

Outcome Document¹ DRAFT 24 November 2010

Original: ENGLISH

Preamble

1. We, civil society members from across the OSCE region, have come together at the Astana Parallel OSCE Civil Society Conference in Astana, Kazakhstan on November 28-29, reaffirm our strong belief in and commitment to the Helsinki Process, and our determination to contribute towards fully realizing the respect for human rights and fundamental freedoms, democracy and the rule of law that is at the core of the OSCE's comprehensive concept of security.
2. We recognize that solidarity amongst and between civil society throughout the participating States is needed now more than ever, in the light of systematic and analogous deteriorating human rights situations in the majority of post-Soviet countries.
3. We underscore the value of the OSCE for regional civil society and we welcome the 2010 Astana Summit as an important opportunity to strengthen, revive and adapt the institution to address contemporary challenges to security and cooperation in the region.
4. In goodwill and in the spirit of independent civil society voice and democratic process, we offer these recommendations to the OSCE bodies and participating States, with conviction that they will serve as a meaningful contribution to the 2010 Astana Summit.

I. Values and Principles

5. We, civil society members from across the OSCE region, reaffirm the fundamental importance of the Helsinki Final Act of the Conference of Security and Cooperation in Europe and its Declaration on Principles

¹ This DRAFT Outcome Document was prepared by the International Organizational Committee of the Parallel OSCE Civil Society Conference, to be held 28-29 November 2010 in Astana, Kazakhstan. These recommendations were drafted with the input of many experts from various countries, and will be finalized through the work of Parallel Conference, and endorsed by civil society representatives. The International Organizational Committee is composed of the following organizations and individual experts: Andrey Aranbaev, Independent Expert (Turkmenistan), Center for the Development of Democracy and Human Rights (Russia), Center for National and International Studies (Azerbaijan), Citizens Against Corruption (Kyrgyzstan), CIVICUS: World Alliance for Citizen Participation (international), Expert Working Group (Uzbekistan), FIDH (international), Freedom House (international), Human Rights Watch (international), International Bureau for Human Rights and Rule of Law (Kazakhstan), International Civil Initiative for the OSCE (international), FIDH-International Federation for Human Rights, International Youth Human Rights Movement (international), Kalym Shamy (Kyrgyzstan), Moscow Helsinki Group (Russia), National Democratic Institute for International Affairs (International), Netherlands Helsinki Committee (International), Norwegian Helsinki Committee (International), NotaBene (Tajikistan), Viasna Human Rights Center (Belarus), Vladimir Shkolnikov, independent observer, World Movement for Democracy (international).

Guiding Relations between participating States which declared that (Principle VII) “the participating States will respect human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief, for all without distinction as to race, sex, language or religion” and that (Principle X) “the participating States will fulfill in good faith their obligations under international law, both those obligations arising from the generally recognized principles and rules of international law and those obligations arising from treaties or other agreements, in conformity with international law, to which they are parties”.

6. We recall the 1990 Charter of Paris for a New Europe, which recognized that “Human rights and fundamental freedoms are the birthright of all human beings, are inalienable and are guaranteed by law. Their protection and promotion is the first responsibility of government. Respect for them is an essential safeguard against an over mighty State. Their observance and full exercise are the foundation of freedom, justice and peace”. The Charter affirmed that “democratic government is based on the will of the people, expressed regularly through free and fair elections. Democracy has as its foundation respect for the human person and the rule of law. Democracy is the best safeguard of freedom of expression, tolerance of all groups of society, and equality of opportunity for each person. (...) Democracy, with its representative and pluralist character, entails accountability to the electorate, the obligation of public authorities to comply with the law and justice administered impartially. No one will be above the law.”

In the same spirit, the 1999 Istanbul summit reaffirmed “that respect for human rights and fundamental freedoms, democracy and the rule of law is at the core of the OSCE’s comprehensive concept of security”.

7. We further recall the commitments made in the 1990 Copenhagen Document, stating that

- (9.1) Everyone will have the right to freedom of expression including the right to communication.
- (9.2) Everyone will have the right of peaceful assembly and demonstration.
- (9.3) The right of association will be guaranteed.
- (9.4) Everyone will have the right to freedom of thought, conscience and religion.

