

## I HUMAN TRAFFICKING recommendations

**The efforts in combating trafficking in human beings should be based more on a victim-centred approach and concentrate on the victims' rights.** The OSCE participating States and their law enforcement agencies should adopt a more human rights focused approach to working with victims, whereas at this point the focus is very strongly on the prosecution and criminalisation of the victim.

For instance, using related crimes such as pandering also adversely affects the protection and identification of victims. Full note should be taken of the victim's actual coercive conditions, and the implications of the victim's vulnerable position should be clarified.

Although most countries have ratified international instruments and drawn up plans of action, the victim based approach seems to be lost in practice. **Each country should analyse, also from the point of view of prevention, the specific vulnerabilities of the potential victims and the situation present in that particular country.**

**Continuous research is needed for more effective identification of the victims and for better understanding of the phenomenon and its root causes.** Research cooperation should cover countries of origin, transit and destination, and take into account each country's particular challenges and conditions. In order to combat human trafficking effectively, it is also necessary to look into the root causes such as poverty, lack of opportunity and education, social exclusion and discrimination, without forgetting the demand that makes human trafficking possible.

Awareness of the human rights aspect of trafficking should be raised, while also emphasizing the issue of reducing demand. Mass media has a key role to play, and more focused training is needed. The public, law enforcement officers, prosecutors, judges, migration authorities, labour market actors, health service providers and NGOs need to be educated about human trafficking in its different forms. Multi-professional practices are necessary. NGOs can also be involved in strategic litigation to show the way for appropriate law enforcement, which should be effective, prompt and objective and take into account the full protection of the victim's rights.

**Victims should be integrated into society using effective protection, assistance and compensation practices.** To empower the victims, they need to be provided with easy access to information concerning their possibilities and rights. Also the security and well-being of the victims need to be guaranteed. This means offering rehabilitation, adequate housing, social and medical assistance, legal advice, translation services, residence permits and the possibility for safe return to their home countries. **This period of protection, recovery and reflection should be at least 90 days.** In cases of repatriation, due note should be taken of the existence of adequate rehabilitation facilities in the countries of origin.

**As human trafficking is a violation of basic human rights, the services and compensation should be granted to persons identified as victims irrespective of their collaboration during criminal investigations.** Protection, assistance and compensation should be made an automatic part of the procedure, as they prevent revictimisation and show positive recognition from society.

**Special attention should be given to the most vulnerable victims, often women and children.** Even though there are also men among the victims, and prostitution is only one area of human trafficking, it is often the women that carry the heaviest burden of trauma and stigmatisation caused by sexual exploitation.

**NGOs and trade unions with their close grass-root level contacts with the victims, should play an important role in developing legislation and practices.** NGOs' role as mediators also makes victim self-identification easier, as they are easier to approach than public authorities and law enforcement. National rapporteurs can play a role in identifying existing problems and making recommendations.

## II HUMAN RIGHTS recommendations

**The OSCE and its participating States should unequivocally reaffirm their commitment to uphold the principles outlined in the Universal Declaration of Human Rights.** Sixty years after the signing of this groundbreaking document there are still many areas in which participating States need to focus and renew their efforts to live up to the principles outlined therein.

Human rights defenders play an important role in promoting and protecting human rights. **The OSCE participating States and their national authorities should fulfil their human rights commitments, including the commitment to the UN Declaration on Human Rights Defenders and the relevant OSCE commitments.**

**The governments should take immediate steps to abolish legal restrictions on civil society activity in place in their countries that are not consistent with international standards on freedom of expression, association and assembly.** In particular, the participating States should guarantee the right to hold peaceful demonstrations, to organize NGOs and to criticize governments' policies and agencies without discrimination of any kind and without interference by the state. The participating States should undertake to apply the EU Guidelines on Human Rights Defenders in their individual and joint actions and to ensure that relevant OSCE institutions implement a pro-active policy toward human right defenders.

**The OSCE should address human rights issues and the situation of human rights defenders as an essential and integral part of political dialogues conducted at the bilateral and multilateral level, bring up for discussion individual cases of persecution of defenders with governments concerned, and report systematically on their efforts to implement these commitments.** The international community and governments should publicly speak out in support of the important efforts of human rights defenders and ensure that they can carry out their work without intimidation, obstruction or undue interference by national authorities at any level.

