.

Sharing information is not only a confidence-building measure and an integral part of cross-border co-operation, but is also a prerequisite for developing joint policy responses that take into account interests of states while safeguarding rights of migrants.

In order to have the collection, sharing and use of information, the newly independent states of Eurasia need to develop tools and understanding in order to be effective partners in these international efforts. There have been concrete steps to develop information exchanges on labour and transit migration in order to avoid violations of human rights of migrants and to diffuse potential conflicts engendered by cross-border migration.

In 2003, the ODIHR and IOM conducted regional (bringing together representatives from Central Asia and the Russian Federation) and national-level (in Kyrgyzstan and Ukraine) workshops to address existing gaps in the collection of migration-related information. The workshops were also a useful tool in the development of national-level and regional-level tools to effectively collect and share mutually compatible information on migratory flows. In addition, the project mechanism was developed with the view of its use as a forum for an exchange and development of views, ideas and policies, as well as the establishment of a network of statistical contacts in participating States (for regular and ad hoc-purposes, e.g. requests and queries and consultations).

The ODIHR's participation is necessary to ensure that OSCE commitments are respected in the process of strengthening States' capacities to gather relevant information and that synergies are created between existing training efforts.

The target group of the Programme are first of all the policy-makers and government officials who, through legislative process and development of adequate policies, regulate the freedom of movement of population and migration flows in their respective countries. In addition, the ODIHR will work with experts in various government agencies responsible

for the practical implementation of migration policies and the collection of migration information.

**Approach:**

The Programme will be implemented through a number of subregional and national workshops, trainings and seminars for policy-makers and government officials. The Programme will provide authorities with the information and skills needed to improve the gaps in information sharing and to develop an adequate migration policy. In addition, the Programme will support the production of publications such as guides for policy-makers and government officials and brochures on ‘best practices’ in the OSCE region.

The ODIHR utilises standard monitoring techniques for all programmes. The ODIHR constantly reviews the progress of each activity and makes adjustments to address changes, which may affect implementation of the Programme

**Description of activities:**

- The training programmes, workshops and seminars will include, but not be limited to, the following issues:
- International co-operation on exchanging information and ensuring rights of migrants;
- Models for effective inter-agency co-operation in promoting tolerance and eliminating discrimination against migrants;
- Legislative pre-requisites for gathering information on migration.

The activities of the Programme are contingent on the political stability within the target countries and the co-operation of the governments involved. Should the current situation change, the ODIHR will review the activities considered and make appropriate changes where necessary.

**2. Expected results**

**Estimated impact on target groups**

The Programme’s activities are expected to result in increased understanding among policy-makers on ‘best practices’ in collection and sharing of migration-related information at both legislative and practical levels, as well as development of an adequate migration policy that secures state’s interests while protecting rights of migrants. This knowledge, in turn, will contribute to a consensus at the political level to developing appropriate national and regional mechanisms and tools. In addition, the confidence built among the policy-makers from various countries involved in the project, is expected to contribute to increased cross-border co-operation and to peaceful settlement of disputes that can arise from different approaches to migration policy.

**Publication and other material outputs**

As indicated above, when appropriate, the Programme will support the publication of a number of documents such as guides for policy-makers and brochures on ‘best practices’ in the OSCE region.

**Multiplier effect**

As was mentioned above, in the current Programme the ODIHR uses models and a methodology that shows positive results from previous activities of this kind. Following the Programme's evaluation, some national models can be assessed for possible use in other countries of the region.

**Sustainability:**

The ODIHR programmes seek to achieve a maximum sustainability through activities proposed, particularly at the policy and institutional levels. Therefore, a programmatic approach has been chosen to ensure a longer-term perspective including a monitoring component.



## **PROGRAMME OUTLINE**

### **1. Programme Information**

#### **PROMOTING INTER-STATE CO-OPERATION ON LABOUR MIGRATION AND RIGHTS OF MIGRANT WORKERS**

##### **Location:**

Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, the Russian Federation, Tajikistan, Ukraine, Uzbekistan

##### **Summary:**

###### goals

The programme aims at mobilising and assisting OSCE participating States to create national and regional mechanisms to regulate labour migration flows while ensuring greater respect for human rights and to combat discrimination of migrant workers in the region.

###### target group

The target group of the Programme is made up of policy-makers responsible for development of migration policies, as well as experts in various government agencies responsible for the policies' practical implementation.

###### main activities

The main activities of the Programme will be a number of workshops and seminars aimed at developing co-operative mechanisms and promoting an inter-state dialogue on labour migration issues.

##### **Objectives:**

- To promote co-operation between Eurasian states on issues related to labour migration and protection of migrant workers;
- To intensify co-operation on improving legislation in the sphere of labour migration;
- To ensure that the development of frameworks for protection of rights of migrant workers becomes an integral part of migration policies that aim to regulate migration flows and to effectively use labour resources;
- To promote a dialogue and creation of co-operative mechanisms between the countries of the region to prevent discrimination, ill-treatment and other cases where the rights of migrant workers are violated;
- To share best practices of combating intolerance and discrimination against migrant workers.

**Justification:**

The primary principle of this work is to assist those States that have taken tangible steps and made high-level commitments to improve their human rights performance in the aforementioned area. As an inter-governmental organisation, the OSCE is in a unique position to foster dialogue between States. The OSCE has developed a set of commitments on the rights of migrant workers that provide for a clear and agreed upon starting point for such a dialogue.

In June 2003, the ODIHR, the International Organisation for Migration (IOM) and the Regional Centre on Migration and Refugee Issues (RCMRI) conducted a workshop for officials of the Russian Federation, Kazakhstan, Kyrgyzstan, Tajikistan and Uzbekistan, as well as representatives of the Eurasian Economic Community (EEC), on trans-border co-operation and migration legislation. In the summary document of the workshop, participants agreed to 'recognise it is useful and necessary to further analyse and prepare suggestions on the improvement of national legislation on labour migration...' and to 'recommend to intensify the co-operation on improving legislation on labour migration with the purpose of protection of migrants' rights and effective use of labour resources, including conclusion of the agreements both on bilateral and multilateral levels...'

In addition, on the request of a number of OSCE participating States, in October 2003, in the framework of the annual OSCE Human Dimension Implementation Meeting, a special session will be dedicated to protecting human rights of migrant workers. Recommendations from that meeting will be used as guidelines for project implementation.

The target group of the Programme is composed primarily of the policy-makers who, through legislative process and development of adequate policies, regulate freedom of movement of population and migration flows in their respective countries. In addition, the ODIHR will work with experts in various government agencies responsible for practical implementation of migration policies.

**Approach:**

The Programme will be implemented through a number of subregional workshops and seminars for policy-makers and government officials. Workshops and seminars will be held in co-operation with other international actors active in the field (IOM, ILO, EEC).

These activities will address issues related to improvement of legislation on labour migration and its practical implementation by relevant government agencies (Migration police, Ministry of Interior offices, etc.), as well as the creation of co-operative, inter-state mechanisms to ensure the effective use of labour forces and migrant worker protection, as well as the promotion of tolerance and the elimination of discrimination against migrants.

Prior to each workshop, a study of gaps and 'best practices' of labour migration legislation, as well as its practical implementation in the relevant sub-region, will be conducted by a group of independent experts.

As a result of the workshops, practical recommendations will be issued for improving legislation on labour migration and the situation of migrant workers in Eurasian countries.

In addition, the Programme will support the production of publications such as guides for policy-makers and government officials and brochures on ‘best practices’ in the OSCE region.

The ODIHR utilises standard monitoring techniques for all programmes. The ODIHR constantly reviews the progress of each activity and makes adjustments to address changes, which may affect implementation of the Programme

**Description of activities:**

The training programmes, workshops and seminars will include, but not be limited, to the following issues:

- Development of practical co-operative mechanisms between countries of destination and countries of origin on the regulation of labour migration and the protection of the rights of migrant workers;
- Models for effective inter-state co-operation in promoting tolerance and non-discrimination of migrant workers;
- Improvement of migration legislation to allow a more effective use of labour resources and to ensure protection of rights of migrant workers

The activities of the Programme are contingent on the political stability within the target countries and co-operation of the governments involved. Should the current situation change, the ODIHR will review the activities considered and make appropriate changes where necessary.

**2. Expected results**

**Estimated impact on target groups:**

The Programme’s activities are expected to contribute to a better understanding between policy-makers of ‘best practices’ in regulating labour migration at both the legislative and practical levels. The Programme will also assist with the development of balanced migration policies that protects rights of migrants while securing State interests and enabling the effective use of foreign labour. At the same time, the Programme will provide a forum for inter-state dialogue and different forms of inter-state co-operation to address labour migration issues. This knowledge, in turn, will contribute to a consensus at the political level to developing appropriate inter-state and national mechanisms and tools.

**Publications and other material outputs:**

As indicated above, when appropriate, the Programme will support the publication of a number of documents such as guides for policy-makers and government officials and brochures on ‘best practices’ in the OSCE region.

**Multiplier effect:**

As was mentioned above, in the current Programme the ODIHR uses models and methodology that show positive results from previous related activities. Following the Programme's evaluation, some models can be assessed to as useful in other countries of the region.

**Sustainability:**

The ODIHR programmes seek to achieve a maximum sustainability through activities proposed, particularly at the policy and institutional levels. Therefore, a programme approach has been chosen to ensure a longer-term perspective including a monitoring component.



## **PROGRAMME OUTLINE**

### **1. Programme Information:**

#### **ASSISTANCE IN IMPLEMENTATION OF INTERNATIONAL HUMAN RIGHTS STANDARDS: THE RIGHT TO CHOICE OF A PLACE OF RESIDENCE**

##### **Location:**

Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, the Russian Federation, Tajikistan, Ukraine, Uzbekistan

##### **Summary:**

###### goals

The Programme aims at mobilising and in assisting OSCE participating States to meet their international commitments on freedom of movement and the right to choice of a place of residence.

###### target groups

The primary target group of the Programme is composed of the policy-makers and government officials who, through legislative process, regulate the freedom of movement of the population.

###### main activities

- continuation of assistance in legal development and practical implementation of reform in Belarus, Ukraine and Armenia;
- a regional conference on experience gained in the region during the process of reform in order to share with and transfer to other States of the region

##### **Objectives:**

- To assist the participating States from Eastern Europe and Central Asia in meeting their international human rights commitments on implementing the right to choice of a place of residence within the borders of one's own country.
- To build positive examples and to share best practices to be replicated throughout the region.

##### **Justification:**

The primary principle of this programme is to assist those States that have taken tangible steps and made high-level commitments to improve their human rights performance in the aforementioned area. As an inter-governmental organisation, the OSCE is in a unique position to foster dialogue between States.

The Soviet State openly and directly manipulated patterns of individual choice of place of residence. This was done, most notably, through an internal passport system and limits on central city registration. Valid internal passports contained a so-called propiska stamp that reflected the passport holder's address. Residing at an address different from one shown on the propiska stamp, as well as obtaining social services, getting married, and even receiving funeral services was illegal. By preventing migrants from integrating themselves into cities of destination, the passport and propiska system generated a situation in which potential migrants either acquired propiskas through semi-legal avenues, denied themselves access to distributional networks or elected not to migrate.

As migration flows have increased dramatically in the former-Soviet states, the enduring propiska system poses a barrier to finding durable solutions for problems of internally displaced persons, creates obstacles to migrant participation in elections (since voter lists are directly derived from propiska), and often leads to the denial of social services and impedes access to jobs in Eurasian countries.

The target group of the Programme is first of all the policy-makers and government officials who, through legislative process, regulate freedom of movement of the population. In addition, the ODIHR will work with government agencies to implement the new system and with the population to become aware of the new rights and obligations of the new system.

**Approach:**

The programme will use an integrated broad-based approach to address the issue at all levels. Using workshops, trainings and conferences, the programme will provide authorities with the information and skills needed to implement change. In addition, the programme will support the production of publications such as information leaflets for the public and guides for policy-makers.

The main thrust of the programme is to develop a conceptual and legal basis for the creation of civil registers that comply with international standards of choice of residence while allowing the state to keep track of the population, in order to provide social benefits and ensure the implementation of rights connected to residency (e.g inclusion in voter lists in order to participate in elections).

The ODIHR utilises standard monitoring techniques for all programmes. The ODIHR constantly reviews the progress of each activity and makes adjustments to address changes, which may affect implementation of the Programme.

**Description of activities:**

In the past several years, the ODIHR Migration Unit has been active in a number of countries of Eurasia, including Armenia, Belarus, Kyrgyzstan, and Ukraine. As a result of these activities, the following were achieved:

- In Armenia, a law on State register has been developed, and the local municipalities with the civil society are working on establishing a civil register. This has already resulted in the improvement of voter lists during the 2003 election cycle;
- In Belarus, there is active work underway to prepare the legal basis for the creation of a registration system that complies with international standards;
- In Kyrgyzstan, a law on internal migration has been developed and a working group is formulating provisions for the creation of a state register;
- In Ukraine, a law on State register is currently under consideration in the Parliament.

In 2004-2005, the ODIHR proposes to continue this programme with a number of national-level and regional activities (description of individual activities attached):

- Continuation of assistance in legal development in Belarus and Ukraine
- Training on implementation on the Law on State Register in Armenia
- Monitoring of the situation in the other countries of the region to be able to respond in a timely manner to new political and legislative developments as well as to be able to respond to well-founded requests from governments and the civil society of target countries
- A regional conference on experience gained in the region during the process of reform, in order to share and transfer this information to other states, especially those in Central Asia, that are yet to embark on the path of reform.

The activities of the Programme are contingent on the political stability within the target countries and co-operation of the governments involved. Should the current situation change, the ODIHR will review the activities considered and make appropriate changes where necessary.

## **2. Expected results**

### **Estimated impact on target groups:**

The Programme's activities are expected to contribute to a better understanding among government officials in the whole region on international standards on the right to choice of residence, as well as on best practices in countries of the region. This knowledge, in turn, will contribute to a consensus at the political level on the necessity of reform and the best ways to achieve the country's compliance with international standards. The latter will be achieved through developing a conceptual and legal basis for the creation of civil registration systems and their practical implementation by relevant government agencies.

### **Publication and other material outputs:**

As indicated above, the Programme will support the publication of several public documents:

- An explanatory brochure for policy-makers on problems related to the Soviet legacy of the propiska system and 'best practices' on civil registration reform in the countries of Eurasia;
- Compilation of legal documents related to the right to choice of a place of residence and civil registration of countries in the region;
- Leaflets for citizens on the rights and obligations in light of the new system;

- Occasional papers that would highlight major changes in the legislation in relevant countries.

**Multiplier effect:**

As was mentioned above, in the current Programme the ODIHR uses models and methodology that show positive results from previous, related activities. Following the Programme's evaluation, some models can be assessed to use in other countries of the region.

**Sustainability:**

The ODIHR programmes seek to achieve a maximum sustainability through activities proposed, particularly at the policy and institutional levels. Therefore, a programme approach has been chosen to ensure a longer-term perspective including a monitoring component.

**BELARUS**  
**PROGRAMME ON ASSISTANCE IN IMPLEMENTATION OF INTERNATIONAL HUMAN RIGHTS**  
**STANDARDS**  
**ASSISTANCE TO REFORM OF REGISTRATION SYSTEM: BELARUS**

**Objectives**

To assist the authorities of Belarus with implementing a reform of citizen and permanent-resident registration, in order to meet OSCE commitments related to freedom of movement and choice of a place of residence while maintaining population information necessary for the provision of public services.

**Background**

The residence-permit/propiska system continues to exist in Belarus. Each citizen receives a stamp in their passport, which prevents the exercise of their rights and accessing public services in a place other than indicated by the stamp. This, according to some reports, risks leading to "grey", unregistered population movements, and to spawn corruption whereby illegal sales of residence permits can occur. This can be overcome by creating a civil registration system that ensures that residents of Belarus can change their residence without bureaucratic obstacles while the State would maintain the information necessary for the provision of public services.

**Approach**

The ODIHR, in co-operation with the OSCE Office in Minsk when appropriate, will conduct a two-phase project aimed at assisting the authorities of Belarus to develop an approach to adopting a civil registration system that meets OSCE commitments:

Phase 1 will consist of a needs assessment/consultation mission of ODIHR experts visiting Minsk to discuss with appropriate Belarusian interlocutors the work already done in Belarus in this area, and to agree on future joint steps.

Phase 2 could consist, depending on conclusion of Phase 1, of the following:

- Workshop in Belarus on registration systems in the OSCE region,
- Training visits to OSCE participating States with civil registration systems that meet OSCE standards, and
- Study of civil-registration legislation based on ODIHR work in other OSCE participating States.

**Timeframe:** 2003 - 2004

**UKRAINE**  
**PROGRAMME ON ASSISTANCE IN IMPLEMENTATION OF INTERNATIONAL HUMAN RIGHTS**  
**STANDARDS**  
**THE RIGHT TO CHOICE OF A PLACE OF RESIDENCE: UKRAINE**

**Objectives**

To assist Ukraine in meeting its international human rights commitments on implementing the right to a choice of place of residence within the borders of one's country and to assist with the implementation of its Law on Registration of Persons.

**Background**

For a number of years, the ODIHR has been assisting Ukraine to move from a restrictive propiska system to a modern, civil registration system which conforms to international standards of freedom of choice of residence within the borders of one's country.

As a result of the ODIHR and the Office of the OSCE Project Co-ordinator's involvement, and the work of the Ukrainian counterparts in the Presidential Administration, the Ministry of Justice, and in the Parliament, Ukraine developed a law on Registration of Persons that is expected to be passed by the Parliament by the end of 2003.

**Approach**

In 2004-2005, the focus of this continuing project's effort in Ukraine will shift from legal development to training activities. Responsible officials will be trained in implementation of new procedures for civil registration. Civil society will also be familiarised with the law. This will be done through a series of training seminars.

**Timeframe:** 2004 - 2005

**ARMENIA**  
**PROGRAMME ON ASSISTANCE IN IMPLEMENTATION OF INTERNATIONAL HUMAN RIGHTS**  
**STANDARDS**  
**THE RIGHT TO CHOICE OF A PLACE OF RESIDENCE: ARMENIA**

**Objectives**

To assist Armenia in meeting its international human rights commitments on implementing the right to choice of place of residence within borders of one's country and to assist with the implementation of its new Law on State Register.

**Background**

For a number of years, the ODIHR has been assisting Armenia to move from a restrictive system of propiska (see program statement) to a modern system of civil registration which conforms to international standards of freedom of choice of residence within the borders of one's country.

As a result of the ODIHR and the OSCE Office in Yerevan's involvement, and the work of the Armenian counterparts in a number of governmental bodies, including local self-governance, in the Parliament, and in the civil society, Armenia developed a law on Registration of Persons that was passed in the Parliament at the end of 2002, and is expected to come into effect in the beginning of 2005.

**Approach**

In 2004-5, the focus of the effort in Armenia will shift from legal development to training activities. Responsible officials will be trained in the implementation of new procedures for registration of persons. The civil society will also be familiarised with the law. This will be done through a series of training seminars.

**Timeframe:** 2004 - 2005

**REGIONAL: EURASIA**  
**PROGRAMME ON ASSISTANCE IN IMPLEMENTATION OF INTERNATIONAL HUMAN RIGHTS**  
**STANDARDS**  
**REGIONAL CONFERENCE ON INTERNATIONAL HUMAN RIGHTS STANDARDS IN CENTRAL**  
**ASIA AND EASTERN EUROPE: THE RIGHT TO CHOICE OF A PLACE OF RESIDENCE**

### **Objectives**

To assist the participating States of Eurasia in meeting their international human rights commitments on implementing the right to choice of a place of residence within the borders of one's own country.

### **Background**

The Soviet State openly and directly manipulated patterns of individual choice of a place of residence. This was done, most notably, through an internal passport system and limits on central city registration. Valid internal passports contained a so-called propiska stamp that reflected the passport holder's address. Residing at an address different from one shown on the propiska stamp as well as obtaining social services, getting married, and even receiving funeral services was illegal. By preventing migrants from integrating themselves into cities of destination, the passport and propiska system generated a situation in which potential migrants either acquired propiskas through semi-legal avenues, denied themselves access to distributional networks or elected not to migrate.

As migration flows have increased dramatically in the former-Soviet states, the enduring propiska system poses a barrier to finding durable solutions for problems of internally displaced persons, creates obstacles to migrant participation in elections (since voter lists are directly derived from propiska), and often leads to the denial of social services and impedes access to jobs in Eurasian countries.

In the past several years, the ODIHR Migration Unit has been active in a number of countries of Eurasia, including Armenia, Belarus, Kyrgyzstan, and Ukraine. The main thrust of these projects has been and continues to be to develop the conceptual and legal basis for the creation of civil registers that comply with international standards for choice of residence while allowing the State to keep track of the population, in order to provide social benefits and ensure implementation of rights connected to residency (e.g inclusion in voter lists in order to participate in elections). As a result of these activities, the following were achieved:

- In Armenia, a law on State register has been developed, and local municipalities with civil society are working on establishing a civil register. This has already resulted in the improvement of voter lists during the 2003 election cycle;
- In Belarus, there is active work underway to prepare a legal basis for the creation of a registration system that complies with international standards;
- In Kyrgyzstan, a law on internal migration has been developed, a working group is formulating provisions for the creation of a state register;
- In Ukraine, a law on State register is currently under consideration in the Parliament.

**Approach**

In order to share the experience of countries that have made progress on this issue, and to stimulate reform in other countries, especially in Central Asia, a regional conference will be convened to create opportunities for and to map out a way forward for those countries that wish to follow the existing positive examples.

**Timeframe:** 2004



## **PROGRAMME OUTLINE**

### **1. Programme Information**

#### **AWARENESS-RAISING ABOUT RIGHTS OF MIGRANTS IN CENTRAL ASIA AND EASTERN EUROPE**

##### **Location:**

Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, the Russian Federation, Tajikistan, Ukraine, Uzbekistan

##### **Summary:**

###### goals

The Programme aims to provide the public at large in targeted countries, migrants, and policymakers with accurate information on the legal frameworks of other countries and on the rights of aliens in the countries of Eurasia, as well as at promoting tolerant and non-discriminatory treatment of migrants throughout the region.

###### target groups

The primary target group of the Programme is on the one hand, the public at large, in particular, potential migrants that need to know their rights. The other beneficiary group is composed of policy-makers that need to have a better assessment of the implications of their and their neighbours' policies on migration in order to develop and improve their own policies and legislation.

###### main activities

The Programme will be implemented through publications and, when appropriate, mass media campaigns covering the rules of stay and on rights of aliens aimed at persons travelling to Eurasian states, as well as "best practices" for policy-makers on combating intolerance and discrimination against migrants.

The ODIHR will also work on occasional papers or radio/TV programmes that would highlight major changes in migration legislation in the countries of Eurasia.

##### **Objectives:**

- To provide the publics of targeted states, migrants, and policymakers with accurate information on the legal frameworks of other countries and on the rights of aliens in the countries of Eurasia.
- To promote tolerant and non-discriminatory treatment of migrants in these countries.

- To build positive examples and to share best practices to be replicated throughout the region.

**Justification:**

The emergence of new borders in the states of Eurasia has resulted in increased difficulties faced by all types of migrants. What used to be travel within one country has become international migration. Due to the lack of information and knowledge about the nature of international migration, visa rules, and regulations governing the stay of aliens, many migrants have unintentionally broken laws in countries of destination, while others became victims of corrupt officials who preyed on the migrants' lack of knowledge.

In addition, government officials in the region experienced information gaps about changes in laws and policies of their neighbouring countries, thereby leading to a vicious cycle of developing discriminatory migration policies based on the perceptions of their neighbours' policies. This resulted in numerous violations of the rights of citizens of OSCE participating States, such as arbitrary detentions. In addition, the resulting anti-migrant sentiments could easily lead to the overall climate of intolerance and xenophobia.

The primary target group of the Programme is the public at large in the countries of Eurasia, in particular, potential migrants who need to be aware of new legislative developments and policies in the region that directly affects their rights. In addition, government officials need to know: a) the implications of their policies on the migrants, and b) the legislative developments in neighbouring countries to be able to develop adequate migration policies.

**Approach:**

The programme will support the production of publications such as information leaflets for the public and guides for policy-makers as well as information campaigns in the mass media through thematic radio and TV programmes.

**Description of activities:**

Previously, the ODIHR has been contributing to and supporting the work of partner IOs and NGOs who prepared a number of publications on legal frameworks of other countries and on the rights of aliens in the countries of Eurasia. Among these are:

- A leaflet on rules governing the stay of foreigners in Kazakhstan and on the rights of aliens. The leaflet also contained contact details of an NGO providing legal assistance to aliens staying in Kazakhstan. This leaflet is being distributed in major airports and train stations of Kazakhstan.
- A two-volume compilation of laws on migration and the status of aliens in countries of Central Asia, the Russian Federation and Belarus.
- An explanatory guide for policy-makers in the countries of Eurasia on the Schengen system, aimed at explaining this co-operative approach to migration management.
- A short videofilm and a TV programme on the reform of the border service in Azerbaijan to be shown at international conferences and Azerbaijani State TV.

All of these publications stemmed from other ODIHR projects. However, there is a clear need to continue closing the information gap and to continue promoting tolerant and non-discriminatory treatment of aliens on the levels of both the policy makers and publics at large. Publications similar to those described will help in reaching that goal.

Among the preliminary themes for publications and when appropriate, TV or radio programmes are:

- Rules of stay and the rights of aliens aimed at persons travelling to the countries of Eurasia;
- Best practices of combating intolerance and discrimination against migrants aimed at policy-makers;
- Occasional papers or radio/TV programmes that would highlight major changes in migration legislation in the countries of Eurasia.

International and local partners will be sought out to jointly implement various components of this program.

The activities of the Programme are contingent on the political stability within the target countries and co-operation of the governments involved. Should the current situation change, the ODIHR will review the activities considered and make appropriate changes where necessary.

## **2. Expected results**

The Programme is expected to contribute to a better awareness among:

- The public at large in the countries of the region about the changes of migration-related legislation. This will contribute to the potential decrease in the number of unintentional breaches of a receiving country's law by various categories of migrants, as well as prevent the rise of anti-migrant sentiments among the population.
- Policy-makers about policies and legislative developments of neighbouring countries. This knowledge, in turn, will contribute to a development of migration policies that will aim at protecting human rights of migrants as well as take into consideration the situation in the region, especially in the likely countries of origin and destination of migrants.



## **PROGRAMME OUTLINE**

### **1. Programme Information**

#### **STRENGTHENING THE THIRD SECTOR PROGRAMME: TRAINING AND ASSISTANCE**

##### **Location:**

OSCE Region

##### **Summary:**

This Programme will focus on ensuring a healthy legal framework and favourable political environment furthering the development of a responsible and active Third Sector. The Programme will provide an active support for NGO legal framework reform, training of legal professionals and will pursue an on-the-ground monitoring of court decisions on NGO cases.

##### **Objectives:**

- To further the reforms of NGO legal frameworks in selected countries in line with international standards;
- To raise awareness and train legal professionals in the application of reformed NGO laws;
- To assist local legal organisations in providing assistance to NGOs in court cases and strengthening NGO lobbies;
- To monitor on-going NGO legal frameworks and court decisions throughout the OSCE region.

##### **Justification:**

The worsening of the implementation of the right for freedom of association, the deteriorating situation of NGOs and the overall weakening of the third sector in many countries of the CIS is of immediate and great concern to the OSCE and relevant to the implementation of its commitments. The ODIHR has a history in supporting and defending NGOs in their battles against political and legal harassment. Although some attempts have been made in a number of countries to harmonise their NGO laws and their implementation with international standards, major weaknesses remain. Old habits die hard, inconsistencies remain, manipulations persist and incompetence lingers.

There is an immediate need for support, expertise and lobbying in the field of NGO legal reform in order for them to comply with OSCE and other relevant international standards. The NGO legal framework is only one element in securing a favourable environment for NGO development and activities. In co-ordination with the ODIHR's Rule of Law Unit,

this Programme will look at the training of legal professionals both in the judiciary, as well as within NGOs, to build their expertise and capacity in defending and applying the NGO laws. It is expected that the ODIHR will continue its monitoring work on freedom of association in close collaboration with its international NGO partners such as ICNL, and OSI in the form of an early-warning and rapid reaction network.

**Approach:**

The Programme will use a number of different approaches including legal reviews, awareness programmes, training and technical assistance in different countries as needed. Legal reviews will be carried out where required in close collaboration with other expert organisations in the field such as the CoE, and ICNL. The ODIHR's reviews will subsequently be used to lend a brighter political visibility to the issues at hand through high-profile meetings and awareness campaigns. The training will be country-specific, in order to answer to local needs and will use relevant international NGO legal standards on registration, taxation and grants as benchmarks. Implementation of the laws shall be tested in practice through the programme's legal support to NGOs, as well as through continuous monitoring of legal developments by ODIHR in close partnership with local NGOs.

The work with the judiciary and the substantial legal content of this programme will require closer co-ordination with the Rule of Law Unit, the Legislation Support Unit and the Human Rights Section.

**Description of Activities:**

NGO Law Reform

Many countries in the CIS still find themselves with outdated, if not reactionary, laws governing the third sector which impedes its healthy development and use. The issue is the more pressing as the tendency seems to spread to neighbouring countries rather than gradually disappear. In order to stem the tide, this project will seek to: (1) provide legal expertise and reviews of draft laws and amendments, (2) mobilise the necessary resources in terms of partner organisations such as the CoE, OSI, ICNL and local Embassies to push for legal reform, and (3) set up high-profile OSCE-NGO-Government-Parliament roundtables on NGO Law reform. Anticipated time frame: Two years.

Training of Legal Professionals on NGO Law

The correct and judicial application of the NGO law is largely dependent on a professional and independent judiciary, as well as a competent and accessible legal representation. The project will seek to raise the awareness of legal professionals about the provisions, interpretations and applicability of reformed NGO laws. This will be achieved through: (1) a series of one-off seminars for legal professionals both within the judicial apparatus as in NGOs, (2) hosting NGO/Lawyers/Government/Judiciary meetings and (3) on-the-ground monitoring of court decisions on NGO cases.

Anticipated time frame: Two years.

### Support for Local Legal Organisations

Adequate legal representation of most NGOs can only be ensured through accessible, qualified and competent legal NGOs. Most NGOs can not afford professional independent lawyers and either quickly lose or drop out of any court procedure in many of the CIS countries. In addition, most local legal NGOs are also very dependent on external funding, as they are limited in charging legal fees from their client NGOs. This project will seek to support local legal organisations through: (1) capacity building, training, and partnerships; (2) providing assistance in defending specific cases such as registration, grants, and election observations and (3) strengthening NGO the lobby.

Anticipated time frame: Two Years

## **2. Expected Results**

It is expected that, as a direct result of the Strengthening the Third Sector Programme, the overall political and legal environment of NGOs in the targeted countries will be improved. In practical terms, it will mean that: (1) the targeted countries will have NGO laws respecting OSCE and other international standards; (2) citizens will be free to organise themselves into associations and take an active part in all fields of society; (3) NGOs will have adequate laws governing their functioning and optimising their usefulness and impact; (4) NGOs will have accessible and reliable legal representation; and (5) that the judiciary will have incorporated improved customs on NGO cases in line with their reformed laws

### **Sustainability:**

The ODIHR programmes seek to achieve a maximum sustainability through activities proposed, particularly at the policy and institutional levels. Therefore, a programme approach has been chosen to ensure a longer-term perspective including a monitoring component.

<p style="text-align: center;"><b>OSCE REGION</b> <b>STRENGTHENING THE THIRD SECTOR PROGRAMME</b> <b>NGO LAW REFORM</b></p>
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**Objectives**

- To further reform of NGO legal frameworks in selected countries in line with international standards.

**Background**

Many countries in the CIS still find themselves with outdated, if not reactionary, laws governing the third sector which impedes its healthy development and use. The issue is the more pressing as the tendency seems to spread to neighbouring countries rather than gradually disappear. The ODIHR is in a unique position to provide immediate legal assistance as well as mobilise the necessary political clout and visibility towards fighting or supporting certain legal drafts and existing laws under review.

**Approach**

In close collaboration with the ODIHR Rule of Law Unit, the Legislative Support Unit and the Human Rights Section, the NGO Unit will seek to: (1) provide legal expertise and reviews of draft laws and amendments, (2) mobilise the necessary resources in terms of partner organisations such as the CoE, OSI, ICNL and local Embassies to push for legal reform, and (3) where appropriate, set up high-profile OSCE-NGO-Government-Parliament roundtables on NGO Law reform.

**Timeframe:** 2004 - 2005

<p style="text-align: center;"><b>OSCE REGION</b> <b>STRENGTHENING THE THIRD SECTOR PROGRAMME</b> <b>TRAINING OF LEGAL PROFESSIONALS ON NGO LAW</b></p>
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**Objectives**

- To raise awareness and train legal professionals in the application of reformed NGO laws;
- To monitor NGO legal frameworks and court decisions on NGO cases.

**Background**

The correct and judicial application of the NGO law is largely dependent on a professional and independent judiciary, as well as a competent and accessible legal representation. The project will seek to raise the awareness of legal professionals about the provisions, interpretations and applicability of reformed NGO laws.

**Approach**

According to the needs and timeliness per country, the project aims to: (1) organise a series of one-off seminars for legal professionals both within the judicial apparatus as in NGOs, (2) where necessary, host a series NGO/Lawyers/Government/Judiciary meetings to further the cause of legal training and (3) where needed, set up an on-the-ground monitoring system to track all court decisions on NGO cases. As a result, NGOs will have accessible and reliable legal representation and the judiciary will have incorporated improved customs on NGO cases in line with their reformed laws.

The work with the judiciary and the substantial legal content of this programme will require closer co-ordination with the Rule of Law Unit, the Legislation Support Unit and the Human Rights Section.

**Timeframe:** 2004 - 2005

**OSCE REGION**  
**STRENGTHENING THE THIRD SECTOR PROGRAMME**  
**SUPPORT FOR LOCAL LEGAL ORGANISATIONS**

**Objectives**

- To assist local legal organisations in providing assistance to NGOs in court cases and strengthening the NGO lobby.

**Background**

Adequate legal representation of most NGOs can only be ensured through accessible, qualified and competent legal NGOs. Most NGOs can not afford professional independent lawyers and either quickly lose or drop out of any court procedure in many of the CIS countries. In addition, most local legal NGOs are also very dependent on external funding, as they are limited in charging legal fees from their client NGOs.

**Approach**

This project will seek to remedy a number of the structural problems and weaknesses faced by local legal organisations. Depending on the relative weaknesses of the sector in different countries, this project will seek to support local legal organisations through: (1) capacity building, training, and partnerships; (2) providing assistance in defending specific cases such as registration, grants, and election observations; and (3) strengthening the NGO lobby in promoting international standards on NGO legislation.

**Timeframe:** 2004 - 2005



## **PROGRAMME OUTLINE**

### **1. Programme Information**

#### **CIVIC DIALOGUE PROGRAMME: PARTICIPATION IN SOCIETY**

##### **Location:**

OSCE Region

##### **Summary:**

The aim of this two-year, multi-country programme is to increase transparency and improve communications by enlarging political participation of citizens groups and NGOs and their interaction with authorities at local and national levels. The programme will seek to bring NGOs and governments together on common topical issues in order to form joint working groups and to increase exchanges between local government officials and local citizens groups.

##### **Objectives:**

- To promote dialogue between NGOs and governments,
- To promote democracy at the local levels.

##### **Justification:**

The targeted regions have shown a consistent need for the establishment of mechanisms for input from civil society into decision-making processes and to increase the awareness of decision-makers on the actual impact of government policies amongst the public.

At the local level, the lack of transparency and democracy is the most harshly felt, despite the fact that a number of local and international NGOs are active in that field. At the official level, the ODIHR in partnership with OSCE Missions on the ground are in a position to provide an added-value to the effort to increase transparency and democracy. Local officials of targeted regions are in acute need of training. The concept of municipalities is new in most of the transition countries and there is a general lack of understanding of its functions both from authorities as well as the public.

##### **Approach:**

As the Civic Dialogue Programme targets the particularly sensitive field of interaction between citizens and authorities, the task of building dialogue bridges between the two groups will be started simultaneously from both sides. This equitable approach will put the emphasis on a productive, equal partnership in contrast to confronting camps of ruling/ruled or government/opposition. The Programme will use a variety of different types

of activities in order to achieve its objectives ranging from high-profile conferences, awareness campaigns, NGO strengthening publications and curriculum development as well as work through the political dimension. Because of the specificity of these issues in the social and political context and needs in this programme, preference is given to a country-specific approach. However, some flexibility is required in case cross-border or regional exchanges present an added value (e.g. the Local Democracy projects). The projects shall, therefore, be implemented in close co-ordination with the respective OSCE Missions and with the assistance of expert partners in the field of local government, local democracy, and good governance.

Each project shall be preceded by a research/assessment mission in order to frame the issue at hand and identify the best approach. Internal and external evaluation of the projects shall be ensured through on-site monitoring by ODIHR staff. This set-up ensures the flexibility of timely implementation as well as meeting country-specific needs.

**Description of Activities:**

Specific projects to be conducted under the Civic Dialogue Programme include:

NGO-Government Meetings

Based on its previous experience in facilitating NGO-government meetings, the ODIHR intends to extend this formula to other countries in need of such dialogue structures. The project will indeed aim to continue facilitating communication between the governmental and non-governmental sectors in the targeted countries by continuing to organise informal meetings, each having a specific issue of concern to the national human dimension situation on the agenda. As in previous years, representatives of relevant governmental and non-governmental institutions will be invited for constructive and targeted discussions on the implementation of government policies in the given field. While presenting their comments and concerns, representatives of civil society will also be encouraged to offer advice to the government on the current situation. In the process, a set of recommendations may be drafted which could be published in national newspapers. *Anticipated time frame: Two years.*

Local Democracy

In its move towards playing a larger role in promoting principles of good governance, the ODIHR has targeted local governments as its primary source of concern, as the effects at that level are most palpable to citizens and because the international spotlight is too weak on that issue. The concept of municipalities is new in most of the transition countries and there is a general lack of understanding of its functions both from authorities as well as the public. Depending on the widely varying needs of each targeted country, the project aims to increase good practices of local democracy through: (1) closer co-operation with and strengthening of associations of municipalities; (2) developing a Code of Ethics and awareness raising of local officials; and (3) curriculum development for central State training departments for municipal servants and local councillors. *Anticipated time frame: Two years*

## **2. Expected Results**

The Civic Dialogue Programme's wide outreach, as well as the methodology proposed, ensures a wide and direct impact on both citizens and authorities alike. The Programme will have contributed to increasing good governance by strengthening ties between governments and NGOs, leading to more structural dialogue in the longer term. Also, a dialogue will have been established at the local level where local authorities will have been trained in the benefits of local democracy, citizens' relations and participation and project management.

### **Sustainability:**

The ODIHR programmes seek to achieve a maximum sustainability through activities proposed, particularly at the policy and institutional levels. Therefore, a programme approach has been chosen to ensure a longer-term perspective including a monitoring component.

<b>OSCE REGION CIVIC DIALOGUE PROGRAMME NGO-GOVERNMENT MEETINGS</b>
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**Objectives**

- To establish a dialogue between Government officials and representatives of civil society on human dimension issues.

**Background**

Non-governmental actors were previously not normally invited to provide input into national policies. As these countries are now seeking to transform into pluralistic democracies, there is a need to establish mechanisms for input from civil society into decision-making processes and to increase the awareness of decision-makers on the actual impact of government policies amongst the public.

**Approach**

In 2004 -2005 the ODIHR wishes to continue facilitating communication between the governmental and non-governmental sectors across the OSCE region by continuing to organise informal meetings, each having a specific issue of concern to the national human rights situation on the agenda.

As in previous years, representatives of relevant governmental and non-governmental institutions will be invited for constructive and targeted discussions on the implementation of government policies in the given field. While presenting their comments and concerns, representatives of civil society will also be encouraged to offer advice to the government on the current situation. In the process, a set of recommendations may be drafted which could be published in national newspapers.

**Timeframe:** 2004-2005

<p style="text-align: center;"><b>OSCE REGION CIVIC DIALOGUE PROGRAMME LOCAL DEMOCRACY</b></p>
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**Objectives**

- This project will seek to analyse and develop the training curriculum of local government officials in central state training facilities.

**Background**

In its move towards playing a larger role in promoting principles of good governance, the ODIHR has targeted local governments as its primary source of concern, as the effects at that level are most palpable to citizens and because the international spotlight is too weak on that issue. The concept of municipalities is new in most of the transition countries and there is a general lack of understanding of its functions both from authorities as well as the public.

**Approach**

Depending on the widely varying needs of each targeted country, the project aims to increase good practices of local democracy in close collaboration with local OSCE presences and expert international and local partner in order to avoid duplication and work at cross-purposes. In that vein, the project will seek to: (1) develop closer co-operation with and strengthening of associations of municipalities; (2) developing a Code of Ethics and awareness raising of local officials; and (3) curriculum development for central State training departments for municipal servants and local councillors

Special emphasis will be put on training local civil servants and councillors on topics including citizen participation, public relations, access to information, conflict competence, human rights and project management. This project will build closely on the civic education programme for 2004-2005.

**Timeframe:** 2004 - 2005



## **PROGRAMME OUTLINE**

### **1. Programme Information**

#### **CIVIC DIPLOMACY PROGRAMME: INCREASING HUMAN SECURITY THROUGH CITIZEN INITIATIVES**

##### **Location:**

Azerbaijan, Georgia, Kyrgyzstan/Uzbekistan (Ferghana Valley) and Moldova

##### **Summary:**

The ODIHR seeks to increase the human contacts between the general populations in a conflict area at the local and national level by focusing on bringing together groups with common interests and common concerns in the human dimension field, such as youth groups, women's groups, and NGOs but also veterans' associations and relatives of missing persons. Gradually, locally authorities are also to be included in the process. Eventually, the ODIHR seeks to strengthen the capacity of the civil society to play a constructive role in the overall conflict settlement.

##### **Objectives:**

- To increase human contacts of population in post-conflict areas;
- To foster a sustained dialogue between civic groups from conflict areas and their counterparts on issues of common concern;
- To enhance the contribution from civil society to the peace and reconciliation processes.

##### **Justification:**

The OSCE region unfortunately still presents a number of on-going high and low-profile conflicts, as well as more which are simmering under the surface at local and regional level. The issues at the root of these conflicts range from nationalism to religion, poverty, and discrimination. One of the main human dimension concerns in pre-conflict and post-conflict situations is the lack of human contacts between the average citizens on either side of the dividing line – be it other citizens or authorities. This lack of communication has and still is leading to erroneous perceptions of the "counterpart", easy manipulation by local political and economic interests, increased human security risks and ultimately no end of the conflict in sight.

##### **Approach:**

In view of the political and emotional sensitivity of this area of activity, the programme shall be implemented in close co-ordination with local OSCE presences as well as other expert international organisations such as the UNHCHR and NGOs. For obvious reasons

of security and maximising impact, each project shall be preceded by a research/assessment mission in order to identify suitable lines of contact, workable common issues and reliable partners. The approach which has been adopted by the programme consists of strengthening an existing line of communication over the dividing line such as mixed families and gradually expanding it to other layers of the population such as human rights defenders, authorities, and the media.

The ODIHR will support already existing initiatives on the ground and of central and local authorities to foster dialogue between civic groups in conflict areas. Within this framework, participants from different sides of a conflict may be invited by institutions and organisations abroad to undertake training courses in conflict resolution and human rights. In view of its all-encompassing nature of conflict resolution, this programme will be broken down into country-specific projects. This set-up ensures the flexibility of timely implementation as well as meeting country-specific needs.

**Description of Activities:**

Activities of the Civic Diplomacy Programme will be carried out at the regional, national as well as local level:

Azerbaijan

This project will address a number of issues that encompass the whole of Azerbaijan. In addition to the long and ever-present stand-off with Armenia over Nagorno-Karabach, Azerbaijan in-country tensions are fuelled by discontent surrounding treatment of IDPs, minorities as well as socially deprived regions, such as Nardaran. Moreover, the weak status of local municipalities, the overall suspicion and un-productive treatment of NGOs are at the root of pernicious local conflicts as citizens are unable to voice their concerns in a proper way.

Georgia

There are currently two conflict areas in Georgia – Abkhazia and South Ossetia – which are not under the de facto control of the central authorities. To address the human dimension concerns in the conflict areas, an international presence has been established in the field. One of the main human dimension concerns is the lack of human contacts between the people living in these conflict areas and the rest of the Georgian population. Following closely on its projects on reunification of mixed families and the networking of human rights defenders, the ODIHR co-ordinates initiatives to foster the dialogue between civic groups in the conflict areas and the rest of Georgia. The ODIHR co-ordinates closely with the OSCE Mission in Georgia, the UN/OSCE Human Rights Office in Sukhumi, and the Georgian central and local authorities.

Kyrgyzstan/Uzbekistan: Ferghana Valley

Tensions in this area present a very local character and usually take the form of cross-border interests conflicting with local officialdom. Although there are numerous examples of contacts across the border, these local initiatives sorely miss international support (both political and financial). As the UN is actively engaged in small-scale conflict prevention

projects, this project will concentrate on developing conflict management skills to local NGOs, students and local officials.

### Moldova

There is currently one conflict in Moldova – Transdniestria – which is not under the de facto control of the central authorities. One of the main human dimension concerns is the lack of human contacts between the people living in Transdniestria and the rest of the Moldovan population. Following closely on its initial project on children’s city councils, this project will seek to increase the human contacts between the general populations of Transdniestria and the rest of Moldova in order to prevent further conflict and foster national reconciliation. By focusing on bringing together groups with common interests and common concerns in the human dimension field, such as youth groups, women’s groups, and NGOs, the ODIHR also aims at strengthening the capacity of the civil society to play a constructive role in the overall conflict settlement.

## **2. Expected Results**

It would be presumptuous to state that these small initiatives will solve conflicts that have been raging for over a decade. However, the initiatives will make a contribution to changing the perception that antagonistic groups have of each other, by realising that they have more in common than statements of polarising politics lead them to believe. By gradually involving other citizen and professional groups in the “civic diplomacy” circuit, it is hoped that the understanding of one another will increase and that taking up arms again becomes an unlikely option.

### **Sustainability:**

The ODIHR programmes seek to achieve a maximum sustainability through activities proposed, particularly at the policy and institutional levels. Therefore, a programme approach has been chosen to ensure a longer-term perspective including a monitoring component

<b>AZERBAIJAN</b> <b>CIVIC DIPLOMACY PROGRAMME</b> <b>CIVIC DIPLOMACY PROJECT: AZERBAIJAN</b>
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**Objectives**

- To increase human contacts of population in conflict areas of Azerbaijan and to foster a sustained dialogue between civic groups from the conflict areas and their counterparts in the rest of the Caucasus on issues of common concern;
- To enhance the contribution from civil society to the peace and reconciliation process in the Caucasus.

**Background**

The ODIHR's success in dealing with Civic Diplomacy initiatives in conflict regions has led it to expand its activities to Moldova and Georgia ranging from issues dealing with children's exchanges to re-unification of mixed families and networking of human rights defenders. The ODIHR sees an opportunity to engage itself using the same methodology in the sensitive relations dominating the tensions at the local and regional level in Azerbaijan. In conjunction with existing initiatives of other international donors and NGOs, the ODIHR is in a good position to use its network of contacts as well as its political weight and visibility to ease cross border relations and facilitate the mediation between local tensions involving minorities and IDPs.