8. We base our work on the affirmation by the participating States in the 1991 Moscow document “that issues relating to human rights, fundamental freedoms, democracy and the rule of law are of international concern, as respect for these rights and freedoms constitutes one of the foundations of the international order. They categorically and irrevocably declare that the commitments undertaken in the field of the human dimension of the CSCE are matters of direct and legitimate concern to all participating States and do not belong exclusively to the internal affairs of the State concerned. They express their determination to fulfill all of their human dimension commitments and to resolve by peaceful means any related issue, individually and collectively, on the basis of mutual respect and co-operation. In this context they recognize that the active involvement of persons, groups, organizations and institutions is essential to ensure continuing progress in this direction.”

9. We underscore and reaffirm the role of the human dimension as a core of comprehensive security in the OSCE region. We believe in the common responsibility of all OSCE participating States to ensure the implementation of human dimension commitments in the entire OSCE region in accordance to the principle articulated in the 1991 Moscow document where the OSCE participating States “categorically and irrevocably” declared that the “commitments undertaken in the field of the human dimension of the OSCE are matters of direct and legitimate concern to all participating States and do not belong exclusively to the internal affairs of the State concerned.”

10. We applaud the OSCE for its significant achievements in advancing the human dimension over the past thirty five years. The establishment and respect for mechanisms for participation of civil

society in OSCE's human dimension deliberations has been a remarkable and unique achievement in the sphere of multilateral governance. We commend the work done by the OSCE Representative on Freedom of the Media, the execution of election observation missions, increasing recognition of the security of human rights defenders as an institutional priority, development of the guidelines on Freedom of Assembly, guidelines for legislation of reducing hate crimes, the ongoing process of developing a Guidebook on Freedom of Association, the monitoring of trials. We highlight the important preventative work of the High Commissioner on National Minorities with respect to many situations in which a potential for violent conflict existed.

11. Despite many important achievements, we have to register our disappointment at the inability of the current OSCE structures to effectively address ongoing and evolving threats to true human security and decreasing implementation of human dimension commitments by participating states. The lack of realization by some participating states of even the most fundamental basic principles enshrined in the Helsinki Accords, Charter of Paris and Copenhagen and Moscow Documents, has been especially evident in the past decade. Shrinking space for civil society to operate freely, an obvious erosion of human rights, continued pressure on and persecution of human rights defenders, and the inability of participating states and the organization to effectively respond to violent crises and to resolve protracted conflicts all call for a need for the OSCE to adapt and respond to new challenges.

12. In the light of these challenges, we welcome the 2010 OSCE Summit in Astana, Kazakhstan, which is the first time an OSCE Summit is being held on post-Soviet soil. We believe that this Summit is a unique opportunity to revive and reinvigorate the organization and we strongly believe that civil society has a unique and important role in shaping the outcomes of the Summit. The future strengthening and realization of potential of the OSCE relies on active involvement and larger space for civil society.

13. We therefore declare our resolve to protect and promote human rights and fundamental freedoms to strengthen peace, security, cooperation and democracy in the OSCE region, by providing recommendations to the OSCE and to the participating States in the four following areas:

- Strengthening of the implementation of the Human Dimension as a core principle of comprehensive security;
- Strengthening operational functions of the OSCE, including relationship with civil society;
- Increasing effectiveness of the OSCE in responding to political and humanitarian crises;
- Addressing severe problems of human rights in the Central Asia region.

II. Strengthening of the implementation of the Human Dimension as a core principle of comprehensive security

Strengthening Institutions to more effectively implement the Human Dimension

14. We call upon the OSCE Participating States to take measures to:

- Strengthen efforts to implement measures in order to fulfill their commitments to Organization within the field of human dimension;
- Strengthen existing mechanisms for monitoring how OSCE participating States implement their Human Dimension commitments, as well as mechanisms for rapidly reacting to egregious violations of commitments;
- Strengthen utilization of the reports, findings and recommendations submitted to other multi-lateral institutions including the United Nations Human Rights Council, United Nations treaty bodies, Council of Europe and other regional and international organizations.
- Enlarge the participation of civil society in discussions of actions taken by OSCE participating States with regard to human dimension, as well as to the other two dimensions of comprehensive security;
- Develop a mechanism for non-governmental organizations to participate in sessions of the OSCE Permanent Council and the Human Dimension Committee and to, in the context of these fora, propose recommendations to the Organization's participating States in the field of human dimension;
- Introduce an official review mechanism to assess participating states for a potential Chairmanship role. This mechanism would assess the participating state's implementation of its OSCE human dimension commitments and would be carried out before any decision on the matter of future Chairmanship is made;
- Select heads of OSCE Field Presences from the ranks of high-level diplomats who have at least some experience in the human dimension.