**The OSCE and its participating States, in their discussion of Human Dimension issues, should spend a greater proportion of their time focusing on fundamental freedoms.** In preparing the agenda for the HDIM and supplementary human dimension meetings the OSCE should place more of an emphasis on fundamental freedoms such as the freedoms of speech, media, assembly, and association.

**The OSCE and the participating States should address issues related to the upcoming Greek chairmanship.** Greece should recognize the existence of the Turkish ethnic and linguistic minority, ensure that freedom of association and assembly is guaranteed, respect religious beliefs and traditions of the Muslim Turks in western Thrace and in Greece in general, avoid ill-treatment of immigrants while in police or other official custody.

**The OSCE participating States should acknowledge and condemn violent hate crimes whenever they occur.** Government leaders should send immediate, strong, public, and consistent messages that violent crimes which appear to be motivated by prejudice and intolerance will be investigated thoroughly and prosecuted to the full extent of the law.

Recognising the particular harm caused by violent hate crimes, **governments should enact laws that establish specific offences or provide enhanced penalties for violent crimes committed because of the victim's race, religion, ethnicity, sexual orientation, gender, gender identity, mental and physical disabilities, or other similar status in a consistent and non-hierarchical way.** Governments should also ensure that those responsible for hate crimes are held accountable under the law.

The OSCE and participating states should include the role of media as potential initiator, mediator and perpetrator of hate crimes, both as medium for political or religious interests to raise or sustain hate or intolerance towards a specific group or individual, and by the direct violence in the media itself, as murder of character is directly damaging to the individual human life.

**The OSCE participating States should provide adequate instructions and resources concerning hate crimes to law enforcement bodies.** Governments should ensure that police and investigators – as the first responders in cases of violent crime – are specifically instructed and have the necessary procedures, resources and training to identify, investigate and register bias before the courts, and that prosecutors have been trained to bring evidence of bias and apply the legal measures required to prosecute hate crimes.

**Governments should maintain official systems of monitoring and public reporting to provide accurate data for informed policy decision making in combating all violent hate crimes.** Such systems should include anonymous and disaggregated information on bias motivations and/or victim groups, and should monitor incidents and offences, as well as prosecutions. Governments should consider establishing third party complaint procedures to encourage greater reporting of hate crimes and conducting periodic hate crime victimisation surveys to monitor underreporting by victims and underrecording by police.

**The OSCE and its participating States should strongly support human rights education and minority education.** Education plays a crucial role in improving the situation of minorities. Human rights education empowers individuals to acquire knowledge, understanding and experience about their rights and possibilities. Often existing law mechanisms are not used effectively because of the lack of awareness and capacity caused by segregation and discrimination in access to education. Education should also target the majority, providing a lucid and transparent understanding of the spiritual or cultural background for religious or ethnic specific behaviour, aiming to prevent future intolerance by removal of ignorance as the base of xenophobia.

**The OSCE participating States should effectively implement the Action Plan on Improving the Situation of Roma and Sinti and participate in creating a European policy for Roma inclusion.** Roma and Sinti communities throughout the OSCE area continue to face discrimination and disadvantages in all areas of life. **This strategy should include combating exploitation of Roma and Sinti children and resolution of the Roma and Sinti housing crisis.** Some participating States have developed and adopted national strategies for improving the situation, but still there are substantive shortcomings in their implementation, especially at the local level.

**The OSCE and its participating States should provide solid long-term support for building the capacity of minorities to act as autonomous and accountable partners in national, regional, local and international policy making.** Even though many States have set up administrative structures to represent minorities in local and national decision making, they still remain underrepresented in elected bodies. Discrimination, low levels of education and lack of identity documents block for example Roma and Sinti from electoral participation.

Islamophobia is a challenge in many countries. It causes discrimination in fields such as work and housing. The unemployment rate is high in many Muslim groups. Most Muslims have integrated, but what is needed from the majority is respect and acceptance.