**Approach**

In view of the political and emotional sensitivity of this area of activity, the programme shall be implemented in close co-ordination with local OSCE presences and relevant OSCE structures, as well as other expert international organisations such as the UNHCHR and NGOs. For obvious reasons of security and in order to maximise impact, each project shall be preceded by a research/assessment mission in order to identify suitable lines of contact, workable common issues and reliable partners. The approach which has been adopted by the programme consists of strengthening an existing line of communication (such as mixed families, trade, transport relations, health) and gradually expanding it to other layers of the population such as human rights defenders, authorities, and the media.

The ODIHR will support already existing initiatives on the ground and those of central and local authorities aimed at fostering dialogue between civic groups in conflict areas. Within this framework, participants from different sides of a conflict may be invited by institutions and organisations abroad to undertake training courses in conflict resolution and human rights.

**Timeframe:**

2004 - 2005

<b>GEORGIA</b> <b>CIVIC DIPLOMACY PROGRAMME</b> <b>CIVIC DIPLOMACY PROJECT: GEORGIA</b>
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**Objectives**

- To increase human contacts of population in conflict areas of Georgia and to foster a sustained dialogue between civic groups from the conflict areas and their counterparts in the rest of Georgia on issues of common concern;
- To enhance the contribution from civil society to the peace and reconciliation process in Georgia.

**Background**

There are currently two conflict areas in Georgia – Abkhazia and South Ossetia – which are not under the de facto control of the central authorities. To address the human dimension concerns in the conflict areas, international presence has been established in the field. The OSCE has established an office in Tskhinvali, while the United Nations and the OSCE have established a joint Human Rights office in Sukhumi. One of the main human dimension concerns is the lack of human contacts between the people living in these conflict areas and the rest of the Georgian population.

**Approach**

Building closely on its project on mixed families and human rights defenders which is nearing completion, the ODIHR seeks to increase the human contacts between the general populations of these conflict areas and the rest of Georgia. By focusing on bringing together groups with common interests and common concerns in the human dimension field, such as war veterans, journalists, NGO activists, youth groups, women's groups, and relatives of missing persons, the ODIHR also aims at strengthening the capacity of the civil society to play a constructive role in the overall conflict settlement. The ODIHR will support already existing initiatives of the OSCE Mission in Georgia, the UN/OSCE Human Rights Office in Sukhumi, and the Georgian central and local authorities to foster the dialogue between civic groups in the conflict areas and the rest of Georgia. Within this framework, participants from several parts of the Republic may be invited by institutions and organisations abroad to undertake training courses in conflict resolution and human rights.

**Timeframe:** 2004 - 2005

<p style="text-align: center;"><b>KYRGYZSTAN/UZBEKISTAN FERGHANA VALLEY</b> <b>CIVIC DIPLOMACY PROGRAMME</b> <b>CIVIC DIPLOMACY PROJECT: KYRGYZSTAN/UZBEKISTAN FERGHANA VALLEY</b></p>
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**Objectives**

- To increase human contacts of population in conflict areas and to foster a sustained dialogue between civic groups from the conflict areas and their counterparts on issues of common concern;
- To enhance the contribution from civil society to the peace and reconciliation process.

**Background**

The ODIHR's success in dealing with Civic Diplomacy initiatives in conflict regions has led it to expand its activities to Moldova and Georgia ranging from issues dealing with children's exchanges to re-unification of mixed families and networking of human rights defenders. The ODIHR sees an opportunity to engage itself using the same methodology in the sensitive relations dominating the tensions at the local and regional level in Kyrgyzstan and Uzbekistan in general and the Ferghana Valley in particular. In conjunction with existing initiatives of other international donors and NGOs, the ODIHR is in a good position to use its network of contacts as well, as its political weight and visibility, to ease cross border relations and facilitate the mediation between local tensions involving minorities, human rights, and social exclusion.

**Approach**

In view of the political and emotional sensitivity of this area of activity, the programme shall be implemented in close co-ordination with local OSCE presences as well as other expert international organisations such as the UNHCHR and NGOs. For obvious reasons of security and to maximise impact, each project shall be preceded by a research/assessment mission in order to identify suitable lines of contact, workable common issues and reliable partners. The approach which has been adopted by the programme consists of strengthening an existing line of communication over the dividing line (such as mixed families) and gradually expanding it to other layers of the population such as human rights defenders, authorities, and the media.

The ODIHR will support already existing initiatives on the ground and of central and local authorities to foster dialogue between civic groups in conflict areas. Within this framework, participants from different sides of a conflict may be invited by institutions and organisations abroad to undertake training courses in conflict resolution and human rights

**Timeframe:** 2004 - 2005

<b>MOLDOVA</b> <b>CIVIC DIPLOMACY PROGRAMME</b> <b>CIVIC DIPLOMACY PROJECT: MOLDOVA</b>
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**Objectives**

To increase human contacts of population in conflict areas and to foster a sustained dialogue between civic groups from the conflict areas and their counterparts on issues of common concern;

To enhance the contribution from civil society to the peace and reconciliation process.

**Background**

The ODIHR's success in dealing with Civic Diplomacy initiatives in conflict regions has led it to expand its activities to Moldova and Georgia ranging from issues dealing with children's exchanges to the re-unification of mixed families and networking of human rights defenders. The ODIHR sees an opportunity to engage itself using the same methodology in the sensitive relations dominating the tensions at the local and regional level in Moldova. In conjunction with existing initiatives of other international donors and NGOs, the ODIHR is in a good position to use its network of contacts as well as its political weight and visibility to ease cross border relations and facilitate the mediation between local tensions involving minorities, human rights, and social exclusion.

**Approach**

In view of the political and emotional sensitivity of this area of activity, the programme shall be implemented in close co-ordination with local OSCE presences as well as other expert international organisations such as the UNHCHR and NGOs. For obvious reasons of security and to maximise impact, each project shall be preceded by a research/assessment mission in order to identify suitable lines of contact, workable common issues and reliable partners. The approach which has been adopted by the programme consists of strengthening an existing line of communication over the dividing line (such as mixed families) and gradually expanding it to other layers of the population such as human rights defenders, authorities, and the media.

The ODIHR will support already existing initiatives on the ground and of central and local authorities to foster dialogue between civic groups in conflict areas. Within this framework, participants from different sides of a conflict may be invited by institutions and organisations abroad to undertake training courses in conflict resolution and human rights

**Timeframe:** 2004 - 2005



## **PROGRAMME OUTLINE**

### **1. Programme Information**

#### **CIVIC EDUCATION PROGRAMME**

**Location:**

OSCE region

**Summary:**

The aim of this two-year, multi-country programme is to increase the contribution of citizens and NGOs to the political debate at local, regional and national levels. More specifically, the programme will aim to increase the understanding of citizens of the role and function of governments and the potential of civic initiatives. This citizen awareness programme will be carried out through a Civic Awareness Building and a specifically targeted Youth and Society project.

**Objectives:**

- To increase citizens' awareness
- To increase political participation of youth in society

**Justification:**

The Programme has its emphasis on long-term results. No single generation has or can be educated in principles and traditions that took other countries centuries to acquire. Experience has shown that this education should be rooted deep within the societies concerned. In other words, the programme targets educational facilities and curricula, local authorities and community leaders, media and directly youth itself. A particular concern of this programme is its timing in view of the upcoming elections in the OSCE region.

Additionally, the involvement of young people in civil society is rather limited, with usually only a few youth organisations being active in the capital and an even smaller number in the provinces. The project aims to support those existing youth organisations through stimulating an open debate on issues concerning youth and their role in society.

The targeted regions have shown a consistent need, as well as presented a constant request for, further civic awareness and education. The lack of citizen participation in local and national political life is also recognised as being at the root of poor governance watchdogs, citizen interest groups and relevant elections, which do not fulfil their respective roles in providing a solid framework for a functioning democratic society. By its very nature, the awareness programme will further peace through dialogue and democratic experience

through understanding. This multi-faceted awareness campaign will not only reach out to citizens, but will entail a close involvement of authorities in most of its activities.

### **Approach:**

The programme presents a number of approaches in order to enlarge the target group, increase sustainability and maximise impact. Activities range from establishing crucial partnerships between NGOs and local public institutions, civic awareness campaigns, and TV broadcasts, to summer camps and youth debate unions. Because of the specificity of social and political contexts and needs in this programme, preference is given to a country-specific approach. However, some flexibility is required in the case of cross-border or regional exchanges which present an added value (e.g. for the Youth and Society project). The projects shall, therefore, be implemented in close co-ordination with the respective OSCE missions and with the assistance of expert partners in the field of media, citizen participation and youth.

### **Description of Activities:**

Specific projects to be conducted under the Civic Education Programme include:

#### Civic Awareness Building

Awareness building projects are by definition long-term and costly, due to their size and objective. Activities that are proposed here shall be implemented according to local conditions and potential. In any event, the activities are geared towards local needs as well as future use beyond the end of the project itself. As such, this project will seek to: (1) Build partnerships between local public institutions such as libraries, and local municipalities and respective civic education NGOs; (2) Strengthen the civic education capacity of NGOs and government officials and promote their campaigns; and (3) Produce and broadcast reality TV documentaries on civic initiatives and democratic practices including elections. *Anticipated time frame: Two years.*

#### Youth and Society:

Involving youth actively in the workings of society in general and in political life in particular is of the greatest importance in terms of forming the future leadership of their respective countries. This project aims to prepare a new generation of involved citizens, as well as encourage capable youth leaders through: (1) the implementation of specifically youth-targeted civil-awareness programmes; (2) support independent youth debate societies/unions; (3) work with youth political parties and (4) introduce civic education in school and university curricula. *Anticipated time frame: Two years.*

## **2. Expected Results**

The programme has indeed been devised for the long-term. Crucial partnerships with local public institutions will ensure long-term implementation of newly acquired civic education skills. TV programmes can be re-broadcast and used in educational facilities. Strengthened youth organisations will foster a new generation of young leaders and awareness campaigns will install an understanding of political participation and electoral practices in the targeted countries.

**Sustainability:**

The ODIHR programmes seek to achieve maximum sustainability through the activities proposed, particularly at the policy and institutional levels. Therefore, a programme approach has been chosen to ensure a longer-term perspective including a monitoring component.

<p style="text-align: center;"><b>OSCE REGION</b> <b>CIVIC EDUCATION PROGRAMME</b> <b>CIVIC AWARENESS BUILDING</b></p>
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**Objectives**

- To promote awareness on citizen participation education among the public through the production and broadcasting of television programs on selected human dimension topics;
- To raise awareness among local officials on the potential of civil partnerships

**Background**

People living in remote areas do not have access to adequate information concerning their rights. The ODIHR NGO Unit's Public Awareness projects of the past three years have aimed to reach as wide an audience as possible through TV or radio broadcasts, sensitising public opinion to human rights and civil society issues. The "Public Awareness through radio broadcasts on Administration of Justice" was run in close partnership with the BBC and the local OSCE presences in Azerbaijan and Georgia and was completed late 2002. This project focuses on the long-term and will target educational facilities and curricula, local authorities and community leaders as well as the media. A particular concern of this programme is its timing in view of upcoming parliamentary and municipal elections in the OSCE region.

**Approach**

Awareness building projects are by definition long-term and costly, due to their size and objective. Activities that are proposed here shall be implemented according to local conditions and potentials. In any event, the activities are geared towards local needs as well as future use beyond the end of the project itself. As such, this project will seek to: (1) Build partnerships between local public institutions such as libraries, and local municipalities, and respective civic education NGOs; (2) Strengthen the civic education capacity of NGOs and government officials and promote their campaigns; and (3) Produce and broadcast reality TV documentaries on civic initiatives and democratic practices, including elections.

**Timeframe:**

2004 - 2005

**OSCE REGION  
CIVIC EDUCATION PROGRAMME  
YOUTH AND SOCIETY**

**Objective**

- To increase political participation of youth in society

**Background**

Involving youth actively in the workings of society in general and in political life in particular is of the greatest importance in terms of forming the future leadership of their respective countries. This project aims to prepare a new generation of involved citizens, as well as encourage capable youth leaders to be more active in their environment in the expectancy of taking up greater responsibilities in the future.

**Approach**

Following closely on previous youth projects in Belarus and Tajikistan, the ODIHR will tailor country and region-specific projects in close collaboration with the local OSCE presences as well as experienced and promising local youth NGOs. This project aims to carry out: (1) the implementation of specifically youth-targeted civil-awareness programmes; (2) support independent youth debate societies/unions; (3) work with youth political parties and (4) introducing civic education in school and university curricula. The strengthened youth organisations will foster a new generation of young leaders and awareness campaigns will install an understanding of political participation and electoral practices in the targeted countries.

**Timeframe:** 2004 – 2005



## **PROGRAMME OUTLINE**

### **1. Programme Information**

#### **WOMEN'S LEADERSHIP DEVELOPMENT PROGRAMME**

##### **Location:**

South Caucasus and Central Asia (Armenia, Azerbaijan, Georgia, Kazakhstan, Kyrgyzstan)

##### **Summary:**

The programme aims to:

- Increase role of women at all levels of decision-making and in politics;
- Train and equip women leaders with the skills to create and support a women's movement in their communities;
- Educate women in regions outside of capital cities, as well as employees of governmental structures, on women's rights and mechanisms for their enforcement;
- Encourage and empower women to take and play active roles in their communities, as well as politics at local, regional, municipal and national levels;
- Build and support women's civil society and NGO networks in advancing women's rights, to construct active networks that promote women into leadership positions and ensure the continuation of gender activities;
- Create co-operation between NGO and governments to provide channels of communication for more effective legal and administrative mechanisms that address women's rights and enable women to enter leadership and political positions;
- Train and build the capacity of women candidates and their electorate in participation skills and understanding democratic politics; and
- Help change the approach and attitudes in politics, as well as in the media, to promote and reflect gender equality.

The target groups and beneficiaries of this programme are women's organisations, NGOs and women outside capital cities. Beneficiaries also include civil society elements involved in the programme and government structures responsible for ensuring gender equality.

The programme's main activities include:

- strategic assistance to NGO networks;
- strengthening and skill-building of NGOs working on gender issues;

- building capacity for women’s community initiatives which have an impact on development as a whole (local programs implemented by local people for local people);
- support to existing women leaders and integrating them into civil society networks that work on gender issues.

**Objectives:**

- To increase the participation of women in leadership positions and politics;
- To build capacity for the increased involvement of women in decision making;
- To provide leadership and network-building skills for women outside capital cities;
- To provide skills for lobbying and advocacy on equal rights and equal opportunities;
- To promote women’s empowerment and involvement in community initiatives.

**Justification:**

The continued under-representation and insufficient participation of women in all decision making, and particularly in the political sector, results in governance and policies that fail to acknowledge the needs and interests of the more than 50% of the population that women represent. Similarly, lack of women in leadership positions and decision making at all levels tends to marginalise women into stereotyped roles that often are perpetuated by patriarchal traditions and values. Until women achieve legislative representation in numbers far nearer parity and have equal status and influence in the private, public and economic lives of their societies, all advances in equality between women and men can only be seen as extremely fragile.

This is particularly well illustrated in the post-Soviet area where, especially in regions outside of the capitals, there is a resurgence and increase in the prevalence of traditional attitudes and stereotypical expectations towards women. These traditions and attitudes have a negative impact on status, choice and opportunities for women and are resulting in women being increasingly marginalised and underrepresented in public life. Additionally, since independence, a number of factors and setbacks in these States have resulted in the steep decline of women’s representation in the economic and political arena which in effect has generally excluded women’s concerns from the political agenda and transition processes. Worsening economic conditions, unemployment and an increasingly larger proportion of populations living below the poverty level compound the overall deterioration of the situation of women in these countries.

Efforts to advance women in leadership and decision-making positions are of particular importance in transitional countries. Increasing the number of women in national parliaments and local governments is one key way of ensuring that women’s, as well as men’s, needs are taken into account at policy, legislative and administrative levels. For this to happen women must have access to decision making across the policy spectrum and their participation in elected bodies and government should be effective, not just nominal or marginalised into “soft policy” areas, thereby ensuring that their views are taken seriously and incorporated into overall decisions. This requires well-informed and -educated candidates and electorates, as well as political will for gender-sensitive laws, regulations and policies.

An additional way to redress the lack of women's perspective in leadership and decision making is by ensuring their ability to develop, implement and lobby government structures for specific initiatives and mechanisms that protect women's rights as well as which guarantee gender equality. One important method to achieve this requires educating and building the capacity of women while establishing and fostering coalitions and networks of women's organisations which recognise the essential nature of promoting women's empowerment at all levels particularly for women leaders. In this way, women who receive the education, tools and power can take direct action on issues that matter to them.

Another important method to promote the participation of women in leadership positions and politics is by developing activities that support women already in positions of authority. This should be accomplished by educating, raising awareness, empowering and building the capacities of women leaders in key areas, while establishing lobbying channels and networks between governmental structures and civil society involved in advancing women's participation in politics. Civil society should be aware of women's rights and mechanisms for reinforcing them, while having the capacity to take an active role in running local initiatives, ensuring that women can enter and stay in politics and leadership positions.

The continued effort to increase women's participation in decision-making is supported by OSCE and other international commitments. The ODIHR's work and commitment to the empowerment of women is based on a conviction best expressed in the preamble of the Convention on the Elimination of all Forms of Discrimination Against Women "... that the full and complete development of a country, the welfare of the world and the cause of peace require the maximum participation of women on equal terms with men in all fields."

In the past three years, the ODIHR has initiated several technical projects specifically designed for relevant countries aiming at increasing the leadership and participation of women. This programme is a continuation of those on-going ODIHR gender activities which were carried out in Armenia, Azerbaijan, Georgia, Kazakhstan and Kyrgyzstan.

Women's organisations, NGOs working on gender equality, women leaders, young women and women living outside of capital cities have been identified as the most appropriate target groups for information and leadership skills development. While also being the best candidates, these women, once equipped, can carry on the task of educating civil society on women's rights; implementing and lobbying initiatives that will change negative trends; and work to remove obstacles preventing women from fully exercising their rights and participating in all spheres of life. All citizens are the direct and indirect beneficiaries of women's leadership being developed and women's voices being represented in the respective country's decision making.

**Approach:**

Advancing women's leadership, and inherently their political participation, is a strategy for improving the situation of women that will contribute to the stability, security and balance in societies at large. This strategy is approached from the premise that to improve the

situation of women requires developing and increasing the visibility of women's leadership. This is achieved by generating leaders who engage in local activities that promote women's participation in politics and decision making. The ODIHR's Women's Leadership Development Programme is built on three pillars to achieve this complex strategy via a set of inter-linked approaches:

1. A regional approach that concentrates on working in regions outside of capital cities, as this is where the most acute needs are. Additionally, for the most part these areas remain outside the focus or reach of other international organisations;
2. A training-of-trainers methodology that advocates training a small group of women as the vehicle and catalyst for raising awareness on women's rights, building networks of women's organisations that jointly lobby and work on advancing gender equality and starting local initiatives to address the needs of women. (The ODIHR's trainers, as well as their small project initiatives, create leaders in themselves, their partners and audiences while widening the network and providing support to other women leaders and in effect strengthening and supporting civil society.);
3. Building and fostering co-operation between NGO's and government structures is necessary to alleviate the mutual distrust between government and civil society, thus, encouraging women's NGOs to more effectively utilise official channels and consequently develop a voice in discussing and shaping governmental policy on issues that affect women.

The ODIHR utilises standard monitoring techniques for all programmes. The ODIHR constantly reviews the progress of each activity and makes adjustments to address changes that may affect implementation of the programme. Additionally this programme has built in as a follow up to its each of its activity a review and/or evaluation component.

### **Description of Activities:**

It is expected that the programme's activities will include:

- Seminars raising awareness on women's rights, gender equality and women's participation in society for women in the regions and cities outside of the capitals;
- Training of Trainers on women's rights, gender equality and women's participation;
- Coalition-development training, evaluation of the work of coalition's working groups;
- Training seminars for women from local governments and NGO's in the regions;
- Team and network building workshops in the regions;
- Organisation building, project development and programme management training for trainers;
- Training workshops for trainers on building training capacity and strengthening civil society initiatives on gender issues in the regions;
- Follow up, review and additional skill-building workshops for trainers;
- Evaluation workshops for the awareness raising seminars and leadership programs;
- Skill building and advanced project development and management training of trainers;
- Development and implementation of small-scale community initiatives for women in the regions;
- Evaluation workshops of the small-scale community initiatives;

- Workshops for government, political and civil society structures on establishing mechanisms for initiating positive action policies that would ensure women's political participation.

In addition, the programme will convene conferences to focus on establishing better networks and working relationships as well as to educate and involve the media to stimulate it to report and portray women leaders responsibly, and, thus, to eliminate traditional stereotypes of women and men.

The activities of the programme are dependent on the co-operation of the governments and authorities involved. Should the current situation change, the ODIHR will review the activities considered and make appropriate changes where necessary.

## **2. Expected Results**

Planned activities envision the following outcomes:

- Equipping future women leaders with the skills, knowledge, and capacity to empower those women who want to take active roles in politics and public life. This is a key component and important output to continuing assistance and support for existing ODIHR trainers who are already involved in leadership work, as well as having them attract and encourage new participants to become involved, either in educating others or running local-level initiatives advancing women. This then is expected to empower women's movement and contribute to the sustainability of gender equality and an active civil society.
- Working on changing the technical impediments to women's progress, such as laws and structures, using the support and establishment of lobbying forces and NGO networks that are capable of initiating and participating in these changes, as well as through the ODIHR's political dialogue with governmental structures.
- Assisting in changing the gender culture in political and public arenas by raising awareness of women's rights and gender equality among women, the public at large, and government employees; and by working to change media coverage of women in politics which moulds public perceptions of women and their roles.

### **Publications and Other Material Outputs:**

Although the programme does not tend to concentrate on the production of publication or material outputs, past experience has shown that some of the programme activities will produce publications, such as compilations of women's organisations and NGO's working on specific gender issues in Caucasus. Thus, it is possible that the programme will produce some publications in addition to the general material outputs associated with the implementation of the planned activities.

### **Multiplier Effects:**

All Gender programs activities build on previous successes of their own activities in a stair-step methodology. The programmes use and strengthen the built-up networks, are inter-linked with each other to ensure continuity and, thus, have a multiplier effect built in. This programme's aims and approach are specifically designed to create a multiplier effect

through first the training of trainers, then subsequently having them conduct a substantial amount of training. They will be covering regions ignored by other international organisations, supporting civil society in their local initiatives, while also building and strengthening networks and coalitions capable of continuing and expanding these efforts. Additionally, following the programme's philosophy and successful evaluation, certain elements, models and activities will be used in other countries.

**Sustainability:**

The ODIHR Gender programmes specifically seek to achieve maximum sustainability through the activities proposed, particularly on the grassroots level, as well as at the policy and institutional levels. Therefore, the programme's approach, including monitoring and evaluation components, has been chosen to ensure a longer-term perspective.

<p><b>ARMENIA</b> <b>WOMEN'S LEADERSHIP DEVELOPMENT PROGRAMME</b> <b>WOMEN'S LEADERSHIP DEVELOPMENT</b></p>
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### **Objectives**

- To provide leadership and network building skills for young women in Armenia and promote women's empowerment in regions of Armenia;
- To increase awareness on women's rights and gender equality in the regions of Armenia;
- To develop and support local initiatives, mechanisms and networks to promote women's leadership across the country;
- To gender-sensitise the media in Armenia.

### **Background**

Women in Armenia are marginalised in the economic and political life of the country. The inequality and discrimination faced by women in Armenia is influenced by the prevalence of traditional attitudes and limited, stereotyped expectations. Young women and women from outside the capital are particularly affected by such practices; this prevents them from finding economic and professional opportunities. Women remain generally unaware of their rights under international and domestic law.

It is, therefore, necessary that women become aware of their rights and equal status and are enabled to participate equally in the labour market, politics and the development of Armenian society. The participation of women is of vital importance in all aspects of the political processes, especially decision making. With regard to countries undergoing political and economic transition like Armenia, it is also pressing that women are able to protect and promote their rights and interests.

In 2002-2003, the ODIHR conducted awareness-raising programs on women's participation in society, women's rights and gender equality. By using a train-the-trainers methodology, the project trained a team of 22 local trainers from different regions of Armenia who disseminated information via a series of educational seminars that reached over 3000 women from across the country. These training exercises were one of the few international initiatives on gender issues to be carried out in Armenia outside of Yerevan. The regions outside the capital are precisely where such programmes are needed, as information is often scarce and social-development programmes are rare. As a result of this programme, women in the regions not only became aware of their rights, but also started to take on an active part in public life and decision-making.

### **Approach**

In 2004, the programme's activities will continue the awareness-raising activities that started in 2002. Although the programme successfully reached its goals set 2002 and 2003, evaluation has clearly indicated the need for continued and strengthened programs for women in the regions of Armenia. The main focus for this part of the project in 2004 will be leadership and network building for young women in the regions of Armenia and

development of local community initiatives to promote women's leadership and gender equality.

Through its activities, the project will also work to sensitise local media on gender equality and provide awareness raising on women's rights and gender issues to the local media representatives.

**Timeframe:** throughout 2004

<p><b>AZERBAIJAN</b></p> <p><b>WOMEN'S LEADERSHIP DEVELOPMENT PROGRAMME</b></p> <p><b>WOMEN'S LEADERSHIP AND NETWORK BUILDING</b></p>
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**Objectives**

- To provide leadership and network-building skills for women in Azerbaijan and promote women's empowerment in regions of Azerbaijan;
- To increase awareness on women's rights and gender equality in the regions of Azerbaijan;
- To develop and support local initiatives, mechanisms and networks to promote women's leadership across the country;
- To gender-sensitise the media in Azerbaijan.

**Background**

Women in Azerbaijan are under-represented in decision making and continue to be marginalised and fall victim to repressive stereotypes that further limit their opportunities. Thus, participation of women is of vital importance in all aspects of the political process, especially decision-making. With regard to countries undergoing political transition like Azerbaijan, it is also pressing that women be assured of their ability to protect and promote their rights and interests. Working from this premise, the ODIHR designed a programme in Azerbaijan in 2000 entitled "Women's Leadership and Political Participation/Participation in Decision-Making." The purpose of the programme was threefold: to promote political participation by women, to develop a lobby on gender equality and to adopt a common platform on women's rights.

Since 2001, the programme has been expanded to build a training capacity in the regions of Azerbaijan beyond the capital and to improve the situation of women by increasing their representation in public life. A team of 20 women from 20 different regions of Azerbaijan has been selected and trained by ODIHR's special Training-of-Trainers methodology. The trainers have disseminated their skills throughout the country in a series of subsequent educational seminars conducted in their home regions. Approximately 8000 women took part in these seminars designed to raise awareness of women's rights in the regions of Azerbaijan. These training exercises were one of the few international initiatives on gender issues to be carried out in Azerbaijan outside Baku. The regions outside the capital are precisely where such programmes are needed, as information is often scarce and social-development programmes are rare. As a result, the ODIHR programme has been exceptionally well received, especially as it could also provide support for several participants to form small, initiative groups to obtain skills to work on community projects. Additionally, the project also succeeded in creating an effective methodology for networking and co-operation and made progress towards a democratic civil society movement on gender issues able to impact on the discrimination and inequality faced by women in Azerbaijan.

**Approach**

As a next step in 2004, the project will focus on the women's leadership and network-building programme in the regions of Azerbaijan, working towards empowerment of

women and development of local community initiatives to promote women's rights and gender equality. The activities will include skill building on project development in the regions of Azerbaijan; setting up women's community networks; and lobbying for support mechanisms for women's movements with local governments. The project will continue to assist in developing advocacy skills for gender-sensitive policies and creating effective mechanisms to increasing the role of women in decision-making.

Through its activities, the project will also work to sensitise local media on gender equality and provide awareness raising on women's rights and gender issues to the local media representatives.

**Timeframe:** throughout 2004

**GEORGIA**  
**WOMEN'S LEADERSHIP DEVELOPMENT PROGRAMME**  
**WOMEN'S LEADERSHIP AND COALITION BUILDING**

**Objectives**

- To increase the role of NGOs in the process of lobbying on gender equality, women's empowerment and increasing the role of women in public life;
- To develop leadership and network building skills for women in Georgia and to promote women's empowerment in the regions of Georgia;
- To develop mechanisms on promoting women's leadership and form lobbying networks on women's participation in decision making processes across the country;
- To increase awareness on women's rights and gender equality in the regions of Georgia;
- To gender-sensitise the media in Georgia.

**Background**

Women's participation in politics and the percentage of women in positions of leadership have declined steeply in many countries undergoing transition. NGOs working for the advancement of women sometimes find it difficult to adopt co-operative strategies and therefore do not fulfil their potential in countering this trend. To address this process in Georgia, the ODIHR in 2000 developed a programme called "Women's Leadership and Coalition Building," designed to help create a functioning coalition on gender issues that currently unites more than 40 NGOs. The major work of the coalition is mainly organised into smaller, issue-based working groups and sub-projects to better address specific concerns. The mainstreaming activities of these working groups have a common goal: to achieve women's equality and enhance women's participation in decision-making. The various group initiatives have all gained prominence and clearly had an impact on the overall situation and position of women in Georgian society.

The coalition actively contributes to the second component of the ODIHR's programme in Georgia: where a team of 20 trainers raises the awareness on the importance of women's participation in society, women's rights and gender equality in 11 regions of Georgia, reaching more than 3000 women via educational seminars. As a result of the training programme, women in the regions not only became aware of their rights but also became more active in public life and involved in decision-making. The ODIHR's activities in the regions also served as a solid basis for developing small-scale projects that promote gender issues at the local level and build community initiatives for women. In 2002-2003, the regional trainers initiated more than ten such projects in their home regions and began to establish new NGOs working on women's rights and gender equality.

**Approach**

The outcomes and evaluation of the projects proved that to increase representation of women in decision making processes it is vital to continue building capacity of women from regions outside of Tbilisi. As a next step the project in 2004 will focus on the women's leadership and network building programme in the regions that will work towards empowerment of women and development of local community initiatives to

promote women's rights and gender equality. The activities will include skill building on project development, management and implementation in the regions of Georgia, setting up women's community networks and lobbying for support mechanisms for women's movement with local governments. The project will also support the activities of the women's NGO coalition and strengthen capacity of its member NGOs to address women's rights concerns, promote gender equality and lobby for increased role of women in decision-making processes in Georgia. Through its activities, the project will also work to sensitise local media on gender equality and provide awareness raising on women's rights and gender issues to the local media representatives.

**Timeframe:** throughout 2004

<p><b>KYRGYZSTAN</b></p> <p><b>WOMEN'S LEADERSHIP DEVELOPMENT PROGRAMME</b></p> <p><b>WOMEN'S LEADERSHIP, LOBBYING AND NETWORK BUILDING</b></p>
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### **Objectives**

- To build the capacity of women's networks and women leaders in the regions of Kyrgyzstan on lobbying for increased political participation of women, promoting gender equality and addressing women's rights concerns;
- To provide training for women candidates and promote women's active participation in elections;
- To raise awareness on women's right and gender equality in the regions of Kyrgyzstan;
- To gender-sensitise the media in Kyrgyzstan.

### **Background**

The ODIHR gender projects in 2000-2003 were seen as milestones for the women's movement in Kyrgyzstan, initiating a more inclusive and co-operative approach to build on the activities of individual women's NGOs, and creating the basis for effective lobbying and networking on gender issues. The projects identified and trained altogether over 4000 women from all regions of Kyrgyzstan on women's rights and gender equality, equipping them with skills to combat discrimination and abuses of women's rights. As a result of the ODIHR training, many have initiated NGOs or community groups and are advocating women's rights with local authorities. The project also succeeded in creating an effective methodology for networking and co-operation, and made progress towards a democratic civil society movement on gender issues, able to impact on the discrimination and inequality faced by women in Kyrgyzstan.

The training seminars for women's NGO leaders and women's councils increased the gender awareness and gender sensitivity of the participants. In addition, the importance of women's participation in the elections was underlined, and discussions were held on the topics of civil society and the women's movement in Kyrgyzstan. In response to the feedback to these seminars and earlier work in project development initiatives, the ODIHR launched a vibrant sub-component to the programme called the "Women Can Do It!" network. This network was created with the intention of setting up a mechanism to enhance civic activity and self-organisation of the female electorate. Other objectives included increasing the level of participation of women in local government and other decision-making bodies and improving leadership skills in regions of Kyrgyzstan.

### **Approach**

Building on the achievements and results of the projects 2000-2003, the ODIHR programme strategy for 2004 will aim to increase the role of women in the upcoming elections, both as candidates and as voters. The project will also continue to build capacity among new potential women leaders, raise gender awareness in the regions of Kyrgyzstan and create cross-regional networks and co-operation links between experienced and newly established women's organisations and initiative groups. The activities will include support to the women's network and capacity building for women's councils on lobbying for active participation of women in elections; training for women candidates, sensitising

local media on gender equality and developing the campaign on promoting women's participation in elections.

**Timeframe:** throughout 2004

<p style="text-align: center;"><b>REGIONAL: CENTRAL ASIA</b> <b>WOMEN'S LEADERSHIP DEVELOPMENT PROGRAMME</b> <b>WOMEN'S POLITICAL PARTICIPATION</b></p>
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### **Objectives**

- To build capacity among political parties, government structures and civil society to promote women's political participation, empowerment and lobbying for an increased role of women in decision making in Central Asia;
- To develop a strategy and common approach among national and local government structures and civil society representatives on lobbying for women's rights, gender equality and the increased participation of women in politics;
- To assist political parties, leaders and decision makers to identify and develop strategies for initiating integration mechanisms for positive action policy aimed at ensuring equal political representation of women on national and local levels;
- To establish consultative, advisory and support networks for women politicians and leaders in Central Asia.

### **Background**

The goal of advancing women in decision-making is of particular importance in transition countries in Central Asia. Due to a number of factors, women's representation in the economic and political arena has steeply declined in many of these states over the past decade. This situation is unrepresentative and excludes the concerns of women from the political agenda and transition process. Based on the outcomes and findings of the ODIHR project work in Central Asia, a special approach was developed under the ODIHR's "Women's Leadership Program" to foster the development of gender equality in Central Asian states through dialogue and the formation of a strategy for positive action to ensure equal political representation of women. In this context, a special conference "Strategies to Ensure Gender Equality in Politics," was held in Bishkek in May 2003, with more than 100 participants from government structures, Parliaments and NGOs from Kyrgyzstan, Kazakhstan, Uzbekistan and Tajikistan. The conference called for representatives of state bodies, parliamentarians, political parties, NGOs, mass media and civil society in Central Asia, as well as international agencies working and influencing formation of gender policies, to implement programs on special measures and strategies to increase women's political participation and assist in the development of gender sensitive policies in Central Asia. The conference agreed to develop special projects in each country; to lobby for effective measures that increase access of women to politics; to hold regional training programmes on women's political leadership; to create women's networks; to introduce the principles of regional scope networking; to hold international monitoring of women's political rights and hold joint meetings-forums on regular basis.

### **Approach**

As a next step, the ODIHR programme in 2004 will design and conduct specific seminars and workshops for government, political and civil society structures to build their capacity and to assist them in establishing mechanisms for initiating positive action policies that would ensure women's political participation in Central Asia. The programme will assist

in drafting relevant measures including targeted training for women from local government and parliamentarians while expanding and/or creating new networks that would support or advise women politicians. The programme will also provide expert assistance to smaller projects (on special measures to increase women's access to politics and decision making in Kyrgyzstan, Kazakhstan, Tajikistan and Uzbekistan), developed as a follow-up to the Bishkek conference. In order to evaluate the results and effectiveness of introducing the strategies adopted at the first conference, a follow-up conference will be organised to share best practices among the strategically chosen experts and participants and plan future joint activities.

**Timeframe:** throughout 2004



## **PROGRAMME OUTLINE**

### **1. Programme Information**

#### **BUILDING AND STRENGTHENING LOCAL EXPERTISE ON GENDER ISSUES PROGRAMME**

**Location:**

South Caucasus and Central Asia

**Summary:**

This programme aims at building teams of motivated local gender experts capable of implementing and running self-sustainable gender programs as well as advancing women's movements in their respective countries. The target groups are women, members of NGO's and other activists involved in promoting gender equality.

The programme's main activities will include:

- Building and strengthening local expertise on gender issues;
- Creating networks among expert teams from the South Caucasus, Central Asia, Eastern and Western Europe and international organisations;
- Development of a skills and knowledge transfer programme supplemented by training, mentoring and exchange-of-experience activities.

**Objectives:**

- To create a team of strong, independent expert-trainers on gender issues in the Caucasus and Central Asia;
- To build expertise, skills and a long-term commitment for the improvement of the position of women, empowerment of women and development of gender policies in South Caucasus and Central Asian countries.

**Justification:**

Since the year 2000, the ODIHR has been actively involved in work on promoting gender equality and advancing women's rights. This work for the most part has taken the form of designing and implementing gender programs in the Caucasus and Central Asia. These programs have involved many types of activities such as women's rights awareness raising and education activities; training and empowering women and women's NGO's; and creating networks and working with governmental structures on policy development in respect to promoting gender equality, to name only a few. The effective implementation of these activities required and continues to require a high level of expertise. This expertise for the most part is provided by the ODIHR experts from outside of the respective country.

Many of these experts, although excellent specialists, still require the guiding hand of the ODIHR to ensure the inclusion of local specificities. International organisations, including the ODIHR, working on women's rights protection and gender-equality promotion in the Caucasus and Central Asian States continue to rely on international experts to implement elements of their training programs. Such an approach does not pay enough attention to building and strengthening local expertise on gender issues that is essential to the development of sustainable gender training programs in the future. The same is true in respect to the need for motivated experts that can lead and/or substantively support women's movements that are being assisted by from international organisations like the ODIHR.

Having run a significant number of gender training programs, it has become evident to the ODIHR that, although good local expertise on gender issues can be found especially among high level women leaders, there is also a strong need for motivated and skilled local experts and trainers on gender issues. For these experts to fulfil the needs of this kind of assistance work, they should be capable and willing to work on the issue of gender equality independently. These experts and trainers must have not only the theoretical knowledge, but also the skills and capabilities to develop, conduct and properly run activities that could be developed to ensure gender equality in their country.

Well-prepared local experts that are trained to the level of international expertise, combined with first-hand local knowledge of situations, as well as language(s), would be an indispensable asset and a prerequisite for any Gender-equality movement to be fully run by local actors and thus be self sustainable.

**Approach:**

To be able to work towards achieving the long-term goal of improving the situation of women and increasing the role of women at all levels of decision-making processes, it is important to have local, well-qualified gender expert trainers in each country. This programme's approach is to provide further skills and empower local specialists to take a leading expert role in working on advancing a women's movement in their country to thereby ensure longer-term sustainability of the work done on women's rights and gender equality. Eventually local experts should be able to replace international training modules and domestic trainers could be able to become external trainers in other countries. These experts will have skills beyond theoretical knowledge and capabilities to conduct and properly run interactive, long-term training programs. This programme will equip local specialists with substantial expertise, skills, experience and knowledge on gender issues and consequently phase out the need for external assistance.

The ODIHR utilises standard monitoring techniques for all programmes. The ODIHR constantly reviews the progress of each activity and makes adjustments to address changes that may affect implementation of the programme. Additionally this programme, as all Gender Unit programmes, has built in as a follow up to its each activity a review and/or evaluation element.

**Description of Activities:**

The initial phase of identifying applicants for the training programme was started by the ODIHR through organising assessment meetings and running an initial candidate's selection. The first stage of this selection process began for local specialists from the South Caucasus, with a selection methodology and procedures having been developed. In the next phase, the final teams for participation in the expert training programme will be selected, based on written tests and essays to be evaluated by the ODIHR. The same process will be carried out in Central Asian countries, in order to identify the local expert teams from this region.

The second part of the Programme will involve identifying and selecting appropriate international experts to train and mentor the selected local teams of specialists. Both the training and mentoring will be supplemented with an intensive skills-and-knowledge-transfer programme designed by the ODIHR, using its experience and lessons learned from conducting training and running gender programs in these regions.

This comprehensive training programme, specifically designed to serve the purpose of creating substantial high-level, local trainer expertise on gender issues, will be developed using the best practices and expertise of several Western and post-transition countries. The activities of the training programme will include training schools, workshops, as well as tests, exams and practice sessions.

Besides designing the expert training programme, the ODIHR continues to foster exchange and capacity building of local experts from different regions equally among and within the regions. This means that local gender experts will share their expertise and lessons learned with their colleagues from their own country, the region and from different regions by bringing them together for relevant meetings and discussions, and arranging for information and know-how exchanges as well as mentoring programs.

The activities of the programme are dependent on the co-operation of the governments and authorities involved. Should the current situation change, the ODIHR will review the activities considered and make appropriate changes where necessary.

**2. Expected Results**

The programme will equip selected teams of experts with high levels of specialised knowledge on women's human rights and gender-equality issues, as well as with international experience, contacts and access to OSCE-wide networks of women's organisations.

**Multiplier Effects:**

All Gender programs activities build on previous successes of their own activities in a stair-step methodology. The programmes use and strengthen the built-up networks, are inter-linked with each other to ensure continuity and, thus, have a multiplier effect built in this programme's aims and approach, and are specifically designed to invest in teams of

local experts in order so that they can continue the gender work in their respective countries, eventually without international assistance.

**Sustainability:**

The ODIHR's programmes seek to achieve maximum sustainability through the activities proposed. The Gender Unit's programmes are specifically designed with the idea of eventually developing full sustainability. This is the pillar of the philosophy behind this work.

**REGIONAL: SOUTH CAUCASUS AND CENTRAL ASIA**  
**BUILDING AND STRENGTHENING LOCAL EXPERTISE ON GENDER ISSUES PROGRAMME**  
**EXPERT TRAINING FOR LOCAL GENDER SPECIALISTS: ADVANCED TRAINING OF**  
**TRAINERS**

**Objectives:**

- To create a pool of strong independent expert/trainers on gender issues in the Caucasus and Central Asia:
- To ensure expertise, skills and long-term commitment on the improvement of the position of women, empowerment of women and development of gender policies in South Caucasus and Central Asian countries.

**Background**

Through running gender training programs, it has become evident to the ODIHR that, although good local expertise on gender issues can be found especially among high-level women leaders, there is a strong need for motivated and skilled experts and trainers on gender issues. Well-prepared local experts that are trained to the level of international expertise, combined with first-hand local knowledge and local language(s), are an indispensable asset and a prerequisite for Gender movement activities to be fully run by local actors.

The main objective of this programme is to build capacity and expertise on gender issues among local experts in the South Caucasus and Central Asia. This method will give further skills and empower the local specialists of these countries to take a leading expert role in working on advancing women's movement in their respective countries, thus ensuring long-term sustainability of the work. Eventually, local experts should be able to replace international training modules and domestic trainers should be able to become external trainers in other countries. These experts will have skills beyond theoretical knowledge and capabilities to conduct and properly run interactive long-term training programs.

The initial phase of identifying applicants to the training programme was conducted by the ODIHR in 2003, through organising assessment meetings and initial candidates selection. The selection methodology and procedures were developed; the initial roundtable meetings with the applicants were organised; and the final teams for participation in the expert training programme were selected based on written tests and essays evaluated by the ODIHR.

**Approach**

In 2004 the programme will involve identifying and selecting appropriate international experts to train and mentor the selected local teams of specialists. Both the training and mentoring will be supplemented with intensive skills and knowledge transfer programme designed by the ODIHR using its experience and lessons learned from conducting training and running gender programs in these countries. A comprehensive training programme, specifically designed to serve the purpose of creating substantial high-level, local trainer expertise on gender issues will be developed using the best practices and expertise of

several Western and post-transition countries. The activities of the training programme will include training schools, and workshops as well as tests, exams and practice sessions.

**Timeframe:** throughout 2004



## **PROGRAMME OUTLINE**

### **1. Programme Information**

#### **GENDER EDUCATION FOR YOUNG GENERATION PROGRAMME**

##### **Location:**

South Caucasus and Central Asia. This programme is a continuation of on-going gender activities carried out in Armenia and Kyrgyzstan and will be expanded to other South Caucasus and Central Asian countries.

##### **Summary:**

This programme aims to introduce gender-sensitive education into curricula, in order to avoid the perpetuation of gender-biased stereotypes that are at the root of gender inequality. The key objective is to prepare younger generations to understand the need for gender equality and to build their capacity to be able to seek change in policies and development strategies that can ensure women's equal participation in public and economic life.

The target groups are educators, such as university professors, high school and grade school teachers as well as students, student organisations and young women.

The main activities of the programme include:

- Assistance in skills and capacity building to change and develop gender-sensitive curricula for teaching programs and/or classes;
- Awareness raising about women's rights and gender equality;
- Experience and information sharing and dialogue development on gender equality in education.

##### **Objectives:**

- To build capacity and train educators on teaching gender-specific and gender-sensitive programs in universities and high schools
- To mainstream gender education into national educational programs.
- To provide gender education to young women and equip them with leadership skills.
- To raise awareness on women's rights and gender equality especially among women from these regions.

##### **Justification:**

Women's rights remain a sensitive topic in many post-Soviet societies as women remain subject to gender stereotypes. This problem requires greater awareness-raising on human rights in general and more specifically on women's rights. Education that should be the

driving force behind equality of opportunity in these states (when accessible to women) instead often replicates and amplifies discrimination between women and men and perpetuates harmful stereotypes. This can result in ingrained stereotypes that compound discrimination and create a basis for a system that increasingly excludes women from decision making, while especially disabling young women from being able to claim equal rights and opportunities in society.

The ODIHR has chosen education as one of the most effective tools that can be used and to fight this trend and its effects and thus to promote equality between men and women. Gender-balanced education can correct many stereotypes that support inequalities that women face. Therefore, educating students about gender equality and women's rights within the framework of high school and university courses was deemed as an efficient means of overcoming prejudice. Introducing gender equality subjects in public fora will also contribute to the discourse on mainstreaming gender education into national education programs.

Similarly, recognising that young women need special attention and an enabling environment to learn and develop leadership skills, the ODIHR has initiated special and /or separate projects for training young women leaders. These projects recognise that young women have more confidence to speak and be active amongst their peers, that they learn and apply new methods very effectively, but at the same time need extra attention in respect to conveying substance and skills. Young women benefit from mentoring or role model support systems and require them to be established.

In response, the ODIHR is implementing projects in the Caucasus and Central Asian States that will help create a demand for the introduction of gender-sensitive education policies, as well as for the development of strategies to empower women to participate in decision-making bodies. This is an on-going programme that will be continued with the same partners, building on the successes of previous years and expanding into new areas identified by the Gender Unit and the local partners.

**Approach:**

The ODIHR has looked at the situation and concluded that education is a solution to a number of problems on multiple levels and has, therefore, adopted a long-term strategy to create the force and local capacity to change gender stereotypes through education. The programme's strategy is the promotion of gender issues and the institutionalisation and mainstreaming of education in the area of women's rights and gender equality.