15. We call upon the OSCE institutions to:

- Review OSCE documents related to the human dimension and make proposals to member countries on strengthening the corresponding documents and adopting new ones that would be essential for OSCE participating States, particularly in the field of peaceful assemblies, freedom of association, freedom of expression, right for to fair trials, freedom of movement, prohibition of torture and defense of human rights defenders;
- Consult with civil society prior to developing programmatic and project activities; build into the programmes regular impact evaluations with the substantive input of civil society; involve civil society into the implementation of programmatic activities to the maximum possible extent;
- Meet with civil society representatives during each visit of high-level officials from OSCE institutions to OSCE participating States;

16. As civil society, we commit to strengthen our capacity to:

- Perform regular analysis of how the OSCE participating States implement their obligations in the field of human dimension;
- Present proposals and recommendations on updating operating documents and developing new ones (guiding principles) in the field of human dimension;
- Strengthen engagement with, and oversight of, OSCE field operations and institutions, including regular evaluations of OSCE activities in the field.

Freedom of expression

17. We reiterate the concern raised by the OSCE Representative on Freedom of the Media regarding lack of pluralism in the media as well as the continued criminalization of libel and insult and the massive civil defamation fines designed to put media outlets out of business. The legitimate goal of fighting terrorism is often used as a pretext for laws that seek to curb legitimate speech.

18. Participating States must do more to protect journalists and media workers from harassment or intimidation. Proceedings against bloggers or journalists motivated on political grounds should cease, including persecution through biased trials on ordinary criminal charges.

19. We call upon the OSCE participating States to update the OSCE commitments to reflect new trends and challenges, and in particular ensure freedom of expression over the Internet.

Freedom of association and assembly

20. OSCE participating States should conform to their commitments to "ensure that individuals are permitted to exercise the right to association, including the right to form, join and participate effectively in non-governmental organizations which seek the promotion and protection of human rights and fundamental freedoms, including trade unions and human rights monitoring groups" (1991 Copenhagen document, section 10.3).

21. We endorse the development of Guidelines by the OSCE detailing the meaning of this commitment, and a capacity to provide legislative support to participating States, and to monitor its implementation.

22. States should ensure their legislation regulating the activities of NGOs is in conformity with OSCE and other international commitments. They should ensure that legal regulations governing NGO activities are non-discriminatory and do not allow for government interference in NGO activities. Financial or administrative reporting or oversight procedures should be reasonable and not designed or used to obstruct NGO activities. The principle of non-discrimination should also mean that no additional restrictions are imposed on the operation of international non-governmental organizations in any given country, or on co-operation of domestic NGOs with such organizations.

23. The Guidelines on Freedom of Peaceful Assembly, developed by the OSCE/ODIHR Panel of Experts on Freedom of Assembly, should be implemented by all participating States. States should ensure that authorities, including local and police authorities, are aware of the requirements of the Guidelines. The OSCE/ODIHR should continue its training and monitoring activities with regard to freedom of assembly.

24. Participating States should increase the time allocated to discussions of freedoms of assembly and association as well as to the situation with human rights defenders during regular OSCE Human Dimension Meetings; and to dedicate at least one of the Supplementary Human Dimension meetings every year to one of these topics.

Human rights defenders

25. OSCE participating States should implement their commitment to ensure effectively the rights of the individual to know and act upon human rights and fundamental freedoms, and to contribute actively, individually or in association with others, to their promotion and protection (1991 Copenhagen document, section 10).

26. The OSCE participating States should take concrete steps to simulate the implementation of this commitment. Such measures should include:

- endorsing the European Union Guidelines on Human Rights Defenders or drawing up similar guidelines, and undertaking to apply them, whenever appropriate, in individual and joint actions;
- continuing and expanding the work of ODIHR's Focal Point for Human Rights Defenders and National Human Rights Institutions, including developing OSCE capacity for rapid response in cases when human rights defenders are urgently in need of assistance and in cases where their situation must be raised at the highest governmental level, and;
- stepping up cooperation among the participating States for the purpose of promoting independence of judges, prosecutors and law enforcement authorities across the OSCE region.