**The OSCE and participating States should explicitly commit to combating homophobia in the OSCE region.** Discrimination based on sexual orientation, gender identity and expression continues to exist in partner States. The Tolerance and non-discrimination mandate should no longer be subject to a hierarchical application. The OSCE is long overdue in recognising sexual orientation, gender identity and expression as existing grounds for discrimination. Lesbian, gay, bisexual and transgender (LGBT) people are the daily victims of hate crimes, discrimination in all areas of life affecting their potential to participate in society. The OSCE should pressure Uzbekistan and Turkmenistan to decriminalise homosexuality and the mandate on the personal representative on combating discrimination should be extended and include homophobia.

**The OSCE Ministerial Council should address the ongoing concerns of Kazakhstan's human rights record as it prepares to assume the OSCE Chairmanship in 2010.** For the first time since gaining independence from the Soviet Union in 1991, following the August 2008 elections, Kazakhstan has a one-party parliament, whose members come from the presidential party of Nur Otan. Kazakhstan's government has also stepped up persecution of its political opponents. President Nazarbayev has been using state resources in his campaign of repression against his political opponents, bringing criminal charges against them at home and even attempting to target them abroad, which includes the recent widely-publicized kidnapping attempts in Vienna against former government officials turned opposition figures in exile.

**Kazakhstan should meet its OSCE commitments and demonstrate clear progress in the areas of democratisation and human rights.** Specifically, it must cease all attacks on voices of political dissent and initiate public debate, welcoming civil society's input, on the current draft laws on elections, political parties, and mass media pending approval by the president.

### III CIVIL SOCIETY, CONFLICT PREVENTION AND RESOLUTION

#### recommendations

**NGOs' role in conflict prevention and resolution should be better recognized.** NGOs have the ability to act and operate in situations where inter-governmental organisations are powerless for example because of lack of political will and effort. NGOs also have their own specific roles and mandates in conflict prevention and resolution for example in creating peace constituencies, local level peacebuilding and unofficial negotiations. NGOs often have knowledge of early warning signs in their societies. Channels for taking this information into use should be created so that early warning can lead to early action. Both the governmental and non-governmental actors should be encouraged to act in a multi-track way towards the shared goal of conflict prevention and resolution.

**The objective in all crisis management missions should be the promotion of human security. The OSCE should address conflicts in a comprehensive and coherent way. The OSCE should seek to enhance and channel the work of the HCNM, ODIHR, the Representative of the Freedom of Media and the field missions towards more effective peacebuilding.** It should also seek to harmonize the efforts of these OSCE institutions with the efforts of the NGOs and civil society in order to build "peace constituencies" made up of participants from communities in conflict.

The OSCE should enhance the freedom of media as an important factor in building sustainable peace. The OSCE should also support the independence and capacity of ombudsmen and act as a supporter of human rights defenders and other civil society activists. **In crisis situations, OSCE field missions and institutions should be encouraged to report on all violations against human rights and the rule of law.**

**Experts working in crisis management missions should have more training on cultural, inter-ethnic and inter-religious awareness and cross-cultural communication and dialogue. This training should be planned and put into practice in cooperation with local NGOs by using the expertise of civil society actors in the crisis area.**

The local NGOs and other civil society actors are key in conflict resolution. They need to be given the resources and opportunities in cooperation with other actors in conflict resolution and peacebuilding and the networking of NGOs should be encouraged. Women should be given a stronger role as experts of the local communities.

UN Security Council Resolution 1325 specifically addresses the impact of war on women, and women's contributions to conflict resolution and sustainable peace. Because of the lack of information the Resolution is rarely put into practice. **States should make multi-dimensional National Action Plans in cooperation with local civil society actors for implementing Resolution 1325. Also clear and understandable translations of the Resolution should be made and distributed to local actors.**

The undervaluing of women's contribution, both by men and women, is hampering effective crisis management and conflict prevention. **More qualified women (and men) should be chosen for military and civilian crisis management tasks.** This helps to affect and change attitudes both within the institutions and crisis areas. Furthermore, more qualified men with a background in gender issues should be sent to serve as gender advisers. Men and women serving in crisis management missions should undergo gender training to become gender-sensitised.