The mainstreaming of gender issues in education systems of transitional states will prepare a new generation of young people with knowledge of gender issues and gender sensitivity. As part of a long-term strategy, it is hoped this will help to create a demand for the introduction of gender-sensitive policies, for the development of strategies to empower women and to promote the participation of women in decision-making bodies. To this end the ODIHR has set up special training schools that provide teachers with the knowledge, skills and methodology needed to teach gender education in universities and high schools. These special "gender schools" train educators on how to develop curricula that includes

teaching gender-related topics in courses that traditionally fall within the realm of humanities education. The courses that have been created by ODIHR-trained educators now cover gender equality in the human rights context; gender issues in an ethno-cultural context; gender aspects of the economy; democratisation; equality in human rights and gender equality; and gender equality and legal aspects. These courses stress the relevance of women's rights to social development in general, which is an important aspect of improving the status of women in countries undergoing transition. They aim to present ideas about gender equality, human rights and discrimination against women in society and how to eliminate such discrimination through interactive methods that engage students in discussions and encourage them to form their own opinions. This, in turn, promotes building a gender culture capable of producing democratic change.

Gender courses in universities offer efficient tools to educate young people, especially young women, on women's rights and gender equality in a comprehensive and structured way. Equipping a team of young women trainers with leadership skills and human rights knowledge complements the ODIHR's efforts in preparing this "next generation" with a knowledge of gender issues and gender sensitivity. This is an additional approach to raise human rights awareness among women and to encourage young women and women from difficult-to-reach regions to take an active part in promoting gender equality and the process of democratisation in transition states. These young women trainers and leaders are needed resources for well-prepared, motivated and experienced members of the women's movements in these countries.

The ODIHR utilises standard monitoring techniques for all programmes. The ODIHR constantly reviews the progress of each activity and makes adjustments to address changes that may affect implementation of the programme. Additionally, this programme has built in, as a follow up to each activity, a review and/or evaluation element.

**Description of Activities:**

The main envisaged activities of the programme include:

- The development of special programs for students; curriculum development; and the conducting of gender courses in universities and high schools;
- Lobbying on mainstreaming gender issues into educational programs with university rectors, Parliamentarians, NGOs and representatives of government structures;
- Gender training schools and workshops for educators;
- Symposiums and workshops for university teachers and students;
- Capacity and expertise building for young women leaders.

Pending the impact of lobbying efforts, additional activities might be geared towards continuing discussions with relevant governmental structures on how to assist them in establishing national educational plans that include gender-sensitive content and styles of teaching.

The activities of the programme are dependent on the co-operation of the governments and authorities involved. Should the current situation change, the ODIHR will review the activities considered and make appropriate changes where necessary.

## **2. Expected Results**

The programme has created a pool of skilled teachers and professors in Kyrgyzstan and Armenia who have become active in promoting gender equality in education as well as other spheres. Similar activation has occurred among the students who have gone through the gender-orientated courses. These groups work together and are complementary in publicly discussing, lobbying and starting initiatives to institutionalise gender courses and activities supported by the ODIHR. The programme has equipped the students with the knowledge, confidence and skills which they use to organise special student conferences after each semester that aim to promote the further dissemination of information amongst students. This gives students from different educational institutions a chance to meet and discuss relevant issues amongst themselves, which, in turn, helps them to identify and realise common goals and approaches. It is expected that similar cadres will be created with comparable results in other targeted states.

Additionally, the young women involved in training on women's rights and gender equality in the regions gain training and leadership skills while also gaining confidence and becoming involved in managing community initiatives which address gender equality.

### **Publications and other Material Outputs:**

Although the programme does not tend to concentrate on the production of publications or other material outputs, the courses specifically designed as the result of the programme's activities generate a substantial amount of text books, course outlines, conference materials that are produced in local languages and are specific to schools, universities and each country. Some of these tools and examples will be translated into Russian and English, in order to facilitate the information and experience sharing among different countries where the programme is being implemented.

### **Multiplier Effects:**

All Gender programmes' activities build on previous successes of their own activities in a stair-step methodology. The programmes use and strengthen the built-up networks, are inter-linked with each other to ensure continuity and, thus, have a multiplier effect built in. This programme's aims and approach are geared towards educating and enabling young generation with the knowledge and skills to more effectively promote gender equality. The ultimate aim of institutionalising gender-sensitive education in each respective country's educational systems is a multiplier in itself.

### **Sustainability:**

The ODIHR programmes seek to achieve maximum sustainability through the activities proposed, particularly at the policy and institutional levels. Therefore, a programme approach, including a monitoring component, has been chosen to ensure a longer-term perspective.

<p style="text-align: center;"><b>SOUTH CAUCASUS AND CENTRAL ASIA</b> <b>GENDER EDUCATION FOR YOUNG GENERATION PROGRAMME</b> <b>GENDER EDUCATION FOR A YOUNGER GENERATION</b></p>
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### **Objectives**

- To build capacity and train educators on teaching gender-specific and gender-sensitive programs in universities and high schools;
- To mainstream gender education into national educational programs;
- To provide gender education to young women and equip them with leadership skills;
- To raise awareness on women's rights and gender equality especially among the women from the regions.

### **Background**

Mainstreaming of gender issues in the education system will prepare a new generation of young people with knowledge of gender issues and gender sensitivity. As part of a long-term strategy, it is hoped this will help to create a demand for the introduction of gender-sensitive policies and for the development of strategies to empower women and promote their participation in decision-making bodies. Women's rights remain a sensitive topic in many post-Soviet societies and are subject to gender-biased stereotypes. The ODIHR has chosen education as one of the effective tools that can be used to promote equality between men and women. Gender-balanced education can correct many of the stereotypes that support the inequalities that women face. Therefore, educating students about gender equality and women's rights within the framework of high school and university courses was deemed as an efficient means of overcoming prejudice and introducing the gender equality subject in a public forum thus contributing to the discourse on mainstreaming gender into national education programs.

The programme will educate young people who will actively be able to demand gender sensitive education, policies, programs and strategies to empower women to participate in and be equally represented at all levels of decision-making bodies. This is an on-going programme that will be continued with the same partners, building on the successes of previous years and expanding into new areas identified by the ODIHR and local partners. The ODIHR has set up special training schools that provide teachers with knowledge, skills and a methodology needed to teach gender education in universities and high schools. These special "gender schools" train educators on how to develop curricula that include teaching gender-related topics in courses that traditionally fall within the realm of humanities education. Gender courses taught by such teachers in universities offer efficient tools to educate young people, especially young women, on women's rights and gender equality in a comprehensive and structured way.

### **Approach**

In 2004, the programme will focus on the development of special programs for students, curriculum development and conducting gender courses in universities and high schools; lobbying on mainstreaming gender issues into educational programs with university rectors, Parliamentarians, NGOs and representatives of government structures; and training workshops for university teachers. Pending the progress and effect of lobbying efforts,

additional activities might be geared towards continuing discussions with relevant governmental structures on how to assist them in establishing a national educational plan that includes gender sensitive content and styles of teaching.

**Timeframe:** throughout 2004



## **PROGRAMME OUTLINE**

### **1. Programme Information**

#### **PROGRAMME TO INTEGRATE GENDER ASPECTS INTO THE WORK OF GOVERNMENT STRUCTURES**

**Location:**

South Caucasus and Central Asia. The programme is on going in Armenia, Azerbaijan and Kazakhstan and will be continued and/or expanded to other South Caucasus and Central Asian States.

**Summary:**

This programme aims at assisting OSCE participating States to meet their OSCE and other international commitments in the field of gender equality.

The primary target groups are government structures and their employees involved and/or responsible for ensuring gender equality.

The programme's main activities will include:

- Assisting OSCE participating States and their governmental structures in effective gender mainstreaming;
- Capacity building of public servants to effectively develop mechanisms to implement government programs and policies on gender equality.

**Objectives:**

- To build a capacity among governmental structures to work with local civil society on women's issues and advancing gender equality and including gender aspects into their work;
- To develop a comprehensive approach among women from government structures to develop and implement gender politics;
- To create a strong foundation for cross-society understanding of the idea that equal rights and opportunities for women and men are an integral part of any democratic society.

**Justification:**

In most CIS states, formal equal rights are often at odds with the de facto situation. This discrepancy is compounded by the governmental structures' limited ability to comprehensively implement gender equality and ensure the effective functioning of legal and other mechanisms. Genuine gender equality requires appropriate and effective efforts of governmental structures capable of ensuring equality in law as well in practice. These structures need to be able to establish and run national mechanisms that have clearly defined mandates and focus on gender issues in all areas. This requires well-educated and gender-sensitised public servants who understand and take their role seriously in ensuring gender equality through governmental efforts. Such public servants need to be aware of gender analysis as the across-the-board factor in policy and legislation making, as well as in public administration of a country. These functionaries need to be knowledgeable of international standards pertaining to gender equality; skilled in identifying areas where changes are needed; aware of civil society and other actors working on these issues; and capable of applying international and national standards, best practices and relevant efforts in their daily work to bring gender equality closer to reality.

Although great steps have been taken by many Ministries and other governmental structures in post-Soviet bloc countries towards acknowledging the principles of gender equality, the awareness of decision-makers on how to implement these principles in different state structures remains superficial and riddled with stereotypes. Often their knowledge is limited as to the statistical facts on the percentage of male and female staff, what the existing laws and mechanisms are lacking, as well as some knowledge and experience on how to make them effective and comply with international standards and commitments.

The ODIHR Gender Unit has already worked with some of these government structures in the framework of its other programs. For example, in respect to the Prevention of Violence Against Women programme, ODIHR has worked with Ministries of Justice, Interior and Police. Yet the identified problems and need to assist these states requires more comprehensive and specifically targeted assistance. In this respect in the past year, the ODIHR Gender Unit has assisted the Governments of Armenia and Azerbaijan in their efforts to make their National Action Plans more effective. Additionally, the programme has assisted the Azerbaijani Ministries on developing cross-ministry structures, empowering and co-ordinating the work of the State Committee on Gender Issues, as well as establishing Gender Focal Points in the Ministries. This programme will build on these activities and the relationships already established, while taking a more comprehensive approach in assisting these and other governments to integrate gender equality into their work.

**Approach:**

For a real and effective implementation of national plans of action on gender issues, the programme foresees support to individual approaches for government structures; the training of high-level officials; and the development of an action plan for ministry services with benchmarks for evaluating results, together with target deadlines. Gender-sensitive personnel and promotion policies should be an integral part of these action plans.

Assistance to develop more gender-balanced policies, taking into account both women and men, together with gender mainstreaming, will be provided. Development in the field of gender equality could be furthered by preparation of further national mechanisms and legal measures under the leadership of state bodies working on gender issues. Support to create strategic plans for furthering the systematic development of gender mainstreaming policies in science, educational systems, state structures, business and the third sector, as well as on regional levels, will also be offered. The programme will also look at analysing the activities of more gender-equality advanced states and identify new methodologies for implementation of gender equality principles.

The ODIHR utilises standard monitoring techniques for all programmes. The ODIHR constantly reviews the progress of each activity and makes adjustments to address changes that may affect implementation of the programme. Additionally this programme, as all Gender Unit programmes, has built in, as a follow up to each activity, a review and/or evaluation element.

#### **Description of Activities:**

- Main envisaged activities of the programme include:
- assistance to development and institutionalisation of proper mechanisms;
- training workshops for government structures on capacity and expertise building for gender mainstreaming;
- mentoring programs for government officials to ensure integration of gender aspects and gender mainstreaming in their structures;
- assistance and consultation for government structures on gender policy development and support for strategic planning of programme implementation;
- the development of recommendations for sustainable methodology on integration of gender aspects in the work of Ministries and other government structures;
- the creation and fostering of government and civil society working relationships and relevant networks.

The activities of the programme are dependent on co-operation of the governments and authorities involved. Should the current situation change, the ODIHR will review the activities considered and make appropriate changes where necessary.

## **2. Expected Results**

The planned activities envision the following outcomes:

- Equipping government structures and employees with a better understanding of women's rights and gender equality, and their indispensability for building democratic states;
- Sharing expertise and best practices in respect to effective promotion of gender equality and mainstreaming into governmental policies and programs;
- Creating capacity, networks and mentoring programs for relevant government functionaries;

- Initiation and/or fostering of dialogue and networks between government and civil society in areas that mutually benefit them.

**Publications and other Material Outputs:**

Although the programme does not tend to concentrate on publication nor material outputs, past experience has shown that some of the activities initiated can produce publications such as surveys of best practices and new methodologies, in addition to the general material outputs associated with the implementation of the planned activities.

**Multiplier Effects:**

All Gender programs activities build on previous successes of their own activities in a stair-step methodology. The programmes use and strengthen the built-up networks, are inter-linked with each other to ensure continuity and, thus, have a multiplier effect built in. This programme's aims and approach are designed to address the structures vested with ensuring gender equality which, when function effectively, are capable of creating a political will that is in itself a necessity. If achieved, this will be a significant and sustainable multiplier for promoting gender equality.

**Sustainability:**

The ODIHR programmes seek to achieve maximum sustainability through the activities proposed, particularly at the policy and institutional levels. Therefore, a programme approach, including a monitoring component, has been chosen to ensure a longer-term perspective.

**SOUTH CAUCASUS AND CENTRAL ASIA**  
**PROGRAMME TO INTEGRATE GENDER ASPECTS INTO THE WORK OF GOVERNMENT**  
**STRUCTURES**  
**INTEGRATION OF GENDER ASPECTS INTO THE WORK OF GOVERNMENT STRUCTURES**

**Objectives**

- To build capacity among government structures to work with local civil society on women's issues, advancing gender equality and including gender aspects into their work;
- To develop a comprehensive approach among women from government structures to develop and implement gender politics;
- To create a strong foundation for cross-society understanding of the idea that equal rights and opportunities for women and men are an integral part of any democratic society;
- To generate political will from within government structures to more effectively and comprehensively address gender equality.

**Background**

In most CIS states, formal equal rights are often at odds with the de facto situation. This discrepancy is compounded by the governmental structures' limited ability to comprehensively implement gender equality and ensure effective functioning of legal and other mechanisms. Genuine gender equality requires the appropriate and effective efforts of governmental structures capable of ensuring gender equality in law and in practice. These structures need to be able to establish and run national mechanisms that have a clearly defined mandate and focus on gender issues in all areas. This requires well-educated and gender-sensitised public servants that understand and take seriously their role in ensuring gender equality through governmental efforts. Such public servants need to be aware of gender as an across-the-board factor in policy and legislation making, as well as in public administration of a country.

Although in several countries that the ODIHR works, progress has been made in Ministries and other governmental structures in respect to acknowledging the principles of gender equality, the awareness of the decision-makers for implementing these principles in different state structures remains superficial and riddled with gender stereotypes. Thus, assistance in developing more gender-balanced policies, coupled with gender mainstreaming, as well as supporting developments in the field of gender equality can be furthered by preparation of effective national mechanisms and legal measures under leadership of the state bodies working on gender issues.

**Approach**

In 2004, the project will focus on assistance to the development and institutionalisation of proper mechanisms, as well as organising training workshops for government structures on capacity and expertise building on gender mainstreaming and mentoring programs for government officials to ensure integration of gender aspects in their structures. It will also provide assistance and consultation to the government structures on gender policy development; support strategic planning of programme implementation; and develop

recommendations for a sustainable methodology on integration of gender aspects into the work of Ministries and other government structures.

The project also supports creation of strategic plans for furthering systematic development of gender mainstreaming policy in science, educational system, state structures, business and the third sector.

**Timeframe:** throughout 2004



## **PROGRAMME OUTLINE**

### **1. Programme Information**

#### **PREVENTION OF VIOLENCE AGAINST WOMEN PROGRAMME**

##### **Location:**

South Caucasus - Armenia, Azerbaijan, Georgia

##### **Summary:**

The programme aims at developing strategies and practices to prevent and combat violence against women, starting with awareness raising and efforts on eradication of domestic violence.

The target groups are civil society, the police, relevant ministries, government structures and legislators, as well as the media.

The programme's main activities are:

- Assisting OSCE participating States in effectively addressing and preventing violence against women;
- Building the capacity of state structures and civil society to combat and prevent domestic violence.

##### **Objectives:**

- To build the capacity of law enforcement and other governmental structures to address the problem of violence against women especially domestic violence;
- To raise awareness on the existence and importance of preventing and combating domestic violence;
- To create working links between NGO and government that will support civil society initiatives on combating and preventing violence against women.

##### **Justification:**

Gender-based violence is a multifaceted problem requiring local contextual information, in order to best protect and promote the rights of women. Violence against women continues to be one of the main gender issues, bringing into question those societies that allow perpetrators to act with impunity. Only in very recent years have many states begun to recognise different types of violence against women as existing problems and, moreover, as violations of human rights. Creating conditions in which women feel secure is fundamental to their ability to participate in family, economic and political life. The

limitations that violence places on women's expression of free will and participation in all aspects of public life ultimately undermines democracy as women are effectively excluded from the democratic process. Gender-based violence, including domestic violence; sexual harassment; and trafficking in human beings lack adequate legal and political responses in most former Soviet-bloc countries. Domestic violence, in particular, has only in the past few years started to be discussed and recognised as a problem that should be comprehensively addressed through legislation, policy and other means.

State recognition of the domestic violence issue is a very important requirement in order to initiate any change of policy or legal culture. Initially, representatives of the state should realise that domestic violence is a world-wide phenomenon with a high number of victims. Second, domestic violence has to be recognised as a matter of public concern and not as a matter of privacy. Third, state representatives should give clear signals to the public as well as to law enforcement and other authorities that the state will not tolerate violence against women and children, because it is a violation of human rights. These fundamental assumptions are the basis for state authorities to take the responsibility for assuring the safety of women and children and to prosecute domestic violence as a crime. This basis is necessary for effective methods and comprehensive programs to be developed to address this acute phenomenon that requires the efforts of civil society as well as government actors.

The ODIHR in 2000 – 2003, has initiated government and NGO workshops that began such discussions in Azerbaijan, Armenia and Georgia. The ODIHR organised workshops that facilitated these countries being able to view this phenomenon as a problem which is not just part of the private sphere, but as a real problem which requires state responsibility to adequately address and establish mechanisms for combating it. To be able to achieve progress in the field of combating domestic violence, continuity of such training and capacity-building activities must be ensured and more measures implemented. The prevention and combat against domestic violence concerns not only law enforcement authorities but also courts and youth-welfare authorities. For this reason it is important to provide training and awareness raising; develop multidisciplinary measures; co-ordinate the interventions of the authorities and institutions involved; and attain the support of the parliaments, governments, the Ministers of Interior and Justice, the Prosecutor General and state bodies responsible for gender issues.

#### **Publications and other Material Outputs:**

Although the programme does not tend to concentrate on the production of publications or material outputs, past experience has shown that some of the programme activities will produce publications, in addition to the general material outputs associated with the implementation of the planned activities.

It is necessary to develop nation-wide plans for action to combat domestic violence which encompasses not only organisational but also legal measures and the raising of funds for NGOs. Such action plans should be authorised at political levels, including nation-wide public relations work, and should be set up to support the plans' implementation. However, before the development of nation-wide plans, discussions and analyses of the domestic

violence phenomenon and a sensitisation of authorities and civil society dealing with domestic violence should take place.

Police academies and training centres for law enforcement can have one of the key roles in changing attitudes towards the role of police in combating domestic violence. Institutional training could be a useful measure to widen the exchange of information and raise awareness in the field of combating domestic violence.

Additionally, according to European experiences, NGOs also play an important role in the field of combating domestic violence. In this regard, co-operation between law enforcement and NGOs is essential. NGOs should not only be a political lobby for battered women, they should also provide support for them (i.e. homes for battered women, legal counselling and psychological support) in co-operation with state authorities. Proper support to NGOs with such goals will help to establish an independent and professional network of victim support organisations.

**Approach:**

In its approach to prevent and combat violence, the ODIHR's strategy is to sensitise law enforcement officials to the issue, raising awareness that violence is not a private matter but a crime and as such cannot be tolerated. At the same time, the strategy seeks to build the capacity of law enforcement to play an effective role in preventing and combating domestic violence, and to promote co-operation between law enforcement bodies and NGOs on strategies and measures to combat violence. This, in effect, will empower local capacity to deal with this difficult issue appropriately. Another element of the approach is to support the development and strengthening of national mechanisms on this issue and to generate the force for lobbying and creating political will to effectively address it.

The ODIHR utilises standard monitoring techniques for all programmes. The ODIHR constantly reviews the progress of each activity and makes adjustments to address changes that may effect implementation of the programme. Additionally this programme, as with all Gender Unit programmes, has built in a follow up a review and/or evaluation procedure for each activity.

**Description of Activities:**

The main envisaged activities for the programme include:

- training programs for police, prosecutors and judges;
- fostering NGO- law enforcement co-operation;
- development of a comprehensive and systematised approach for law enforcement to work on this issue;
- development of training curricula for police academies addressing women's rights and prevention and combating violence against women;
- building local expertise and mechanisms for dealing with relevant aspects of the issue.

The activities of the programme are dependent on the co-operation of the governments and authorities involved. Should the current situation change, the ODIHR will review the activities considered and make appropriate changes where necessary.

## **2. Expected Results**

The programme's activities envisioned outcomes are:

- Raising awareness among state officials and structures, civil society, law enforcement and media;
- Sensitising law enforcement officials on the issue and building their capacity to effectively prevent and combat domestic violence and other forms of violence against women;
- Establishing co-operation between law enforcement bodies and NGOs involved and to initiate the dialogue that should lead to legislative and policy changes

### **Publications and other Material Outputs:**

Although the programme does not tend to concentrate on the production of publication or material outputs, past experience has shown that some of the programme activities will produce publications, in addition to the general material outputs associated with the implementation of the planned activities.

### **Multiplier Effects:**

All Gender programs activities build on previous successes of their own activities in a stair-step methodology. The programmes use and strengthen the built-up networks, are inter-linked with each other to ensure continuity and, thus, have a multiplier effect built in. This programme's aims and approach are geared towards state and civil society institutions that are involved in the issue, but need assistance to be better informed and equipped in order to effectively be part of the solution.

### **Sustainability:**

The ODIHR programmes seek to achieve maximum sustainability through the activities proposed, particularly at the policy and institutional levels. Therefore, a programme approach, including a monitoring component, has been chosen to ensure a longer-term perspective.

<p style="text-align: center;"><b>SOUTH CAUCASUS</b> <b>PREVENTION OF VIOLENCE AGAINST WOMEN PROGRAMME</b> <b>PREVENTION OF VIOLENCE AGAINST WOMEN</b></p>
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### **Objectives**

- To raise awareness and build capacity among law enforcement bodies on strategy development for combating domestic violence against women;
- To initiate development of comprehensive policies on combating and preventing violence against women;
- To support civil society initiatives on combating and preventing violence against women.

### **Background**

Gender-based violence is a multifaceted problem that requires local contextual information in order to best protect and promote the rights of women. Violence against women continues to be one of the main gender issues, bringing into question those societies that allow the perpetrators to act with impunity. Creating conditions in which women feel secure is fundamental to women's abilities to participate in family, economic and political life. The limitations that violence places on women's expressions of free will and participation in all aspects of public life ultimately undermines democracy as they exclude women from the democratic process.

Violence against women and more specifically domestic violence have been identified as a problem and a concern in all South Caucasus countries by the ODIHR as well as treaty bodies such as the CEDAW. The acuteness of this concern is both due to insufficient recognition and lack of effort to assess and combat violence against women generally and domestic violence specifically in these countries. Only in the very recent years have these states begun to recognise many types of violence against women as existing problems and, moreover, as violations of human rights.

In respect to domestic violence, the state recognition of existence of this phenomenon as a crime is a very important requirement to initiate change of policy and legal culture. Initially, the representatives of the state should realise that domestic violence is a world-wide phenomenon with a high number of victims. Second, domestic violence has to be recognised as a matter of public concern and not as a matter of privacy. Third, state representatives should give clear signals to the public, as well as to law enforcement and other authorities, that the state does not tolerate violence against women and children because it is a violation of human rights. These fundamental assumptions are the basis for state authorities to take the responsibility for assuring the safety of women and children and to prosecute domestic violence as a crime.

The ODIHR in 2000 - 2003 has initiated government and NGO workshops that started such discussions, addressing these fundamental assumptions in Azerbaijan, Armenia and Georgia. The ODIHR-organised workshops were the preludes to these countries looking at this phenomenon as a problem that is not only part of the private sphere but as a real

problem that carries the states' responsibility to adequately address and establish mechanisms for combating it.

**Approach**

The programme in 2004 will focus on awareness raising and capacity building of law enforcement bodies; the development of a comprehensive and systematising approach to the issue; and support to the development and strengthening of national mechanisms to prevent and combat violence against women in South Caucasus. Activities will include the development of the curricula on women's rights and prevention of violence against women for the Police Academy; a training-of-trainers programme for law enforcement and NGO representatives; support to shelters/crisis centre for victims of violence; and building local expertise and mechanisms dealing with relevant aspects of the issue

**Timeframe:** throughout 2004



## **PROGRAMME OUTLINE**

### **1. Programme Information**

#### **ODIHR ANTI-TRAFFICKING CONTACT POINT PROGRAMME**

**Location:**

OSCE region-wide

**Summary:**

As requested by the OSCE Ministerial Council and OSCE Permanent Council on various occasions, the ODIHR is well positioned to fulfil a comprehensive clearinghouse function. The ODIHR Anti-Trafficking Contact Point will serve as a clearinghouse and central turntable for the collection and distribution of information and assistance to support project and policy development. This programme will build on proven research and monitoring methods with the aim of providing up-to-date inventories of activities and needs assessments. These materials will be made available on-line to reach the widest possible audience and will also be used strategically in the design and prioritisation of anti-trafficking activities at the national and regional levels.

Access to better quality information and up-to-date research and analysis will strengthen OSCE participating States' efforts and ability to comply with their commitments and to effectively fight trafficking in human beings.

Target groups are all actors engaged in anti-trafficking efforts, including governments, civil society, relevant international partners as well as other OSCE institutions and field operations.

The main activities of the programme:

- research, information exchange and networking;
- monitoring and needs assessment inter alia through the SEE RIGHTS methodology;
- continued development and maintenance of web site resources such as [www.seerights.org](http://www.seerights.org) and [www.legislationline.org](http://www.legislationline.org); and
- assistance in facilitating annual anti-trafficking meetings in Vienna as mandated by the Permanent Council Decision No. 557.

**Objectives:**

- To promote synergies and to ensure co-ordinated, effective responses against trafficking in human beings through networking and information sharing;

- To improve and support project design and implementation by providing access to good practice, proven materials, an experts roster and other resources;
- To inform and influence project design and policies, as well as to encourage compliance with OSCE anti-trafficking commitments;
- To create and maintain an on-line clearinghouse that will function as an institutional archive; and
- To provide donors and interested actors with an inventory of on-going anti-trafficking efforts in selected OSCE participating States.

**Justification:**

Anti-trafficking work over recent years has resulted in an increased level of awareness about the complex nature of trafficking in human beings. This in turn has stimulated the engagement of a multitude of actors and the allocation of additional resources in the fight against trafficking. There is an urgent need to sift through, compile and utilise the wide range of available resources and expertise for ongoing and upcoming anti-trafficking project activities.

The wide geographic and programmatic scope of the OSCE, coupled with the high turnover of OSCE field personnel and the involvement of new institutional actors, calls for concentrated efforts to preserve and make available institutional memory. Ever increasing anti-trafficking activities, resources and standards should be collected and made available to partners in order to avoid reinventing the wheel or duplication.

It is to this end that the ODIHR Anti-Trafficking Unit was called upon to further develop its clearinghouse function by facilitating consultation, networking and information exchange. The trans-border character of trafficking in human beings requires tremendous networking between actors from different OSCE countries and regions. The ODIHR Anti-Trafficking Clearinghouse will support increased exchange and co-operation across borders.

**Approach:**

The ODIHR will continue to support research and monitoring activities throughout the OSCE region. In the field of combating trafficking in human beings, the ODIHR has designed and implemented projects with a significant monitoring and assessment component since 1999, and has gained in-depth experience and insight into effective project development. The ODIHR Anti-Trafficking Clearinghouse will build upon this experience through supporting continuing efforts, as well as to develop new projects and activities according to upcoming needs and responding to new trends.

This programme will support the design, development and maintenance of an anti-trafficking resource library on its web site, making research, monitoring, project reports and related materials available on-line. Project activities will contribute to existing resources broadening the geographic scope of the SEE RIGHTS methodology and increasing the documentation found on the Legislationline website.

Using the OSCE's broad network of field missions and institutional contacts, this programme will facilitate close co-operation with relevant local and international actors in OSCE participating States, in order to ensure a swift and well-targeted information exchange and sharing of experiences. To this end the ODIHR will strengthen its strategic partnership with OSCE institutions and field operations, as well as with other key international partners.

**Description of activities:**

The most-developed monitoring methodology is being applied in the SEE RIGHTS project, which the ODIHR implements in co-operation with UNICEF and the United Nations Office of the High Commissioner for Human Rights (UNOHCHR) in Southeast Europe. The methodology of SEE RIGHTS will be adapted and applied in other OSCE regions – starting with the Caucasus – in order to provide an up-to-date inventory, needs assessment and gap analysis with respect to anti-trafficking activities. Findings and reports will be issued on the SEE RIGHTS web site.

The ODIHR Anti-Trafficking Unit will further develop an expert roster to match and flexibly respond to incoming requests from the field and OSCE participating States. Moreover, this programme is expected to compile and group relevant materials such as standards, guidelines, training materials, analysis reports, policy papers, et al. in an on-line library on the ODIHR web site in order to make this information available to project partners and interested persons. In that regard the consultation process between the ODIHR and OSCE field missions in the framework of the ODIHR Anti-Trafficking Project Fund will prove as a useful tool for exchanging lessons learned, good practices and other relevant information.

Moreover, the ODIHR Anti-Trafficking Clearinghouse will continue to assist OSCE participating States in their efforts to exchange in a more formalised way at different occasions such as OSCE Human Dimension meetings and the newly foreseen annual OSCE anti-trafficking meetings in Vienna. These events will be an excellent opportunity to assess the implementation of OSCE commitments throughout the OSCE region as well as to serve as a platform for networking and exchanging experiences between governmental, non-governmental and international partners.

**2. Expected Results**

**Estimated impact on target groups:**

Effective monitoring, situation analysis and needs assessment will contribute to the further development of comprehensive responses to trafficking in human beings. Furthermore, these materials will assist donors and other actors in setting priorities and avoiding duplicative efforts. The programme's activities are expected to ensure a swift information exchange in order to draw experience from lessons learned as well as to avoid duplication. OSCE actors will particularly benefit from this programme by gaining easy access to a broad range of categorised resources and expertise.

**Publications and other material outputs:**

The following material outputs are to be expected:

- Reports on Trafficking in Human Beings in Southeast Europe , the Caucasus and possibly other regions, mapping out the situation and assessing responses to trafficking.
- SEE RIGHTS web site containing relevant information on the countries assessed, contacts and links.
- Development and maintenance of an experts roster as well as on-line resource library on the ODIHR web site.

**Multiplier effects:**

The outcomes of this programme will continuously be used for future project design and implementation, as well as assist in monitoring and evaluating other on-going initiatives. Through exchanging information and building networks, more effective responses will be developed to combat trafficking in human beings.

**Sustainability:**

The ODIHR programmes seek to achieve a maximum sustainability through activities proposed, particularly at the policy and institutional levels. Therefore, a programme approach has been chosen to ensure a longer-term perspective including a monitoring component.

**REGIONAL: SOUTHEAST EUROPE: SEE RIGHTS  
ODIHR ANTI-TRAFFICKING CONTACT POINT PROGRAMME  
JOINT MONITORING AND POLICY DEVELOPMENT PROJECT: RESPONSES TO  
TRAFFICKING IN HUMAN BEINGS IN SOUTHEAST EUROPE**

**Objectives**

- To further develop common policy approaches to trafficking in human beings in Southeast Europe (SEE) based on international human rights standards and principles;
- To support and monitor under the framework of the Stability Pact Task Force the establishment and further development of effective and inclusive National Referral Mechanisms addressing all target groups as defined in the UN Protocol; and
- To regularly up-date and maintain an electronic database available on the web that presents an overview of the situation on trafficking in human beings, all involved actors and their contacts in Stability Pact countries in Southeast Europe.

**Background**

Since 2001, within the framework of the Stability Pact Task Force on Trafficking in Human Beings (SPTF), the United Nations Children's Fund (UNICEF), the United Nations Office of the High Commissioner for Human Rights (UNOHCHR) and the OSCE/ODIHR carry out a joint monitoring and policy development project called SEE RIGHTS. The findings of the joint project are published in two reports as well as on the web site [www.seerights.org](http://www.seerights.org), which reflect the current situation on trafficking in human beings in Southeast Europe.

According to key findings of the report, only a small number of trafficked persons in SEE are identified as such, and only a fraction of this number receives long-term assistance and support. The report identifies obstacles to adequate protection and support of victims, and includes a set of recommendations for improving the current response by state authorities, non-governmental and international organisations.

**Approach**

An expert on anti-trafficking issues will elaborate policy papers/guidelines on trafficking in human beings in Southeast Europe based on international human rights standards and principles. Particular focus will be given to special protection measures for children. The expert will present bi-annual progress reports at the SPTF meetings on the implementation of anti-trafficking measures in the region including the implementation of the UNOHCHR Principles and Guidelines on Human Rights and Human Trafficking, the UNICEF Guidelines for Protection of the Rights of Children Victims Trafficking in Southeast Europe and the ODIHR Handbook on National Referral Mechanisms. Together with a project assistant, the expert will regularly up-date an electronic database available on the web, presenting the findings of the project. The results and recommendations of this project will be used for lobbying efforts and further strategy and policy development in different international fora.

**Timeframe:** 2004

**REGIONAL: CAUCASUS: SEE RIGHTS  
ODIHR ANTI-TRAFFICKING CONTACT POINT PROGRAMME  
JOINT MONITORING AND POLICY DEVELOPMENT PROJECT: RESPONSES TO  
TRAFFICKING IN HUMAN BEINGS IN THE CAUCASUS**

**Objectives**

- To map out situation, actors, ongoing activities to combat trafficking in human beings in Armenia, Azerbaijan and Georgia;
- To prepare an assessment and analysis of available information, identify gaps and needs of potential, on-going and completed initiatives, assess national and regional co-ordination mechanisms and effective response capacities, identify areas of concern in programme/project implementation and possible solutions, develop concrete recommendations for further action; and
- To draft a report including findings and recommendations, as well as a collected reference information of materials and ongoing initiatives and contact information of relevant persons/organisations in the region/countries.

**Background**

Trafficking in human beings is a multifaceted problem and requires a multifaceted response. Efforts, including international co-operation and technical assistance programmes, to eradicate trafficking in persons, demand strong political commitment by, and the active co-operation of, all Governments of countries of origin, transit and destination, assistance of the international organisations and NGOs and support from donors. Since 2001, the United Nations Children’s Fund (UNICEF), the United Nations Office of the High Commissioner for Human Rights (UNOHCHR) and the ODIHR carry out the joint monitoring and policy development project SEE RIGHTS in Southeast Europe. The model and methodology of this successful joint initiative will be adapted and applied in other OSCE regions – starting in the Caucasus region, in order to provide an up-to-date inventory, needs assessment and gap analysis with respect to anti-trafficking activities.

**Approach**

In order to assist all partners in co-ordinating their efforts and identifying gaps for action, the ODIHR, together with UNICEF and UNOHCHR, will commission an inventory of the current situation and responses to trafficking in human beings in Armenia, Azerbaijan and Georgia. This report should provide a comprehensive summary of the situation in each country. Furthermore, it will serve as a practical and programmatic reference to the ongoing initiatives and projects addressing trafficking in human beings in the Caucasus regionally and for each country. The report will also include an analysis of available research on the background of victims of trafficking as well as an outline database of major issues and recommendations for programmatic interventions.

**Timeline:** 2004



## **PROGRAMME OUTLINE**

### **1. Programme information**

#### **ODIHR ANTI-TRAFFICKING PROJECT FUND**

**Location:**

OSCE region-wide

**Summary:**

The ODIHR established the Anti-Trafficking Project Fund in 2001 to encourage the development and implementation of OSCE field mission and ODIHR projects and activities that address trafficking in human beings and associated human rights abuses. The OSCE field operations should generally be actively involved in implementation of the projects under this initiative. From mid-2001 to mid-2003, the Fund has supported over 30 anti-trafficking projects in 13 OSCE countries, as well as a number of regional activities. Through administering the Fund, the ODIHR seeks to enhance its co-operation with the field (e.g. provide expertise, promote information sharing and exchange of best practices, formulate overall regional perspective, etc.) and to address diverse and urgent anti-trafficking priorities, which may arise throughout the OSCE region.

In most cases, direct beneficiaries will be local project partners such as anti-trafficking non-governmental organisations (NGOs), at-risk groups, trafficked persons and relevant government agencies. In this respect, many projects supported through the Fund facilitate contacts between the OSCE and local actors who combat trafficking and promote the development of local capacity to combat trafficking and to assist victims.

The main activities of the programme are:

- solicitation of project proposals from the OSCE field operations;
- consultation on project design and throughout the implementation process;
- financial support for approved projects; and
- assistance with review and evaluation of related initiatives and materials.

**Objectives:**

- To encourage the development and implementation of national and regional initiatives to prevent and address trafficking in human beings;

- To empower OSCE field operations and the ODIHR to respond in a timely and flexible manner to ensure protection and direct assistance to victims of trafficking;
- To enhance co-operation between the ODIHR, OSCE field missions and other local actors in the fight against trafficking.

**Justification:**

The ODIHR and OSCE field operations possess both the mandate and the expertise to assist participating States in fulfilling their anti-trafficking commitments and to support efforts on the part of civil society to prevent trafficking and assist its victims. However, opportunities for co-operation and assistance (e.g. legislative reform or interventions relating to an individual case) may emerge urgently or unexpectedly, demanding an immediate and co-ordinated response.

As stated above, the target group for the Fund’s support is OSCE field operations, as well as priority ODIHR activities. Direct beneficiaries will be local project partners such as anti-trafficking NGOs, at-risk groups, trafficked persons and relevant government agencies. The Anti-Trafficking Project Fund strengthens strategic partnerships among the ODIHR, OSCE field operations and local partners.

**Approach:**

In co-operation with OSCE field operations, NGOs and host Governments, the ODIHR will continue to support projects to combat trafficking by facilitating constructive engagement between State and NGO actors to influence institutional change. Where State authorities demonstrate their will to collaborate, the ODIHR and OSCE field operations will provide expertise and resources to carry out legislative review and reform projects, as well as necessary training of state authorities such as police, border guards, social workers, judges and prosecutors. High priority will be attached to co-ordinating with other key international agencies such as the International Organisation for Migration and the Council of Europe to avoid duplication and encourage complementary efforts.

Preference will be given to projects that:

- have a concrete impact and are likely to show short-term results;
- include national partners and strengthen grassroots capacities for sustainable solutions;
- enhance co-operation between State and NGO actors; and
- encourage regional networking and project development.

**Description of activities:**

The ODIHR receives proposals on a rolling basis and is in continual exchange with OSCE field operations regarding the development of anti-trafficking efforts. Decisions on proposals to the Fund are generally made quarterly, while urgent requests are responded to immediately. From time to time, ODIHR experts may also travel to the field to participate as experts in projects supported by the Fund, consult further with project implementers and assist in the evaluation of project activities supported through the Fund.

The Fund has supported a wide variety of activities from research, awareness raising and hotlines to direct assistance for victims and support for the development of witness protection measures. A complete list of projects supported through the Fund is available.

## **2. Expected Results**

### **Estimated impact on target groups:**

Continued support of the ODIHR's Anti-Trafficking Project Fund will enhance and increase the impact of the OSCE's anti-trafficking work as outlined in the OSCE Action Plan to Combat Trafficking in Human Beings. As a result of closer co-ordination and exchange of good practice, all projects will address trafficking with a human rights based approach and build on proven field experience. On the national level, projects will contribute to strengthening local institutions and co-operation with the aim of ensuring an effective multi-disciplinary response.

### **Publications and other material outputs:**

It is envisioned that some projects will result in the publication of research, awareness raising and training materials. Previous publications supported include: the Handbook for the design and implementation of National Referral Mechanisms, training materials for law enforcement, research on trafficking in Central Asia and an assessment of trafficking in children from Roma and Egyptian communities in Albania, as well as legislative reviews.

### **Multiplier effects:**

The ODIHR assists in the design, implementation and evaluation of projects supported through the Fund. Therefore, related resources, good practice and expertise will be made available through the ODIHR Anti-Trafficking Clearinghouse and used in the design and implementation of future activities.

### **Sustainability:**

The ODIHR programmes seek to achieve a maximum sustainability through activities proposed, particularly at the policy and institutional levels. Therefore, a programme approach, including a monitoring component, has been chosen to ensure a longer-term perspective.



## **PROGRAMME OUTLINE**

### **1. Programme Information**

#### **ANTI-TRAFFICKING AWARENESS RAISING: MEDIA AND NGO TRAINING PROGRAMME**

**Location:**

OSCE region-wide

**Summary:**

This programme aims to train media professionals on issues related to trafficking in human beings and to encourage responsible media coverage of such issues as violence against women and trafficking. The programme will also stimulate exchange and co-operation in this field between media professionals and experts from civil society and governmental structures. Finally, through programme activities, NGO awareness-raising campaigns will be developed and carried out.

This programme is targeted at media professionals and NGOs. It indirectly targets the public at large. The main activities of the programme include:

- Consultation with BBC, Internews, the International Center for Journalists and other media experts;
- Training of media professionals and networking activities;
- Design and implementation of a writing competition for journalists; and
- Support to awareness raising campaigns in co-operation with NGOs.

**Objectives:**

- To sensitise media professionals about the complexity of trafficking, as well as the rights and vulnerability of trafficked persons;
- To encourage media professionals to adopt codes of ethics for their reporting on sensitive issues such as trafficking in human beings; and
- To build the capacity of NGOs and to support co-operation between NGOs and media professionals with the aim of raising awareness about the risks of trafficking and rights of trafficked persons.

**Justification:**

Good practice shows that the media is a valuable partner for awareness-raising efforts and influencing public opinion. Unfortunately, media professionals often sensationalise issues related to trafficking in human beings. This tendency reinforces stereotypes and distorts the true complexity of trafficking. Furthermore, media professionals require more training not only on the issue of trafficking in human beings, but also on professional codes of ethics

and how to cover alleged cases of trafficking. By raising awareness about the victim's right to privacy and the impact unethical behaviour may have on the victim and their family, as well as on prosecution efforts, the programme will promote the adoption of principles and ethical guidelines for the media.

In the OSCE Action Plan to Combat Trafficking in Human Beings the ODIHR is tasked to continue promoting and carrying out awareness-raising initiatives in co-operation with relevant partners throughout the OSCE region, as well as to enhance training activities with regard to the responsibility of the media for dealing with the topic of trafficking in a sensitive manner and without reinforcing negative stereotypes. Training will stress the complexity of the trafficking phenomenon and the need for a comprehensive response. This programme is targeted at media professionals and NGOs. It indirectly targets the public at large.

**Approach:**

In co-operation with media experts and trainers, the ODIHR will design and implement trainings on anti-trafficking issues for media professionals. The ODIHR will also stimulate and support co-operation between NGOs and media professionals, in particular writing competitions for journalists and awareness raising campaigns in co-operation with NGOs. Finally, the ODIHR will devote a section of its Anti-Trafficking Clearinghouse to compiling professional codes of ethics for media and related standards for the appropriate coverage of sensitive issues such as trafficking.

**Description of activities:**

- Consultation and exchange with BBC, Internews, International Center for Journalists and other media experts;
- Training of media professionals;
- Design and implementation of a writing competition for journalists; and
- Support to awareness raising campaigns in co-operation with NGOs such as La Strada.

**2. Expected Results**

**Estimated impact on target groups:**

This programme will sensitise selected media professionals to the complexity of trafficking and the most appropriate ways to cover related stories, which will result in better coverage, more realistic analysis and increased public awareness. NGO campaigns will raise awareness among at-risk groups, as well as among decision-makers. Finally, co-operation and communication between civil society and the media will be promoted and supported. This will also enhance reporting, expert contributions and coverage of current developments.

**Publications and other material outputs:**

This programme will result in the development of training materials and compilation of good practice in the field of ethical standards for media professionals. In addition, articles and other awareness raising materials will be produced by media professionals and NGOs in consultation with the ODIHR.

**Multiplier effects:**

Materials produced will raise public awareness of the risk of trafficking and the rights of trafficked persons. Trained media professionals will be entered in the ODIHR's expert database and their materials will serve as models for others.

**Sustainability:**

The ODIHR programmes seek to achieve a maximum sustainability through activities proposed, particularly at the policy and institutional levels. Therefore, a programme approach, including a monitoring component, has been chosen to ensure a longer-term perspective.



## **PROGRAMME OUTLINE**

### **1. Programme Information**

#### **STANDARD SETTING AND CAPACITY-BUILDING PROGRAMME**

**Location:**

OSCE region-wide

**Summary:**

The multifaceted nature of trafficking in human beings demands a multidisciplinary approach and comprehensive responses. The ODIHR considers efforts and initiatives to strengthen co-ordination and communication as an essential tool in achieving the standards outlined in OSCE commitments. This programme, therefore, seeks to assist OSCE participating States through supporting the design, development, adoption and implementation of anti-trafficking standards and guidelines. These efforts will support overall strategy and policy decisions for the OSCE in the fight against trafficking in human beings.

Target groups are actors engaged in anti-trafficking efforts, including governments, civil society, international partners as well as other OSCE bodies. In particular, persons and institutions that provide services to victims and, hence, trafficked persons themselves will benefit from this programme.

The programme will include the following main activities:

- design, development and implementation of anti-trafficking standards and guidelines as well as support for the drafting process of the new European Convention;
- facilitation of OSCE internal co-ordination meetings and capacity building of OSCE staff on anti-trafficking issues; and
- consultation and co-ordination in international fora with partner organisations such as United Nations agencies, the Council of Europe, the European Union, the Stability Pact Task Force on Trafficking in Human Beings and others in order to promote OSCE anti-trafficking commitments on different levels.

**Objectives:**

- To design, develop and promote anti-trafficking standards, guidelines and training materials;
- To assess and identify priorities and strategies for co-ordinated anti-trafficking responses;

- To co-ordinate with actors engaged in anti-trafficking efforts, including governments, civil society and particularly international partners; and
- To further cultivate co-ordination and co-operation among OSCE bodies.

**Justification:**

Case-study assessments and actual practice in the field make it apparent that there is an urgent need for the development of practical standards, guidelines and training materials addressing different areas in the fight against trafficking in human beings. Furthermore, other international and regional organisations working in the OSCE region are developing anti-trafficking strategies and policies, some of which will have a legally binding character. The OSCE anti-trafficking commitments and their comprehensive approach in response to trafficking in human beings should be promoted during the negotiation process for upcoming standards set by other organisations, which will be implemented at the national level in OSCE participating States.

In recent years, the institutional capacity of the OSCE to tackle trafficking in human beings has increased significantly. The complexity of trafficking, diverse mandates and a constant readjustment of priorities and needs require OSCE anti-trafficking staff – particularly in the field – to broaden and deepen their activity portfolio as well as to continuously build their capacity.