Freedom of Movement and Visa regulations

27. In line with the spirit and commitments of the 1975 Helsinki agreements, participating States should ensure a progressive loosening of visa regulations of participating States, in particular so as to enable active involvement of persons, groups, organizations and institutions from across the OSCE states in fulfilling the human dimension commitments and in furthering conflict resolution.

28. Participating states should not prevent human rights defenders from conducting fact-finding missions, attending meetings and engaging in other activities relevant to their human rights work in other OSCE participating States.

Election observation

29. OSCE criteria of free and fair elections should be expanded to include:

- “[The] [s]ituation with Courts decision on complaints on violation of electoral rights from previous elections”. The procedure for the examination of complaints should be assessed as one of the criteria for free and fair elections;

- a greater emphasis on not only the short-term, pre-electoral situation, but the situation with regards to civil and political rights over the course of the pre-election year

30. Participating States of the OSCE should refrain from congratulating the winner of the elections until the OSCE issues its Final Narrative Report.

Human Rights and Extractive Industries

31. The OSCE should recognize the linkages between human rights and extractive industries, which are especially pronounced in the Post-Soviet region, and should:

- Recognize the important linkages between fiscal transparency and human rights, in particular, right to information and taking part in public affairs;

- Encourage participating States practice fiscal transparency and accountability in all areas of the economy, including the hydrocarbon sector;

- Endorse the Extractive Industries Transparency Initiative (EITI) - a revenue transparency standard in the oil, gas and mining sectors that provides for regular public disclosure of payments by extractive industries to governments and reconciliation against recorded receipt of those funds by governments.

II. Strengthening operational functions of the OSCE, including its relationship with civil society

Chairman-in-office

32. The OSCE should make better use of the role of the Chairman-in-Office. The Chairman-in-Office should:

- further encourage participating States to make use of the assistance offered by OSCE institutions;

- in serious cases of alleged non-implementation of human dimension commitments the Chairman-in-Office should dispatch high-level special envoys chosen from among eminent personalities with high international standing, and task ODIHR to prepare a public report on the alleged serious violations with a view to presenting it in the Permanent Council. The Chairmanship delegation to the OSCE should meet regularly with representatives of civil society, especially during their visits to OSCE participating States.

Civil Society

33. Civil Society should be engaged and its role should be strengthened by:

- encouraging participation of representatives of field presences, ODIHR and delegations of participating states in civil society coordination meetings prior to NGO participation in OSCE meetings;
- establishing expert groups around ODIHR on fundamental rights topics (modeled after the Panel of Experts on Freedom of Assembly) with involvement of academics as well as practitioners from civil society groups throughout the region;
- considering setting up, under the aegis of the Chairmanship or other OSCE institutions an, an advisory board of prominent public figures and leading international NGOs working on OSCE issues;
- setting up educational programs for human rights defenders on how to use OSCE instruments more effectively.

Field Presences

34. Raising the profile of Field Presences by:

- regularly holding public meetings with representatives of local and regional civil society to discuss possibilities of their engagement in the activities of the field presences and of the OSCE in general;
- regularly briefing civil society on the entire range of the activities and requesting feedback, including formal evaluations, of OSCE field activities;
- institutionalize mechanisms for civil society's feedback on the OSCE field activities, especially on projects aimed at building the capacity of law enforcement agencies and other government agencies;

General public

35. Awareness-raising and engagement of the general public should be enhanced by:

- increasing the level of awareness of OSCE standards and OSCE products (guidelines, legal opinions, handbooks) by increasing outreach to civil society, including meetings with civil society by OSCE officials from institutions developing these products;
- developing educational modules about OSCE standards and institutions, including both historical and current perspectives;
- considering to support study tours to ODIHR and other OSCE structures for students of law and international relations from OSCE participating states.

Geographical representation

36. Measures to improve geographical representation and balance should include:

- **Holding** Supplementary Human Dimension Meetings and major conferences to outside Vienna or Warsaw with a view to raising the Organization's public profile/ownership;

- improving geographical balance and representation of fluent speakers of OSCE languages, especially Russian, among the OSCE staff, first of all in institutions focusing on Human Dimension.

Cooperation with other international structures

37. The OSCE should strengthen cooperation with international structures, including by:

- Strengthening significantly cooperation with other regional intergovernmental organizations, notably Council of Europe;

- establishing operational links with the UN Human Rights Council and its thematic mechanisms, notably the Special Rapporteurs on Human Rights Defenders, On Freedom of Expression, and on Freedom of Assembly and Association.