As stated above, the target groups are all actors engaged in anti-trafficking efforts, including governments, civil society, international partners, as well as other OSCE bodies. In particular, direct beneficiaries will be persons and institutions that provide services to trafficked persons and, hence, trafficked persons themselves will indirectly benefit from this programme.

**Approach:**

Decision-makers have come a long way in identifying necessary target areas to effectively respond to trafficking in human beings. Human and financial resources to implement operational anti-trafficking work in the field are constantly growing. This programme seeks to connect the level of policy development with the level of concrete action by developing and sharing quality standards and guidelines. In particular, OSCE actors should meet regularly to exchange materials, good practices and lessons learned, which would feed future anti-trafficking activity design and implementation.

The multifaceted nature of trafficking in human beings requires a well co-ordinated and well-targeted approach by a variety of actors building on each other’s work. The ODIHR Anti-Trafficking Unit through this programme will continue its efforts to consult and co-ordinate in various international circles with partner organisations such as United Nations agencies, the Council of Europe, the European Union and the Stability Pact Task Force on Trafficking in Human Beings.

**Description of activities:**

The ODIHR is a member of the Expert Co-ordination Team of the Stability Pact Task Force on Trafficking in Human Beings (SPTF). In this capacity, the ODIHR Anti-

Trafficking Unit closely consults with all members of the Expert Co-ordination Team on a regular basis and supports the SPTF through expertise and advice. In this capacity the ODIHR provides technical assistance, particularly in the field of legislative review and reform, to OSCE participating States.

On behalf of the OSCE, the ODIHR Anti-Trafficking Unit will take on the role as an observer during the negotiations of the Ad Hoc Committee on Action Against Trafficking in Human Beings (CAHTEH). This Council of Europe Committee was tasked to facilitate the drafting process of the new European Convention on action against trafficking in human beings. The ODIHR will support the work of CAHTEH and will advocate for the inclusion of relevant OSCE commitments.

The IGO Contact Group on Human Trafficking and Smuggling focuses its efforts on key issues of law and policy relating to trafficking in persons and smuggling in migrants. The ODIHR Anti-Trafficking Unit co-ordinates closely with the Geneva-based IGO Contact Group through regular exchange, both via email and (irregular) participation in the monthly meetings. The ODIHR will actively contribute to the IGO Contact Group's plans on a number of activities for the proposed United Nations Year Against Trafficking in the near future.

This programme will facilitate close co-ordination among different OSCE actors, in headquarters and the field. In this regard, ODIHR experts will actively participate in meetings of the Informal Working Group on Gender Equality and Anti-Trafficking in Human Beings. The constant exchange with different actors on newly emerging needs and priorities will feed into the development of practical standards, guidelines and training materials.

The ODIHR Anti-Trafficking Unit will organise and facilitate OSCE internal co-ordination meetings for OSCE anti-trafficking focal points and other relevant OSCE actors. These meetings will include a skill building component in order to stimulate proactive and progressive approaches to trafficking in human beings.

## **2. Expected Results:**

### **Estimated impact on target groups:**

The programme's activities are expected to result in complementary efforts avoiding duplication and maximising the use of limited resources to prevent and combat trafficking in human beings throughout the OSCE region.

### **Publications and other material outputs:**

Following material outputs are to be expected:

- Guidelines and standards promoting the human rights protection of trafficked persons; and
- Policy papers.

**Multiplier effects:**

The programme will likely lead to the creation of joint projects and further the development of international and national standards to prevent trafficking, to prosecute perpetrators and, most importantly, to protect the human rights of victims.

**Sustainability:**

The ODIHR programmes seek to achieve a maximum sustainability through activities proposed, particularly at the policy and institutional levels. Therefore, a programme approach has been chosen to ensure a longer-term perspective including a monitoring component.

<b>OSCE REGION</b> <b>STANDARD SETTING AND CAPACITY-BUILDING PROGRAMME</b> <b>STANDARD SETTING AND CAPACITY-BUILDING: CAPACITY BUILDING OF OSCE STAFF</b>
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**Objectives**

- To exchange materials and best practices on strategic approaches for concerted action to prevent and combat trafficking in human beings;
- To facilitate a forum where anti-trafficking expertise is introduced and exchanged; and
- To set priorities and discuss strategies for future OSCE anti-trafficking initiatives.

**Background**

The OSCE Action Plan to Combat Trafficking in Human Beings tasks a greater number of various OSCE actors to engage in the fight against trafficking in human beings, as well as calling for enhanced co-ordination efforts among the OSCE bodies. The ODIHR Anti-Trafficking Unit will continue to closely co-ordinate anti-trafficking activities with other OSCE bodies, in headquarters and with the field.

During the last years, and in part due to the ODIHR's advocacy, all OSCE field missions appointed anti-trafficking focal points within their mission structures. As a result of the effective and prompt co-operation between OSCE field missions and the ODIHR, many meaningful anti-trafficking initiatives throughout the OSCE region have been carried out responding to the identified needs on the ground, as well as, initiating long-term structural/institutional changes. Furthermore, the ODIHR Anti-Trafficking Unit has taken the initiative to facilitate regional meetings with OSCE field mission experts in Vienna (June 2000), Pristina (September 2001), Sarajevo (June 2002) and Ioannina (February 2003). Reports of these meetings are available from the ODIHR upon request.

**Approach**

In order to ensure a coherent and coordinated approach, all relevant OSCE actors engaged in anti-trafficking work should meet on a regular basis to exchange on project design, assess needs, set priorities and discuss further strategies. Such meetings shall be organised around official OSCE events such as the annual meeting mandated by the OSCE Action Plan and the Human Dimension Implementation Meeting. The ODIHR Anti-Trafficking Unit will continue to facilitate thematic exchange among OSCE field missions through analytical project review as well as sharing materials and good practices on strategic approaches for concerted anti-trafficking action.

The ODIHR Anti-Trafficking Unit in close co-operation with the OSCE Training Unit will develop training materials for OSCE staff. Additionally, experts on various thematic issues will be invited at on specific occasions in order to share expertise and experience with OSCE anti-trafficking focal points and other relevant staff.

**Timeframe:** 2004



## **PROGRAMME OUTLINE**

### **1. Programme Information**

#### **COUNTRIES OF DESTINATION: PROMOTION OF VICTIM PROTECTION PROGRAMME**

##### **Location:**

OSCE Region, with emphasis on EU member States, Norway, Switzerland, Canada and the United States of America

##### **Summary**

This programme will support monitoring and networking activities in Western Europe, as well as training of non-governmental organisations (NGOs) on advocacy and lobbying skills. As a result, project partners will design targeted campaigns to raise awareness among decision-makers at the national and regional levels. The human rights protection of trafficked persons will be at the centre of all activities, including monitoring, advocacy and exchange of best practices. Advocacy efforts will promote compliance with OSCE anti-trafficking commitments in countries of destination, particularly in Western Europe.

The target groups of the programme include NGOs, governmental representatives and decision-makers at the national level, as well as national representatives working on anti-trafficking issues in the European Union (EU) and Council of Europe (CoE). Activities will include:

- Training of NGOs from selected EU Member States on monitoring and advocacy;
- Monitoring and information exchange;
- The design and implementation of national and regional advocacy campaigns in co-operation with NGOs from selected EU Member States;
- Supporting NGO advocacy efforts during the drafting process for the European Convention against trafficking in human beings at the CoE;
- Promotion of the implementation of comprehensive National Referral Mechanisms at the regional and national levels; and
- A conference on victim protection in countries of destination.

##### **Objectives:**

- To monitor and raise awareness about human rights violations of trafficked persons in countries of destination;
- To advocate for better human rights protection in countries of destination and, in particular, that such measures should become legally binding at both the national and regional level; and

- To strengthen the efforts of NGOs in lobbying for the inclusion of comprehensive human rights protection measures at the EU and CoE level, including the drafting process for the European Convention on action against trafficking in human beings.

**Justification:**

While there are high-level commitments to combat trafficking and protect its victims throughout the entire OSCE region, the focus of anti-trafficking work often remains on countries of origin. However, violations of the rights of trafficked victims regularly take place in countries of destination and most of these countries still lack adequate human rights protection to ensure the rights and safety of victims.

In recent years, OSCE participating States have adopted some very progressive and important commitments to promote and protect the rights of trafficked persons. Strategic efforts should be made to ensure that these commitments are taken into consideration during the elaboration of legally binding measures at both the national and regional levels. Furthermore, this programme places special emphasis on decisions taken within the EU framework since these measures and policies will serve as models for accession countries and beyond.

The programme's primary target groups include:

- relevant governmental institutions in countries of destination;
- civil society actors in selected EU countries; and
- the indirect beneficiaries will be trafficked persons.

**Approach:**

In October 2001, the ODIHR, in co-operation with the German Ministry of Foreign Affairs, organised the conference "Europe Against Trafficking in Persons," which focused on anti-trafficking policies and measures in countries of destination. This conference was the first European conference specifically addressing the situation and needs of trafficked persons in countries of destination. Participants elaborated a comprehensive set of recommendations in the areas of prevention, protection and prosecution that, together with OSCE commitments, serve as the basis for the ODIHR's anti-trafficking activities in countries of destination.

It is necessary to support NGOs in their efforts to monitor and to raise awareness about responses to trafficking in countries of destination, as well as to propose solutions and means of co-operation with relevant governmental agencies. Monitoring and advocacy efforts are essential tools to stimulate action that will lead to the effective implementation of OSCE commitments.

**Description of activities:**

In its efforts to raise awareness about the human rights aspects of trafficking in human beings in countries of destination, this programme will strengthen the capacity of NGOs from selected EU Member States. Following a needs assessment, NGOs will receive training on how to carry out monitoring and advocacy campaigns. Subsequently, the selected NGOs will monitor the situation in their countries, exchange information and

experiences and advocate for the application of human rights standards with decision- and lawmakers on the national and regional levels.

Materials produced during NGO monitoring and awareness raising advocacy campaigns will be highlighted during the conference on victim protection measures for trafficked persons in countries of destination. The conference will particularly address the need for a multidisciplinary victim protection system and legally binding victim protection provisions. Working groups may deal with the following topics: residence permits vs. irregular immigration; lack of awareness and attitudinal changes; informalisation of the labour sector and migrant workers' rights; organised criminal networks and corruption; identification of trafficked persons; addressing the demand for unprotected/irregular migrant workers.

Finally, as a follow-up to the Berlin Conference in 2001 and the Brussels Conference in 2002, the ODIHR Anti-Trafficking Unit engages in regular consultation with the European Commission on anti-trafficking policies and strategies. Therefore, this programme will also include participation in EU meetings such as the EU Forum on the Prevention of Organised Crime.

## **2. Expected Results**

### **Estimated impact on target groups:**

Training and skill-building activities will strengthen the capacity of NGOs to monitor and to carry out awareness raising and advocacy campaigns. This programme will not only provide support to NGOs at the national level, but will also stimulate networking at the regional level and provide NGOs with guidance regarding methods for lobbying decision-makers in regional intergovernmental organisations.

In addition to the NGO monitoring and advocacy work, the conference on victim protection measures will also raise awareness among decision-makers and assess priorities for action including the implementation of National Action Plans and National Referral Mechanisms. ODIHR and NGO awareness raising and advocacy work in different fora will sensitise decision-makers about the rights of victims and the need to improve victim protection measures.

### **Publications and other material outputs:**

The following material outputs are to be expected:

- Training materials
- Awareness raising and monitoring materials
- Conference report
- Occasional papers

### **Multiplier effects:**

Examples of best practices in victim protection mechanisms, advocacy materials and networking skills can be evaluated and adapted for use in other regions. Standards agreed

upon and included into legally binding measures at the regional level will eventually be incorporated in legislation and implemented at the national level.

**Sustainability:**

The ODIHR programmes seek to achieve a maximum sustainability through activities proposed, particularly at the policy and institutional levels. Therefore, a programme approach has been chosen to ensure a longer-term perspective including a monitoring component.

**REGIONAL: WESTERN EUROPE**  
**COUNTRIES OF DESTINATION PROGRAMME**  
**ANTI-TRAFFICKING AWARENESS RAISING AND ADVOCACY CAMPAIGNS**

**Objectives**

- To monitor and raise awareness about human rights violations of trafficked persons in Western Europe;
- To design and implement national and regional advocacy campaigns in co-operation with non-governmental organisations (NGOs) from selected European Union (EU) Member States;
- To promote the implementation of comprehensive National Referral Mechanisms; and
- To support NGO advocacy efforts during the drafting process for the European Convention on action against trafficking in human beings.

**Background**

In May 2003, in co-operation with Anti-Slavery International and local NGOs, the ODIHR conducted a preliminary assessment of victim protection measures and assistance to trafficked persons in several Western European countries. The results show that the human rights situation of trafficked persons in countries of destination urgently needs to be addressed and improved. The Berlin Conference “Europe against Trafficking in Persons” brought forward a comprehensive set of recommendations in the areas of prevention, protection and prosecution. These recommendations, together with OSCE commitments and other relevant international standards, will serve as the basis for lobbying efforts to promote victim protection measures in countries of destination.

**Approach**

The ODIHR, in co-operation with NGOs, will work in selected EU Member States to develop awareness raising and advocacy materials highlighting key areas of human rights protection, including mechanisms for identifying and protecting victims of trafficking, provision of residency permits and opportunities for legal redress for trafficked persons. Building on needs assessments, selected NGOs will receive training on how to effectively carry out monitoring work and advocacy campaigns.

Subsequently, the selected NGOs will monitor the situation in their respective countries and will exchange information and experience. Materials will be prepared to specifically target decision-makers and parliamentarians in EU Member States, as well as national representatives to relevant regional intergovernmental organisations. The awareness raising advocacy campaign will be developed by each NGO to be implemented at the national level with the potential to feed into a broader regional campaign. The ODIHR will provide input and feedback on effective advocacy strategies. NGOs will share the results of their campaigns and exchange best practices in advocacy strategies and lessons learned. A network of NGO experts will lobby at the regional level, including during the drafting process for the European Convention on action against trafficking in human beings.

**Timeframe:** 2004

<b>OSCE REGION</b> <b>COUNTRIES OF DESTINATION PROGRAMME</b> <b>CONFERENCE ON VICTIM PROTECTION IN COUNTRIES OF DESTINATION</b>
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**Objectives**

- To raise awareness about the human rights situation of trafficked victims in countries of destination and standards in this field;
- To promote strategies and best practices of victim protection such as the implementation of National Referral Mechanisms; and
- To facilitate networking between key decision-makers and NGO experts.

**Background**

Comprehensive protection and assistance for trafficked persons in Europe is still more a vision than a reality in most countries of destination. Therefore, in recent years numerous non-governmental and international organisations worked to identify gaps and assess needs in this area.

In October 2001, the ODIHR, in co-operation with the German Ministry of Foreign Affairs, organised the conference “Europe Against Trafficking in Persons,” which focused on anti-trafficking measures and policies in countries of destination. The recommendations developed and agreed upon during the conference contain victims’ protection provisions, including the development of comprehensive National Referral Mechanisms (NRM). The ODIHR has since elaborated a Handbook on the design and implementation of NRMs.

Furthermore, the Council of Europe Committee of Ministers tasked a committee to draft a European Convention on action against trafficking in human beings, which will primarily focus on the protection of the rights and interests of trafficked victims.

**Approach**

The ODIHR plans to organise a conference in Western Europe in order to discuss and promote human rights protection measures for trafficked persons in countries of destination. The conference will particularly address the need to develop multidisciplinary victim support systems based on the inclusive and co-operative NRM concept. Working Groups may focus on the following topics:

- Residence permits vs. irregular migration
- Lack of awareness and attitudinal changes
- Informalisation of the labour sector and migrant workers’ rights
- Organised criminal networks and corruption
- Identification of trafficked persons
- Addressing the demand for unprotected/irregular migrant workers

During the conference NGOs will have the opportunity to present and discuss their awareness raising and advocacy work on the national and regional levels.

**Timeframe:** 2004



## **PROGRAMME OUTLINE**

### **1. Programme Information**

#### **ANTI-TRAFFICKING COMMITMENTS: TECHNICAL ASSISTANCE PROGRAMME**

**Location:**

OSCE region-wide

**Summary:**

This programme is designed to assist OSCE participating States in fulfilling their anti-trafficking commitments, specifically in developing and implementing National Plans of Action (NPAs) and National Referral Mechanisms (NRMs). As requested by OSCE participating States, the ODIHR will provide training and expertise to these efforts. Furthermore, the ODIHR will closely co-operate with the Strategic Police Matters Unit (SPMU) and law enforcement agencies in order to promote and to assist in the training of law enforcement and the development of NRMs.

Target groups include all actors engaged in anti-trafficking efforts. Indirect beneficiaries include at-risk groups and trafficked persons. The main activities include assisting in:

- Elaboration and implementation of National Plans of Action;
- Review and reform of legislation; and
- Training and capacity building.

**Objectives:**

- To strengthen the legal and policy framework for anti-trafficking efforts in OSCE participating States. In this regard, the ODIHR will continue to assist participating States in drafting national plans of action and reviewing national legislation;
- To promote and encourage co-operation between law enforcement and civil society, especially in the design and implementation of National Referral Mechanisms; and
- To assist OSCE participating States and OSCE field missions in developing NRMs and to identify priority areas for the further development of standards and guidelines necessary for the effective functioning of NRMs.

**Justification:**

OSCE participating States have made strong commitments to prevent trafficking, as well as to prosecute perpetrators and to assist trafficked persons. In order to implement these commitments and bearing in mind human rights standards, participating States should seek to design comprehensive, multidisciplinary responses to trafficking such as the

establishment of NRMs. The ODIHR stands ready to assist this process with tools for needs assessment, legislative review, training and capacity building.

Target groups include all actors engaged in anti-trafficking efforts. Indirect beneficiaries include at-risk groups and trafficked persons.

**Approach:**

The ODIHR will assist participating States, upon their request, in developing NPAs and establishing NRMs. These activities will promote and encourage transparency, institution building and, in particular, co-operation between law enforcement and civil society.

Within this programme, the ODIHR will collaborate with the OSCE Strategic Police Matters Unit (SPMU), and other law enforcement experts to further develop guidelines to address specific themes requiring more attention such as the identification and interrogation of alleged trafficked persons. Furthermore, together with the SPMU, the ODIHR will continue to develop training materials targeted at law enforcement authorities.

**Description of activities:**

This programme will have several key components including assistance in the development of NRMs and co-operation with law enforcement. Upon request the ODIHR will review legislation and NPAs and make recommendations for reform based on international standards.

In the framework of this programme, the ODIHR will further develop the training methodology for the design and implementation of NRMs, which will be piloted in several OSCE participating States in co-operation with OSCE field missions and in consultation with relevant governmental agencies and actors from civil society.

With regards to training for law enforcement, the ODIHR will collaborate more closely with the SPMU and other law enforcement experts in the elaboration and implementation of law enforcement training materials. In particular, programme activities will include the further development of guidelines on identification and interrogation of alleged trafficked persons.

**2. Expected Results**

**Estimated impact on target groups:**

Technical assistance in the fields of legal reform and policy development will ensure that participating States meet international human rights standards while fulfilling their OSCE anti-trafficking commitments.

The establishment and training of effective, inclusive NRMs will build on local capacities promoting and ensuring a transparent, multidisciplinary response. Functioning NRMs will prioritise the rights and needs of trafficked persons, while enhancing co-operation, which is a necessary component of successful prosecution efforts as well.

Training for law enforcement will sensitise them and provide them with practical guidance for identifying and interviewing trafficked persons.

**Publications and other material outputs:**

This programme will support the development and publication of training materials, which will assist in the implementation of NRMs. Programme materials may include joint publications with the SPMU, as well as other collaborative efforts such as the publication of guidelines for the identification and interrogation of alleged trafficked persons. Materials relating to legislative developments, legislative review and reform will be made available on [www.legislationline.org](http://www.legislationline.org).

**Multiplier effects:**

Materials and good practice from programme activities will be made available through the ODIHR's Anti-Trafficking Clearinghouse. In the design and implementation of programme activities, expertise from on-going initiatives will be transferred from one country to another, thus, also strengthening bilateral and regional ties.

**Sustainability:**

The ODIHR programmes seek to achieve a maximum sustainability through activities proposed, particularly at the policy and institutional levels. Therefore, a programme approach, including a monitoring component, has been chosen to ensure a longer-term perspective.

<b>OSCE REGION</b> <b>ANTI-TRAFFICKING COMMITMENTS: TECHNICAL ASSISTANCE PROGRAMME</b> <b>IMPLEMENTATION OF NATIONAL REFERRAL MECHANISMS</b>
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**Objectives**

- To raise awareness of the need for the establishment and development of National Referral Mechanisms to identify, assist and protect trafficked victims;
- To provide the ODIHR's Handbook on the design and implementation of National Referral Mechanisms to experts throughout the OSCE region;
- To assist OSCE participating States in the implementation of the OSCE Action Plan to Combat Trafficking in Human Beings.

**Background**

The National Referral Mechanisms (NRMs) create a co-operative framework through which participating States fulfil their obligations to protect and promote the human rights of trafficked persons in co-ordination and strategic partnership with civil society and other actors working in this field.

In the beginning of 2004, the ODIHR will publish its Handbook on the design and implementation of National Referral Mechanisms. The Handbook serves as a practical tool for all relevant stakeholders in international organisations, governments and non-governmental organisations in the identification, design and implementation of an effective referral system, which should put human rights protection first while pursuing the complementary aims of a successful prosecution and victim assistance.

The OSCE Action Plan to Combat Trafficking in Human Beings encourages OSCE participating States to establish National Referral Mechanisms in their respective countries. Furthermore, it tasks the ODIHR to render necessary technical assistance to participating States in developing National Referral Mechanisms.

**Approach**

This project will be comprised of the following components:

- Translation of the Handbook into Russian and other languages;
- Distribution and promotion of the handbook throughout the OSCE region;
- Further development of training methodology. The training methodology shall be flexible for different target groups in the governmental and non-governmental sectors. For each target group the materials shall include a "train-the-trainers" component;
- Identification of governmental and non-governmental focal points to promote NRMs;
- Co-ordination with OSCE field missions including possible site visits and training activities;
- Trainings in close co-operation with OSCE field missions and respective focal points;
- ODIHR expert consultations with OSCE field missions to technically assist in the implementation process.

**Timeframe:** 2004



## **PROGRAMME OUTLINE**

### **1. Programme Information**

#### **CIVIL SOCIETY AND YOUTH AFFAIRS PROGRAMME FOR SOUTHEAST EUROPE**

##### **Location:**

Southeast Europe (SEE) and Moldova

##### **Summary:**

The aims of the programme:

- to assist youth and youth organisations in promoting their participation in public life and civil society,
- to improve the understanding amongst authorities in the region of the need to develop a realistic youth strategy for each respective country based on international standards,
- to assist the authorities, where required, in developing a youth strategy (which may include important issues pertaining education and educational issues ),
- to consolidate lessons learned and best practices in the field of youth affairs, and
- to facilitate co-operation between youth in the region.

Moreover,

- to further develop and build on the regional dialogue established between civil society actors through the regional conferences organised by the ODIHR and the OSCE Mission in Kosovo in 2002 and 2003,
- to follow up recommendations made at those conferences,
- to promote reconciliation, co-operation and civil society development,
- to work with civil society actors to promote returns in the region,
- to improve understanding and capacity amongst local and central governmental and human rights institutions on the one hand and civil society actors on the other, facilitating closer co-operation and respect for one another's role, and
- to consolidate lessons learned and best practices in the field of civil society.

The main target groups are youth and youth organisations; civil society actors and central and local governmental authorities/staff, educational and human rights institutions.

**The main activities:**

- roundtables/workshops, conferences and meetings to enhance information exchange, best practices and lessons learned both between local stakeholders and partners;
- capacity building and training;
- awareness raising;
- expert assessments, advice and/or recommendations;
- promotion, implementation and support of regional activities and co-operation, augmenting the work of other partners.

**Objectives:**

- To strengthen youth and youth organisations and empower them to play a more constructive role in the post-conflict re-habilitation and reconciliation work ongoing throughout the region;
- to encourage youth to take responsibility in both public and private sectors, fostering a new generation of politicians, entrepreneurs and public administrators in the region;
- to help prevent a further brain-drain of young talented people leaving SEE;
- to assist local authorities assume more responsibility over the development of youth policies (which may include important issues pertaining education and educational issues );
- to facilitate regional and cross-border co-operation between civil society actors, particularly where it continues to be crucial for civil society and non-governmental actors to assume responsibilities that help resolve post-conflict political, legal and human impasses, and prevent risking the re-emergence of conflicts in the region;
- to assist in creating a viable self-sustainable and healthy civil society throughout SEE, which addresses specific issues for citizens through active and constructive engagement of local authorities and other actors.

**Justification:**

The last decade's conflicts in SEE have resulted in a brain drain from the region attributable, to an extent, to a sense of hopelessness for the future, particularly amongst the youth. At the same time, the conflicts themselves retarded the growth of healthy civil society actors as a natural component in these emerging democracies. Both civil society in general, and youth in particular, are crucial for the future of societies in the region. Although these issues are being highlighted and emphasised by international and local stakeholders in some countries, there is much more to be done. Therefore, assistance is required at different levels to foster societies where young people not only feel at home, but also wish to remain in their respective countries with hope for the future. Furthermore, civil society actors require guidance and assistance to develop to a stage where they actually serve the interests of groups in society vis-à-vis governments and legislators. This also needs nurturing to make it self-sustainable.

Practical and timely measures need to be taken to prevent negative trends, such as the continuation of a brain drain and youth disenchantment, from becoming serious threats to democratic, political, economic and cultural developments in the region. It is, therefore, imperative that civil society and governmental actors discharge their responsibilities (and be empowered to do so) coherently and seriously with regard to addressing youth affairs.

Therefore, the ODIHR through this programme, and in close co-operation with local authorities and other partners, will strategically address these important issues.

The programme's main target groups are youth and youth organisations; civil society actors; governmental authorities at both central and local levels; human rights institutions and, where appropriate, the media.

**Approach:**

The programme will use an inclusive and interactive approach, where local ownership and self-sustainability will be the goals. Methods will range from awareness raising (e.g. news media and support of relevant publications) to capacity building, expert advice and follow-up monitoring. The programme will also use local and regional workshops, meetings and conferences to ensure exchange of information, sharing of lessons learned and best practices amongst both international partners and local target groups, as well as to identify crucial needs and problems at both local and regional levels.

External local and international experts will be used in conjunction with internal ODIHR expertise for training and capacity building, assessments, advice and recommendations. The programme will address the regional dimensions, as well as specific national and local needs.

The reasons for the range of methods lie in the diversity as well as similarities amongst the countries, institutions and local stakeholders in the region. The programme's objective of self-sustainability, increased local ownership and accountability requires both an interactive and inclusive approach. The range of methods further grants flexibility to adapt the programme to specific, local conditions and requirements.

The ODIHR utilises standard monitoring techniques for all its programmes by constantly reviewing the progress of activities and making adjustments, as and when required, in order to achieve the maximum out of the programme.

The ODIHR will also follow up with both external local and international ODIHR experts and local stakeholders through expert reports and lessons learned meetings. Including partners and local stakeholders in follow-up workshops, evaluations and implementation meetings ensures a good understanding of the status of the programme and where changes may benefit the implementation of the overall objectives.

**Description of activities:**

Should this programme be funded during 2004, a follow-up and detailed needs-assessment and planning period of 3-4 months is envisaged before activities can start. The preparatory phase will include close consultations with other partners, particularly the local authorities and/or stakeholders and counterparts, to address further lessons learned, best practices and to prepare both domestic and regional action plans. The sequence of activities envisaged will be decided on the basis of these consultations and are contingent on the timing when funds are made available. Two initial projects are provided below. Additional activities

will be prepared after further consultation with local authorities and/or stakeholders and other partners. An additional project manager may be hired from the programme funds to assist in the implementation of the projects.

Should funding become available in late 2004 or early 2005, the draft plans will be adjusted accordingly and donors notified of the adjusted (if required) proposed budget for the programme.

## **2. Expected results**

### **Estimated impact on target groups:**

The programme will hopefully bring youth and civil society actors into the decision-making mechanism of their respective countries, at both local and central levels, which will further nurture democratic processes. It will, furthermore, give youth and civil society actors a voice in addressing important socio-political-economic issues and instituting relevant changes. Not only will it strive to empower civil society actors and youth in the respective countries, but throughout the region. The programme will also help improve the functioning of governmental institutions and address the long-term objectives within each country and the region on youth policies, and improve co-operation between government and civil society actors.

### **Multiplier effects:**

The lessons learned, best practices, identification of problems and solutions can be applied from one country to another, adapting to each country's specific needs and relevant issues. The "economy-of-scale" approach in the region allows for a multiplier effect in the region, and the local authorities and/or stakeholders can follow up by providing further capacity-building and awareness-raising measures. Lessons learned and best practices from the programme's regional approach and co-operation, youth and civil society empowerment, as well as governmental capacity building to address the same throughout Southeast Europe can be used in other regions where similar circumstances prevail.

### **Sustainability:**

The ODIHR programmes seek to achieve maximum sustainability through activities proposed, particularly at the policy and institutional levels. Therefore, a programme approach has been chosen to ensure a longer-term perspective, including capacity building, exchange of lessons learned, expert advice, awareness raising and a monitoring component to empower the target groups to drive these processes forward by themselves.

<p style="text-align: center;"><b>REGIONAL: SOUTHEAST EUROPE</b> <b>CIVIL SOCIETY AND YOUTH AFFAIRS PROGRAMME FOR SOUTHEAST EUROPE</b> <b>CIVIL SOCIETY PROJECT</b></p>
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### **Objectives**

- To improve regional co-operation amongst civil society actors;
- To improve co-operation between governmental authorities and civil society actors;
- To improve access and inclusion of civil society actors into decision-making processes at both central and local levels, including legislative bodies;
- To improve civil society's role in fostering returns in the region.

### **Background**

Throughout 2002 and 2003, the ODIHR has maintained a consultative process with its local and international partners and sister institutions in SEE, as well as will civil society leaders about civil society development, as well as youth development and youth affairs in the region. During these consultations it has been recommended that the ODIHR pursue more project areas, including civil society projects in the region.

Furthermore, the ODIHR and the OSCE Mission to Kosovo (OMiK) initiated in 2002 a process in which civil society actors in Serbia and Kosovo agreed to meet and work constructively together to address important issues affecting the population in the region. Consequently, the inclusion of a vital component of the society, i.e. civil society actors into long term co-operation and reconciliation processes, in both Serbia and Kosovo, was successfully secured in 2002.

The positive outcome from the work in 2002 led to the decision by both the ODIHR and OMiK to build upon this success in 2003. Therefore, the ODIHR and OMiK organised a three-day regional civic society policy conference in Pristina in June 2003 (where local authorities were also invited to address the conference) which successfully resulted in a range of recommendations from the participants. The above consultation process showed that ODIHR's expertise, involvement and mandate in the region would greatly benefit the target groups and would augment the work done to achieve the objectives mentioned above.

### **Approach**

The programme will use an inclusive and interactive approach, where local ownership and self-sustainability will be the goals. Methods will range from awareness raising (e.g. news media and support of relevant publications) to capacity building, expert advice and follow-up monitoring. The programme will also use local and regional workshops, meetings and conferences to ensure exchange of information, sharing of lessons learned and best practices amongst both international partners and local target groups, as well as to identify crucial needs and problems at both local and regional levels.

The project will address the regional dimensions, as well as specific national and local needs in close collaboration with the OSCE Missions in SEE. The reasons for the range of

methods lie in the diversity as well as similarities amongst the countries, institutions and local stakeholders in the region. Further detailed preparations will be made in close collaboration with the local authorities and/or stakeholders and other partners. Here the ODIHR will encourage local authorities and/or stakeholders to engage and forward to ODIHR contact details of responsible individuals and/or offices responsible for such activities.

**Timeframe:** 2004 - 2006

**REGIONAL: SOUTHEAST EUROPE**  
**CIVIL SOCIETY AND YOUTH AFFAIRS PROGRAMME FOR SOUTHEAST EUROPE**  
**YOUTH PROJECT**

**Objectives**

- To improve regional co-operation amongst youth and youth organisations;
- To improve co-operation between governmental authorities and youth;
- To address youth policies in the region, including important issues pertaining to education;
- To improve access and inclusion of youth into decision-making processes at both central and local levels, including legislative bodies.

**Background**

During 2002 and 2003, it became clear through the ODIHR and the OSCE Missions' work in the region that youth as a group continue to require much more attention, if any work on democracy and conflict prevention should strategically succeed in the region. The conclusions drawn and evaluations made by the ODIHR and other local and international partners made it amply clear that youth had to be targeted separately from other programmes. Furthermore, capacity building and inclusion of youth into political, public and economic life have to be promoted. Moreover, youth policies in the respective societies require to be adopted by the authorities at both local and central levels.

In this same period, the ODIHR also started a consultative process with several other partners on youth developments and affairs in the region. During these consultations, it was recommended that the ODIHR pursue more project including youth affairs in the region.

**Approach**

The preparatory phase of this project will include close consultations with the local authorities and/or stakeholders and other partners to further address lessons learned and best practices, and to prepare both domestic and regional action plans. Here the ODIHR will encourage local authorities and/or stakeholders to engage and forward to ODIHR contact details of responsible individuals and/or offices responsible for such activities.

The sequence of activities envisaged will be decided on the basis of these consultations and are contingent on when funds are made available.

A number of activities will be undertaken to prevent the continuation of brain drain and youth disenchantment from becoming serious threats to democratic, political, economic and cultural developments in the region. These activities are expected to include roundtables/workshops, conferences and meetings to enhance information exchange, best practices and lessons learned both between local stakeholders and partners; capacity building and training activities; awareness raising among youth and governmental structures; and the promotion, implementation and support of regional activities and co-operation.

**Timeframe:**

2004 – 2006



## **PROGRAMME OUTLINE**

### **1. Programme Information**

#### **PENITENTIARY REFORM AND FAIR TRIALS PROGRAMME FOR SOUTHEAST EUROPE**

##### **Location:**

Southeast Europe (including Moldova)

##### **Summary:**

###### aim of the programme:

- to support the OSCE participating States in the region to improve and develop their respective justice and penitentiary systems in accordance with internationally recognised standards;
- to protect human rights by ensuring that “rule of law” improves the prospects for individuals under detention to receive both a fair trial as well as professional and fair treatment through the penitentiary systems;
- to address important return and human rights issues, by identifying legal and other obstacles within the system to promote fair and just treatment.

The main target groups are policy makers and legislators, court officials, prosecutors, judges, lawyers, prison service staff, NGOs and civil society, and local and central authorities. The ODIHR has closely consulted with counterparts as well, for instance prison management, in the region at meetings and conferences where recommendations were received helping formulate this programme and projects.

The main activities of the Programme will include:

- capacity building & training;
- increasing awareness about international and human rights standards;
- expert assessments, advice and/or recommendations;
- developing guidelines on trial monitoring;
- roundtables/workshops, conferences and meetings to enhance exchange of information, best practices and lessons learned;
- promotion, implementation and support of regional activities and co-operation, in close collaboration with other partners and stakeholders.

##### **Objectives:**

- To improve the judiciary in the conduct of fair trials to meet international human rights standards;

- To improve court management, court administration and prosecution service management;
- To assist in monitoring and evaluating the access to justice mechanism;
- To enhance Domestic Trial Observation Networks;
- To develop guidelines on establishing and monitoring the implementation of Domestic Trial Observation Networks;
- To build capacity amongst lawyers and legal advisers;
- To build capacity of the prosecution service in the conduct of fair trials in accordance with international human rights standards;
- To enhance regional co-operation and confidence building between the countries/regions in Southeast Europe through targeted prison reform activities;
- To assist in reforming prison services into accountable, transparent and professionally managed institutions open to external independent civil society groups and human rights institutions, and open to the involvement of civil society with regard to education and re-habilitation of prisoners;
- To strengthen the return process by removing obstacles impeding return.

**Justification:**

One of the fundamental features of a successful democracy is the proper functioning of its judiciary and penitentiary systems, where access to justice, fair trials, professional treatment within the courts and penitentiary systems, as well as the guarantee and protection of basic human rights are trademarks. Over the last decade, some countries of Southeast Europe have seen painful conflicts and destruction, breaking down most aspects of any functioning, modern democratic society. In this region particularly, there is an urgent need to address inconsistencies and inefficiencies in these institutions. Moreover, given the current strategic objectives of the countries in the region to join European institutions, there is an even greater need to further assist these countries in their endeavour to harmonise domestic standards with international standards and to ensure the protection of basic human rights.

The main target groups for this programme are policy makers and legislators; court officials; prosecutors, judges, lawyers, prison service staff; NGOs and civil society; and local and central authorities.

Individuals subject to trials or prison sentences as well as the target groups will directly and/or indirectly benefit from:

- a professional and modern court and prison administration;
- the protection of basic human rights;
- a better understanding amongst lawyers, judges, prosecutors and prison officials of international standards; and
- further domestic and cross-border co-operation with respective counter-parts from those in neighbouring countries and in wider Europe.

NGOs and civil society actors will also benefit from improved capacity and understanding of international standards thereby improving the prospect of sustainability of trial monitoring.

**Approach:**

The programme will use an inclusive and interactive approach, where local ownership and self-sustainability will be the goals. Methods will range from awareness raising (e.g. news media and support of relevant publications) to capacity building, expert advice and follow-up monitoring. The programme will also use local and regional workshops, meetings and conferences to ensure exchange of information, sharing of lessons learned and best practices amongst both international partners and local target groups, as well as to identify crucial needs and problems at both local and regional levels.

External local and international ODIHR experts will be used in conjunction with internal ODIHR expertise for training and capacity building, assessments, advice and recommendations. The programme will address the regional dimensions, as well as specific national and local needs in close collaboration with the local authorities and/or stakeholders and other partners. Here the ODIHR will encourage local authorities and/or stakeholders to engage and forward to ODIHR contact details of responsible individuals and/or offices responsible for such activities.

The reasons for the range of methods lie in the diversity as well as similarities amongst the countries, institutions and local stakeholders in the region. The programme's objectives of self-sustainability, increased local ownership and accountability require both an interactive and inclusive approach. It also augments the programmes of the OSCE Missions in SEE, taking into account recommendations made by them to ODIHR.

The ODIHR utilises standard monitoring techniques for all its programmes by constantly reviewing the progress of activities and making adjustments, as and when required, in order to achieve the maximum out of the programme. The ODIHR will also follow up with both external local and international ODIHR experts and local stakeholders through expert reports and lessons learned meetings. Including partners and, where appropriate, local stakeholders in follow-up workshops, evaluations and implementation meetings ensures a good understanding of the status of the programme and where changes may benefit the implementation of the overall objectives.

**Description of activities:**

Should this 2004 – 2006 programme be funded during 2004, a follow up and detailed needs-assessment and planning period of 3-4 months is envisaged before activities can start. The preparatory phase will include close consultations with other partners, particularly the local authorities and/or stakeholders and counterparts, to address further lessons learned, best practices and to prepare both local and regional action plans.

The sequence of activities envisaged will be decided on the basis of these consultations and are dependent upon the timing when the funds are made available.

Seven initial projects are listed below giving a short background and approach. Additional activities will also be prepared after further consultation with the stakeholders and partners. Should funding become available in late 2004 or early 2005, the draft plans will be

adjusted accordingly and the donors notified of the adjusted (if required) proposed budget for the programme. An additional project manager may be hired from the programme funds to assist in the implementation of the projects.

## **2. Expected results**

### **Estimated impact on target groups:**

Capacity building, exchange of lessons learned, expert advice, awareness raising etc. are all measures designed to ensure long-term local ownership and sustainability where the programme will help empower local stakeholders to drive these processes forward on their own. The programme will help improve the functioning of the court and prison administrations and help institutionalise continued improvements through capacity building and awareness raising. The programme will continue to improve the human rights situation through its capacity-building support to domestic trial monitoring networks and courts. It would, furthermore, address fair trial reforms as a part of “Rule of Law” through comprehensive methodology.

Through improved human rights protection and transparent professional court and prison systems, the population of the relevant states would be the end beneficiaries. Regional co-operation will have a positive impact on both domestic reforms of these important institutions as well as improved general security for the populations.

### **Multiplier effects:**

Through the regional components of the programme, whereby lessons learned, best practices and common challenges and solutions will be addressed, practical measures, advice and recommendations can have a multiplier effect with appropriate adjustments to address local circumstances of the relevant countries. The local authorities and/or stakeholders and other partners can also follow up by providing further capacity-building and awareness-raising measures throughout the region.

Through the “economy-of-scale” approach the ODIHR augments other work being done and closely co-operates with the OSCE Missions in Southeast Europe, this furthers the multiplier effect in the region. The OSCE Missions and local stakeholders can then follow up, where appropriate, and provide further capacity-building and awareness-raising measures. Lessons learned and best practices from the programme’s regional approach and co-operation and institutional reform in Southeast Europe can be used in other regions where circumstances allow and/or are similar.

### **Sustainability:**

The ODIHR programmes seek to achieve sustainability through the activities proposed, particularly at the policy and institutional levels. Therefore, a programme approach has been chosen to ensure a longer-term perspective including a monitoring component.

<p style="text-align: center;"><b>REGIONAL: SOUTHEAST EUROPE</b> <b>PENITENTIARY REFORM AND FAIR TRIALS PROGRAMME FOR SOUTHEAST EUROPE</b> <b>ASSISTANCE FOR JUDGES IN DEVELOPING AND PROMOTING FAIR TRIAL STANDARDS</b></p>
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### **Objectives**

- To train the judiciary in the conduct of fair trials to meet international human rights standards,
- To build capacity of judges vis-à-vis domestic legislation, international human rights standards and European Court decisions,
- To promote consistency in court decisions across the different countries/regions and furthering the development of fair trial processes,
- To improve court management and court administration.

### **Background**

During 2002 and 2003, it became clear through the ODIHR's work in the region that there is insufficient support in developing capacity among judges, a group which continues to require much more attention if any work to further free and fair trial standards should succeed in the region. The conclusions drawn and evaluations made by ODIHR and other local and international partners make it clear that targeted and separate programmes for judges are required to ensure human rights, fair trials and the implementation of international standards.

Considerable work has been done to upgrade the capacity of the judiciary with regard to fair trials. However, there is concern across the region that a well functioning judiciary is hampered by a lack of understanding of and adherence to European standards. At the same time, inconsistent interpretations and application of domestic legislation within the same country gives the judiciary an arbitrary and non-transparent image, resulting in lack of confidence and a perception of corruption, malpractice and bias.

In general, the targeted countries share a legacy of one-party systems, to a certain extent a violent transition and are, to a greater or lesser extent, in the EU accession process. As such the need to meet OSCE and European standards becomes more pressing. The possibility, because of the resemblance among the countries/regions, to expand the projects across the region and to benefit from best practices in the region is viable. In general, the targeted countries share a common approach in the EU accession processes. As such the need to meet European standards becomes more pressing. There are therefore great possibilities, because of the resemblance among the countries/regions, to expand the projects across the region and to benefit from best practices in the region as a whole.

### **Approach**

The project requires co-operation and exchange with the respective governments and courts, to assess and increase sustainable positive developments within the judiciary. Therefore, should the project be funded, the ODIHR intends to prepare the details for implementation and co-operation together with local authorities and other partners.

Specific expertise within the region will be used as much as possible to enhance the judiciary within the respective countries in the region. The European Convention on Human Rights (ECHR) training held in Croatia will, if possible, be expanded and elaborated for the region. To increase capacity, on one hand, further targeted training for judges focusing on domestic legislation in relation to international human rights standards, domestic court decisions and decisions of the European Court of Justice is envisioned. On the other hand, to assist the institution building process, sharper focus is given to court management and capacity building of the court personnel, implying management skills and administration training.

Roundtables and working sessions should provide a platform for sharing developments, experiences and discuss specific themes. Other means used are expert advice and expert assistance. This project, as part of the Fair Trials Programme, will look at the training of legal professionals working in criminal as well as civil law, given the fact that throughout the targeted SEE countries criminal and civil law cases are equally important. There is a need for concentrated training of all components of the trial system to assure that fair trial standards are achieved at all levels of the justice system. Therefore, this project interconnects with the projects targeting prosecution services, lawyers and civil society through domestic trial observation networks and Ombudsperson Institutions.

**Timeframe:** 2004 - 2006

<p style="text-align: center;"><b>REGIONAL: SOUTHEAST EUROPE</b> <b>PENITENTIARY REFORM AND FAIR TRIALS PROGRAMME FOR SOUTHEAST EUROPE</b> <b>ACCESS TO JUSTICE IN SOUTHEAST EUROPE</b></p>
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### **Objectives**

- To assist in analysing the existing national free legal aid schemes and advise on reform,
- To assist in monitoring and evaluating access to the justice mechanism,
- To assist in incorporating free legal aid schemes that are in compliance with European standards,
- To enable vulnerable groups throughout the region to access justice free of charge by a competent representation following priorities set by the OSCE Missions.

### **Background**

During 2002 and 2003, it became clear through the ODIHR's work in the region that large numbers of individuals amongst the populations throughout Southeast Europe continued to suffer from inadequate access to justice. Further support in strengthening such access is therefore required. There is also a need for more attention to protect basic human rights and strengthen the democratic process in the region. The conclusions drawn and evaluations made by the ODIHR and other local and international partners make it clear that targeted and separate programmes to support such developments are required to meet international standards.

In modern democracies, access to justice often requires the assistance of a lawyer to guide through the complex maze of legal norms and court procedures. Throughout SEE concern is voiced about access to justice free of charge by a competent legal representation. On the one hand, free legal aid schemes show deficiencies, and on the other hand current free legal aid possibilities are not fully used and the representation often lacks quality. With the ongoing EU accession process, quality legal aid to those individuals who cannot afford to pay for a lawyer becomes more pressing. A comparative analysis of the access to justice mechanisms is needed in order to start reforming the free legal aid schemes to comply with European standards.

This project is also closely linked to the projects targeting lawyers and domestic trial observation networks under the Fair Trials Programme. To bridge the existing gap impeding vulnerable groups to access justice, an interim support for in-court representation is needed.

This interim support could serve as the transition time to incorporate a free legal aid scheme compliant with European standards into the state structures.

### **Approach**

This project envisions close co-operation with a number of actors and respective governments in the region and ODIHR will closely consult with local authorities and/or stakeholders on the implementation of the project. The ODIHR will complement work in progress, work done and analyses made by the respective partners, governments and local

stakeholders.. As a first step, it is envisioned to develop guidelines on how access to justice should be monitored by the OSCE and domestic observers. Interconnected to this is analysing existing free legal aid schemes and their deficiencies in a comparative manner, using, among others, surveys carried out by think tanks. While awareness activities targeting civil society and legal professionals will also be supported, the transitional phase of enhancing free legal aid schemes in compliance with European standards could be used to assist the government through the process and assist them to incorporate it in the state structure.

**Timeframe:**

2004 – 2006

<p style="text-align: center;"><b>REGIONAL: SOUTHEAST EUROPE</b> <b>PENITENTIARY REFORM AND FAIR TRIALS PROGRAMME FOR SOUTHEAST EUROPE</b> <b>DOMESTIC TRIAL OBSERVATION NETWORKS IN SEE</b></p>
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### **Objectives**

- To enhance domestic Trial Observation Networks,
- To enhance civil society awareness and understanding of the judiciary and court case systems,
- To develop guidelines to establish and monitor the implementation of domestic trial observation networks.

### **Background**

During 2002 and 2003, it became clear through the ODIHR's work in the region that large numbers of individuals amongst the populations throughout Southeast Europe continued to suffer from inadequate access to justice and/or fair trials.

In a number of Southeast European countries, a domestic network of trial observers exists, and although the set up, modus operandi, and focal points might differ, the objectives are similar. The role of domestic trial observations networks is to observe the implementation of fair trial standards in court proceedings, to provide impartial information on the functioning of the judicial system in order to raise public confidence, and to propose eventual reforms as required. Inside and outside the SEE region, there is keen interest for domestic trial observation networks well rooted in society. However, some domestic networks seem more successful than others. Before modelling such networks to other regions, it is important to thoroughly evaluate the various types of domestic trial observation networks and to measure each one's effectiveness and sustainability. This project builds on those targeting the judiciary, prosecution and lawyer services. Not only do domestic trial observation networks increase awareness of civil society for court procedures and the functioning of the judiciary, they are also a means to build trust among citizens for the judiciary.

### **Approach**

It is envisioned to conduct one or more systematic evaluation of programmes on domestic trial observation networks, with a particular interest in the network of the former Yugoslav Republic of Macedonia. The evaluation shall include parameters to measure changes in trends such as public confidence in the judiciary, respect for fair trial guarantees in domestic courts, and sustainability of the Trial Observation Networks run by domestic NGOs. The strategic goals of the trial observation network should be reflected in a regional context and become a useful tool to successfully monitor its implementation.

The evaluation envisioned will be valuable not only for the country directly concerned, but also for other countries/regions within and outside SEE. To enhance domestic trial observation networks, regional roundtables and working sessions would be organised as a means to provide a forum to extract and exchange best practices. Support for study visits and internships preferably within SEE- for core actors of the respective networks to

increase the capacity of the domestic observers would also prove valuable. Connected to the evaluation, it is envisioned to develop practical guidelines on establishing and monitoring the implementation of a domestic trial observation network, with regard to specific observation networks concerned, as well to model it towards other countries within or outside SEE. Expert advice and assistance could be used depending on particular needs. Close consultation with local authorities and or other partners is also envisaged.

**Timeframe:** 2004 - 2006

**REGIONAL: SOUTHEAST EUROPE**  
**PENITENTIARY REFORM AND FAIR TRIALS PROGRAMME FOR SOUTHEAST EUROPE**  
**ASSISTANCE TO LAWYERS AND LEGAL AID SERVICES IN DEVELOPING AND PROMOTING**  
**FAIR TRIAL STANDARDS**

**Objectives**

- To build the capacity of lawyers and legal advisers;
- To enhance lawyers and legal aid services;
- To further the development of fair trial processes.

**Background**

During 2002 and 2003, it became clear through the ODIHR's work in the region that there is insufficient support in developing capacity among lawyers, a group which continues to require much more attention if any work to further free and fair trial standards should succeed in the region. The conclusions drawn and evaluations made by ODIHR and other local and international partners make it clear that targeted and separate programmes for judges are required to ensure human rights, fair trials and the implementation of international standards.

Over the past years, in some of the SEE countries, lawyers have been targeted with training on the European Convention on Human Rights and the European Court in relation to domestic legislation. Nevertheless, concerns remain throughout the region that lawyers do not make full use in court cases of the options given under domestic laws and international standards. Even in similar cases, lawyers interpret legislation in contradictory ways, they seldom explore mediation possibilities, and miss out on using jurisprudence. The numerous legislative reforms, and the often unclear legislative framework, the EU accession process, the transition the countries went/are going through, and the adopted OSCE commitments increase the call for competent and qualified lawyers. There is a need for concentrated training of all components of the trial system to ensure that fair trial standards are achieved at all levels of the justice system. Therefore, this project interconnects with those targeting the judiciary, prosecution services and civil society through domestic trial observation networks and Ombudsman institutions. The project intends to have an outreach to future lawyers and legal advisers.

**Approach**

The project will build on and complement the OSCE Missions' activities in SEE. Initially, practising lawyers will be targeted with a possible inclusion of final-year law students. Practising lawyers will be targeted with training, particularly on domestic legislation vis-à-vis international human rights standards, and domestic and European Court decisions. In order to improve the lawyers' overall performance, basic issues like effective caseload management will also be included. Other means that could enhance existing and future lawyers' effectiveness and competence are: supporting lawyers' networks, providing expert advice, working sessions, study visits and training. This implies that initiatives such as working sessions for legal professionals on a regular basis, the establishment of a law students' union, the establishment of a comprehensive database relevant for defence work

could be supported. The ODIHR will consult and co-ordinate with local authorities and/or partners when preparing the implementation of the project.

**Timeframe:** 2004 - 2006

**REGIONAL: SOUTHEAST EUROPE**  
**PENITENTIARY REFORM AND FAIR TRIALS PROGRAMME FOR SOUTHEAST EUROPE**  
**ASSISTANCE FOR PROSECUTION SERVICES IN DEVELOPING AND PROMOTING FAIR TRIAL**  
**STANDARDS**

**Objectives**

- To train the prosecution service in the conduct of fair trials to meet international human rights standards;
- To build capacity of prosecutors vis-à-vis domestic legislation, international human rights standards and European Court decisions;
- To further the development of fair trial processes;
- To enhance prosecution service management.

**Background**

During 2002 and 2003, it became clear through the ODIHR's work in the region that there is insufficient support in developing capacity among prosecutors, a group which continues to require much more attention if any work to further free and fair trial standards should succeed in the region. The conclusions drawn and evaluations made by ODIHR and other local and international partners make it clear that targeted and separate programmes for judges are required to ensure human rights, fair trials and the implementation of international standards.

Considerable work has been done to upgrade the capacity of prosecutors' offices in many countries in SEE. Yet concerns persist across the region that the prosecution does not fully utilise provisions under domestic legislation and international human rights standards. The need to enhance the prosecution services becomes more pressing with the EU accession process and the increased attention to issues like organised crime. Anticipating the process of the ICTY transferring cases to Bosnia and Herzegovina justifies extra attention to the quality of prosecution services. Therefore, there is a need for concentrated training of all components of the trial system to ensure that fair trial standards are prevalent at all levels of the justice system. Therefore, this project interconnects with the projects targeting the judiciary, lawyers and civil society through domestic trial observation networks and Ombudsman institutions.

**Approach**

The approach taken is to build on ongoing OSCE activities in SEE and to complement their efforts, wherever possible especially on a regional basis. Assessments and analyses will be made with the respective governments and prosecution services to increase sustainable positive developments within those services. Specific expertise within the region will be used as much as possible to enhance the prosecutor's offices, taking into account the administration and management of the prosecution services. The project also builds on the outcome of, for instance, the Montenegro Legislative Reform Project of 2003, entailing workshops and reviews of the draft law on the State Prosecutor. Roundtables and working sessions should provide a platform for sharing developments, experiences and discuss specific themes. Other possible means used are expert advice and expert assistance.

**Timeframe:**

2004 - 2006

<p style="text-align: center;"><b>REGIONAL: SOUTHEAST EUROPE</b> <b>PENITENTIARY REFORM AND FAIR TRIALS PROGRAMME FOR SOUTHEAST EUROPE</b> <b>PRISON SERVICE REFORM</b></p>
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### **Objectives**

- To enhance regional co-operation and confidence building between the countries/regions in Southeast Europe through targeted prison reform activities,
- To assist the penitentiary systems in the region in adhering to international human rights standards by developing a better overall understanding of these standards, and
- To assist in reforming the prison services into accountable, transparent and professionally managed institutions open to external independent civil society groups and human rights institutions, and open to the involvement of civil society with regard to the education and re-socialisation of prisoners.

### **Background**

Efficient and accountable prison services are an important issue for the protection of human rights, the security of a state and the stability of the region. The increased attention to issues like organised crime and the EU accession process add to the need for professional and accountable prison services. In some SEE countries/regions, the training of prison staff lacks a coherent framework, in other cases there is only ad hoc training, if any. Formal training centres are non-existent or outdated. Besides establishing preliminary training centres, the ODIHR has been assisting prison services in issues like developing training curricula, making needs assessments, capacity building of prison staff and prison management throughout the region. Until recently, this programme aimed at the operational upgrading of the prison administration through on-going expert advice, training and study visits. Now, however, regional co-operation has been included through roundtables on specific themes, drawing participants from the Ministries of Justice and prison services across the region.

### **Approach**

With many reforms in motion this project will focus in 2004, 2005 and 2006 on regional co-operation, building expertise, and accountability (transparent mechanisms). The project will complement the announced EC CARDS regional penitentiary programme during 2004-2005.

Existing best practices in the region, such as the Croatian training college shall serve as models. The services shall continue to exchange experiences and develop practices on how to deal best with typical problems in the area of prison administration. A working group consisting of members of the respective prison services should be established by the end of 2003, which would focus on generating an action plan to address prison staff training needs.

The establishment of an institutionalised Prison Training Academy/Centre will be supported through expert advice and assistance. During the forthcoming period, the project will focus on prison services in the region. Further efforts will be made to include Albania

in the regional network. The Project will conduct a series of targeted interventions, assist in developing and establishing training centres with a solid educational framework in the said countries/regions. Regional meetings, roundtables and intra-regional study visits will continue to take place to enhance regional co-operation and trust. Other means like expert advice, expert assistance, needs assessments, training, legislative review will continue to be used, as and when appropriate. The overall approach aims at self-sustainability, i.e. placing the ultimate responsibility in the hands of the respective governments and prison services to establish professional, accountable prison services through regional co-operation.

**Timeframe:**

2004 - 2006

**REGIONAL: SOUTHEAST EUROPE:  
CROATIA, BOSNIA & HERZEGOVINA, SERBIA, MONTENEGRO, KOSOVO  
PENITENTIARY REFORM AND FAIR TRIALS PROGRAMME FOR SOUTHEAST EUROPE  
LEGISLATIVE REFORM AND IN-COURT REPRESENTATION VIS-À-VIS RETURN**

**Objectives**

- To strengthen the return process by addressing and removing obstacles impeding return;
- To promote the sustainability of return processes, and
- To enhance fair trial standards and consistent court decisions.

**Background**

Return and property repossession continue to be issues of concern in many parts of former Yugoslavia. The ODIHR has worked with counterparts, the Stability Pact and NGOs over the years to address return related issues and it has been advised to continue regionally to focus even further on these important issues.

A number of years after the conflict, a considerable number of people have not been able to repossess their property or return to their pre-war residence. With the ongoing EU accession process, there is a pressing need to resolve the issue of property repossession, which hinders the return process. This project builds on last year's project: Legislative Reform and In Court Representation in Croatia. In Croatia, for instance, the repossession of property is still hampered by the ambiguous way legal professionals apply an inconsistent legal framework. The problem further complicates when potential returnees and the property in the process of repossession are in different countries. Therefore, a national, as well as a regional, approach is paramount. The ODIHR is, together with local and international partners and governments, committed to supporting and strengthening the process to remove obstacles to return process and promote sustainability of the same.

**Approach**

While complementing ongoing activities in SEE, and building on successful strategies, this project is directly connected to two projects under the Fair Trials Programme, namely 1) the Access to Justice project and the Project to Assist Lawyers; and 2) Legal Aid Services in Developing and Promoting Fair Trial Standards. Through expert advice, training and in-court representation, issues related to return will be targeted throughout the region. Building on existing structures and supporting best practices, the regional return process will be enhanced.

The ODIHR will work with local and international partners and governments, as well as with legal professionals across the region providing legal aid to returnees and minorities (whose property repossession continues to be obstructed by difficult administrative and judicial procedures, including the very basic issuance of proper documents). Basic citizens' rights, such as access to health and social welfare, are also linked to these administrative procedures. Financial constraints and/or lack of education/information are other factors that prevent potential returnees, returnees and temporary users from seeking legal aid and/or starting court procedures.

The project intends to work also with lawyers and other legal professionals to improve understanding of and adherence to the European Convention on Human Rights and European Court decisions vis-à-vis domestic legislation related to return. Close co-ordination will also be necessary with the Stability Pact's Migration, Asylum and Regional Return Initiative.

**Timeframe:** 2004 - 2006



## **PROGRAMME OUTLINE**

### **1. Programme Information:**

#### **PROGRAMME FOR STRENGTHENING DEMOCRATIC AND HUMAN RIGHTS INSTITUTIONS IN SOUTHEAST EUROPE**

##### **Location:**

Southeast Europe (including Moldova)

##### **Summary:**

###### the aim of the programme

- to assist local authorities of OSCE participating States and international actors in Southeast Europe to strengthen local and central governmental institutions, as well as institutions promoting human rights, thereby assisting in developing self-sustainable democratic processes, institutions and the protection of human rights.

The target groups are government institutions and officials, parliamentarians, policy makers and civil servants at both the central and local levels, as well as officials and staff within institutions promoting human rights. Where appropriate and relevant civil society and other actors/authorities will also be targeted.

###### the main activities of the Programme:

- capacity building & training;
- raising awareness about human rights instruments and human rights institutions;
- expert assessments, advice and/or recommendations;
- promotion of local democracy in the region in a wider sense, including both governmental and non-governmental actors;
- roundtables/workshops, conferences and meetings (both internal and external) to enhance information exchange, best practices and lessons learned; and
- the promotion, implementation and support of regional activities and co-operation with other partners, particularly the local authorities and/or the OSCE Missions in SEE, as well as the EU, CoE and Stability Pact partners.

##### **Objectives:**

- To assist OSCE participating States in Southeast Europe to further develop democratic values and self-sustainable democratic institutions at both central and local levels;

- To enhance the capacity of human rights institutions, such as the (relatively) newly established Ombudsman institutions in the region;
- To raise awareness amongst the population and local authorities about the different roles played (political, human rights) and the authority (legal, political) vested in the local, central bodies and human rights institutions;
- To further improve the understanding and awareness amongst the population and local authorities of human rights instruments and standards, as well as improving the mechanisms of and general access to the same;
- To further promote regional activities and co-operation amongst both local stakeholders and international partners facilitating long-term solutions to regional and sub-regional issues involving and/or affecting governmental and human rights institutions in Southeast Europe;
- To undertake long-term institutional measures to continue to stabilise the countries in the region, improve co-operation between authorities and between institutions within respective countries;
- To help prevent the de-stabilisation and re-assertion of hard-line groups and political forces in the region, by ensuring that democratic and human rights institutions are able to function as envisaged in a democratic society;
- To assist these OSCE participating States in fulfilling OSCE Commitments and, where relevant, EU accession or Stabilisation and Association criteria.

**Justification:**

Whereas conflicts appear to have become history, in this region, their legacies and the governments' transition away from old regimes remain an obstacle and challenge to democratisation. Throughout the region there is a need to strengthen both central and local governmental institutions in terms of a more professional and de-politicised cadre of civil servants; transparency; anti-corruption measures and good governance; and regional and cross-border exchange and co-operation. There is still a great need to address a wider scope of issues related to a functioning local democracy, including citizens participation in political life, civil society groups and their role (as well as important return related issues at local levels in some countries). The ongoing complex de-centralisation process in the region also requires support at both local and regional levels to succeed and to ensure that lessons learned from one country can be and are used, in other countries undergoing similar processes. Over the years, the ODIHR has worked with parliamentarians, local governments, NGOs, international partners and ombudsperson institutions where recommendations and consultations with the same have led to the preparation of this programme.

Generally, democratic institutions in this region are still in need of assistance in a number of key areas, for democratisation to become self-sustaining processes. Ombudsman institutions continue to require both political support and assistance in capacity building for all levels, as well as further human rights training and international exchanges and co-operation. Parliaments and parliamentarians in the region require further regional and international exposure, co-operation and exchanges between committees, senior and administrative staff, and assistance in the proper discharge of their mandates and obligations.

Local authorities also require further assistance in building local democratic values and proper governance at local levels, including improving understanding about the role of local government and interaction with civil society actors.

Local authorities are, furthermore, in great need of direct, cross-border co-operation assistance (where relevant), possibilities to meet counter-parts and potential donors from other countries in the region and elsewhere, as well as to take part in twinning projects. The countries in the region are also obliged to ensure that OSCE and other international commitments, to which they are party, with regard to institutional reform, adoption and implementation of relevant laws, as well as the protection of human rights, are properly addressed. The states in the region continue to require assistance to fulfil EU accession or Stability Association Agreement criteria, including institutional reform.

Should the democratic process and institutions not receive support, hard-line elements in society would continue to obstruct the above-mentioned developments and reforms, which could de-stabilise the region again. Organised crime and illegal activities would, consequently, continue to flourish and undermine economic growth and progress.

The continued lack of proper functioning human rights and democratic institutions also undermine the population's trust in the system risking to further disenchant the population from democratic reforms so desperately needed in the region. Young talent would most likely continue to leave the region to seek a better future elsewhere, strategically putting the weak economy and social systems at risk. Therefore, lack of political will to implement the required reforms of governmental institutions and/or to ensure and allow for the proper functioning of human rights institutions by government officials, parliamentarians and officials of relevant institutions would be a major impediment to the successful implementation of the programme.

Changes in the political landscape or of personalities amongst the stakeholders may also jeopardise parts of the programme, therefore, it will be important to take into account local and national election cycles in the region while implementing the programme.

Target groups would first and foremost be government officials at local and central levels, parliamentarians, civil servants and administrative staff. Other target groups could include legal advisers and other professional and administrative staff within the Ombudsman institutions will be targeted. The programme would also target, where relevant, other authorities at central and local levels who co-operate closely with the above authorities or have a monitoring or lobbying role vis-à-vis those authorities.

Additionally, while not specifically targeting, the programme would emphasise and facilitate a better exchange of lessons learned and best practices amongst partners at local and international levels to continue improve the effectiveness of the programme, address "economy-of-scale" and relevant cross-border issues. The indirect beneficiary of functioning democratic institutions are the populations in the region whose welfare and interests these institutions serve.

**Approach:**

The programme will use an inclusive and interactive approach, where local ownership will be important and self-sustainability crucial. The methods will range from awareness raising (e.g. news media and support of relevant publications), to capacity building, expert advice and follow-up monitoring.

The programme will use both local and regional workshops, meetings and conferences to ensure exchanges of information, lessons learned and best practices amongst both international partners and local target groups are facilitated, as well as to identify crucial needs and problems at both institutional and regional levels.

External local and international ODIHR experts will be used in conjunction with internal ODIHR expertise for training and capacity building, assessments, advice and concrete recommendations where relevant. The programme will address regional dimensions, as well as specific national and local needs in close collaboration with local authorities and/or local and international partners.

The reasons for the range of approaches are the level of diversity, as well as similarities, amongst the relevant countries, institutions and local stakeholders in the region. The programme's objectives of self-sustainability, increased local ownership and accountability require both an interactive and inclusive approach. The range of methods further grants flexibility to adapt the programme to specific local conditions and requirements. It also augments the programmes already ongoing in the region..

The ODIHR utilises standard monitoring techniques for all its programmes by constantly reviewing the progress of activities and making adjustments as and when required to achieve the maximum output from the programme. The ODIHR will also follow up with both external ODIHR experts and local stakeholders through expert reports and lessons-learned review meetings. Including partners and, where appropriate, local stakeholders in follow-up workshops, evaluations, and implementation meetings, ensures good understanding of the status of the programme.

**Description of activities:**

Should this programme be funded during 2004, a follow up and detailed needs-assessment and planning period of 3-4 months is envisaged before activities can start. The preparatory phase will include close consultations with other partners, particularly the local authorities and/or stakeholders and counterparts to address further lessons learned, best practices and to prepare both domestic and regional action plans. The sequences of activities envisaged will be decided on the basis of these consultations and are dependent upon the timing when the funds are made available. Three initial projects are listed below giving a short background. Additional activities will also be prepared after further consultation with the stakeholders and local and international partners. Should funding become available in late 2004 or early 2005, the draft plans will be adjusted accordingly and the donor notified of the adjusted (if required) proposed budget for the programme. An additional project

manager may be hired from the programme funds to assist in the implementation of the projects.

## **2. Expected results**

### **Estimated impact on target groups:**

This long-term process will require continued support to be sustainable. Capacity building, exchange of lessons learned, expert advice, awareness raising, etc., are measures to ensure long-term local ownership and sustainability of the process where the local stakeholders will be encouraged to drive these processes forward on their own. The programme will improve the functioning of the institutions and help institutionalise continued improvements through capacity building and awareness raising. The programme will continue to improve the human rights situation through its capacity building support to Ombudsman institutions.

In the long term, the end beneficiaries will be the populations of the relevant states that will have improved institutions, professional officials and administrative staff, guaranteeing efficient services, and that transparency and accountability are ensured.

### **Multiplier effects:**

The lessons learned, best practices, identification of problems and solutions can be applied from one country to another, adapting to each country's specific needs.

The "economy-of-scale" approach in the region allows for a multiplier effect in the region and the local authorities and/or stakeholders can follow up by providing further capacity-building and awareness-raising measures, as well as to implement recommendations made in the programme. Lessons learned and best practices from the programme's regional approach and co-operation youth and civil society empowerment, as well as governmental capacity building to address the same in Southeast Europe can be used in other regions where circumstances prevail..

### **Sustainability:**

The ODIHR programmes seek to achieve a maximum sustainability through activities proposed, particularly at the policy and institutional levels. Therefore a programme approach has been chosen to ensure a longer-term perspective including a monitoring component.

**REGIONAL: SOUTHEAST EUROPE**  
**PROGRAMME FOR STRENGTHENING DEMOCRATIC AND HUMAN RIGHTS INSTITUTIONS IN**  
**SOUTHEAST EUROPE**  
**PARLIAMENTARY CO-OPERATION AND SUPPORT**

**Objectives**

- To strengthen the efficiency of democratic institutions and effectiveness of parliaments in Southeast Europe (SEE);
- To promote bilateral and multilateral co-operation among parliaments in SEE, particularly to facilitate and support parliamentary exchange at committee levels;
- To help facilitate, where appropriate, rapprochement of parliaments in the region with the European Union;
- To facilitate the inclusion of regional parliamentarians/ assembly members into cross-border exchanges of lessons learned and best practices at national levels;
- To organise parliamentary exchanges at non-state levels (e.g. regional/cantonal parliamentary levels) to allow networking at those levels;
- To follow up on recommendations and conclusions made at above conferences/meetings and at the “SEE inter-parliamentarian conference”, organised by the ODIHR and the OSCE Missions in SEE held in Sarajevo, October 2003.

**Background**

Since September 1998, there have been several inter-parliamentary meetings, which have brought parliamentarians from SEE countries together with their counterparts from national parliaments and parliamentary assemblies of international organisations. The ODIHR has been involved in numerous parliamentary activities/affairs and has given parliaments and the OSCE participating States advice on legislative issues and processes.

In 2002, the ODIHR and OSCE Mission in Kosovo (OMiK) initiated a process to support and facilitate the inclusion of Kosovo and its provisional institutions of self-government into regional and cross-border exchanges with other counterparts to support so-called UNMIK benchmarks as endorsed by the UNSC. The intent was to support normalisation, co-operation and reconciliation processes between actors in Serbia proper and Kosovo, despite the political deadlock between the governmental authorities in Belgrade and the provisional institutions of self-government in Pristina. It was decided to target civil society actors and parliamentarians, an approach which proved successful.

In January 2003, the ODIHR and OSCE Presence in Albania organised, as part of the ongoing internal OSCE/ODIHR regional co-ordination process, an OSCE expert meeting on Parliamentary support in SEE. A range of recommendations on regional activities in the field of parliamentary support was identified at that meeting and in subsequent OSCE co-ordination meetings.

During the spring and summer of 2003, the ODIHR and OSCE Missions in SEE together planned and prepared a successful and major SEE inter-parliamentary conference, held in Sarajevo in October 2003. In addition, numerous discussions and consultations were held

with the local parliaments and other local and international parliamentary support initiatives, which concluded that it would be prudent for the ODIHR to address the above objectives through parliamentary support programmes. This would augment, at a regional level, parliamentary support programmes ongoing in SEE. Parliamentarians in SEE have throughout this process and at the OSCE Conference in Sarajevo in October 2003 (on The Role of Parliaments in Human and Economic Development in SEE), urged the ODIHR to pursue and facilitate further work and regional co-operation in this regard.

### **Approach**

The programme will use both local and regional workshops, meetings and conferences to ensure that the exchange of information, lessons learned and best practices amongst both international partners and local target groups are facilitated, as well as to identify crucial needs and problems at both institutional and regional levels. External ODIHR experts will be used in conjunction with internal ODIHR expertise for training and capacity building, assessments, advice and recommendations where relevant. The programme will address regional dimensions, as well as specific national and local needs in close collaboration with parliamentarians and other local and international partners.

**Timeframe:** 2004 - 2006

<p style="text-align: center;"><b>REGIONAL: SOUTHEAST EUROPE</b> <b>PROGRAMME FOR STRENGTHENING DEMOCRATIC AND HUMAN RIGHTS INSTITUTIONS IN</b> <b>SOUTHEAST EUROPE</b> <b>LOCAL DEMOCRACY AND CROSS-BORDER CO-OPERATION</b></p>
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### **Objectives**

- To support exchange of lessons learned and expertise in key areas of local self-government between partners in the region, EU, Central and East Europe;
- To support local training programs and assistance in key areas for local authorities in order to meet future demands and challenges, given the long term prospect of European integration,
- To help enhance capacity of local self-governments and their Associations by advising on issues related to de-centralisation, relationship with central authorities and the international community;
- To facilitate assistance in legislative reforms and their implementation at national and local levels;
- To promote good practice in cross-border co-operation between local and regional authorities in the border regions of SEE;
- To evaluate, compare and consolidate lessons learned, “tools” and best practices in institution building programmes on local self-government of partners in the region.

### **Background**

The ODIHR has been requested by the Stability Pact for SEE to be a substantive member of the High level Steering Committee on Local Democracy and Cross-border co-operation, its core group, and to support the implementation of activities furthering this core Stability Pact objective in SEE. Other important partners are the Congress of Local and Regional Authorities of Europe, Council of Europe, Open Society Institute, East West Institute and the Westminster Foundation.

One of the reasons for the Stability Pact to select Local Democracy and Cross-border Co-operation as one of its six core objectives is because these are pre-requisites for further democratisation and stabilisation of Southeast Europe. Any sustainable and strong democracy must be built from the “bottom-up” and include vertical and horizontal co-operation, including across regional and national borders. Long-term processes leading to regional development, cross-border co-operation or even inter-ethnic reconciliation can only be filled with content on the level where people face daily needs and challenges.

Cross-border co-operation as a means of reconciliation proved to be an important tool for the integration process in Europe after World War II. Within SEE there are some border regions, which have already taken first steps towards intensifying cross-border co-operation and, at the same time, institutionalising it through the establishment of e.g. Euro-regions. This new dynamism needs to be supported by the international community.

In all countries of the region difficult processes of de-centralisation, good governance and broader local democracy issues are ongoing and the OSCE and ODIHR are working

extensively on the same. Therefore, and as mentioned above, the ODIHR has been in extensive consultations and discussions with partners, including the OSCE Missions in SEE, on local democracy issues and cross border co-operation and is well placed to help achieve the above objectives.

Moreover, as a noteworthy example, an ODIHR expert assessment on crisis management was implemented during the fall of 2002 in the former Yugoslav Republic of Macedonia. The objectives of the assessment were to support the ongoing decentralisation process, institution building, good governance and a new public safety concept in that country. Five Ministries in Skopje (including the Ministry for local self-government), as well as local authorities in the regions of Ohrid, Gostivar and Veles were consulted and took part in the work and/or assessment. During these consultations, recommendations were made with regard to local democracy issues and that the ODIHR should further focus on those issues, using the specific experiences gained in Skopje and elsewhere in the region.

### **Approach**

The programme will use an inclusive and interactive approach, where local ownership will be important and self-sustainability crucial. The methods will range from awareness raising (e.g. news media and support of relevant publications), to capacity building, expert advice and follow-up monitoring. The programme will use both local and regional workshops, meetings and conferences to ensure the exchange of information, lessons learned and best practices amongst both international partners and local target groups are facilitated, as well as identify crucial needs and problems at both institutional and regional levels.

**Timeframe:** 2004 - 2006

<p style="text-align: center;"><b>REGIONAL: SOUTHEAST EUROPE</b> <b>PROGRAMME FOR STRENGTHENING DEMOCRATIC AND HUMAN RIGHTS INSTITUTIONS IN</b> <b>SOUTHEAST EUROPE</b> <b>SUPPORT TO THE OMBUDSPERSON INSTITUTIONS</b></p>
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**Objective**

- Enhance viable and independent Ombudsperson Institutions in Southeast Europe

**Background**

Over the past years, the ODIHR and OSCE Missions in the region assisted with the development of the legal framework and training of the staff of Ombudsperson institutions such as those in Serbia, Montenegro, Albania, Croatia, Bosnia and Herzegovina and the former Yugoslav Republic of Macedonia. In doing so, the ODIHR gained considerable experience regarding the particular situation of Ombudsperson institutions in transitional societies.

A continuation of assistance to the Ombudsperson institutions, whether already established or yet to be established, in the SEE countries is needed. With regard to the EU accession process, the requirement to have incorporated an Ombudsperson institution and its acceptance and professional functioning in SEE societies is crucial. Although countries like Albania have been successful in establishing such an institution, they continue to require expert advice and support. In other countries, like Serbia, the process of establishing the national Ombudsman is still in the lawmaking phase. The Ombudsperson institutions already established in the region face common and similar problems like outreach and impact on the government.

The ODIHR has also undertaken training and expert assessments such as the one on the Ombudsperson Institution in Croatia, which was followed up with a high level round-table where the report was discussed and further recommendations were made.

**Approach**

While complementing ongoing activities in SEE, wherever possible the ODIHR will assist the governments in Southeast Europe in the establishment and/or enhancement of their Ombudsperson institutions. Awareness raising activities among target groups dealing with these Institutions will be supported. A regional approach is taken to provide a forum for Ombudspersons from SEE to discuss a joint and co-ordinated approach to regional and cross-border problems. This platform enables the Ombudsperson institutions to address themes of interest for all Institutions in the region, to enhance co-operation, to assess developments in time and establish mechanisms for exchanging best practices and information sharing. The distinct needs of individual participating countries will be addressed through different activities and may include legislative review of (draft) laws, study visits to Institutions inside or outside the SEE region, expert advice and analyses. The outcome of individual assistance will be, as far as possible, made available to other Ombudsperson institutions of the target countries.

**Timeframe:** 2004 - 2006



## **PROGRAMME OUTLINE**

### **1. Programme Information**

#### **LEGISLATION REFORM ASSISTANCE PROGRAMME**

##### **Location:**

Central Asia (Tajikistan, Uzbekistan, Kazakhstan, Kyrgyzstan); Caucasus (Georgia, Azerbaijan, Armenia); Southeast Europe (Albania, Bosnia & Herzegovina, Bulgaria, Croatia, the former Yugoslav Republic of Macedonia, Moldova, Romania, Serbia and Montenegro).

##### **Summary:**

###### goals

In the areas of law addressed in OSCE human dimension commitments, the programme aims at assisting OSCE participating States to bring their legal frameworks into conformity with their international obligations, including OSCE commitments. Another goal is to assist OSCE participating States in their efforts to ensure that legislation is formulated and adopted as the result of an open and transparent process.

###### target groups

The target groups will include legislators, namely government officials in relevant ministerial State bodies or ministerial departments, or parliamentarians (including the relevant parliamentary committees and other bodies), and civil society. Other target groups include law professionals, national human rights institutions and Ombudsman offices.

###### main activities

- assessment of key draft legislation and new legislation, drawing attention to any shortcoming in those laws with respect to OSCE human dimension commitments and other international standards, and providing recommendations and "best practices" in order to remedy these shortcomings;
- supporting law reform by assisting governments in reviewing, upon request, new or key draft laws, and helping ensure that legislative reforms are conducted in a consistent and transparent manner;
- fostering access to law (including a broader sense of information about legislation, not only the official publication) and legislative communication, encouraging public discussion on legislative developments and new legislation, stimulating input from civil society into the legislative process.

- further development of Legislationline as a tool for law reform .

**Objectives:**

- To assist legislators to bring their legal frameworks in line with international obligations, including OSCE human dimension commitments;
- To assist OSCE participating States in their efforts to ensure that legislation is formulated and adopted as the result of an open and transparent process.

**Justification:**

Governments of the target regions for this programme are often insufficiently aware of the requirements of international treaties they have ratified and of relevant OSCE commitments. ODIHR's experience over the last several years has frequently revealed shortcomings in the proper interpretation of international human rights norms. Incorporating relevant international instruments into domestic legal systems is still problematic on several accounts, one being the legal doctrine, which has prevailed over judicial and legal practices for more than fifty years.

In these target countries, legislators also operate in a narrow legal space, often relying on a few unreliable precedents. Moreover, a formalistic approach to law drafting still prevails, which is detrimental to the effective implementation of laws. Preparing legislation in compliance with international treaties often has implications that unavoidably radiate throughout the whole legal system. This in turn, requires screening a broader spectrum of legislation and carefully looking at mutual provisions. Therefore, it is essential that the overall coherence of the legal system is taken into account when considering new legislation. This speaks for broader consultations (involving specialists from different fields, law professionals, etc) than the institutional framework has usually allowed for. It is equally important that laws and regulations are published, "that being the condition for their applicability" (paragraph 5.8, Copenhagen conclusion), and made accessible to everyone.

Legislation is often developed behind closed doors in a number of the countries targeted by this programme, without any public input. At the same time the quality and the openness of the law drafting process is critical to a sound assessment of legislation before enactment and proper implementation once enacted. Further, this legislation is often drafted and adopted according to a tight political timeframe. Requests for legislative review often come with little time for either a review to be conducted, or for its results to have an impact on the draft legislation (as subsequent readings in Parliament may have already taken place).

The work of legislators and their legislative staff is further impeded by the scarcity of legal resources available. These constraints are compounded with the fact that most governments of the region are now faced with new challenges that require new legislation in interdisciplinary or crosscutting areas of law (involving several components of the legal system, having a multinational/trans-national dimension, etc) where there are no or poor precedents and little to no experience.

The primary target groups are legislators, namely government officials in relevant State bodies or ministerial departments, or parliamentarians (including the relevant parliamentary committees and other bodies) and civil society. Other target groups include law professionals, national human rights institutions and Ombudsman offices.

Proper legal texts are a prerequisite for a legal system to function. In order to achieve this, it is crucial to develop activities specifically aimed at assisting legislators in the most concrete (through reviews or ex ante evaluation of legislation) and constructive fashions (by suggesting positive examples from other jurisdictions). The proposed legislative assistance scheme addresses legislators' needs on several counts: by providing access to international standards and other countries' legislation in a user-friendly manner; by offering expertise on short notice in the most flexible manner (the reviews are not part of a comprehensive screening framework, and thus can be used as needed, in response to "emergencies").

The planned activities target legislators in the broad meaning of this concept. One of the objectives pursued is to have other groups, the civil society on the one hand and law professionals on the other hand involved together in the law drafting process. The reason for this approach is the key role such consultations can play in promoting the adoption of laws tailored to the actual needs of the society (or the groups targeted by the planned legislation), and reflecting a consensus on the goals pursued and the means used to this end. Ultimately, the more open and transparent the process the better the likelihood of a proper enforcement of the texts adopted.

In order to ease the work of legislators, it is crucial to have assistance schemes focused on activities that open the legal space in which they operate by providing them with "good practices" from foreign jurisdictions and legal guidance as to the interpretation of international instruments. While providing legal expertise is essential, it is equally important to ensure that legislation is formulated and adopted as the result of an open process involving the civil society at large. Even the "best" laws may fail through a lack of prior consultations and preparations.

**Approach:**

Responsiveness on "emergencies" is a distinctive trait of this on-going ODIHR programme which first began in 1999. However, over time, the steady stream of requests and need for legislative assistance has prompted the development of a more systematised approach to legislative review. Timeliness is important to ensure that legislative reviews can be taken into consideration by Parliaments. OSCE Field Missions will be asked to continue to identify priority draft laws for review. The ODIHR will also rely on other sources of legal information to ease access to legislation (and translation thereof) and local expertise. The ODIHR's capacity to monitor legislative developments will be further enhanced. The current pool of legislative review experts will be augmented and stand ready to review laws whenever the need arises. Terms of reference for experts will be further adapted to the exigencies of their tasks and standardised in order to avoid delays while securing that all experts work along the same lines. Their work will be supervised by the ODIHR and will

receive assistance such as materials and sample legislation (that can serve as source of inspiration).

Encouraging inclusive legislative procedures and consensus-driven law reform: More attention needs to be given to the conditions under which new legislation is prepared and adopted. There is a need to develop domestic mechanisms to evaluate legislation prior to its adoption and to monitor its implementation once it is adopted. Whenever appropriate, in reviewing laws according to international standards, the ODIHR will encourage the establishment or improvement of such mechanisms. In particular, the ODIHR may raise awareness on issues such as ex ante and ex post evaluation of laws, consolidation of laws, consistency with the constitutional framework, regular reporting on implementation of laws, publication of laws and information about laws. Broadly speaking, the ODIHR will draw attention to the comprehensiveness of legislative reform; incorporating international standards may have implications across the whole legal system; these implications require specific legislative drafting techniques, but also broader consultations. The effective implementation of laws largely depends on whether and how thoroughly these issues are addressed.

Access to law: Especially in areas where there are no or poor domestic precedents, legislators need to be posted on similar legislative developments in other countries. This also applies to ODIHR experts. Their work can be greatly facilitated by having access not to one, but to a wide range of legislative options. Since 2000, the ODIHR has developed a legislative data-base that fulfils this function. Legislationline also contains the relevant international standards. The programme aims to mobilise and develop this data-base for the purpose of legislative reforms by offering a broader access to law, by publishing legislative reviews commissioned by the ODIHR and other organisations and by including working documentation (handbooks on "best practices", a manual on law drafting techniques, etc) to assist experts, law professionals and NGOs to assess legislation and for law makers to develop new legislation.

Furthermore, a pattern observed in several OSCE participating States is the lack of information about domestic laws. The State obligation to have all new laws published is not sufficient in itself. Citizens need to be made aware of these laws. There are several ways to achieve a proper level of information. In reviewing laws and supporting public discussion of laws, the ODIHR will encourage domestic efforts aimed at filling the gap between lawmakers and law users.

Constructive comments/recommendations: In reviewing legislation, the ODIHR will draw attention to shortcomings, but it will also provide suggestions or recommendations on how to remedy these shortcomings. To this end, the ODIHR will make full use of its legislative database, which does not provide ready-made solutions, but options that can be adapted and used in other countries. These options are "good practices", not "model legislation". This approach distances itself from any form of "legal chauvinism" by suggesting examples drawn from a wide range of foreign jurisdictions.

Consistency: In reviewing domestic legislation, one problem faced by many international organisations is the lack of consistency arising out of the variety of experts asked to review laws. This may ultimately lead to the risk of applying, or being accused of applying, "double standards". The ODIHR will develop a uniform style and structure for review reports. In addition, experts will be provided with methodological guidelines (based on the experience gained hitherto) that set out the scope of international standards to be relied upon for the reviews.

All activities will be implemented in close co-ordination with relevant ODIHR Units or Sections (depending on the subject matter under consideration).

For member States of the Council of Europe, all activities will be co-ordinated with the Council of Europe's relevant departments. No review will be conducted without prior consultation of the Council of Europe's relevant department.

A Legislation Support Unit is expected to be created beginning in 2004. When this new Unit comes into existence it is anticipated that this programme will be transferred to that Unit for implementation. Otherwise, it will remain under the Rule of Law Unit.

As an intergovernmental organisation, the ODIHR has a unique role to play when it comes to legal reviews and public discussion of laws. First, it is in a unique position to foster dialogue between government and NGOs. Second, it has a recognised expertise in promoting "good practices" in the field of legislative reforms with respect to human dimension issues.

The Council of Europe has developed over the years a range of legal and political monitoring procedures that cover most of the areas addressed in the OSCE human dimension commitments. This programme departs from such a comprehensive monitoring system by a focus on the following facets:

- expert advice delivered (a) promptly, (b) on specific issues/laws and (c) on short notice;
- promoting dialogue between governments, parliamentarians and the civil society;
- empowering legislators by providing them with "good practices" and broadening the legal space in which they operate (access to legislation from other countries as a potential source of inspiration for their work);
- drawing more attention to the conditions under which legislation is prepared and adopted (broader consultations, institutional framework, comprehensiveness of legislative reforms, etc).

Instead of a comprehensive monitoring system aimed at guaranteeing the conformity of the legislation to international standards, this programme proposes a flexible but standardised approach to law reviews (with a focus on practical solutions and "good practices"). This is combined with an early warning legislation-initiative and a monitoring mechanism allowing for prompt responses on requests made on short notice. Furthermore, this methodology takes advantage of the ODIHR's comprehensive legislative clearing-house

(Legislationline.org), which provides quick comparative information categorised in a unique manner.

This approach is specifically intended to be complementary to the co-operation programmes and the thematic monitoring system developed by the Council of Europe.

The ODIHR utilises standards monitoring techniques for all programmes. The ODIHR constantly reviews the progress of each activity and makes adjustments to address changes which may affect implementation of the programme.

### **Description of activities:**

- Providing access to relevant international standards and domestic legislation of OSCE countries (through the ODIHR Legislative data-base - [www.legislationline.org](http://www.legislationline.org)): the ODIHR has developed a web-based resource providing access to a wide range of legal data. The programme aims to mobilise and develop the data-base for the purpose of legislative reforms;
- Monitoring of legislative developments throughout the OSCE region to be conducted by ODIHR (relying on Legislationline's legal monitoring mechanism), the OSCE field missions, NGOs, etc.
- Selected new or draft laws with key relevance to OSCE human dimension commitments will be reviewed;
- Whenever appropriate, in reviewing laws according to international standards, the ODIHR may raise the knowledge and awareness of these standards domestically, particularly with regard to the concept of limitation clauses. The ODIHR may also encourage the development of domestic mechanisms to evaluate legislation prior to its adoption and to monitor its implementation once it is adopted. The ODIHR may raise awareness on other issues such as consolidation of laws, consistency with the constitutional framework, regular reporting on implementation of laws, publication of laws and information about laws, etc.
- Strengthening the public discussion on legislative developments, the ODIHR will when possible present findings of reviews in NGO-government meetings, public roundtables and other public forums

## **2. Expected results**

### **Estimated impact on target groups:**

- to assist in bringing a number of key pieces of legislation in line with the relevant international standards, including OSCE commitments;
- to provide timely assistance, thereby allowing for timely revisions prior to subsequent Parliamentary votes;
- to facilitate the incorporation of international human rights instruments into domestic laws (where relevant) and to ensure that this is performed through efficient, inclusive and consistent legislative procedures;
- to encourage that key pieces of legislation are formulated and adopted through an open and transparent process, that they are published and that sufficient information about their content and their implementation is supplied to law users at large.

**Publications and other material outputs:**

As a rule, all law reviews commissioned by the ODIHR in the course of the project implementation will be published and posted on Legislationline.org.

**Multiplier effects:**

By nature, this programme can be replicated in other areas of law. With regard to law reviews specifically, their scope, format and style will be rationalised in order to facilitate the work of experts asked to review legislation and to have all reports consistent and comparable. Additionally, all efforts will be made to ensure that experts provide analyses that rely on the same standards and apply the same methodology; to this end, their terms of reference will be standardised and more detailed. These steps are specifically aimed at paving the way towards a long-term strategy beyond the time limit of this programme.

Once these steps are performed, it will be possible to replicate similar activities in other areas. One important aspect of the programme is to establish an "institutional memory" and thus a sense of continuity for all the planned activities.

**Sustainability:**

The ODIHR programmes seek to achieve a maximum sustainability through activities proposed, particularly at the policy and institutional levels. Therefore a programme approach has been chosen to ensure a longer-term perspective including a monitoring component.

<b>REGIONAL: CAUCASUS</b> <b>LEGISLATION REFORM ASSISTANCE PROGRAMME</b> <b>LEGISLATION ALERT AND ASSISTANCE PROJECT: CAUCASUS</b>
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### **Objectives**

- To monitor the development of new legislation in relation to the Human Dimension of the OSCE, in particular in three Caucasian States;
- To review key draft laws and new key legislation, to draw attention to any shortcomings in those laws with respect to OSCE Human Dimension Commitments and other international standards and to suggest "good practices"/legislative options from other domestic jurisdictions;
- To encourage discussion of legislative developments, new legislation, draft laws in public meetings, in order to develop and strengthen consultation with the public and to increase input from civil society into the legislative process; to promote legislative transparency in the law drafting process.

### **Background**

Proper legal texts are a necessary prerequisite for a legal system to function. It is important to draw the attention to shortcomings of laws at an early stage, preferably when they are still in draft form. At later stages it is more difficult for governments to deal with such laws, as deficient practices may already have developed. Reviewing draft laws at an early stage performs also an early warning function for human rights sensitive issues.

Governments of the region are often insufficiently aware of the requirements of international treaties they have ratified and of relevant OSCE commitments. The ODIHR's experience over the last several years has frequently revealed shortcomings in the proper interpretation of international human rights norms. This applies in particular to the implementation of the narrowly defined limitation clauses in human rights treaties, which is of great practical importance. In addition, legislation is often developed without public input. Increased public consultation helps governments to assess legislative efforts before enactment. Governments are often interested in having laws positively assessed by the ODIHR.

### **Approach**

- Monitoring of legislative activities in the countries of the OSCE and in particular the Caucasus, to be conducted by ODIHR, the OSCE Field Missions, NGOs and others. The OSCE Field Missions will be asked to identify draft laws for review; other local sources will also be solicited. The legal monitoring component of the ODIHR legislative database will be further developed in order to enhance the ODIHR's capacity in this regard;
- Selected laws with key relevance to OSCE Human Dimension Commitments, including laws with any possible adverse impact on the situation of women, will be reviewed. The ODIHR has developed a uniform style for review reports. The Rule of Law Unit works with a pool of experts, who would stand ready to review laws, whenever the need arises;

- In reviewing laws according to international standards, the ODIHR can raise the knowledge and awareness of these standards domestically, particularly in regards to the concept of limitation clauses;
- To strengthen public discourse on legislative developments, the ODIHR will when possible present findings of reviews in NGO-government meetings, public roundtables and other public forums.

This project will be implemented in close co-ordination with the Council of Europe.

**Timeframe:** 2004 - 2005

<b>REGIONAL: CENTRAL ASIA</b> <b>LEGISLATION REFORM ASSISTANCE PROGRAMME</b> <b>LEGISLATION ALERT AND ASSISTANCE PROJECT: CENTRAL ASIA</b>
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**Objectives**

- To monitor the development of selected new legislation in Central Asia in relation to the Human Dimension of the OSCE;
- To review draft key laws and new key legislation, to draw the attention to any shortcomings of those laws with respect to OSCE Human Dimension Commitments and other international standards and to suggest "good practices"/legislative options from other domestic jurisdictions;
- To discuss legislative developments, new legislation, draft laws in public meetings, in order to strengthen consultations with the public and to increase input from civil society in drafting legislation; to promote legislative transparency in the law drafting process.

**Background**

ODIHR has been conducting reviews of legal texts for the last three years through this project. It has proved to be very useful in allowing ODIHR and the Missions in Central Asia to react quickly to requests for review and has resulted in many of the experts' suggestions being incorporated in the final version of the laws. Several laws were also withdrawn from consideration as a result of ODIHR reviews.

**Approach**

The project has three aspects:

- (a) Monitoring of legislative activities in the countries of Central Asia, to be conducted by ODIHR, the OSCE Field Missions, NGOs and others. OSCE Field Missions will be asked to identify draft laws that should be reviewed.
- (b) Selected laws with key relevance for the OSCE Human Dimension commitments, including laws with possible adverse impact on the situation of women, will be reviewed. The ODIHR will develop a uniform style for the review reports. The Rule of Law Unit works with a pool of experts, who stand ready to review laws, whenever the need arises.
- (c) To strengthen public discourse on legislative developments, the ODIHR will when possible present findings of reviews in NGO-government meetings, public roundtables, and other venues.

Laws reviewed in the last three years included draft laws on terrorism, freedom of assembly, equal opportunities, local self-government, freedom of religion, prosecutors, status of judges, rights of children and public discussion of draft laws.

**Timeframe:** 2004 - 2005

<p style="text-align:center"><b>REGIONAL: CENTRAL ASIA</b> <b>LEGISLATION REFORM ASSISTANCE PROGRAMME</b> <b>LEGISLATIVE REFORM ASSISTANCE PROJECT – CENTRAL ASIA</b></p>
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### **Objectives**

- To assist the Governments of Kyrgyzstan, Kazakhstan, Tajikistan and Uzbekistan in reviewing their domestic laws and bringing such laws into conformity with international standards, as contained in human rights instruments ratified by the government, and OSCE commitments;
- To contribute to the establishment of mechanisms to monitor the implementation of domestic laws as they apply to international standards;
- to promote legislative transparency in the law drafting process; to encourage inclusive legislative procedures and consensus-driven legislative reform.

### **Background**

Following the signing of Memoranda of Understanding between the ODIHR and Central Asian governments of Kazakhstan, Kyrgyzstan, Tajikistan, Uzbekistan, the ODIHR initiated in 1999/2000 legislative reform assistance projects with regard to international treaties to be ratified by these countries in 2001. This was based on consultations with high-ranking governmental delegations that identified a need for assistance in the review of domestic legislation to ensure its compatibility with international standards.

In 1999/2000, a review was undertaken with regard to the United Nations Convention Against Torture (UNCAT) and the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) in Kyrgyzstan and Kazakhstan. In late 2002, the ODIHR initiated discussions with the Kyrgyz Ministry of Justice on a list of joint proposals.

In 2001 and 2002, the ODIHR has implemented several activities designed to facilitate a public discussion of its legislative review related to the International Covenant on Civil and Political Rights (ICCPR) in Tajikistan. The ODIHR also supported a legislative review and reporting training seminars on the CEDAW.

A number of Central Asian countries are in the process of wide-ranging legislative reform. In Kyrgyzstan, following the constitutional changes in 2003, each code is under revision. During 2003 Tajikistan has also been in the process of criminal code revisions. It remains to be seen how open either country will be to international assistance in these code revision processes.

### **Approach:**

- Identification by OSCE field Missions of priority draft laws for review;
- Co-operation with local legal experts and other sources of legal information in order to access background legal materials, draft legislation and translations thereof;
- Co-operation with a network of legal experts for the conducting of legal reviews together with the ODIHR when required;

- Ensuring consistency and quality in the legislative review process;
- Development of domestic mechanisms to evaluate legislation prior to its adoption and to monitor implementation once adopted, with particular emphasis on those mechanisms which enable inclusive legislative procedures and consensus –driven reform through the involvement of civil society.

**Timeframe:** 2004 - 2005

**REGIONAL: SOUTH EASTERN EUROPE**  
**LEGISLATION REFORM ASSISTANCE PROGRAMME**  
**LEGISLATION ALERT AND ASSISTANCE PROJECT: SEE**

**Objectives**

- To monitor the development of selected new legislation in South East Europe (SEE) in relation to the Human Dimension of the OSCE;
- To review draft key laws and new key legislation, to draw the attention to any shortcomings of those laws with respect to OSCE Human Dimension Commitments and other international standards and to suggest "good practices"/legislative options from other domestic jurisdictions;
- To discuss legislative developments, new legislation, draft laws in public meetings, in order to strengthen consultations with the public ; to increase input from civil society in drafting legislation; and to promote legislative transparency in the law drafting process.

**Background**

The ODIHR has been conducting reviews of legal texts for the last three years through several thematic projects. It has proved to be very useful in allowing ODIHR and the Missions in SEE to react quickly to requests for review and has resulted in many of the experts' suggestions being incorporated in the final version of the laws.

**Approach**

The project has three aspects:

- (a) Monitoring of legislative activities in SEE countries to be conducted by ODIHR, the OSCE Field Missions, NGOs and others. OSCE Field Missions will be asked to identify draft laws that should be reviewed.
- (a) Selected laws with key relevance for the OSCE Human Dimension commitments will be reviewed. The ODIHR will develop a uniform style for the review reports. The Rule of Law Unit works with a pool of experts, who stand ready to review laws, whenever the need arises.
- (c) To strengthen public discourse on legislative developments, the ODIHR will when possible present findings of reviews in NGO-government meetings, roundtables, and other public fora.

This project will be implemented in close co-ordination with the Council of Europe.

**Timeframe:** 2004 - 2005

**REGIONAL: OSCE REGION**  
**LEGISLATION REFORM ASSISTANCE PROGRAMME**  
**LEGISLATIVE CLEARING-HOUSE**

### **Objectives**

*Legislationline.org* aims to assist lawmakers throughout the OSCE region in preparing and drafting legislation consistent with the international human rights standards, including the OSCE human dimension commitments. More specifically, its purpose is to:

- provide quick access to legislative options from other countries as well as the relevant international human rights standards, thereby broadening the legal space in which legislators usually operate;
- provide a tool for following legislative developments throughout the OSCE region in areas of law addressed on the site;
- serve as a clearing-house for sharing information on legislative developments, assessments of legislation and legislative assistance needs;
- assist in building or enhancing domestic capabilities to conduct or support legislative reform and facilitate exchange of information, experiences and good practices among legislators and other actors, including NGOs.

### **Background**

*Legislationline.org* is an outgrowth of the "Regional Legislative Web-site for South Eastern Europe", a free-of-charge online service initiated in October 2000. The website was first launched in March 2001. Since 2002, it includes legislation on thirteen areas: Trafficking in Human Beings , Elections, Citizenship , Roma and Sinti, NGO, Prison Service, Migration, Death Penalty, Terrorism issues, Gender issues, Police, Independence of the Judiciary, Fair Trial [Work on the three first listed topics was initiated in 2000; work on the remaining topics was initiated in 2002].

### **Approach**

From 2004 onward, *Legislationline.org* will be an integral part of the OSCE ODIHR legislative reform assistance programme. This will be effected through a variety of measures all aimed at making the database instrumental in the implementation of the legislative reform assistance programme. Emphasis will be on increasing the interactivity of the database and developing it further as a tool for sharing information and experiences. More than a reference tool, *Legislationline.org* is to grow into a *legislative clearing-house* of legislation and legislative reform taking place within the whole OSCE region<sup>1</sup> with the following objectives:

- providing tools for reviewing, and helping to review, compliance of domestic legislation with international standards;
- assisting OSCE participating States in meeting their reporting requirements under international human rights treaties;
- highlighting "good legislative practices";

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<sup>1</sup> Under the current ODIHR-EC agreement, the database is specifically defined as a tool for legislators in South Eastern Europe. Nevertheless, the data available on the site originate from the whole OSCE region.

- improving the access to law;
- facilitating information and experience sharing in connection with legislative processes;
- promoting transparency and openness in the legislative process;
- encouraging input from civil society and strengthening their advocacy capacity in connection with legislative reforms.

## **Activities**

### **1. Legislative alert online service**

A *legislative alert online service* will be set up on the site. This service will take the form of two distinct email lists. Exchange and discussion on these lists will address human dimension issues exclusively; priority will go to those issues covered by the site. Access to the lists will be granted upon request.

a) The first group will aim at facilitating information and experience sharing among law practitioners, law drafters as well as national and international legal experts. It is expected that this group will contribute to channelling, and providing input in response to, requests for legislative assistance. In particular, the list will be used:

- to notify events, new or draft legislation or the latest international legal developments;
- to discuss ongoing reform processes and other related issues;
- to share information and experience that may be helpful in addressing issues subject to legislative reform;
- to help relay requests for legislative assistance and capture input in response to such requests.

The OSCE ODIHR team responsible for the site will moderate the forum.

b) Alongside, an online discussion forum will:

- permit informal opinion exchange between NGOs on planned, draft and endorsed legislation;
- facilitate dialogue in civil society on matters of legislative reform and bring to the attention concerns arising out of legislative developments affecting human rights and the rule of law;
- promote legislative transparency and contribute to improve NGO's advocacy work in the field of legislative reform;
- keep up with the latest legislative developments throughout the OSCE region;
- enable to circulate legislative alerts drawing attention to matters of concern and asking for inputs from group members.

The exchange will primarily involve staff members from international and local non governmental organizations as well as national and international experts on the issues addressed on the site. It will also be open to personnel from OSCE missions, OSCE institutions and other inter-governmental organizations as well as *Legislationline.org*

subscribers<sup>2</sup>. *Legislationline.org* national correspondents<sup>3</sup> will be invited to contribute and exchange on the forum.

The forum will also provide the feedback requisite to continually shape the site to emerging human rights issues and needs of users. It will also be used to help design and prepare follow-up measures on OSCE ODIHR reviews and recommendations contained therein. The OSCE ODIHR team responsible for the site will moderate the forum.

c) Whenever the need arises, separate online panels may be formed for a limited period of time. These panels will include a limited number of participants from both civil society and governmental circles. The purpose will be to collect views, suggestions and recommendations on the matter under consideration. Focus will be on sharing know-how on specific issues and law drafting techniques, offering expertise, highlighting "good practices" and gathering comments that may help legislators in their work. The outcome of the discussions will be put together in the form of reports to be published online.

The legislative alert online service and its subdivisions will be continuously tailored to the audience taking into account emerging trends and feedback from group members. Further steps such as subdivisions in thematic sub-groups might be considered.

## **2. Legislative Reform Information Service**

*Legislationline.org* hosts a news service since May 2002. This service is provided free-of-charge. It displays headlines on legislative developments throughout the OSCE region, including constitutional reforms, as well as developments in international human rights law (new treaties or protocols, ratification by States, summaries of significant human rights cases before the ECHR and other Courts, etc). However critical this service has proved in many respects (increased access to the site, instrumental in updating the site, etc), further steps need to be performed. The ODIHR legislative reform assistance projects have so far heavily relied on information provided or collected on an ad hoc basis. Access to law and legislative agendas in recipient countries is far too limited. ODIHR responsiveness on requests for assistance has often been hampered by the scarcity of legal information available as well as the difficulties in obtaining that information locally. The current news service can only be one segment of a broader strategy.

In 2004-2005, this strategy will include the following components:

- an informal network of local experts will be established in the countries and regions targeted by the OSCE ODIHR legislative reform assistance programme (Central Asia, Caucasus, South Eastern Europe). This network will be expected to fulfill the following functions: 1) assist in gathering information on legislative reforms 2) whenever possible, contribute to the discussions on the legislative alert online service 3) keep the site updated and operate as an informal 'watchdog' on planned and ongoing reforms 4) provide input on draft reviews commissioned by the OSCE ODIHR, in particular with a view to contextualize the observations and recommendations

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<sup>2</sup> The group of subscribers to *Legislationline.org* is mainly constituted of OSCE Mission members, employees of other international organizations, government officials and scholars.

<sup>3</sup> A network of governmental experts serving as national focal points for the database. At the time of writing, 28 national correspondents to *Legislationline.org* have been appointed by their respective government authorities.

contained in the draft reports; [experts identified will be asked to volunteer for accomplishing these tasks; remuneration will solely be afforded for their work on reviews];

- the range of sources of information relied upon for the news service will be extended;
- the existing network of 'national correspondents' in ministries of justice, ministries of interior and ministries of foreign affairs will be strengthened;
- interlocutors in national parliaments ready to assist in collecting more information about parliamentary procedures as well as legislative processes and agendas will be identified.

### **3. Translation from and into local languages**

Translation from and into local languages has been identified through visits made in the field as a priority for *legislationline.org* in the future. Knowledge of English is not widespread enough for the database to be as widely used as expected. Furthermore, a number of OSCE countries experience difficulties in meeting reporting requirements under international instruments of the Council of Europe and the United Nations by reasons of lack of funds for translations of key framework legislation, but also because of the poor dissemination of translations already available. This is particularly true in South Eastern Europe, which official languages are not official languages of both the United Nations and the Council of Europe. It appears that some of these translations have already been produced, but can not be relied upon for meeting reporting obligations as they would need to be verified in order to be considered official/adequate. Moreover, this had led to some duplication of efforts among the international community.

Given its flexibility and the range of contacts already established in connection with the database, the OSCE ODIHR is ideally placed to play the role of a 'facilitator' by filling the gap described above. Therefore, within the areas of law addressed on *Legislationline.org*, it is proposed to:

- promote the accessibility of translation of domestic legislation, particularly framework legislation, which fall within the scope of the reporting States' obligations under international human rights treaties;
- co-ordinate among the relevant international organizations, the OSCE and its field offices the collection of existing translations as well as their dissemination to both the local authorities and the international community;
- establish a fund, which would permit the translation of domestic legislation as the need arises as well as the 'authenticating' existing translations (as opposed to translating the documents anew).

In selecting legal acts to be considered for translation, priority will go to those texts that are relevant to the activities of the Legislative Support Unit and required from States to meet reporting requirements under international human rights treaties.

Additionally, it is planned to:

- put online (1) consolidated compilations of international human rights standards in local languages [a compilation already exists in *Russian*; a compilation in *Serbo-Croat* is being prepared by OHCHR in B&H and B&H MFA - these standards will be then

further broken down in accordance with *Legislationline.org* structure], (2) official translations of domestic framework legislation (primarily Constitutions, Criminal Codes, Codes of Criminal Codes) along with their original versions;

- prepare and post on *Legislationline.org* thematic legal glossaries providing translations of core legal terms;
- have the main features of the site translated in Russian and Serbo-Croat (including key summaries).

#### **4. Updating and consolidating Legislationline.org**

In the coming two years and beyond, one of the main challenge faced by the OSCE ODIHR with regard to *Legislationline.org* will be to keep it updated. Furthermore, the site needs to be consolidated and enriched with more analyses and summaries, including explanatory notes about modalities of incorporation of international law in domestic law.

The following measures will be implemented throughout 2004-2005:

##### **a. Work re-organization and site policy**

In 2004-2005, the focus will turn to providing access to laws, which are the subject of interest or review by ODIHR, OSCE Missions and other OSCE institutions (as opposed to searching for any law from any country). The site will be updated in connection with the agenda and the work of the Legislative Support Unit. This approach will require some adjustments to the site in order to shed light on those issues and regions holding the attention of the OSCE ODIHR. Further measures will be implemented throughout that period of time:

- ***Partial decentralization within the OSCE ODIHR*** of the workload involved in updating the site will be considered. Initial steps in this direction have been made in the second half of 2003, but the process will be intensified and consolidated in 2004 in order to alleviate the workload at the level of the Legislative Support Unit. Specific arrangements will be sought on a case-by-case basis.
- Another measure will be to use ***interns for updating the site***. For each topic, one intern will be tasked to collect, compile and process data. (S)he will be employed and hosted by an international body specialist in the topic in question (e.g. law faculty, institute, specialized NGO). Interns will preferably be selected from among law students at an advanced stage of their studies . They will work part-time under the supervision of the ODIHR. They will receive a stipend for their work.
- The ***network of local experts*** (described above) will also be asked to contribute to keep the site updated.
- ***National correspondents*** will continue to be regularly solicited to review and update the database.
- Finally, ***the site will be reorganized***. Given the overlaps observed between several topics, thematic sections will be merged in broader categories. This will not affect the navigational system, but will enable users to have an overview of how these topics relate to one another. This will also improve the organization of the team work as well as the management of the workflow process since the workload assigned to each team member will be thematically more consistent.

Should the need arise, new topics may be added to *Legislationline.org*. Such additions will have to go through a separate project proposal requiring extra funding. Furthermore, whenever a decision is made to expand the thematic scope of *Legislationline.org*, partnering with another organization will be given priority.

**b. Online publication of legislative reviews**

From 2004 onward, all reviews completed by the ODIHR, OSCE Missions and other organizations will be published on the site upon prior authorisation. They will be arranged in such a way that users will be able to search them through distinct sections of the site.

**c. More expertise**

Data posted on the site need to be put in context. Background legal information as well as summaries and analyses of legislation are key to achieving the objectives assigned to the site. Ten experts have been mobilized throughout 2002-2003 to prepare detailed analyses of legislation along with explanatory thematic notes. This is however not sufficient and more efforts are needed not only to complement the existing amount of information on the site, but to make sure that this information is updated in the coming two years. More expertise will have to be sub-contracted over that period of time. An assessment of the amount of expertise needed in 2004-2005 has been made. It is crucial to retain some flexibility in contracting that expertise, which has led to a type of measurement differing from the one used previously.

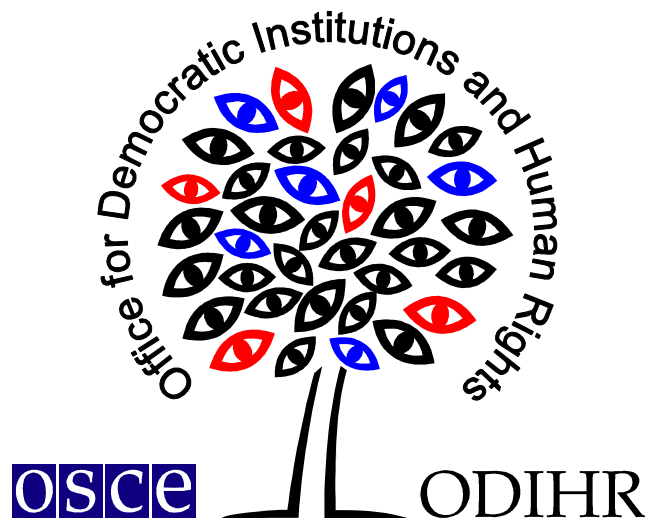
**d. Extranet interface**

An extranet interface will be set up on the site. This interface will be accessible upon request to OSCE ODIHR staff members, OSCE field personnel (working in the 'human dimension' sphere) and other interested OSCE institutions. This tool will be used primarily to collect materials of relevance to the site, but also to share working documentation of mutual interest. The intranet may also serve as a forum for submitting and discussing suggestions on how to improve the site or to adjust to emerging needs. This could also serve as an experimental environment for testing new concepts to be thereafter implemented on the site (e.g. new topics).

The conceptualization of the intranet interface will be done in consultation with OSCE Missions and Institutions. Its functions, modalities and content could also be subject to discussions and consultations at OSCE ODIHR-sponsored regional co-ordination meetings.

**Timeframe**

Throughout 2004-2005



**OSCE ODIHR TECHNICAL ASSISTANCE  
PROGRAMMING**

**2004-2005**

**HUMAN RIGHTS PROMOTION AND PROTECTION**

**Warsaw, 19 December 2003**



## **PROGRAMME OUTLINE**

### **1. Programme Information**

#### **TOLERANCE AND NON-DISCRIMINATION**

*To be carried out in conjunction with the Programmes on Freedom of Religion and Belief and Human Rights Training and Education, and in co-operation with the Co-ordinator on Anti-Terrorism Issues under the theme of preventive action, as well as with other ODIHR and OSCE programmes in the Human Dimension.*

#### **Priority theme addressed:**

- Strengthening the ODIHR's response to the complex problems posed by racism, xenophobia, anti-Semitism and discrimination. Promoting tolerance and non-discrimination as essential features of a common security strategy.

#### **Location:**

OSCE region

#### **Summary:**

##### **goals**

- To affirm the role of tolerance and anti-discrimination in building secure and stable communities in the OSCE region, thereby contributing to the OSCE strategy on common security.
- To increase compliance with OSCE commitments and other international standards on tolerance and non-discrimination.

##### **target groups**

Government authorities, opinion leaders, politicians, religious leaders, the media, academia, and civil society.

##### **main activities**

- To promote tolerance through education – both in formal school education and public awareness raising through the media in participating States;
- To hold regular inter-agency meetings with the major monitoring agencies in the field, such as the EUMC and ECRI, together with the relevant UN mechanisms, as well as NGOs

- To facilitate exchanges of best practices and experience between participating States.
- To analyse the information collected from/provided by participating States.
- To report on the information gathered on a regular basis.
- To strengthen participating States' capacity to gather, compile and publicise incidents (to include manifestations and official responses) of racism, xenophobia, anti-Semitism and discrimination.
- To assist participating States to follow up the work started at the Conference on anti-Semitism in June 2003 and the Conference on Racism, Xenophobia and Discrimination held in September 2003, together with the second conferences to be held in 2004.

**Objectives:**

- To enhance the fulfilment of OSCE commitments on tolerance and non-discrimination.
- To promote wider tolerance education.
- To ensure that all participating States put in place an effective system for monitoring incidents of racism, xenophobia, anti-Semitism and discrimination.

**Justification:**

The promotion of tolerance and non-discrimination is an important aspect of the OSCE's work in building secure and stable communities. Tolerance and non-discrimination are important aspects of the OSCE's multi-Dimensional strategy in addressing threats to security and stability.

Racism, xenophobia, anti-Semitism and discrimination are complex problems, which demand complex responses. A coherent and comprehensive response to these problems requires accurate information. Accordingly, the importance of monitoring these phenomena should not be underestimated.

The anticipated Ministerial Decision on Tolerance and Non-Discrimination will require participating States to intensify efforts to promote and strengthen tolerance and non-discrimination. As an integral part of this, participating States will need to introduce and maintain an official system of gathering, compiling, publicising and reacting to incidents of racism, xenophobia, anti-Semitism and discrimination. This will include keeping detailed information on complaints of racist, xenophobic and anti-Semitic acts, including how such complaints are dealt with and followed-up.

identification of target groups with an estimate of the anticipated direct and indirect beneficiaries

Promotion of tolerance and non-discrimination benefits society at large and not just individuals or groups.

**Approach:**

- To collect, analyse and make public the information provided by participating States
- The collection and compiling of domestic legislation will rely on, and operate consistent to, the methodology used for *Legislationline.org*.
- To report on a regular basis on these issues, in full co-operation with other monitoring agencies in the field, such as the EUMC and ECRI, as well as relevant NGOs.

- To hold periodic inter-agency meetings with the above with a view to share information and to develop improved methodology.

#### reasons for the proposed methodology

OSCE participating States are encouraged to maintain their own official system of gathering, compiling, and publicising incidents of racism, xenophobia, anti-Semitism and discrimination. The ODIHR will function as a clearing house/focal point for this information within the OSCE.

#### procedures for internal evaluation during implementation

- Periodic meetings with other sections of the ODIHR to monitor the Office wide work on this topic.
- Regular meetings with other elements of the OSCE, including HCNM, RFOM, SPMU, ATU and CPC, as well as field missions where appropriate.
- Regular meetings with other actors in this field, together with relevant NGOs.

#### **Description of activities:**

- Assisting participating States in enacting and effectively implementing Anti-Discrimination laws.
- Assisting participating States in improving their criminal law provisions addressing incitement to racial hatred.
- Holding regular inter-agency meeting with other monitoring agencies, such as ECRI and the EUMC, and relevant UN mechanisms.
- The data collected will be put online under a separate section of Legislationline.
- With the assistance of a network of external national and international expert brief summaries will be drafted describing the anti-discrimination legal frameworks in a significant number of OSCE countries (country summaries).
- Comparative overviews of how the same issues are addressed in different domestic jurisdictions and legal systems (thematic summaries) will be produced.
- Upon request, to review, or to assist in reviewing, compliance of specific pieces of domestic legislation with the relevant international standards.
- A specific network of national correspondents on these issues will be set up. These correspondents will inform the ODIHR about existing legislation regarding crimes fuelled by intolerance and discrimination. These texts will be posted on *Legislationline.org*.
- Holding regular meetings with non-governmental organisations active in this field.
- Collecting and analysing information provided by participating States as well as other reliable sources on manifestations of racism, xenophobia, anti-Semitism and discrimination.
- Regular reporting on these issues in full co-operation with already existing monitoring agencies in the field, such as the EUMC and ECRI, UN mechanisms as well as relevant NGOs.
- Facilitating exchanges of best practices and lessons learned among participating States, IOs and NGOs.

- Assisting participating States, as requested, in developing an official system of gathering, compiling, and publicising incidents of racism, xenophobia, anti-Semitism and discrimination.
- Developing model programmes which support national activities in areas such as:
- Public awareness raising on issues of racism, xenophobia, anti-Semitism and discrimination
- Fighting negative stereotypes.
- Tolerance education and education on the Holocaust
- Dissemination of knowledge and understanding about minority, immigrant and religious groups
- Training of opinion leaders, such as politicians, religious leaders, academia, the media, and civil society, to speak out against racism, xenophobia, anti-Semitism and discrimination.
- Addressing the issue of racism, xenophobia, anti-Semitism and discrimination in the press and the media.

## **2. Expected results**

### **Estimated impact on target groups:**

- Strengthened responses of participating States to manifestations of racism, xenophobia, anti-Semitism and discrimination in OSCE participating States.
- Improved system of gathering, compiling, and publicising incidents of racism, xenophobia, anti-Semitism and discrimination

### **Publications and other material outputs:**

- Compilation of best practices and lessons learned.
- Compilation of information obtained from participating States in the OSCE region.

### **Multiplier effects:**

Information and analysis will be shared with OSCE institutions, relevant international organisations such as the Council of Europe, the European Union and the United Nations, as well as relevant NGOs.

### **Sustainability:**

The ODIHR programmes seek to achieve a maximum sustainability through activities proposed, particularly at the policy and institutional levels. Therefore a programme approach has been chosen to ensure a longer-term perspective including a monitoring component.



## **PROGRAMME OUTLINE**

### **1. Programme Information**

#### **PROGRAMME ON FREEDOM OF RELIGION OR BELIEF**

*Carried out in co-operation with the Programme on Tolerance and Non Discrimination and other elements of the ODIHR, in particular the Legislative Support Unit, the Rule of Law Unit and the Civil Society & Governance Unit*

#### Priority theme addressed:

- The promotion of the right to freedom of religion or belief, and tolerance of and non-discrimination against religious or belief communities, especially vulnerable groups such as minorities in the OSCE area.

#### **Location:**

OSCE region

#### **Summary:**

##### goals

- To increase compliance with OSCE commitments and other international standards on freedom of religion or belief, religious tolerance and non-discrimination

##### target groups

- Government authorities, communities of religion or belief, and civil society.

##### main activities

- To conduct legislative reviews and to support the development of new legislation intended to foster improved relations among religious groups, including in post-conflict societies;
- To organise meetings between governmental authorities and religious groups, promoting dialogue and tolerance between religious groups as well as constructive co-operation among participating States as called for in the OSCE commitments;
- To promote tolerance through education – both in formal school education and public awareness raising through the media in participating States;
- To facilitate exchanges of best practices and experience between participating States.

- To monitor compliance with OSCE commitments and other international standards on freedom of religion and belief
- To facilitate and co-ordinate the work of the ODIHR Advisory Panel on Freedom of Religion and Belief.

**Objectives:**

- To accurately identify patterns of non-observance with OSCE commitments and other international standards on freedom of religion or belief and to assist States' compliance;
- To enhance the fulfilment of OSCE commitments, which include a positive obligation on States to foster a climate of mutual respect and tolerance, a climate in which religious communities themselves can begin the onerous task of challenging and countering sectarianism or religiously-motivated extremism in their midst;
- To discourage States from radicalising sections of the population;
- To promote wider access to both religious education and education about religion to further tolerance and understanding.

**Justification:**

The programme on freedom of religion or belief is founded on the experience of ODIHR's previous activities in this area, in which the ODIHR, assisted and guided by its Advisory Panel of Experts on Freedom of Religion or Belief, has been working increasingly throughout the OSCE region since 1999. It is necessary to bear in mind the religious factor in the escalation of conflicts and their ideological justification; to define the link between the religious aspect of conflicts and their economic, social and political aspects; and to examine and seek to promote the positive role that religion can play in conflict prevention and resolution.

identification of target groups with an estimate of the anticipated direct and indirect beneficiaries

Direct beneficiaries will be communities of religion or belief. It is anticipated that government authorities, as well as society as a whole, will also benefit from the programme.

The program is conducted in close co-operation with the OSCE field missions when available. The OSCE field missions have excellent contacts with communities of religion or belief and other relevant representatives of civil society and are accordingly best placed to identify the target groups and participants. In addition, the field missions also have excellent contacts with the relevant governmental authorities such as State Committee for Religious Affairs and Ministries of Justice.

**Approach:**

The ODIHR and its Advisory Panel continues to offer legislative assistance for governments on request, to help them to bring their legislation into line with international standards and to help them develop new legislation. Agreed legislative guidelines will be developed by the Panel to overcome differences of approach between participating States particularly with regard to minority or "new" religious movements. It will also continue to

facilitate or participate as experts in meetings between representatives of the State authorities dealing with religious affairs and leaders of religion and belief communities, as well as other civil society representatives, aimed at promoting dialogue.

The Website Guide for Tolerance Education, developed at the Jagellonian University in Krakow, disseminates existing good practices, teaching methods and materials mainly as a resource for teachers. It also facilitates an exchange of information on research about FORB in relation to education; on teacher training and workshops; and on opportunities for teachers and students for short-term exchanges and longer educational studies abroad.

#### reasons for the proposed methodology

Promoting freedom of religion or belief cannot confine itself to scrutinising laws and regulations only, but entails also the promotion of tolerance, mutual understanding and inter-religious dialogue. The ODIHR brings together governmental authorities and religious groups in regional and national settings, promoting dialogue as called for in the OSCE commitments and in the Bucharest Plan of Action for Combating Terrorism.

The necessity for improved education, both education for tolerance and for religious education by the communities themselves, as a means of countering extremism has been repeatedly stressed at OSCE meetings. The development of a Website Guide for Tolerance Education is one of the ODIHR initiatives in this regard.

The media has a powerful role, both positive and negative, in either exacerbating or ameliorating tensions flowing from intolerance and prejudice. The radio series devoted to raising awareness of international standards and best practices on this issue of tolerance and non-discrimination relating to religious and other minorities, to be broadcast in Central Asian as well as Caucasian States, is an important innovation in this regard.

#### procedures for internal evaluation during implementation

The ODIHR will seek to maintain contact with the participants to discuss, respond and adapt to problems and difficulties they encounter.

#### **Description of activities:**

##### *Legislative Issues*

Legislative work will continue to be carried out in co-ordination with the ODIHR Legislative Unit. The religlaw.org web-site, developed at Brigham Young University in the United States, will continue and expand with ODIHR support.

##### *Conflict Prevention and Dialogue*

A series of meetings are envisaged in Central Asia as a follow-up to the Osh-Conference on Freedom of Belief and Expression, to be held at the end of 2003.

### *Education/Awareness for Tolerance*

The ODIHR-supported Website Guide for Tolerance Education, developed at the Jagiellonian University in Krakow, will be expanded. Training programme on freedom of religion and belief will also be conducted upon invitation of governmental authorities, NGOs or communities of religion or belief in the OSCE region. These training sessions will be conducted based on the module developed in conjunction with the UN Office of the High Commissioner for Human Rights in 2003. Public awareness raising through the media in participating States continues.

## **2. Expected results**

### **Estimated impact on target groups:**

With the help of its Advisory Panel and OSCE field presences, the ODIHR is uniquely placed to make a significant contribution to freedom of religion in the OSCE region. As well as contributing significantly to individuals' enjoyment of their human rights, this would enhance stability in the region, reducing the allure of the terrorist or extremist groups and conditions, which aid their ability to recruit and win support.

### **Publications and other material outputs:**

- The follow-up workshops on Freedom of Religion and Belief and Tolerance in Central Asia would provide considerable information and material on law and practices in Central Asian participating States.
- Human Rights Trainings on Freedom of Religion and Belief would result in increased reporting to the OSCE, UN and other mechanisms.

### **Multiplier effects:**

The Human Rights Trainings on Freedom of Religion and Belief are designed to be replicated by participants themselves.

### **Sustainability:**

The ODIHR programmes seek to achieve a maximum sustainability through activities proposed, particularly at the policy and institutional levels. Therefore a programme approach has been chosen to ensure a longer-term perspective including a monitoring component.

<p style="text-align: center;"><b>OSCE REGION</b> <b>PROGRAMME ON FREEDOM OF RELIGION OR BELIEF</b> <b>HUMAN RIGHTS TRAINING ON FREEDOM OF RELIGION AND BELIEF</b></p>
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### **Objectives**

- To raise awareness of OSCE participating States' international standards and commitments in the area of freedom of religion or belief;
- To introduce the various approaches to the protection of the freedom of religion that are found within international human rights law and to explain the key elements of the protective framework;
- To introduce the reporting mechanisms for the protection of the freedom of religion that are found within the international human rights system and to impart the skills necessary to utilise them;
- To challenge attitudes of intolerance and suspicion and foster dialogue and co-operation on religious freedom.

### **Background**

The Copenhagen Document of 1990, mirroring Article 18 of the ICCPR, reaffirms the right to freedom of thought, conscience, and religion. The exercise of these rights may be subjected only to such restrictions as are prescribed by law, and are consistent with international standards.

The 1989 OSCE Vienna Concluding Document set out in some detail a range of activities which are to be considered manifestations of religion or belief, yet their practice still remains problematic in many OSCE participating States

Commitments on freedom of thought, conscience, religion or belief were first enshrined as OSCE commitments in the Helsinki Final Act of 1975, making them among the most long-standing OSCE human dimension commitments. However adherents of religions or beliefs, especially minority groups, sometimes complain about the fact that they are restricted in their manifestations of the freedom of religion or belief.

### **Approach**

The aim of these proposed workshops, to be carried out in conjunction with UN Office of the High Commissioner for Human Rights, is to introduce the various approaches to the protection of the freedom of religion that are found within international human rights law and to explain the key elements of the protective framework.

The module is designed to be interactive and involve participants seeking to challenge their existing attitudes as well as impart knowledge and skills.

**Timeframe:** 2004

**REGIONAL: CENTRAL ASIA**  
**PROGRAMME ON FREEDOM OF RELIGION OR BELIEF**  
**FOLLOW-UP WORKSHOPS ON FREEDOM OF RELIGION AND BELIEF AND TOLERANCE IN**  
**CENTRAL ASIA**

**Objectives**

- To raise awareness of Central Asian participating States' international standards and commitments in the area of freedom of religion or belief;
- To foster dialogue and co-operation on religious freedom, tolerance and inter-faith participation in democracy.

**Background**

Commitments on freedom of thought, conscience, religion or belief were first enshrined as OSCE commitments in the Helsinki Final Act of 1975, making them among the most long-standing OSCE human dimension commitments. These initial commitments have been repeatedly reaffirmed and were expanded substantially in subsequent OSCE documents, notably the Vienna Concluding Document of 1989.

At the Bucharest Summit in 2001, OSCE participating States made a commitment to promote and enhance tolerance, co-existence and harmonious relations between ethnic, religious, linguistic and other groups as well as constructive co-operation among participating States in this regard.

As the states of Central Asia embark on the concurrent tasks of state-, nation- and identity-building, the place of religion in society assumes paramount importance. In many states there is considerable interference in the internal organisation and administration of religious communities.

**Approach**

The aim of these proposed workshops is to promote the notion that the creation of a tolerant society in which all human rights, including the right to freedom of religion or belief, is a prerequisite for a stable society and long-term security. This belief has been central to the Helsinki process since its inception and assumes a new relevance as the 55 participating States join forces in the fight against terrorism.

The role of freedom of religion and belief will be discussed by OSCE Central Asian participating States, OSCE institutions and field activities, representatives of international organisations and representatives of non-governmental organisations at the upcoming conference in Osh on freedom of belief and expression. These workshops would be held as a follow-up but the ODIHR will also consider other proposals from participants.

**Timeframe:** 2004

**OSCE REGION**  
**PROGRAMME ON FREEDOM OF RELIGION OR BELIEF**  
**WEBSITE GUIDE FOR TOLERANCE EDUCATION**

### **Objectives**

- To help educational policy makers and members of boards of education to incorporate tolerance education in relation to freedom of religion and belief (FORB) into curricula in order to prevent ethnic and religious conflicts in schools and in recreational institutions for children and youth;
- To help teachers and student teachers to access pedagogical tools to enhance openness and respect to others in the classroom and during after-school activities;
- To provide educational instruments that could be implemented in schools for overcoming often inadequate and frequently clichéd images of persons belonging to other religious, national or ethnic groups;
- To offer to educators across Europe and Asia a huge range of methods and approaches to overcome negative stereotypes, prejudices and discrimination which might occur in their countries.

### **Background**

The Bucharest Ministerial Council in 2001 reaffirmed that the OSCE participating States are committed to the principles of tolerance, co-existence and harmonious relations between majority populations and ethnic, religious, linguistic or other minority groups. It was also highlighted during the consultative international conference on the subject of tolerance and non-discrimination in primary/elementary and secondary education held in Madrid in 2001.

The creation of a resource website for teachers dealing with tolerance-education in relation to freedom of religion or belief would be a first step to inform interested state organisations, NGOs and individual teachers about examples of good practices in various parts of the world. The site would mainly function as a guide to organisations world-wide who work on this topic, with descriptions of their activities, so that educators could more easily access other pedagogical tools. The guide showing examples of curricula in different countries might enhance the process of democratisation of schools through an increased role of teachers and students, thus encouraging them to introduce new content and patterns of teaching.

### **Approach**

Hosted by the Centre for European Education at the Jagiellonian University and updated each semester, the website would present a guide to programmes on education for tolerance which already exist. The website would allow teachers and students to create a network and to participate in common projects, seminars, e-seminars, and discussion lists. Access to the guide will let them to learn how are other teachers are tackling daily challenges in their work and what resources are available to support them.

**Timeframe:** 2004

**REGIONAL: CAUCASUS AND CENTRAL ASIA**  
**PROGRAMME ON FREEDOM OF RELIGION OR BELIEF**  
**PUBLIC AWARENESS PROGRAMMES ON FREEDOM OF RELIGION OR BELIEF**

**Objective**

- To increase public awareness and tolerance of Freedom of Religion or Belief in the Caucasus and Central Asia.

**Background**

The heritage of the Soviet system is still evident in the treatment of religious or belief communities, and in particular the restrictions placed on minority missionary communities.

It is important to increase awareness of the public of their fundamental rights religious or belief as well as to provide relevant training to law enforcement agents. Increased public awareness will improve the accountability of the police and promote transparency in the system of administration of justice.

Based on the successful Public Awareness Programmes in the Caucasus and Central Asia for run by BBC Radio World Service, in conjunction with the ODIHR, it is proposed to develop a series, specifically dedicated to the issue of freedom of religion, to be broadcast in the Caucasus and Central Asia.

An awareness campaign to create awareness of religious beliefs and tolerance emerged as a recommendation from both the Jalal-Abad Conference and the workshop in Baku in 2003.

**Approach**

The implementing partner for this project will be the BBC, which will be responsible for the production work. The ODIHR will be responsible for project administration and provide input into the substance of the programmes. Programmes will be produced in the national languages of the region.

Each programme of 10 minutes duration will be produced in a radio documentary format, where possible, and will draw on real life stories and real life situations.

As the BBC does not have broadcasting facilities in Central Asia, the final product could be delivered to the ODIHR on CD for placement with the radio stations in the regions with the support of participating States.

**Timeframe:** 2004



## **PROGRAMME OUTLINE**

### **1. Programme Information**

#### **FREEDOM OF ASSEMBLY AND ASSOCIATION**

##### Priority themes addressed:

- Freedom of Assembly
- Freedom of Association<sup>4</sup>

##### **Location:**

The OSCE region, with a particular focus for implementation assistance on the CIS countries.

##### **Summary:**

###### goals

The ultimate goal of the programme is to enhance the participating States' compliance with the relevant OSCE commitments related to freedom of assembly and association.

###### target groups

The target groups will include governmental representatives, IOs, NGOs and other actors of civil society.

###### main activities

- To gather and analyse information collected from various sources.
- To identify patterns of non-compliance and to offer recommendations and assistance to the governments.
- To conduct research and draft background papers for the use in OSCE human dimension events.
- To conduct legislative reviews and analysis.
- To provide training for various target groups.

##### **Objectives:**

- To enhance the fulfilment of OSCE commitments on freedom of assembly and association;

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<sup>4</sup> In co-ordination with the Civil Society and Governance Unit of the ODIHR.

**Justification:**

Freedom of assembly and association are basic human rights guaranteed by international and European systems of human rights and reaffirmed by the OSCE participating States in several OSCE documents. However, these rights are often not fully respected. Reports of inter-governmental and non-governmental organisations point to failures to comply with the international standards and this negative trend has been increasing in recent years in the OSCE region.

identification of target groups with an estimate of the anticipated direct and indirect beneficiaries

Direct: NGOs and other members of civil society.

Indirect: Government officials and relevant officers in other IOs.

Members of civil society are the primary beneficiaries of the rights to freedom of assembly and association. They are also the ones who suffer the most in instances of States' violations of these rights. NGOs and other actors of civil society are also the ones who possess most of information related to these issues, in particular to the instances of breaches of these rights. The close co-operation with them in their dual role as beneficiaries and partners is envisaged.

**Approach:**

ODIHR will gather and analyse data on the existing legislative provisions and practices. This monitoring will focus on proportionality of domestically prescribed restrictions to the exhaustive list of legitimate aims provided for by international and regional human rights instruments. Also, positive measures undertaken by the participating States which affect these rights will be looked at.

reasons for the proposed methodology

Monitoring from various sources is required to gather reliable information.

procedures for internal evaluation during the implementation

Periodic consultations with local partners will be held.

**Description of activities:**

- Updating and consolidating into one publication of the two previously published ODIHR background papers (Freedom of Association: The Question of NGO Registration and NGOs/1998 in the Caucasus and Central Asia: Development and Co-operation with the OSCE/2000);
- Uploading collected information on the ODIHR Legislationline website;
- Complimenting the ODIHR's human rights training materials with a section on freedom of association and assembly and elaborating a training module on freedom of assembly;
- Co-operating with government authorities on reviewing the laws and existing practices on freedom of assembly and association;
- Organising or participating in workshops and roundtables on international standards and domestic practices in the countries within the monitoring focus;

### security margin in the proposed plan of action

The activities of the programme are to some extent dependent on the co-operation of the governments and identification of local and international partners.

## **2. Expected results**

### **Estimated impact on target groups:**

- If successful, the program contributes to the creation of more open and liberal regimes for the exercise of freedom of assembly and association and the whole society benefits.

### **Publications and other material outputs:**

- Freedom of Assembly and Association in the CIS region;
- Training module on freedom of assembly and association;
- Brochures in 1-2 countries on NGO registration laws;

### **Multiplier effects:**

NGOs and others receiving information and training are expected to share their knowledge with members of the society.

### **Sustainability:**

The ODIHR programmes seek to achieve a maximum sustainability through activities proposed, particularly at the policy and institutional levels. Therefore a programme approach, including a monitoring component, has been chosen to ensure a longer-term perspective. The training module on freedom of assembly and association as well as the publication will continue to serve as a useful tool for NGOs, IOs and government officials. Sustainability of the programme will be ensured if legal acts and practices compliant with the international standards and OSCE commitments are adopted as a result of some of the programme activities.

**REGIONAL: THE CIS REGION**  
**FREEDOM OF ASSEMBLY AND ASSOCIATION**  
**ASSISTANCE TO GOVERNMENTS AND CIVIL SOCIETY ON ISSUES RELATED TO FREEDOM**  
**OF ASSEMBLY AND ASSOCIATION**

**Objectives**

- To assist the participating States in the CIS region in bringing their laws and practices in compliance with the OSCE commitments and other international obligations;
- To facilitate dialogue between civil society actors and the authorities in reviewing issues related to the exercise of the rights to freedom of assembly and association;
- To raise awareness among civil society about the rights to freedom of assembly and association.

**Background**

Freedom of assembly and association are basic human rights guaranteed by the international, regional human rights systems and also repeatedly reaffirmed by the OSCE documents. The OSCE participating States agreed to ensure that “everyone will have the rights to peaceful assembly and demonstration” and that “individuals are permitted the right to association, including the right to form, join and participate effectively in non-governmental organisations, which seek the promotion and protection of human rights...”.

Unfortunately, many OSCE participating States do not fully comply with their obligations to uphold these rights in accordance with international standards. Often the States impose restrictions, which are not justified in a democratic society and broadly interpret legitimate aims, the exhaustive list of which is provided for by the international treaties. Moreover, implementation practices often divert from domestic legislative provision. Due to lack of awareness of their rights on the part of civil society actors, who are the primary beneficiaries of the right to freedom of assembly and association, violations committed by local authorities are often not subjected to scrutiny by higher authorities or courts. Often actions of civil society actors aimed at claiming their right to freedom of assembly and association are perceived by the authorities as acts of opposition and therefore are dealt with in a repressive manner. Dialogue and discussion as a key element of constructive co-operation are often lacking.

**Approach**

Results of the initial research into the situation in each of the CIS States will highlight the areas requiring improvement and assistance. Follow up activities may include, but will not be limited to, reviewing legislation, organising round tables and discussion forums of the relevant issues, and assisting civil society in distributing necessary information which would empower its representatives to exercise their rights to the fullest. Follow up to recommendations contained in reviews or resulting from discussion forums will be envisaged in order to ensure continuity and efficiency of the ODIHR activities.

**Timeframe:** 2004



## PROGRAMME OUTLINE

### **1. Programme Outline**

#### **HUMAN RIGHTS IN THE ADMINISTRATION OF JUSTICE**

*In addition, please see Rights in the Administration of Justice sub-programmes on Trial Monitoring and the Death Penalty for more detail.*

#### **Priority theme addressed:**

To encourage compliance with the national and international standards that relate to rights in the administration of justice and assist participating States in attaining these standards within their internal mechanisms and structures.

Human rights in the administration of justice among others, relates to:

- Right to a fair trial
- Independence of the judiciary and judicial administration
- Application of the Death Penalty
- Prevention of Torture
- Human Rights in Detention, including *habeas corpus*
- Human Rights and States of Emergency
- Question of impunity of perpetrators of violations of human rights

#### **Location:**

Monitoring of implementation of OSCE commitments with respect to rights in the administration of justice takes place across the OSCE region, with a particular focus on technical assistance in Central Asia and the Caucasus.

#### **Summary:**

##### goals

- To monitor and increase compliance among participating States with OSCE commitments and with national and international standards relating to rights in the administration of justice.
- To increase public confidence in the legal system and the administration of justice in OSCE participating States.

##### target groups

Civil society, the legal system and State authorities of OSCE participating States

#### main activities

- To monitor compliance of States with the national and international standards of rights in the administration of justice. Particular areas for attention include the right to a fair trial, the application of the death penalty, freedom from torture, detention and prison monitoring. (See separate sub-programmes on **Trial Monitoring** and the **Death Penalty** for more details)
- In accordance with its mandated task to act as a clearing house for information on a states of public emergency, the Human Rights Section continues to monitor compliance with international and national human rights standards in this context.
- To build the capacity of local actors to monitor and report on human rights violations.
- To identify failures and inadequacies in the rights in the administration of justice in host States and accordingly to develop programmes and projects designed to assist States and civil society to address these shortcomings.

#### **Objectives:**

- To build a better functioning and more responsive legal system that complies with international standards in this respect and has due regard for the rights of the individual in the administration of justice.
- To build increased capacity of local partners and NGOs to respond to perceived and actual shortcomings.

#### **Justification:**

Reliable reports by intergovernmental organisations and non-governmental organisations indicate that shortcomings and failures within legal systems and implementation structures in the region can be identified across the range of associated rights and issues. This means that multiple concerns arise and much of the proposed activities will be mutually complementary to achieving a cohesive result.

#### identification of target groups with an estimate of anticipated direct and indirect beneficiaries

Civil society and State authorities throughout the OSCE region.

#### relevance of the project to the target groups

The programme is implemented in co-operation with OSCE field missions, civil society and international partners, which given their presence in the priority areas and experience in the issues concerned, are a reliable source for evaluating the relevance of the project to the target group. Rights in the administration of justice address some of the most basic concerns that arise in the context of protection of the individual from arbitrary or unlawful assertion of power by the State authorities. In addition the proper administration of justice is central to the promotion and protection of human rights as a whole and is a prerequisite for sustainable economic and social development. Thus their promotion and implementation are highly relevant to society and the State as a whole.

**Approach:**

The programme will seek to achieve its objectives through addressing the various issues that arise in connection with rights in the administration of justice. To this end a variety of instruments are used including: monitoring of compliance with OSCE commitments and national and international standards; reporting on implementation; and developing and implementing training and assistance programmes addressing the most pressing issues.

reasons for the proposed methodology

Rights in the administration of justice relate to a wide range of issues and a variety of actors. Thus, addressing this topic requires a co-ordinated and varied response tailored to address the issues identified. For this reason, the ODIHR Human Rights Section seeks to implement a number of complementary programmes that aim to identify and assist in the correction of the most pressing of problems in this context and that create the structure and capacity for civil society actors to respond and act.

procedures for internal evaluation during the implementation

Regular consultations with and reporting from key partners, including OSCE field missions, NGOs and other partners for implementation and co-operation.

**Description of Activities:**

In each of the host countries, main activities may include:

- Organisation of workshops to present project activities in the respective areas to the authorities and to encourage their participation
- Individual training workshops for participants, both civil society and State authorities on trial monitoring techniques, monitoring of places of detention and torture prevention among others.
- Trial monitoring for compliance with international and national standards and subsequent publication and wide dissemination in the target areas of periodic information on the legal framework and information on compliance with international standards for fair trials on the basis of reports received. (see **Trial Monitoring** sub-programme)
- Monitoring of places of detention (both pre-trial and places of detention upon sentencing) for compliance with international standards
- Collation of the reports and the findings of monitoring activities, including information received in the capacity of the ODIHR as the clearing house on states of emergency in the OSCE region, to paint an accurate picture of the situation with respect to compliance in each country with international human rights standards
- Annual publication on the use of the death penalty in the OSCE region – including information on legal framework, statistics and compliance with minimum safeguards (see **Death Penalty** sub-programme)
- Development of appropriate recommendations and assistance projects on the basis of findings and conclusions of monitoring activities

### security margin in the proposed plan of action

For more information on projected potential risks and safeguards put in place to minimise their effect on proposed programme activities, please see sub-programmes on Trial Monitoring and the Death Penalty.

## **2. Expected Results:**

### **Estimated impact on target groups:**

- Improved standards for the implementation of international human rights and OSCE commitments; a better functioning and more accountable legal system to support rights in the administration of justice
- Improved co-operation and communication between State authorities and civil society actors
- Monitoring activities contribute to prevention of violations of rights in the administration of justice through awareness raising and increased accountability
- Increased knowledge of substantive issues, training on monitoring and development of capacities increases the preventative capacity of local actors in co-operation with State authorities

For more information please see sub-programmes on **Trial Monitoring** and the **Death Penalty**.

### **Estimated outputs:**

- Increased knowledge and more reliable information on compliance with OSCE commitments and international standards of rights in the administration of justice throughout the OSCE region
- Trial Monitoring Manual containing information on trial monitoring techniques, national and international standards of fair trial and a set trial monitoring form
- Participants trained in trial monitoring and reporting techniques and fair trial standards
- Reliable reports on the situation with regard to pre-trial detention in the host States
- Participants trained in monitoring places of detention and reporting techniques
- Improved co-operation between all actors on addressing the prevention of torture
- Awareness-raising on the issues addressed in the context of rights in the administration of justice
- Increased capacity for local actors to acquire and act upon information acquired in the context of rights in the administration of justice

### **Multiplier effects:**

Across the range of issues addressed it can be expected that all will create an environment conducive to the promotion and protection of human rights through aware-raising, increased co-operation between State authorities, civil society, the OSCE and IOs and capacity-building for local actors.

### **Sustainability:**

The programme addressing rights in the administration of justice aims to create a framework that maximises the potential and durability of the programme through

identifying and working with key actors and partners to develop sustainable approaches; addressing the issues identified through capacity building and skills development; and by improving co-operation across the range of actors.



## **PROGRAMME OUTLINE**

### **1. Project Information**

#### **DEATH PENALTY PROGRAMME**

##### Priority theme addressed:

- To encourage implementation of OSCE commitments on the death penalty.

##### **Location:**

- OSCE participating States which retain the death penalty in law or practice, with a particular focus on Central Asia.

##### **Summary:**

###### goals

To improve the implementation of OSCE commitments on the death penalty with particular focus on the commitments made in the Vienna and Copenhagen documents to:

- Impose the death penalty in a manner not contrary to international standards;
- Exchange information on the question of the abolition of the death penalty;
- To make information available to the public regarding the use of the death penalty.

###### target groups

- Civil society and state authorities in countries which retain the death penalty in law or practice.

###### main activities

- To monitor legal and practical developments on the use of the death penalty in the OSCE region;
- To disseminate information of the use of the death penalty within the OSCE region.;
- To facilitate exchange of information on the abolition of the death penalty.

##### **Objectives:**

- To improve and increase the exchange of information between state authorities and civil society on the question of the death penalty;
- To improve access to information on the use of the death penalty in the OSCE region, including compliance with minimum standards, with particular focus on the Central Asian states.

**Justification:**

Major concerns have been highlighted by both NGOs and IOs that the death penalty is often imposed following trials which fail to comply with minimum standards of fair trial. The use of the death penalty in Central Asia is non-transparent. Uzbekistan and Tajikistan treat statistics on the use of the death penalty as a State secret and although Kazakhstan and Kyrgyzstan do release statistics, they are not necessarily reliable. In addition, the level of public discourse on the question of the death penalty is limited.

identification of target groups with an estimate of the anticipated direct and indirect beneficiaries

Civil society and State authorities in Central Asia.

reasons for the role of each partner

The programme will be conducted in close co-operation with the OSCE field presence in Central Asia which have excellent contacts with local civil society and state officials.

**Approach:**

The programme will seek to achieve its objectives by:

- Monitoring trials where the death penalty is a potential sentence;
- Monitoring developments in law and practice on the issue of the death penalty;
- Publishing and disseminating information on the death penalty in OSCE participating States;
- Making information on the issue of the death penalty accessible by as wide an audience as possible, using mass media;
- Organising forums for an exchange of information on the question of the abolition of the death penalty.

reasons for the proposed methodology

Experience has shown that issues related to the death penalty is best dealt with by mounting political pressure and work in co-operation with local NGOs.

procedures for internal evaluation during the implementation

Regular consultation with OSCE field presence. Changes will be made following consultations, where appropriate.

**Description of activities:**

In each of the host countries, the main activities may include:

- Monitoring of trials where the death penalty is a potential sentence.
- Monitoring by the Human Rights Section, in close co-operation with OSCE missions and other IOS and NGOs, of legal and practical developments on the issue of the death penalty.
- Publication and wide dissemination in the target areas of periodic information on the legal framework, statistics and compliance with international standards.
- Development and production of mass media programmes on the issue of the death penalty.

- Organisation of roundtables/conferences as a forum of exchange of information between civil society and officials on the question of the abolition of the death penalty.

#### security margin in the proposed plan of action

##### *Introduction of moratoria or abolition*

The possibility that moratoria or abolition may be introduced in one or more of the target countries during the implementation period cannot be discounted. These positive developments will be closely monitored, and if something of this nature were to occur, the project funds would need to be transferred to another target country within the region.

##### *Trial Monitoring of death penalty cases*

The following safeguards will be put in place as needed, depending on the particular context of each host State, to minimise the number of potential risks:

##### *Difficulty in gaining access to trials*

- A roundtable will be organised at the outset to present the project to the relevant government authorities. The roundtable will aim to answer the queries of the authorities regarding the activities of the project and to include their suggestions and recommendations in the activities of the project.
- A specific agreement on access to trials will be negotiated with each host State, where appropriate. Observers may be given identification cards to present at court where appropriate.

##### *Insufficient quality of trial reports*

- The participants of the training and the future monitors will be carefully selected by the OSCE field missions in co-operation with the ODIHR, including the most successful and committed participants of previous courses on human rights monitoring.
- A set trial monitoring form will be developed to ensure that the trial monitoring reports are standardised and that all the relevant topics are covered. Participants will be trained in how to complete the form.

##### *Lack of co-ordination amongst monitors*

Programme co-ordinators will be employed to co-ordinate the work of the monitors and to act as a point of contact to answer questions and provide advice.

## **2. Expected results:**

### **Estimated impact on target groups:**

- Improved access to information on the use of the death penalty in the target countries by civil society as a whole and the international community - leading to increased transparency.
- Increased exchange of information between civil society and state officials on the issue of the death penalty.

**Publications and other material outputs:**

- Annual publication on the use of the death penalty in the OSCE region - including information on legal framework, statistics and compliance with minimum safeguards.
- Mass media programmes, to be broadcast in Central Asia, on the issue of the death penalty.

**Multiplier effects:**

The project activities can be reproduced in other countries which retain the death penalty in law or practice, where they prove to be successful. The information obtained and published from the monitoring exercise will be fed into national and international mechanisms and organisations.

**Sustainability:**

The ODIHR programmes seek to achieve a maximum sustainability through activities proposed, particularly at the policy and institutional levels. Therefore a programme approach has been chosen to ensure a longer-term perspective including a monitoring component.

<b>REGIONAL: CENTRAL ASIA DEATH PENALTY PROGRAMME</b>
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**Objectives**

- To improve access to information on the use of the death penalty in the OSCE region, including compliance with minimum standards, with particular focus on the Central Asian states.
- To improve and increase the exchange of information between state authorities and civil society on the question of the death penalty.

**Background**

In the Vienna and Copenhagen documents, those participating States that retain the death penalty have undertaken the following commitments,

- Impose the death penalty in a manner not contrary to international standards.
- Exchange information on the question of the abolition of the death penalty.
- To make information available to the public regarding the use of the death penalty.

However, major concerns have been highlighted by both NGOs and IOs that the death penalty is often imposed following trials which fail to comply with minimum standards of fair trial. The use of the death penalty in Central Asia is non-transparent. Uzbekistan and Tajikistan treat statistics on the use of the death penalty as a State secret and although Kazakhstan and Kyrgyzstan do release statistics, they are not necessarily reliable. In addition, the level public discourse on the question of the death penalty is limited.

**Approach**

The project will seek to achieve its objectives by carrying out certain of the following activities in the host States,

- Trial monitoring of trials where the death penalty is a potential sentence.
- Monitoring by the Human Rights Section, in close co-operation with OSCE missions and other IOS and NGOs, of legal and practical developments on the issue of the death penalty.
- Publication and wide dissemination in the target areas of periodic information on the legal framework, statistics and compliance with international standards.
- Development and production of mass media programmes on the issue of the death penalty.
- Organisation of roundtables/conferences as a forum of exchange of information between civil society and officials on the question of the abolition of the death penalty.

**Timeframe:** 2004



## **PROGRAMME OUTLINE**

### **1. Programme Information**

#### **TRIAL MONITORING PROGRAMME**

*(Carried out in co-ordination with the Fair Trials Programme run by the Rule of Law Unit of the ODIHR).*

#### **Priority theme addressed:**

- To encourage compliance with national and international fair trial standards.

#### **Location:**

OSCE region, with a particular focus for implementation assistance in the Caucasus and Central Asia

#### **Summary:**

##### **goals**

To increase compliance with national and international fair trial standards and thereby increase public confidence in the legal system.

##### **target groups**

Civil Society and the legal system in the Caucasus and Central Asia.

##### **main activities**

- To monitor to what extent national and international fair trial standards are observed throughout the host States.
- To accurately identify any patterns of non-compliance and to offer recommendations to States in responding to the problems identified.

#### **Objectives:**

In each of the host countries, the objectives are:

- To build the capacity of local civil society organisations to monitor trials and to actively report on their compliance with national and international standards.
- To obtain systematic and impartial information on trials from the perspective of their compliance with fair trial standards.
- To accurately identify areas and patterns of non-observance with fair trial standards and to assist host States to improve compliance with fair trial standards.

**Justification:**

In each of the priority countries, there is a widespread lack of confidence in the legal system. In addition, reports of inter-governmental and non-governmental organisations point to a failure to comply with many of the minimum fair trial standards which are provided for in the International Covenant on Civil and Political Rights and to a large extent in domestic legislation. There is currently no co-ordinated or systematic approach to trial monitoring in the priority countries.

**identification of target groups with an estimate of the anticipated direct and indirect beneficiaries**

Civil society and State authorities responsible for the legal system in the Caucasus and Central Asia. Estimated indirect beneficiaries will be users of the court system in the host States.

**relevance of the project to the target groups**

The projects will be conducted in close co-operation with the OSCE field missions in the relevant countries. The OSCE field missions have excellent contacts with representatives of civil society and are accordingly best placed to identify the participants for the training and the trial monitoring. In addition, the field missions also have excellent contacts with the relevant governmental authorities and particularly the Ministries of Justice. The projects will also co-operate with other IOs and NGOs active in the regions.

**Approach:**

The project will seek to achieve its objectives by training representatives of civil society to monitor trials from the perspective of their compliance with fair trial standards. The monitors will complete set trial report forms, which will be collated and analysed. The collated results and analysis will be published and disseminated along with recommendations on changes in law and practice to improve the observance of fair trial standards. It is anticipated that the recommendations will be discussed with relevant officials and members of the legal community, which can result in the development of appropriate technical assistance activities.

**reasons for the proposed methodology**

The reliance on local civil society organisations as the main monitors of trials has the dual purpose of building local capacity whilst also developing a network of observers who can monitor a much higher number of trials, over a wider geographical area, than a small number of international staff.

**procedures for internal evaluation during the implementation**

Periodic evaluation meetings will be held with the trained participants to discuss, respond and adapt to problems and difficulties they encounter.

**Description of activities:**

In each of the host countries, the main activities may include: (Please also see the attached project descriptions)

- Organisation of a roundtable to present the project to the authorities and encourage their co-operation.
- Development of a set trial monitoring form.
- Training of participants in trial monitoring techniques and fair trial standards.
- Co-ordination of trial monitoring activities by the trained participants.
- Periodic collation, analysis and publication of the results and recommendations.
- Organisation of a roundtable to discuss the results and recommendations with the authorities.
- Development of appropriate technical assistance activities in response to the monitoring results and recommendations.

security margin in the proposed plan of action

The following safeguards will be put in place, as needed depending on the particular context of each host State, to minimise a number of potential risks from arising:

*Difficulty in gaining access to trials*

- A roundtable will be organised at the outset to present the project to the relevant governmental authorities. The roundtable will aim to answer the queries of the authorities regarding the activities of the project and to include their suggestions and recommendations in the activities of the project.
- A specific agreement on access to trials will be negotiated with each host State, where appropriate. Observers may be given identification cards to present at court where appropriate.

*Insufficient quality of trial reports*

- The participants of the training and the future monitors will be carefully selected by the OSCE field missions in co-operation with the ODIHR, including the most successful and committed participants of previous courses on human rights monitoring.
- A set trial monitoring form will be developed to ensure that the trial monitoring reports are standardised and that all the relevant topics are covered. Participants will be trained in how to complete the form.

*Lack of co-ordination amongst monitors*

- Programme co-ordinators will be employed to co-ordinate the work of the monitors and to act as a point of contact to answer questions and provide advice.

## **2. Expected results**

### **Estimated impact:**

Access of the national and international human rights communities as well as State authorities to systematic and regular information on the compliance of trials with national and international standards of fair trial.

### **Estimated outputs:**

- Trial Monitoring Manual containing information on trial monitoring techniques, national and international standards of fair trial and a set trial monitoring form.

- Participants trained in trial monitoring and reporting techniques and fair trial standards.
- Periodic publication with compilation and analysis of results, including recommendations.

**Multiplier effects:**

The project activities of the programme will initially focus on priority types of trials and in priority countries. However, the trial monitoring projects have the potential to be extended to wider categories of trials and to other countries at the request of OSCE field operations, civil society or State authorities in OSCE participating States.

**Sustainability:**

The trained participants will have the capacity to continue high quality trial monitoring, and indeed, to train others to do so, after the completion of the project. The links with the participants as sources of information will be maintained after the completion of the projects. The results of the individual trial monitoring projects will be periodically fed into the technical assistance activities of the Rule of Law Unit's Fair Trials Programme. It is anticipated that appropriate technical assistance activities can be developed.

The ODIHR programmes seek to achieve a maximum sustainability through activities proposed, particularly at the policy and institutional levels. Therefore a programme approach, including a monitoring component, has been chosen to ensure a longer-term perspective.

**REGIONAL: CENTRAL ASIA  
TRIAL MONITORING PROGRAMME  
TRIAL MONITORING: CENTRAL ASIA**

**Objectives**

- To build the capacity of local civil society organisations to monitor trials and to actively report on their compliance with national and international standards.
- To obtain systematic and impartial information on trials from the perspective of their compliance with fair trial standards.
- To accurately identify areas patterns of non-observance with fair trial standards and to assist host States to improve compliance with fair trial standards.

**Background**

In the Copenhagen Document of 1990, the OSCE participating States committed themselves to allow national and international observers to monitor trials as a confidence building measure. Reports of inter-governmental and non-governmental organisations point to a failure to comply with many of the minimum fair trial standards which are provided for in the International Covenant on Civil and Political Rights and to a large extent in domestic legislation. There is currently no co-ordinated or systematic approach to trial monitoring in the countries of Central Asia.

**Approach**

The project will seek to achieve its objectives by training representatives of civil society in the countries of Central Asia to monitor trials from the perspective of their compliance with fair trial standards. The monitors will complete set trial report forms, which will be collated and periodically analysed. The collated results and analysis will be published and disseminated along with recommendations on changes in law and practice to improve the observance of fair trial standards. It is anticipated that the recommendations will be discussed with relevant officials, which can result in appropriate technical assistance activities.

**Timeframe:** 2004

**REGIONAL: CAUCASUS**  
**TRIAL MONITORING PROGRAMME**  
**TRIAL MONITORING: CAUCASUS**

**Objectives**

- To build the capacity of local civil society organisations to monitor trials and to actively report on their compliance with national and international standards.
- To obtain systematic and impartial information on trials from the perspective of their compliance with fair trial standards.
- To accurately identify areas patterns of non-observance with fair trial standards and to assist host States to improve compliance with fair trial standards.

**Background**

In the Copenhagen Document of 1990, the OSCE participating States committed themselves to allow national and international observers to monitor trials as a confidence building measure. Reports of inter-governmental and non-governmental organisations point to a failure to comply with many of the minimum fair trial standards which are provided for in the International Covenant on Civil and Political Rights and to a large extent in domestic legislation. There is currently no co-ordinated or systematic approach to trial monitoring in the countries of the Caucasus.

**Approach**

The project will seek to achieve its objectives by training representatives of civil society in the countries of the Caucasus to monitor trials from the perspective of their compliance with fair trial standards. The monitors will complete set trial report forms, which will be collated and periodically analysed. The collated results and analysis will be published and disseminated along with recommendations on changes in law and practice to improve the observance of fair trial standards. It is anticipated that the recommendations will be discussed with relevant officials, which can result in appropriate technical assistance activities.

**Timeframe:** 2004



## **PROGRAMME OUTLINE**

### **1. Programme information**

#### **HUMAN RIGHTS TRAINING AND EDUCATION**

##### Priority themes addressed:

- Human rights training
- Human rights education

##### **Location:**

OSCE region, with a particular focus on Caucasus, Central Asia and South Eastern Europe.

##### **Summary:**

###### goals

- To strengthen local human rights monitoring and reporting capacities in the priority regions;
- To improve access to human rights education through the wide dissemination of high quality information on human rights;
- To increase the capacity of the OSCE field presences to conduct human rights activities in a professional manner, including on how to respond effectively to individual complaints about specific human rights violations.

###### target groups

- Civil society, government authorities at different levels, general public.
- staff of the OSCE field presence

###### main activities

- To conduct training on human rights for various target groups, follow up activities and concluding meetings as requested.
- To develop and disseminate human rights information materials widely targeting areas where such materials are not yet widely available.
- To provide human rights training to OSCE staff.

##### **Objectives:**

- To train civil society on human rights standards and skills required;
- To develop cross-border co-operation among human rights activists in neighbouring countries;

- To make available materials on human rights in local languages.

**Justification:**

The role of the ODIHR in promoting human rights, including by providing human rights training and education is clearly spelt out in a number of OSCE documents. While some governments are still reluctant to involve civil society experts and their experience in the general process of democratic reform, the ODIHR can assist in building up this relationship through strengthening credible human rights NGOs in the OSCE region.

A particular added value of the OSCE is its permanent presence on the ground. The OSCE field presences often receive complaints from individuals who allege a violation of their human rights.. Many field presences have indicated that they require guidance and training on how to respond to individual complaints in a professional manner, taking into account their respective mandates and resources. Training is also required on other human rights issues based on the real needs of the staff and taking into account the mandate and the local situation.

identification of target groups with an estimate of the anticipated direct and indirect beneficiaries

- Direct beneficiaries of the programme are members of the civil society, governmental officials, international and national staff of the OSCE field presences.
- Indirect beneficiaries are all those persons coming into contact with the trained NGOs, governmental officials and the OSCE staff members. The public at large will also benefit through better access to information on human rights and fundamental freedoms.

reasons for the selection of the target groups and activities

- In the past four years, the ODIHR has run the Human Rights Monitoring and Reporting Programme in Central Asia and the Caucasus. The programme benefited around 150 civil society representatives as well as 20 government officials through training on basic human rights issues and monitoring techniques. The ODIHR will build on the capacity of these NGOs and officials to increase their substantive knowledge and monitoring activities.
- Before deployment to the missions OSCE field personnel receive a brief induction course, which due to its short duration can not include many issues that are often encountered in the field, such as ways to deal with individual complaints. Moreover, due to the rapid turnover of OSCE field personnel there is a constant need to strengthen human rights expertise and skills of the OSCE staff.
- Information on human rights is often not accessible – especially in local languages – in all parts of the OSCE region. In many parts of the region, access to internet is not yet a reality and printed materials are also in short supply.
- It is acknowledged that several international organisations and NGOs engage in the activities related to human rights training and education. Close co-ordination of efforts and co-operation is required to ensure that activities are complementary.

#### relevance of the project to the target groups

- Previously trained NGOs and governmental officials are keen on receiving more focused and skills-based training in groups, which are comprised of a smaller number of participants. NGOs need further training on how to submit complaints and lobby issues of concern with the UN, CoE, European and OSCE institutions, as well as how to contribute to the promotion of human rights in their respective countries.
- Training on human rights addressing the real needs of the OSCE staff will contribute to more professional conduct of the OSCE staff in dealing with sensitive human rights issues.

#### **Approach:**

- The ODIHR, jointly with the OSCE field presences and expert trainers, will provide training to various target groups in order to enhance their skills. Such training will be provided on specific human rights topics based on real needs of the participants and may include *inter alia* the rights of detainees, children rights, women's rights, freedom of the media, and human rights in the army. The training will build on training provided by the ODIHR programme in the past, but will be more focused and skills-based.
- The ODIHR will translate and make available relevant information on human rights in local languages in regions/countries, where there is lack of such information.

#### reasons for the proposed methodology

- The flexibility of the programme allows the ODIHR to respond to the needs of various target groups and to cover topics based on real needs of participants. The use of both internal trainers - ODIHR and OSCE staff - complemented by professional external trainers will ensure the knowledge of substantive human rights standards, including OSCE commitments, skills as well as the knowledge of OSCE structures and institutions.
- Providing trained participants with an opportunity to conduct small projects is an excellent way to transfer theoretical knowledge into practical skills.

#### procedures for internal evaluation during the implementation

- Participants will be assessed following the first session on the basis of their performance on the specific tasks given after the training.
- Project proposals submitted by the trained NGO members will be selected through a strict revision process.
- Supervision, assistance and mentoring will be carried out by trainers, who will meet with the participants undertaking the projects.
- Following each of the training sessions, evaluation is carried out and the feedback and useful recommendations are taken into account.

#### **Description of activities:**

- The ODIHR will conduct training sessions as requested by various target groups jointly with the UN OHCHR (and other partners) in various parts of the OSCE region using the new OHCHR training modules on specific human rights issues to which the ODIHR has contributed.

- Events to promote human rights are organised jointly with the OSCE missions and partner NGOs.

## **2. Expected results**

### **Estimated impact on target groups:**

- Trained participants are expected to develop greater knowledge of specific human rights issues and practical skills required for effective human rights monitoring, reporting and advocacy.
- Better co-operation among NGOs in neighbouring countries will improve the quality of regional human rights analysis and facilitate problem-solving through co-operation.
- OSCE field personnel will be more responsive and professional when dealing with individual applicants alleging human rights violations and human rights in general. Information about any patterns of human rights violations become known to the OSCE and State authorities and can be used for technical assistance programs to improve the situation.
- Wider dissemination of human rights education materials will further raise human rights awareness in the targeted regions.

### **Publications and other material outputs:**

- Monitoring reports on specific human rights issues which can be delivered to the authorities and discussed with them in co-operative and constructive way.

### **Multiplier effects:**

- Trained NGOs and OSCE staff can carry out follow up training for civil society members or other target groups, using the acquired skills and knowledge

### **Sustainability:**

The ODIHR programmes seek to achieve a maximum sustainability through activities proposed, particularly at the policy and institutional levels. Therefore a programme approach, including a monitoring component, has been chosen to ensure a longer-term perspective.

<p style="text-align: center;"><b>REGIONAL: CENTRAL ASIA</b> <b>HUMAN RIGHTS TRAINING AND EDUCATION</b> <b>HUMAN RIGHTS TRAINING FOR NGOS</b></p>
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**Objectives**

- To enhance the capacity of local NGOs in the field of human rights
- To strengthen local human rights monitoring, reporting and advocacy capacities
- To develop cross-border co-operation among human rights activists in neighbouring countries

**Background**

In the past four years, the ODIHR has run the Human Rights Monitoring and Reporting Programme in Central Asia and the Caucasus. The Programme benefited around 150 civil society representatives as well as 20 government officials through training on how to monitor human rights and how to prepare accurate reports. The training focused on basic human rights issues. As a result, more than twenty monitoring reports were submitted by NGOs and these reports were subsequently presented to the Government institutions concerned. In some countries, the ODIHR also organised NGO-Government roundtables to discuss the findings of the monitoring reports.

**Approach**

The ODIHR will build the capacity of these NGOs by conducting more focused and skills-based training for a smaller number of participants that has already a basic knowledge of human rights and will provide the necessary specialised training. The programme will be run over a period of twelve months. Between each session, participants will be requested to fulfil specific tasks to apply the lessons learnt during the training. Participants of the training will be invited to prepare project proposals on topics treated in the workshops. They will submit these projects to the ODIHR who will then support 4-5 such exercises. The trainers assist the trainees in finalising their project plans, and following the implementation of the projects, to assist in evaluating their effectiveness.

ODIHR will also continue its co-operation with UN Office of the High Commissioner for Human Rights (OHCHR) in carrying out training sessions for various target groups, including OSCE field presence, using training modules developed by the OHCHR on specific human rights issues.

**Timetable:** 2004



## **PROGRAMME OUTLINE**

### **1. Programme Information**

#### **TERRORISM AND HUMAN RIGHTS ANALYSIS PROGRAMME**

Priority theme(s) addressed:

The impact of terrorism and counter-terrorism measures on human rights standards.

**Location:**

OSCE region

**Summary:**

Each ODIHR anti-terrorism programme area corresponds to guidelines and tasks as outlined in the Bucharest Plan of Action (2001) and the OSCE Charter on Preventing and Combating Terrorism (2002).

goals

- To highlight the rights at risk as participating States take measures to combat terrorism;
- To stress that an effective counter-terrorism policy must have human rights at its core;
- To provide newer democracies with other States' experiences of combating terrorism;
- To contribute to the collection of best practices;
- To improve information exchange on terrorism and human rights.

target groups

Civil society and State authorities responsible for anti-terrorism policy and measures.

main activities

- Monitoring legislation and country practice;
- Assessing and highlighting the impact on human rights standards, particularly post-11 September 2001;
- Training OSCE mission staff and local NGO's to monitor and report anti-terrorism measures.

**Objectives:**

- To identify patterns and emerging trends;
- To provide additional checks and balances throughout the OSCE region to the potential use of the fight against terrorism as an excuse to clamp down on various elements of society and suppress legitimate political dissent;

- To support civil society's efforts throughout the region in highlighting concerns and trends.

**Justification:**

Since 11 September 2001, there is an increasing tendency to put aside human rights concerns in the 'war on terror'. Basic rights, including fair trial, privacy, freedom of association, religion and belief are at risk in this new security environment and the increased threat of international terrorism. The main constraints in the target area will be the access to relevant and timely information.

identification of target groups with an estimate of the anticipated direct and indirect beneficiaries

The programme targets the general public, civil society and state authorities responsible for anti-terrorism policy and measures. It is anticipated that awareness-raising activities targeted in newly democratic States as well as established democracies will benefit society as a whole and contribute to the focusing the international community's concerted action against terrorism on the elements of the human dimension.

relevance of the project to the target groups

Monitoring, analysis and awareness-raising activities are applicable to the entire region. Training activities will focus on those States where civil society is less developed and monitoring and reporting training is required.

**Approach:**

The overall programme and individual projects will seek to achieve their objectives through thematic monitoring and analysis by the relevant officers and researchers of the ODIHR's Human Rights Section. This analysis focuses on the following areas and rights at risk:

- Freedom of assembly and association
- The right to privacy
- Freedom of religion and belief
- Non-discrimination
- Freedom from arbitrary detention
- The right to a fair trial
- Prohibition of torture, inhuman and degrading treatment

This monitoring is mainly conducted from Warsaw by the Human Rights Section staff. It gathers information from open source material, other IO's and NGO's, and field assessment trips. The analysis is made available to the target audience and the OSCE missions through awareness-raising activities.

reasons for the proposed methodology

The majority of monitoring must be carried out from a static location with the ability to travel to areas where access to information is poor. This travel must be used to improve information exchange and provide training for information gatherers, in particular local NGO's. It is essential that the product drawn from the terrorism and human rights analysis

is used constructively and positively to promote exchange of best practice between States on how to ensure respect for human rights while countering terrorism.

#### procedures for internal evaluation during implementation

Periodic meetings will be organised to evaluate the implementation of the projects and feedback will be requested regularly on the quality of information and the usefulness of the awareness raising.

#### **Description of activities:**

Terrorism and human rights analysis has been mainstreamed into the work of the Human Rights Section of the ODIHR. The thematic monitoring areas (described above) will provide analysis of use to States combating terrorism. The monitoring work is continuous. Project activity will focus on information, dissemination, awareness raising and the sharing of relevant experience. To that end the main project activities will focus on;

- A terrorism and human rights newsletter to be made available via the ODIHR website
- Discussion fora to ensure the ongoing debate on human rights standards in the fight against terrorism
- Roundtables whereby States with long experience of combating terrorism share experiences of the effectiveness of different anti-terrorism policies with newly democratic States and those struggling with terrorism and extremism for the first time

#### security margin in the proposed plan of action

##### *Access to Information*

Potentially the biggest obstacle to the implementation of the programme is access to relevant and timely information. It is perceived that this risk will be minimised by improved internal co-ordination, regular information exchange with relevant organisations and increased direct contact with local NGO's.

## **2. Expected results**

#### **Estimated impact on target groups:**

The main impact lies in the training and awareness raising aspects of the programme. Strengthening civil society in its ability to monitor counter-terrorism measures also adds to their general monitoring capability and ability to highlight human rights violations.

By targeting State authorities and providing access to the relevant experience of other States at high level, the programme will directly benefit policy makers and operational commanders.

#### **Publications and other material outputs:**

The main dissemination of terrorism and human rights analysis will be written reports and a regular newsletter.

**Multiplier effects:**

- It is anticipated that the monitoring training will greatly increase the capacity of local NGO's to train incoming staff.
- Targeting high level policy makers in government allows the training of subordinate staff

**Sustainability:**

The ODIHR programmes seek to achieve a maximum sustainability through activities proposed, particularly at the policy and institutional levels. Therefore a programme approach has been chosen to ensure a longer-term perspective.

As described above the majority of the thematic terrorism and human rights monitoring will be conducted by the staff of the Human Rights Section.

The trained participants will have the capacity to continue high quality terrorism and human rights monitoring, and indeed, to train others to do so, after the completion of the project. The links with the participants as sources of information will be maintained after the completion of the projects. The results of the individual monitoring projects will be periodically fed into the technical legislative assistance activities of the Co-ordinator on Anti-Terrorism Issues.

**OSCE REGION  
TERRORISM AND HUMAN RIGHTS ANALYSIS PROGRAMME  
DISCUSSION FORUM: RIGHTS AT RISK**

**Objectives**

- To highlight, through discussion, the need for the respect for human rights, democracy and the rule of law in the state response to terrorism;
- To focus on four fundamental rights at particular risk from counter-terrorist or security measures, namely: freedom of media; freedom of assembly/association; freedom of religion and belief; and the fair administration of justice;
- To explore how States respond to situations of crisis or public emergency within the context of the said rights;
- To encourage a democratic response to threats to security in general and terrorism in particular within a human rights framework;
- To discuss ways of avoiding rights abuses, including in times of public emergency.

**Background**

States are under an obligation to take measures against terrorist acts to protect the fundamental rights of everyone in their jurisdiction. However, all measures taken in the fight against terrorism must respect basic human rights, democracy and the rule of law. In responding to threats of terrorism, a balance must be struck between assessing the threat facing the State and protecting the right of individuals as guaranteed under international law. This discussion forum will focus on four rights at risk from counter terrorist or security measures: freedom of media, freedom of assembly/association, freedom of religion and belief and the fair administration of justice.

It is commonly accepted that there is a gap in the international response on the issue of monitoring the use of anti-terrorism measures. It is now more important than ever to monitor and address violations of human rights as a result of such measures. This discussion forum will focus on the response to security threats within the context of specific rights by discussing case scenarios actually encountered by States.

The aim is to facilitate discussion on counter-terrorism, in order to share expertise and best practice and where possible, to encourage the development of a co-ordinated approach within the international community on counter-terrorism matters.

**Approach**

The discussion forum will take the form of panel discussions on the four rights at risk highlighted above and will be broadcast by local and international media. Each panel will consist of a chairperson and four speakers. The target participants will be members of parliament, officials from the Ministries of Justice, Foreign and Internal Affairs, members of the armed forces and police, Government agencies in charge of counter-terrorism, judges, lawyers, NGOs, minority rights' organisations and organisations with counter-terrorism projects. The forum will include the participation of the Representative on Freedom of the Media and the Parliamentary Assembly. The ODIHR will additionally

compile the information exchanged during the conference and publish it as an OSCE document.

**Timeframe:** 2004

**REGIONAL: SOUTHEAST EUROPE**  
**TERRORISM AND HUMAN RIGHTS ANALYSIS PROGRAMME**  
**ROUNDTABLES ON RESPECTING HUMAN RIGHTS WHILE COMBATING TERRORISM AND**  
**EXTREMISM: SEE**

**Objectives**

- Promoting the respect for human rights while combating terrorism and extremism through the shared experience of other participating States
- Encourage discussion on dilemmas in policy and practice
- Providing continued access to and dialogue with operational and government counterparts

**Background**

States throughout the OSCE region are experiencing a growth or resurgence in terrorist and extremist activity. States have an obligation to address threats to security, including terrorism and extremism. At the same time, there also exists the obligation to promote and protect human rights. There has been a tendency since 11 September 2001 to put aside human rights concerns in the ongoing 'war on terror'. This approach is ill judged and counter-productive.

A number of OSCE participating States have dealt with terrorism and extremist activity for decades, having adopted a wide variety of policies, with differing effectiveness and impact and human rights. It is proposed to share this experience with newly democratic States struggling to deal with terrorist and extremist groups in order to highlight the dangers of ignoring human rights while addressing threats to security.

**Approach**

As opposed to focusing on the confrontational approach of terrorism versus human rights, a roundtable approach would encourage constructive and positive dialogue and contact between policy makers and operational commanders of OSCE States with long experience of combating terrorism and those from States with less experience. Contact could thus be maintained between States over a longer term

**Timeframe:** 2004

**REGIONAL: CENTRAL ASIA**  
**TERRORISM AND HUMAN RIGHTS ANALYSIS PROGRAMME**  
**ROUNDTABLES ON RESPECTING HUMAN RIGHTS WHILE COMBATING TERRORISM AND**  
**EXTREMISM: CENTRAL ASIA**

**Objectives**

- Promoting the respect for human rights while combating terrorism and extremism through the shared experience of other participating States
- Encourage discussion on dilemmas in policy and practice
- Providing continued access to and dialogue with operational and government counterparts

**Background**

States throughout the OSCE region are experiencing a growth or resurgence in terrorist and extremist activity. States have an obligation to address threats to security, including terrorism and extremism. At the same time, there also exists the obligation to promote and protect human rights. There has been a tendency since 11 September 2001 to put aside human rights concerns in the ongoing 'war on terror'. This approach is ill judged and counter-productive.

A number of OSCE participating States have dealt with terrorism and extremist activity for decades, having adopted a wide variety of policies, with differing effectiveness and impact and human rights. It is proposed to share this experience with newly democratic States struggling to deal with terrorist and extremist groups in order to highlight the dangers of ignoring human rights while addressing threats to security.

**Approach**

As opposed to focusing on the confrontational approach of terrorism versus human rights, a roundtable approach would encourage constructive and positive dialogue and contact between policy makers and those with operational experience. The roundtable will be designed to get together OSCE States with considerable experience in fighting against terrorism and those with less experience. Contact could thus be maintained between States over a longer term

**Timeframe:** 2004

**REGIONAL: CAUCASUS**  
**TERRORISM AND HUMAN RIGHTS ANALYSIS PROGRAMME**  
**ROUNDTABLES ON RESPECTING HUMAN RIGHTS WHILE COMBATING TERRORISM AND**  
**EXTREMISM: CAUCASUS**

**Objectives**

- Promoting the respect for human rights while combating terrorism and extremism through the shared experience of other participating States
- Encourage discussion on dilemmas in policy and practice
- Providing continued access to and dialogue with operational and government counterparts

**Background**

States throughout the OSCE region are experiencing a growth or resurgence in terrorist and extremist activity. States have an obligation to address threats to security, including terrorism and extremism. At the same time, there also exists the obligation to promote and protect human rights. There has been a tendency since 11 September 2001 to put aside human rights concerns in the ongoing 'war on terror'. This approach is ill judged and counter-productive.

A number of OSCE participating States have dealt with terrorism and extremist activity for decades, having adopted a wide variety of policies, with differing effectiveness and impact and human rights. It is proposed to share this experience with newly democratic States struggling to deal with terrorist and extremist groups in order to highlight the dangers of ignoring human rights while addressing threats to security.

**Approach**

As opposed to focusing on the confrontational approach of terrorism versus human rights, a roundtable approach would encourage constructive and positive dialogue and contact between policy makers and operational commanders of OSCE States with long experience of combating terrorism and those from States with less experience. Contact could thus be maintained between States over a longer term

**Timeframe:** 2004

<p style="text-align: center;"><b>OSCE REGION</b> <b>TERRORISM AND HUMAN RIGHTS ANALYSIS PROGRAMME</b> <b>MONITORING AND ANALYSIS OF ANTI-TERRORISM MEASURES</b></p>
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**Objectives**

- To monitor legislative and practical anti-terrorism measures taken by OSCE participating States;
- To analyse the compliance of such measures with OSCE commitments and international human rights law;
- To produce internal and external briefing papers and reports on the compliance with human rights standards of anti-terrorism measures throughout the OSCE region.

**Background**

A main theme of both the Bucharest Plan of Action and the Bishkek Programme of Action is that the fight against terrorism must be carried out in full conformity with OSCE commitments and international law, including international human rights law.

The work of the ODIHR's Co-ordinator on Anti-Terrorism Issues is divided into three distinct programme areas as follows: human rights analysis, preventive action against terrorism and technical assistance. This project falls within the area of human rights analysis. It is commonly accepted that there is a gap in the international response on the issue of monitoring the use of anti-terrorism measures. It is now more important than ever to monitor and address violations of human rights as a result of such measures.

Monitoring will focus on the following set of core rights, which may have been jeopardised in the context of the fight against terrorism in various participating States of the OSCE region. These are freedom of liberty, the right to a fair trial, the right to private life, freedom of expression, non-discrimination, the right to property and the right to seek asylum.

**Approach**

Substantive thematic reports and papers on the issue – both internal as well as external – at regular intervals are expected to be produced. Publication dates would coincide with the human dimension meetings/seminars timetable. The research and publications would also serve as an informative basis for making interventions and developing relevant assistance projects.

**Timeframe:** 2004



## **PROGRAMME OUTLINE**

### **1. Programme Information**

#### **ANTI-TERRORISM TECHNICAL LEGISLATIVE ASSISTANCE PROGRAMME**

##### Priority themes addressed:

- Technical assistance in drafting anti-terrorism legislation
- Promoting the ratification and implementation of the UNSCR 1373, in particular the 12 UN conventions and protocols
- Providing technical assistance in the implementation of UNSCR 1373, in particular the 12 UN conventions and protocols

##### **Location:**

OSCE region (all participating States may request assistance), with a particular focus on implementation assistance in the Southern Caucasus, Central Asia and South-Eastern Europe.

##### **Summary:**

Each ODIHR anti-terrorism programme area corresponds to guidelines and tasks as outlined in the Bucharest Plan of Action (2001) and the OSCE Charter on Preventing and Combating Terrorism (2002).

##### goals

- To promote the implementation of international legal obligations and OSCE commitments relating to preventing and combating terrorism and to provide assistance where necessary
- To provide assistance to States in drafting anti-terrorism legislation

##### target groups

Government departments responsible for anti-terrorism legislation, policy and practice; drafters of legislation and those responsible for the ratification and implementation of international treaties; NGO's engaged in monitoring anti-terrorism legislation and practice and in monitoring the implementation of UNSCR 1373.

##### main activities

Regional and national implementation workshops in co-operation with the OSCE Action against Terrorism Unit, the UN Office on Drugs and Crime and the UN Counter-Terrorism Committee.

**Objectives:**

- To provide participating States with relevant expertise in order to fulfil commitments and obligations relating to countering terrorism
- To include non-governmental organisations in the process
- To encourage an inter-disciplinary and multi-departmental approach to countering terrorism

**Justification:**

The majority of States in the Southern Caucasus, and Central Asia as well as some in South-Eastern Europe suffer from a lack of capacity, and in some cases relevant experience, in the process of drafting legislation to implement international treaties relating to terrorism. UN Security Council Resolution 1373 calls on all States to ratify and implement these treaties as soon as possible and OSCE participating States have committed themselves to this further in the Bucharest Plan of Action (2001) and the OSCE Charter on Preventing and Combating Terrorism (2002).

identification of target groups with an estimate of the anticipated direct and indirect beneficiaries

The target group is mainly in the government realm, however some relevant NGO's should be drawn into the process

relevance of the project to the target groups

The activity has particular relevance post-11 September 2001, since which time there has been increased pressure in the international community to take action against terrorism. Some States are struggling operationally to combat terrorism with little or no time or resources to focus on legislation.

**Approach:**

The overall methodology of anti-terrorism technical assistance provided by the OSCE corresponds to the guidelines issued by the UN Counter-Terrorism Committee. This is a staged approach covering:

- A. Legislation
- B. Executive Machinery
- C. International Co-operation

Preceded by a review and analysis of the participating State's current domestic legislation carried out by national and international experts, the basic methodology of the workshops is expected to be as follows:

- overview of international legal obligations under UNSCR 1373; international and regional institutional frameworks for fighting terrorism; international human rights instruments; and OSCE commitments within the concept of the rule of law as a general framework.
- system of ratification and implementation of the international treaties by an expert drawn from one of the participating States in order to clarify how international law becomes a part of the legal system.

- example of ratification and implementation given by an expert of another participating State to promote shared experience.
- introduction of legislative assistance materials available, including the UN Legislative Guide and the Commonwealth Secretariat's Implementation Kits; stressing the importance of the legal framework as a basis for investigating and prosecuting serious and terrorist crimes; covering *inter alia* such important issues as offence elements, jurisdiction, dual criminality for the purposes of extradition, the principle of "no safe haven", penalisation of convention offences, and crime of financing terrorist activities, and providing examples from other participating States.
- compliance of national legislation with international human rights standards.
- support in drafting an action plan for follow-up activities by the participating States, the ODIHR and relevant outside bodies

#### reasons for the proposed methodology

It is essential to target the actual drafters of legislation and those responsible for counter-terrorism policy. The use of outside expertise, in particular from the UN ODC and the Commonwealth Secretariat, and the inclusion of relevant national experts has shown previously that the implementation process is speeded up and becomes more efficient.

#### procedures for internal evaluation during implementation

- Regular review of legislative drafts
- Regular correspondence with participants to continued access to expertise
- Feedback and evaluation questionnaires following workshops

#### **Description of activities:**

The workshops for 2004 will focus on South-Eastern Europe following a regional seminar in London to be held November 2003. This will focus on the States of Serbia and Montenegro, Bosnia and Herzegovina and the former Yugoslav Republic of Macedonia. There may also be a requirement for follow-up activity in Georgia, Armenia and Kazakhstan.

#### Security margin in the proposed plan of action

The follow-up activities agreed to by the participants at the national workshops are tied to an action plan with concrete deadlines.

## **2. Expected results**

#### **Estimated impact on target groups:**

- Significantly improved capacity to draft anti-terrorism legislation and implement international treaties relating to terrorism
- Improved monitoring capacity of NGO's in relation to UNSCR 1373 and terrorism in general
- Indirectly, the programme will promote an inter-departmental approach to dealing with terrorism

**Multiplier effects:**

It may be possible to use the workshops as a model for other regional organisations.

**Sustainability:**

The individual projects will be followed by access to relevant expertise where necessary and should not require additional funding.

The main outcome will be improved anti-terrorism legislation and fully implemented international treaties.

The ODIHR programmes seek to achieve a maximum sustainability through activities proposed, particularly at the policy and institutional levels. Therefore a programme approach has been chosen to ensure a longer-term perspective.

**REGIONAL: SOUTH EAST EUROPE**  
**ANTI-TERRORISM TECHNICAL LEGISLATIVE ASSISTANCE PROGRAMME**  
**WORKSHOPS ON THE IMPLEMENTATION OF UNSCR 1373: SEE**

**Objectives**

- Promoting the ratification and implementation of the UNSCR 1373, in particular the 12 UN conventions and protocols
- Providing technical assistance in the implementation of UNSCR 1373, in particular the 12 UN conventions and protocols

**Background**

The majority of States in the Southern Caucasus, Central Asia and some in Southeast Europe suffer from a lack of capacity, and in some cases relevant experience in the process of drafting legislation to implement international treaties relating to terrorism. UN Security Council Resolution 1373 calls on all States to ratify and implement these treaties as soon as possible and OSCE participating States have committed themselves further in the Bucharest Plan of Action (2001) and the OSCE Charter on Preventing and Combating Terrorism (2002).

The overall methodology of anti-terrorism technical assistance provided by the OSCE corresponds to the guidelines issued by the UN Counter-Terrorism Committee. This is a staged approach covering a) Legislation, b) Executive Machinery and c) International Co-operation.

**Approach**

Preceded by a review and analysis of the participating State's current domestic legislation carried out by national and international experts, the ODIHR will conduct workshops on the implementation of UNSCR 1373. The basic methodology of the workshops is expected to be as follows:

- overview of international legal obligations under UNSCR 1373; international and regional institutional frameworks for fighting terrorism; international human rights instruments; and OSCE commitments within the concept of the rule of law as a general framework
- system of ratification and implementation of the international treaties by an expert of one of the participating States in order to clarify how international law becomes a part of the legal system
- example of ratification and implementation given by an expert of another participating State to promote shared experience
- introduction of legislative assistance materials available, including the UN Legislative Guide and the Commonwealth Secretariat's Implementation Kits; stressing the importance of the legal framework as a basis for investigating and prosecuting serious and terrorist crimes; covering *inter alia* such important issues as offence elements, jurisdiction, dual criminality for the purposes of extradition, the principle of "no safe haven", penalisation of convention offences, crime of financing terrorist activities; and providing examples from other participating States
- compliance of national legislation with international human rights standards

- support in drafting an action plan for follow-up activities by the participating States, the ODIHR and relevant outside bodies

**Timeframe:** 2004

**REGIONAL: CENTRAL ASIA**  
**ANTI-TERRORISM TECHNICAL LEGISLATIVE ASSISTANCE PROGRAMME**  
**WORKSHOPS ON THE IMPLEMENTATION OF UNSCR 1373: CENTRAL ASIA**

**Objectives**

- Promoting the ratification and implementation of the UNSCR 1373, in particular the 12 UN conventions and protocols
- Providing technical assistance in the implementation of UNSCR 1373, in particular the 12 UN conventions and protocols

**Background**

The majority of States in the Southern Caucasus, Central Asia and some in Southeast Europe suffer from a lack of capacity, and in some cases relevant experience in the process of drafting legislation to implement international treaties relating to terrorism. UN Security Council Resolution 1373 calls on all States to ratify and implement these treaties as soon as possible and OSCE participating States have committed themselves to this further in the Bucharest Plan of Action (2001) and the OSCE Charter on Preventing and Combating Terrorism (2002).

The overall methodology of anti-terrorism technical assistance provided by the OSCE corresponds to the guidelines issued by the UN Counter-Terrorism Committee. This is a staged approach covering a) Legislation, b) Executive Machinery and c) International Co-operation.

**Approach**

Preceded by a review and analysis of the participating State's current domestic legislation carried out by national and international experts, the ODIHR will contact workshops on the implementation of UNSCR 1373. The basic methodology of the workshops is expected to be as follows:

- overview of international legal obligations under UNSCR 1373, international and regional institutional framework of fighting terrorism; international human rights instruments and OSCE commitments within the concept of the rule of law as a general framework
- system of ratification and implementation of the international treaties by an expert of the participating States in order to clarify how international law becomes a part of the legal system
- example of ratification and implementation given by expert of other participating State to promote shared experience
- introduction of legislative assistance materials available, including the UN Legislative Guide and the Commonwealth Secretariat's Implementation Kits, stressing the importance of the legal framework as a basis for investigating and prosecuting serious and terrorist crimes, covering such important issues as offence elements, jurisdiction, dual criminality for the purposes of extradition, the principle of "no safe haven", penalisation of convention offences, crime of financing terrorist activities, etc., providing examples from other participating States
- compliance of national legislation with international human rights standards

- support in drafting an action plan for follow-up activities by the participating States and the OSCE/ODIHR and relevant outside bodies

**Timeframe:** 2004

**REGIONAL: SOUTHERN CAUCASUS**  
**ANTI-TERRORISM TECHNICAL LEGISLATIVE ASSISTANCE PROGRAMME**  
**WORKSHOPS ON THE IMPLEMENTATION OF UNSCR 1373: CAUCASUS**

**Objectives**

- Promoting the ratification and implementation of the UNSCR 1373, in particular the 12 UN conventions and protocols
- Providing technical assistance in the implementation of UNSCR 1373, in particular the 12 UN conventions and protocols

**Background**

The majority of States in the Southern Caucasus, Central Asia and some in Southeast Europe suffer from a lack of capacity, and in some cases relevant experience in the process of drafting legislation to implement international treaties relating to terrorism. UN Security Council Resolution 1373 calls on all States to ratify and implement these treaties as soon as possible and OSCE participating States have committed themselves to this further in the Bucharest Plan of Action (2001) and the OSCE Charter on Preventing and Combating Terrorism (2002).

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**Approach**

Preceded by a review and analysis of the participating State's current domestic legislation carried out by national and international experts, the ODIHR will contact workshops on the implementation of UNSCR 1373. The basic methodology of the workshops is expected to be as follows:

- overview of international legal obligations under UNSCR 1373, international and regional institutional framework of fighting terrorism; international human rights instruments and OSCE commitments within the concept of the rule of law as a general framework
- system of ratification and implementation of the international treaties by an expert of the participating States in order to clarify how international law becomes a part of the legal system
- example of ratification and implementation given by expert of other participating State to promote shared experience
- introduction of legislative assistance materials available, including the UN Legislative Guide and the Commonwealth Secretariat's Implementation Kits, stressing the importance of the legal framework as a basis for investigating and prosecuting serious and terrorist crimes, covering such important issues as offence elements, jurisdiction, dual criminality for the purposes of extradition, the principle of "no safe haven", penalisation of convention offences, crime of financing terrorist activities, etc., providing examples from other participating States
- compliance of national legislation with international human rights standards

- support in drafting an action plan for follow-up activities by the participating States and the OSCE/ODIHR and relevant outside bodies

**Timeframe:** 2004



## **PROGRAMME OUTLINE**

### **1. Programme Information**

#### **TERRORISM PREVENTION PROGRAMME**

*(Conducted in co-operation with other elements of the ODIHR, in particular the Civil Society & Governance Unit, the Rule of Law Unit and the Migration/Freedom of Movement Unit)*

Priority theme(s) addressed:

- The prevention of terrorism in the OSCE area addressed through the human dimension

**Location:**

OSCE region

**Summary:**

Each ODIHR anti-terrorism programme area corresponds to guidelines and tasks as outlined in the Bucharest Plan of Action (2001) and the OSCE Charter on Preventing and Combating Terrorism (2002).

goals

As mandated by the Bucharest Plan of Action, the ODIHR intends to address those factors which may engender terrorism or extremism, in particular through the following activities:

- promoting human rights, tolerance and multi-culturalism, including anti-discrimination
- institution building, strengthening the rule of law and state authorities

target groups

Civil society, government authorities, vulnerable groups

main activities

- Promote and enhance tolerance, co-existence and harmonious relations between ethnic, religious, linguistic and other groups as well as constructive co-operation among participating States;
- Promote and assist in building democratic institutions, and strengthen administrative capacity of local and central government and parliamentary structures, ombudsman institutions and civil society;
- Strengthen the capacity of the judiciary to deal with all aspects of terrorism and related crime;

- Promote civil society engagement in the fight against terrorism;
- Facilitate exchange of best practices and experience between participating States and solidify democratic institutions, civil society and good governance.

**Objectives:**

- To raise awareness of root causes of terrorism and extremism;
- To deter young people from entering the cause of terrorist or extremist groups;
- To discourage States from radicalising sections of the population;
- To promote human rights and fundamental freedoms, in particular the freedom of religion and belief;
- To provide wider access to human rights education.

**Justification:**

Across the OSCE region, there are still areas sympathetic to terrorist and extremist causes. It is therefore important to assess and highlight the root causes of grievances and address them. There is also a limited capacity in some participating States to deal with terrorism and extremism.

identification of target groups with an estimate of the anticipated direct and indirect beneficiaries

Direct beneficiaries will be civil society as a whole and government authorities dealing with terrorism and extremism. It is anticipated that vulnerable groups, religious and ethnic minorities will also benefit from the programme.

**Approach:**

Projects will promote and enhance tolerance, co-existence and harmonious relations between ethnic, religious, linguistic and other groups as well as constructive co-operation among participating States. This will be achieved through promoting discussion and analysis of the ‘root causes’. The ODIHR has been tasked to provide early warning of and appropriate responses to violence, intolerance, extremism and discrimination against these groups and, at the same time, promote respect for the rule of law, democratic values and individual freedoms. This will include liaison and co-ordination with other international and human rights organisations working in a similar field. In this category, the ODIHR in particular focuses on tolerance promotion and anti-discrimination. The ODIHR places a particular emphasis on Freedom of Religion or Belief and actively promotes religious tolerance through the work of the ODIHR Advisory Panel on Freedom of Religion or Belief and workshops focused on awareness raising and conflict prevention.

Projects in this area aim to promote and assist in building democratic institutions at the request of States, helping to strengthen administrative capacity, local and central government and parliamentary structures, the ombudsman institutions and civil society. The capacity of the judiciary should be enhanced to deal with all aspects of terrorism and related crime, including by the provision of relevant expertise and training so as to strengthen the independence and impartiality of the judiciary. Projects also aim to promote civil society engagement in the fight against terrorism, and will offer young people opportunities to learn and practice tolerance, to enable them to actively participate in civil

society and to familiarise them with peaceful conflict resolution methods. Projects are designed to also facilitate exchanges of best practices and experience between participating States and solidify democratic institutions, civil society and good governance.

#### reasons for the proposed methodology

Many effective counter-terrorism activities fall into areas in which the ODIHR is already active and proficient, such as police training, legislative and judicial reform and border security. This programme area will expand the ODIHR's existing activities to include specific counter-terrorism modules. The Co-ordinator works to continually review existing projects in order to make explicit their potential to address the various causes or enabling factors of terrorism.

#### procedures for internal evaluation during implementation

Regular evaluation meetings, mainly internally, however also through the Anti-Terrorism Task Force Meetings held monthly at the OSCE Secretariat.

#### **Description of activities:**

Participating States recognised in the Bucharest Plan of Action (2001) that there are various social, economic, political and other factors, including violent separatism and extremism, which engender conditions in which terrorist organisations are able to recruit and win support. These are sometimes referred to as the 'root causes' of terrorism. The main areas of activity for 2004 will focus on human rights promotion, including tolerance and anti-discrimination.

The other main area of activity will be institution building, strengthening the rule of law and state authorities.

## **2. Expected results**

#### **Estimated impact on target groups:**

The ODIHR can make a significant contribution to the international community's concerted action against terrorism in targeting groups at risk from terrorist recruiters. Reducing the allure of the terrorist or extremist group and contributing to the improvement of basic socio-economic conditions will impact on the ability of the terrorists to recruit and win support.

#### **Sustainability:**

The ODIHR programmes seek to achieve a maximum sustainability through activities proposed, particularly at the policy and institutional levels. Therefore a programme approach has been chosen to ensure a longer-term perspective.

Preventive action against terrorism requires the sustained attention and commitment of the international community. Many effective counter-terrorism activities fall into areas in which the ODIHR is already active and proficient, such as police training, legislative and judicial reform and border security. This programme area will expand the ODIHR's existing activities to include specific counter-terrorism modules. The Co-ordinator works

to continually review existing projects in order to make explicit their potential to address the various causes or enabling factors of terrorism.

**REGIONAL: CENTRAL ASIA**  
**TERRORISM PREVENTION PROGRAMME**  
**MEETING ON BEST PRACTICES ON COMBATING TERRORISM AND EXTREMISM**

**Objectives**

- To produce basic guidelines on human rights to be respected when States enact legislation which seek to prohibit extremist organisations (notably freedom of expression and association, fair trial and judicial review) – in co-operation with the Council of Europe’s Venice Commission;
- To conduct a regional “best practices” meeting on combating terrorism and extremism - in conjunction with the Council of Europe;
- To share experience and exchange best practices on dealing with extremism ;
- To share experiences on drafting legislation in conformity with international standards and human rights law which deals with extremist and terrorist activities.

**Background**

Human rights violations, various socio-economic factors and the suppression of religious freedom are contributing to the growth of extremism in Central Asia and other parts of the OSCE region. People imprisoned for membership in an ‘extremist group’ or ‘terrorist organisation’, who held no extremist views prior to imprisonment, may become more radicalised and on release express more sympathy with radical groups. It has been recommended that the ODIHR conduct a regional “best practices” meeting on various topics in the Fergana Valley, including dealing with terrorism and extremism. One of the aims of the meeting is to bring together OSCE field and Mission HQ staff to share practices from within the region. This would also assist in co-ordination between the various OSCE offices in the region.

The Venice Commission of the Council of Europe has recently drafted an opinion on the Georgian Law on Prohibition of Extremist Organisations and Unions (20 June 2003). The Commission analyses the law from the perspective of Convention rights (freedom of expression and association) and covers the requirements for fair trial and judicial review. The ODIHR could co-operate with the Venice Commission to turn the opinion into more general guidelines. Applicable OSCE commitments, and other international human rights standards, could be incorporated. The guidelines would set out human rights standards to be respected when enacting legislation, which seeks to prohibit extremist organisations. A representative from the Venice Commission would be invited to the workshop to present the guidelines in conjunction with an ODIHR expert.

**Approach**

A regional workshop will be conducted in the Fergana Valley with an expert from the ODIHR and the Venice Commission presenting the guidelines on legislating against extremist organisations. The event would also be attended by staff from the various field offices, and the staff based in the capitals to share best practices from within the region.

**Timeframe:** 2004

**REGIONAL: UZBEKISTAN, KYRGYZSTAN, TAJIKISTAN**  
**TERRORISM PREVENTION PROGRAMME**  
**TOLERANCE AND ANTI-DISCRIMINATION IN THE CONTEXT OF COMBATTING TERRORISM**  
**AND EXTREMISM: DISCUSSION GROUPS FOR YOUNG PEOPLE**

**Objectives**

- To help young people avoid stereotyping and discrimination and to develop the ability to separate facts from rumour;
- To discuss the value of individual liberty and the rule of law;
- To help young people recognise that terrorism is a problem of extremists, whatever their religion, culture or ethnicity;
- To help young people think about social conditions that can be associated with terrorism;
- To increase understanding and to encourage tolerance and respect for human dignity, while reducing mutual mistrust between communities in conflict.

**Background**

The Fergana Valley region is one of the most densely populated areas in the world. Its total population is about 10 million. Its inhabitants regard it as the heart of Central Asia. It has however been artificially broken up by imposed borders following a long history of insurgence and violent insurrection. Human rights violations, various socio-economic factors and the suppression of religious freedom are contributing to the growth of extremism in Central Asia.

The Bucharest Ministerial Council in 2001 reaffirmed that the OSCE participating States are committed to the principles of tolerance, co-existence and harmonious relations between majority populations and ethnic, religious, linguistic or other minority groups. It was also highlighted during the consultative international conference on the subject of tolerance and non-discrimination in primary/elementary and secondary education held in Madrid in 2001. Access to good education is a fundamental factor in development. Unfortunately very few of the citizens of any of the Central Asian countries have access to quality education. Programs that focus on improving education are needed. There are also specific needs for quality programs to educate for tolerance and for education in basic legal literacy and conflict resolution skills. These programs should be aimed at a variety of populations including high school and university students.

**Approach**

To gather groups of young people from the States of the Fergana Valley to discuss concerns and attitudes in the region towards tolerance and anti-discrimination. In the context of Central Asia, small projects, with sufficient staff to oversee their implementation and follow up are a good use of money and likely to give tangible results.

**Timeframe:** 2004

<p style="text-align: center;"><b>REGIONAL: CENTRAL ASIA</b> <b>TERRORISM PREVENTION PROGRAMME</b> <b>TOLERANCE EDUCATION: TARGETING THE EDUCATORS</b></p>
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**Objectives**

- To offer to educators a broad range of methods and approaches to overcome the negative stereotypes, prejudices and discrimination that might occur in their countries;
- To increase understanding and to encourage tolerance and respect for human dignity, while reducing mutual mistrust between communities in conflict;
- To help educational policy makers and members of boards of education discuss the incorporation of tolerance education into curricula in order to prevent ethnic and religious conflict in schools and in other institutions for children and youth;
- To create a political opening by way of general a discussion on the topic of tolerance education.

**Background**

The Bucharest Ministerial Council in 2001 reaffirmed that the OSCE participating States are committed to the principles of tolerance, co-existence and harmonious relations between majority populations and ethnic, religious, linguistic or other minority groups. It was also highlighted during the consultative international conference on the subject of tolerance and non-discrimination in primary/elementary and secondary education held in Madrid in 2001.

Access to good education is a fundamental factor in development. Unfortunately very few of the citizens of any of the Central Asian countries have access to quality education. Programs that focus on improving education are needed. There are also specific needs for quality programs to educate for tolerance and education in basic legal literacy and conflict resolution skills. These programs should be aimed at a variety of populations including high school and university students.

It is important for States to support educational policies, which promote the principles of mutual respect, and the protection and preservation of these values and to ensure they pass from generation to generation.

**Approach**

A Ministerial level meeting will be conducted with key educators invited. This project would aim to create a political opening in respect of tolerance education, and not to introduce specific curricula changes *per se*.

**Timeframe:** 2004

**REGIONAL: SOUTH EASTERN EUROPE  
TERRORISM PREVENTION PROGRAMME  
ROUNDTABLES ON RESPECTING HUMAN RIGHTS WHILE COMBATING TERRORISM AND  
EXTREMISM**

**Objectives:**

- Promoting the respect for human rights while combating terrorism and extremism through the shared experience of other participating States;
- Encourage discussion on dilemmas in policy and practice;
- Providing continued access to and dialogue with operational and government counterparts.

**Background:**

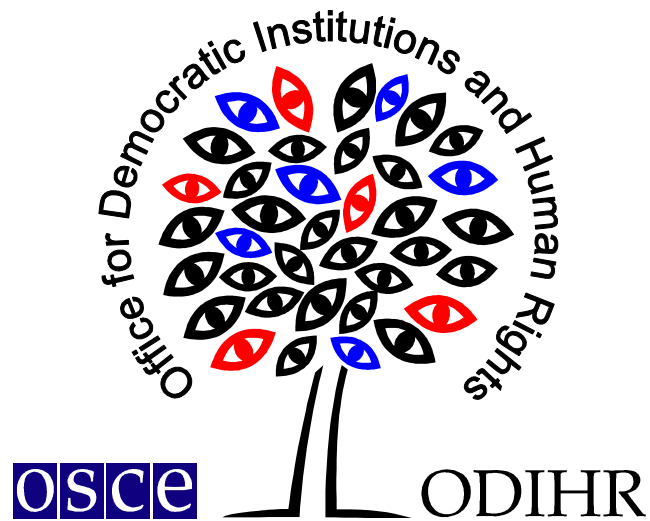
States throughout the OSCE region are experiencing a growth or resurgence in terrorist and extremist activity. States have an obligation to address threats to security, including terrorism and extremism. At the same time, there also exists the obligation to promote and protect human rights. There has been a tendency since 11 September 2001 to put aside human rights concerns in the ongoing 'war on terror'. This approach is ill-judged and counter-productive.

A number of OSCE participating States have dealt with terrorism and extremist activity for decades, having adopted a wide variety of policies, with differing effectiveness and impact and human rights. It is proposed to share this experience with newly democratic States struggling to deal with terrorist and extremist groups in order to highlight the dangers of ignoring human rights while addressing threats to security.

**Approach:**

As opposed to focusing on the confrontational approach of terrorism versus human rights, a roundtable approach would encourage constructive and positive dialogue between policy makers and those with operational experience. The roundtable will be designed to get together OSCE States with considerable experience in fighting against terrorism and those with less experience. Contact could thus be maintained between States over a longer term.

**Timeframe:** 2004



# **OSCE ODIHR TECHNICAL ASSISTANCE PROGRAMMING**

**2004-2005**

## **ELECTORAL ASSISTANCE**

**Warsaw, 19 December 2003**

<p style="text-align:center"><b>OSCE REGION</b> <b>ELECTORAL ASSISTANCE</b> <b>DOMESTIC OBSERVATION CAPACITY BUILDING PROJECT III</b></p>
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### **Objectives**

- Further support the development and strengthening of domestic observation, focusing in particular on organisation, structure, professionalism, non-partisanship and reporting, as well as the role of domestic observer groups between elections.
- Further promote advancing standards for domestic observation and advanced monitoring methodologies, as well as improving co-operation between domestic and international actors and co-ordination between domestic observer groups.

### **Background**

Between 2001 and 2003, the ODIHR implemented two capacity building projects for domestic observer groups. These involved the preparation of a Handbook for Domestic Observers, launched at the 2003 Human Dimension Implementation Meeting; organisation of a conference in advance of the 2001 Human Dimension Seminar and a forum in Zagreb in June 2003, both attended by around 25 domestic observer groups; conduct of workshops in key areas of observation methodology and practice; and development of a website to facilitate networking and sharing of information between groups, launched in the autumn of 2003.

### **Approach**

The two capacity building projects organised by the ODIHR made a significant contribution to standardising and improving observation methodology and increasing co-ordination between domestic observer groups. Since 2001, domestic observer groups have made significant progress and have increasingly provided technical and political support to each other. At the forum in Zagreb, the ODIHR was requested by domestic observer groups to continue to support their work through the organisation of a second forum, technical assistance and support for mutual assistance.

### **Timeframe:**

*January – December 2004*

- Provision of small-scale technical assistance by the ODIHR to domestic observer groups and between domestic observer groups.
- Maintenance and further development of website run by the Ukrainian Committee of Voters on behalf of domestic observer groups.
- Translation of the ODIHR Handbook for Domestic Observers into select local languages.

*May 2004*

- Organisation of a second forum for domestic observer groups.

*June – December 2004*

- Organisation of intensive workshops for key members of domestic observer groups covering subjects including legal analysis, media monitoring, statement and report writing, assessment of the participation of women and national minorities, organisational development and observation methodology.

<b>OSCE REGION ELECTORAL ASSISTANCE ELECTORAL LEGISLATION ALERT AND ASSISTANCE PROGRAMME</b>
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**Objectives**

- To monitor the development of election legislation in relation to the Human Dimension commitments of the OSCE, in particular the Copenhagen Document of 1990;
- To promote dialogue on draft election legislation and regulations through public roundtables and to increase participation by political actors and civil society in the elaboration of such legislation.

**Background**

Participation by a broad range of political forces and civil society in the formulation of election legislation promotes public confidence in the legislative framework of elections and in the election process itself. Moreover, participating States have agreed to follow up on recommendations contained in the ODIHR reports from past observation missions, which often call for amendments to the legal and administrative framework for elections. This project, implemented since 2001, has proven to be an efficient tool for responding promptly to requests for reviewing draft amendments or election legislation. The project has allowed the ODIHR greater flexibility to respond rapidly to urgent requests from participating States regarding the election framework and the ability to promote dialogue and transparency in the process of formulating election legislation.

**Approach**

The project has the following aspects:

- Monitoring of legislative activities in OSCE participating States, to be conducted by the ODIHR in co-operation with OSCE field missions.
- Providing comprehensive law reviews, in accordance with the standard ODIHR guidelines for the review of election legislation developed in 2000;
- Organising public roundtables to strengthen participation of political forces and civil society in the formulation of legal framework for elections.

**Timeframe:** Throughout 2004

<b>OSCE REGION ELECTORAL ASSISTANCE FOLLOW-UP ON ELECTIONS OBSERVED BY THE ODIHR</b>
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**Objectives**

- Develop consistent follow-up approach, as part of the ODIHR's standard methodology for election observation, and provide assistance to participating States in implementing their commitments "to follow up promptly the ODIHR's election assessment and recommendations".
- Promote political will, and engage governments, political parties and civil society in dialogue on improvements to the regulation, conduct and contest of elections.
- Develop models for post-election engagement, and, in particular, to assess implementation of recommendations contained in the ODIHR's final reports of Election Observation Missions.

Achievement of these objectives will be ensured through:

- Conducting electoral assistance projects in close co-operation with the authorities, election administration, political parties and civil society targeting issues identified in final reports and during follow-up visits.
- Responding to the OSCE Missions' requests in the implementation or follow-up to any election targeted activities.

**Background**

At the 2001 Human Dimension Seminar on Election Processes, the ODIHR was requested by participating States to undertake increased follow-up after elections, in particular to assess the degree to which recommendations in final reports on elections have been implemented. Since the Seminar, the Election Section has conducted several projects in line with this recommendation. In Kazakhstan, for example, the ODIHR organised a series of round tables involving participation by the authorities and political parties from across the political spectrum to develop amendments to the Electoral Code. In Albania, the ODIHR provided assistance to a bi-partisan parliamentary committee, which after meeting for a year had addressed almost all recommendations contained in the ODIHR final report on the 2001 parliamentary elections. However, a more consistent approach to follow-up remains to be further developed and implemented.

**Approach**

The ODIHR Election Section will begin to develop models for post-election engagement, in order to ensure a more consistent approach to follow-up, and facilitating the implementation of the ODIHR's recommendations. This approach could include: the preparation of a follow-up report, a year or so after an election has been observed, to evaluate the degree to which the ODIHR's recommendations have been implemented, and outline key steps to be taken in advance of the next elections; the organisation of round tables and conferences with key election stakeholders; and the development and agreement of electoral assistance projects to improve the regulation, conduct and contest of future elections.

**Timeframe:**

*January – February 2004*

- Develop models for post-election engagement that permit a more consistent approach to follow-up.

**February-December 2004**

- Commence the implementation of a more consistent approach to follow-up, including: the production of follow-up reports; organisation of round tables and conferences; and development and agreement of electoral assistance projects to improve the regulation, conduct and contest of future elections.

**OSCE REGION:  
ELECTORAL ASSISTANCE  
ELECTION ASSISTANCE PROJECT: GUIDELINES FOR MEDIA MONITORING OF ELECTIONS  
(DEVELOPED BY THE ODIHR IN CONJUNCTION WITH THE EUROPEAN COMMISSION)**

**Objective**

- To develop and publish OSCE/ODIHR guidelines for media monitoring during election observation missions with the support of the European Commission and other media institutes;
- To provide training for media analysts and media monitors in the field, thus contributing to capacity building;
- To conduct media monitoring within the context of Election Observation Missions (EOM) conducted by the OSCE/ODIHR and by other international organisations involved in election monitoring; and
- To fund a number of media monitoring teams integrated in the OSCE/ODIHR EOMs.

**Background**

Media monitoring is a fundamental element of election observation missions yet the methodology used by the OSCE/ODIHR to monitor the media requires improvement. An increasing number of organisations and experts are conducting media monitoring throughout the OSCE region and beyond. Some, like Pavia Institute (Italy), European Institute for the Media (Dusseldorf), Article XIX (London) and Memo 98 (Bratislava), have participated or closely co-operated with the ODIHR during election observation efforts and at other times. Each of these organisations applies a different monitoring methodology. Lessons can be learned from their experiences, their methodologies can be combined, and more elaborated guidelines can be prepared to enhance the OSCE/ODIHR media monitoring capacity. In addition, the guidelines could be used by other organisations involved in election observation.

**Approach**

The OSCE/ODIHR will contract an external expert to 1) conduct research on the topic; 2) identify media monitoring issues to be further developed by other experts; and 3) to draft an initial set of the guidelines. A two-day seminar with the participation of media monitoring institutes, independent experts, professional journalists, and the Election Unit of the European Commission will be organised in Warsaw to discuss the draft guidelines and experts' contributions. The conclusion of the discussion should contribute to the preparation of the final OSCE/ODIHR Guidelines for Media Monitoring in 2004.

The OSCE/ODIHR will develop these guidelines in partnership with the Election Unit of the European Commission, the NEEDS project, the OSCE Office for the Freedom of the Media, the Council of Europe, the Institute de Pavia, Memo 98, Article XIX, the European Institute for the Media, Journalists Without Borders, the Institute for the Media Policy and Civil Society (IMPACS – Canada) and representatives of media (from BBC and other outlets).

The ongoing EC project called NEEDS includes a strong media aspect. A training programme for media monitors will be organised in 2003 in collaboration with the Pavia Institute. The training materials, expertise and experiences from the above should be taken into consideration while implementing this project.

**Timeframe:** PHASE One of the project: Development of the Media Monitoring Guidelines, was implemented in 2003 and funded by the Government of Switzerland

PHASE Two: Funding Media Analysts and Training of Media Monitors (2004 – 2005)

Throughout the year 2004, the ODIHR expects to:

- Fund Media Monitoring Teams to OSCE/ODIHR EOMs. The OSCE/ODIHR deploys between 15 and 20 Election Observation Missions per calendar year that include independent media monitoring team.
- Develop of a training curriculum: the training will have two target groups: 1) Media Analysts integrated into OSCE/ODIHR EOMs; they will lead the monitoring teams; 2) Media Monitors locally recruited who will work under the supervision of the Media Analysts.
- Implement the training: the training could first address Media Analysts who will in turn train media monitors in country where the EOM is deployed.
- The NEEDS project, in conjunction with specialised media institutes, such as Pavia Institute, Memo 98 or EIM could be responsible for the design of the training curriculum and the implementation of the training for Media Analysts.

**OSCE REGION  
ELECTORAL ASSISTANCE  
ELECTION ASSISTANCE PROJECT: VOTER REGISTRATION BEST PRACTICES**

**Objectives**

- To exchange views on best practices in voter registration and on voter registration systems, and outline differences between voter registration and civil registration and census.
- To issue recommendations on best practices, and eventually on the preparation of the ODIHR Guidelines on Voter Registration, including selection of particular systems.

**Background**

Voter registration is a critical part of the election process. Accurate, updated voter registries should allow those who are eligible to vote, and should prevent those who are not eligible from voting. The voter registration process should also be transparent so that political contestants and voters have confidence in the integrity of the lists. Lack of transparency and confidence in the voter registration process often leads contestants and political parties to question the integrity of the entire election process.

In the OSCE region, there is a wide range of systems for registering voters, both state-initiated and voter-initiated. In some cases, voter registries are extracted from data on the civil register, while in others, voters come to designated centres or municipal offices to register to vote and in still others, state officials visit the residences of prospective voters to collect or confirm data. While the ODIHR and other international organisations make recommendations regarding voter registration as part of election observation or technical assistance projects, there has been little discussion and assessment of best practices, and guidelines are lacking for what types of voter registration systems should be recommended in what circumstances.

**Approach**

The ODIHR will contract an external expert to 1) conduct research on the topic; 2) identify issues to be discussed and further developed; and 3) prepare a preliminary draft paper for discussion. The ODIHR will organise a two-day roundtable in Warsaw for experts including election officials, ODIHR Election Section staff and representatives from such organisations as IFES, NDI, International IDEA, ERIS and ACEEEO. The roundtable will seek to clarify the models for voter registration in the region and in what circumstances particular approaches should be considered. The roundtable will also identify issues of concern related to the voter registration process and identify best practices in the region. The external expert will draft a report detailing conclusions of the roundtable and outlining best practices, and possibly recommendations for drafting guidelines on the topic.

**Timeframe:**

*January - February 2004*

- Collect background information

- Identify and contract an expert to conduct research

*March 2004*

- Prepare materials on voter registration, including a review of ODIHR reports
- Invite participants to the roundtable and finalise logistical arrangements

*April - May 2004*

- Convene voter registration roundtable
- Finalise report on meeting and issue recommendations

**OSCE REGION  
ELECTORAL ASSISTANCE  
FUND FOR PARTICIPATION OF ELECTION EXPERTS FROM DEVELOPING DEMOCRACIES IN  
ODIHR OBSERVATION MISSIONS**

**Objectives**

- To increase participation of election experts and qualified observers from Southeast, Central and Eastern Europe and the former Soviet Union (SEE/CEE/FSU) in ODIHR observation missions.

**Background**

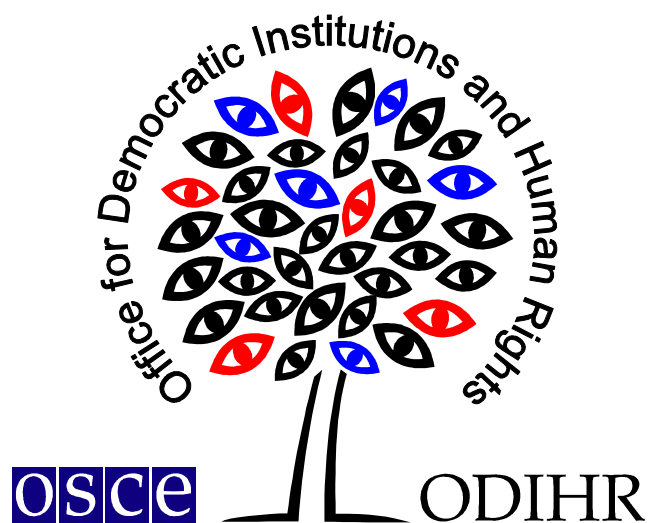
Based on election observations conducted through the years, the ODIHR is aware of excellent electoral expertise that has been developed in a number of OSCE countries from South Eastern, Central and Eastern Europe, as well as the former Soviet Union. The ODIHR is also aware that the governments of these countries have limited financial resources to cover the participation of their experts in OSCE/ODIHR election observation missions. As a result, members of the ODIHR election observation missions have, for the most part, been drawn from Western developed democracies. The ODIHR recognises the mutual benefit to be gained from greater participation of observers from SEE/CEE/FSU in election observation missions. Such observers have expertise, understanding of specific environments and experience of building democratic systems in their own countries that would be of great value to observation missions. Equally, participation in the ODIHR election observation missions would provide observers from SEE/CEE/FSU with experience that they could put to great use in their own countries.

**Approach**

Recognising the contribution that election experts from SEE/CEE/FSU could make, in 2001 the ODIHR established a special fund based on extra-budgetary contributions from participating states to broaden the participation of election observers from developing democracies in the ODIHR observation missions. The project will enable election experts from developing democracies to work closely with the ODIHR and will provide an opportunity to expand the ODIHR election observation methodology. It will also promote confidence of the electorate in election observation and enhance the credibility of international observers.

This project proved to be extremely successful in 2002 and 2003 and has changed the image of election observation missions from being dominated by experts from the West to including a good balance between developed and developing democracies. It should remain an absolute priority for 2003-4.

**Timeframe:** Throughout 2004



# **OSCE ODIHR TECHNICAL ASSISTANCE PROGRAMMING**

**2004-2005**

**ROMA AND SINTI ISSUES**

**Warsaw, 19 December 2003**

**REGIONAL: SOUTHEAST EUROPE**  
**ROMA AND SINTI ISSUES**  
**“ROMA USE YOUR BALLOTS WISELY”**

**Objectives**

- To strengthen Romani participation in democratic processes as voters, elected officials, and members of an active constituency who take part in advocacy.

**Background**

Since 2001, the OSCE ODIHR has carried out a multi-faceted project jointly with the Council of Europe. The project, called Roma and the Stability Pact in South Eastern Europe, is now in its May 2003-May 2005 phase which is entitled “Roma Use Your Ballots Wisely”. The project is funded 80% by the European Commission. Activities within the scope of the project include training and support of local community advocates, training for Roma seeking election to local political offices, observation of Romani participation in voting, voter education efforts, and more. While the project has activities in all of south-eastern Europe, there is a strong emphasis on post-crisis areas and on the participation of displaced persons.

**Approach**

The implementation plan for the wide-ranging activities of the project is available separately. This project includes non-partisan training of Roma women candidates in local elections, provision of short-term election observers studying possible barriers to Roma’s voting, voter education, capacity-building training for NGOs that serve and advocate the views of displaced persons, and activities with aims summarised above in the background section.

**Timeframe:** 2003 – 2005

**REGIONAL: SOUTHEAST EUROPE**  
**ROMA AND SINTI ISSUES**  
**ROMA ADVISORY BOARD FOR ELECTION-RELATED WORK OF THE CPRSI**

**Objectives**

- To provide the ODIHR with consultation and feedback from European Roma and Sinti community organisers on the ODIHR's work in encouraging Roma as voters in Southeast Europe,
- To train Roma and Sinti community organisers on the management of non-profit advisory boards.

**Background**

Since 2001, the ODIHR Contact Point for Roma and Sinti Issues (CPRSI) has carried out a multi-faceted project called "Roma and the Stability Pact in Southeast Europe" (RSPSEE). The project operates in several countries with an emphasis on post-crisis areas. It is done jointly with the Council of Europe and engages several Roma NGOs as co-ordinators of its varied activities. Activities include short-term electoral observation to assess potential barriers to Roma participation in voting, non-partisan training for Roma (especially women) as electoral candidates, local meetings between public servants and Roma, and more.

In several meetings organised by the ODIHR and attended by prominent Roma civil rights activists, it has been proposed that the Contact Point for Roma and Sinti Issues' elections-related efforts would benefit from the consultation of an advisory board of experienced Roma political organisers.

**Approach**

In 2004, the ODIHR CPRSI will convene a "Roma in Elections Activity Advisory Board" on several occasions to assess the Office's success in achieving its aims and in order to gain the perspective of Roma from outside the project. These prominent persons will include Roma (or Sinti, Ashkali or Egyptians) from within and outside of Southeast Europe.

The project will serve not only as a tool for evaluating and improving the CPRSI's election-oriented projects but as an exercise in advisory board development and management for the board's members. Within the scope of the project, members will receive training in board missions and management.

If found to be of benefit to the project, this system may be repeated in 2005.

**Timeframe:** 2004

**REGIONAL: SOUTHEAST EUROPE**  
**ROMA AND SINTI ISSUES**  
**COMBAT OF DISCRIMINATION AND CONFIDENCE BUILDING IN ACCESS OF ROMA TO**  
**LEGAL HOUSING AND NON-SEGREGATED RESIDENCE IN THE OSCE SPACE, IN**  
**PARTICULAR IN THE COUNTRIES OF CENTRAL AND SOUTHEAST EUROPE**

**Objectives**

To ensure equal access of Roma to housing and legal residence as a prerequisite for access to other basic public services (e.g. health and education)

**Background**

The CPRSI is currently assisting local and national authorities in particular States in creating mechanisms to monitor relations between the Roma and majority populations at the local level, as well as to take appropriate actions to prevent or alleviate tensions. Roundtable discussions, documentation, training and hiring “local Roma contact points,” as well as other confidence-building measures are currently implemented with a focus on urban and rural “ghetto-like” neighbourhoods with high concentrations of Roma inhabitants, sometimes located on lands without clear ownership status.

**Approach**

Current monitoring of community tensions related to housing and settlements of Roma population. Ad-hoc mechanisms for confidence-building in local communities with situations of housing related tensions will be negotiated and implemented, in close co-operation with national and local authorities, local and international NGOs and Roma representatives.

The network of “local Roma contact points” in areas with housing and settlement –related tensions will be further expanded and consolidated via training sessions and “on-the-job” contract/projects.

An international workshop will be organised to facilitate the sharing of relevant expertise and good practises among representatives of local authorities, Roma officers employed by local administration, Roma “local mediators and contact points” and officers/experts in the national agencies and companies, which may bring a direct contribution in solving issues under dispute.

The results of the workshop will be published and disseminated as a booklet, providing concrete guidelines and examples of best practises which will be made available for local authorities, urban planners, NGOs and Romani communities.

The CPRSI –supported compilation and publication of “Court cases involving equal access to Roma and Sinti to public facilities and services” will be expanded to include cases related to housing and residential rights in the OSCE space.

**Timeframe:** 2004

**POLAND, RUSSIA, ROMANIA**  
**ROMA AND SINTI ISSUES**  
**POLICE AND ROMA: TOWARD SAFETY FOR MULTI-ETHNIC COMMUNITIES**

**Objectives**

- To develop a practical manual for police on good practices in relations between Roma communities and police
- To inform police and NGOs of existing materials and efforts that may contribute to better relations between police and minority communities, with an aim to both better law enforcement and avoidance of civil rights abuses.

**Background**

In its most recent draft form at the time of this writing, the OSCE Action Plan for Roma and Sinti includes a section on police, in which the following recommendation is found:

“Develop policies aiming at improving the relations between Roma and Sinti communities and the police so as to: prevent police abuse, violence against Roma and Sinti, and ethnic profiling in policing multi-ethnic communities, including communities with Roma population.”

This project aims to provide police and experts on police-Roma relations with a framework for sharing information about best practices and the development and use of existing and new documents on community policing and Roma. It would build upon workshops held and documents produced since 1999 by European Dialogue’s Roma Rights and Access to Justice in Europe, or RrAJE.

It is a part of a larger effort to translate recommendations of the OSCE Action Plan for Roma and Sinti into norms with which national police are familiar and which communities may see in practice.

**Approach**

Workshops will be held in Poland and Russia on police-Roma relations and will be open to police from the host country, police from other countries who have experience in training police for law enforcement in multi-ethnic environments, and representatives of NGOs that hold significant cross-border experience on this same topic. Both workshops will be organised in co-operation with European Dialogue, which has been engaged in bringing police and Roma together since 1999. The Rotterdam Charter and the Council of Europe guidance document “Human Rights and the Police” will be resources for points of discussion.

A manual will be produced for police about building better relations with Roma and other minority communities, referring to both the Rotterdam Charter and to the experiences of participants in the workshops as well as participants from prior workshops held within the scope of RrAJE’s activities.

**Timeframe:** March 2004 to December 2004

**REGIONAL: SOUTHEAST EUROPE**  
**ROMA AND SINTI ISSUES**  
**ROMANI, ASHKALI AND EGYPTIAN REFUGEES: AN INDEPENDENT VOICE**

**Objectives**

- To strengthen the NGOs of Romani, Ashkali and Egyptian (RAE) refugees, producing community organisations more capable of their own advocacy and small project management
- To provide OSCE participating states with information on RAE refugee or IDP children in relation to access to health care and education.

**Background**

The ODIHR Contact Point for Roma and Sinti Issues (CPRSI) began in 2001 to work in co-operation with the Council of Europe on a joint project entitled “Roma and the Stability Pact in South-Eastern Europe” or RSPSEE. While one phase of this project ended in February 2003, a new phase has begun and will be carried out from 2003-2005. Among the activities within this project, there has been an effort to build the capacity of member-based NGOs and of community organisers within refugee camps. In particular, the project helped residents of the camp in Suto Orizari (Macedonia) to form the Refugee Committee. This association of displaced RAE from Kosovo has made great progress in representing the interests of not only residents of one camp but a much greater number of displaced persons from Kosovo in bilateral and multilateral discussions with local authorities, service-providing NGOs, national authorities and IOs. The Refugee Committee has provided crucial and timely information to, and about, a large community and has begun to work as an advocate of the refugees’ own needs. The continuing RSPSEE project allows the ODIHR some opportunity to extend its support of the Refugee Committee.

Additionally, it may be noted that in the 13 July 2003 draft of the OSCE Action Plan for Roma and Sinti, the section VIII. *Roma and Sinti in Crisis and Post-Crisis Situations* recommends to participating states to “pay special attention to the needs of Roma children, particularly providing them with access to health and schooling”. This project seeks to help RAE displaced persons to examine these issues.

**Approach**

This project’s output will include a report, compiled and edited by refugees themselves, on RAE refugee and IDP children’s access to health care and education. The report will examine conditions and barriers to health care and education in the former Yugoslav Republic of Macedonia and in the Union of Serbia and Montenegro.

In order to further the work of refugee activists in general, and to promote the findings of this report in particular, the project will include training for refugee/IDP activists in both Macedonia and in Serbia on media outreach. Participants will also learn to disseminate and promote an organisation’s reports or advocacy message.

Additionally, the project will facilitate meetings between refugee activists and representatives of national authorities, as well as travel to international events at which pertinent issues will be discussed. Representatives of refugees/IDPs will gain experience in direct communication with key actors in the process of solving health and education issues.

It may be noted that the US Embassy in Skopje is now contemplating funding a Refugees' Office for Documentation; this is a proposal of the Refugee Committee and the work of the RSPSEE Regional Task Force for Refugees and IDPs. Such an office, if created, would be among the beneficiaries of any training and support in this project.

**Timeframe:** 2004

**KOSOVO AND WESTERN EUROPE:  
ROMA AND SINTI ISSUES  
SET-UP OF A KOSOVAR ROMA NON-PROFIT OFFICE IN PRISTINA**

**Objectives**

- To foster a Romani, Ashkali and Egyptian (RAE) non-profit sector capable of advocacy in Kosovo and among the Kosovar RAE Diaspora.

**Background**

Since 2001, the ODIHR has run a multi-faceted project called “Roma and the Stability Pact in Southeast Europe (RSPSEE). The project, carried out jointly with the Council of Europe, includes activities focused on the needs of RAE displaced persons. In particular, Kosovar RAE uprooted by war both within Kosovo and across Europe have been engaged in the project. At the same time and in collaboration with the ODIHR’s project, the OSCE Mission in Kosovo runs a community advocacy project through which a small number of Roma are trained to work as local lobbyists or community activists.

Both the ODIHR and the Mission in Kosovo have noted the lack of a viable RAE non-profit sector in Kosovo. Issues pertaining to these communities are most often addressed not by the impacted communities themselves but rather by Roma NGOs outside Kosovo and are not led by refugees or displaced persons. While the aforementioned projects have made progress in providing a voice and leadership training to displaced persons interested in advocacy, Kosovar RAE in Kosovo still lack an institution of their own and Kosovar RAE abroad are often missing from the discussions about their own needs.

**Approach**

This project will firstly provide support for the establishment of a non-profit office in Kosovo run by RAE persons, for Kosovar RAE. While perhaps initially led by experienced RAE activist(s) from outside, the aim of the office will be to offer the community an advocacy-oriented office run by Kosovar RAE and focused on their goals.

The project will provide start-up financial support as well as initial logistical and human resource assistance. Also, the project will entail support for communications and administration to Kosovar RAE organisations in diaspora, particularly in Western Europe.

**Timeframe:** The project will aim to facilitate the establishment of a NGO/office of Kosovar RAE in Pristina in 2004 and to support its initial six months of operation. Support for Kosovar RAE community organisations outside of Kosovo, which should be encouraged to cooperate with the new institution in Pristina, will take place from January to December 2004.