OSCE institutions

38. The scope and quality of OSCE's work should be preserved and enhanced, by:

- increasing the number of positions for which personnel is contracted through an open procedure rather than by secondment;

- conducting budgetary reform to make more effective use of available resources.

IV. Increasing effectiveness of the OSCE in preventing and responding to political and humanitarian crises

Fighting intolerance and discrimination

39. Intolerance, discrimination, extremism and hatred on ethnic, racial and religious grounds may sow the seeds of conflict and violence on a wider scale. OSCE commitments on promoting tolerance and non-discrimination should be upheld by the participating States.

Fight against transnational criminality

40. Participating States should ensure protection to, rather than punish, victims of trafficking.

41. Trafficking in humans, drugs and weapons compose the three main transnational criminal networks. They undermine security of citizens, the capacity of the state to provide good governance and the rule of law, and contribute to violence in society which is also a threat to citizens. Criminal

interference in politics can undermine the very legitimacy of the state. The OSCE participating States should therefore provide a firm response to fighting transnational criminality, each State individually and in cooperation, with respect and adherence to the rule of law.

Minority rights

42. Respect for minority rights is key for the prevention of violent conflict. Irrespective of the state people live in, people should have the right to use their native language in daily life. Irrespective of their ethnic background, individuals must be guaranteed the right to live in the places they originate from, to continue to live there and to earn a livelihood. To protect and promote the rights of minorities:

- the work of the High Commissioner for National Minorities should be upheld and - strengthened;

- the Bolzano/Bozen recommendations on National Minorities in Inter-State Relations should be endorsed and applied by participating States. These recommendations show how states can support minorities abroad in cooperation with states of residence without appearing threatening and allaying traditional fears associated with their involvement.

Disputes on sovereignty

43. The participating States should apply the framework of the Bolzano/Bozen recommendations for promoting solutions to situations of unresolved, 'frozen' conflicts related to disputes on sovereignty over territory.

Response to early warnings and to erupting crises

44. The OSCE should strengthen its ability to respond to early warnings and escalation of crises through:

- strengthening the work of the Conflict Prevention Centre;

- increasing civilian observer capacity in response to early warnings by the High Commissioner on National Minorities and/or the Conflict Prevention Centre;

- ensuring that investigations and policy-preparation for swift action in situations of persistent, large-scale human rights abuse or of imminent threat of such violations are not held up by a veto of any one participating State;

- utilization of the Moscow Mechanism, by which ten states can decide on sending a mission in a situation of a large-scale human rights abuses or imminent threat thereof.

V. Addressing severe problems of human rights in the Central Asia region

45. We recognize the unique role of the OSCE in Central Asia, as the only multi-lateral regional inter-governmental body in this region with a mandate to protect human security and promote respect for human rights and fundamental freedoms, democracy and the rule of law. In light of this unique role, the alarming situation with respect to human rights in the region, and the fact that the 2010 Astana Summit is the first one to be held on Central Asian soil, special attention is merited for this region. A number of severe, alarming and persistent problems in human rights observance are relevant for many countries in the OSCE space but must be noted for the Central Asian region as a whole:

- severe human rights violations, including violations of rights of persons belonging to national minorities, have in many cases contributed to or been at the core of conflicts and instability;
- severe restrictions on freedom of expression, resulting in a lack of credible information on situations on the ground, impede States from reacting to emerging instability in a timely and measured manner;
- the persecution of human rights defenders weakens the capacity of States to address severe human rights violations and thus weaken the security of the region;
- Justice systems are often selective and dependent on the executive authorities, and are used as a tool to suppress political opponents, civil activists and economic competition;
- independent civil society is suppressed through restrictions on freedom of association, and many non-governmental organizations are denied registration as a means of repression;
- Alarmingly large numbers of prisoners of conscience, political prisoners, and cases of enforced disappearances of human rights defenders;
- absence of political pluralism and rise of authoritarian regimes has increased corruption, led to absence of free and fair elections, and eroded democratic values in the region.

46. We, representatives of civil society across the OSCE region:

- Welcome the increased attention to Central Asia, including the increased frequency of visits by the High Commissioner on National Minorities, the ODIHR Director, and the OSCE Representative on the Freedom of the Media to the Central Asian region;
- Regret the lack of will by the authorities of Kyrgyzstan to accept the OSCE Police Advisory Group;

-Are alarmed by the continuing repression against human rights defenders and the degradation of human rights and civil liberties in the region, weakening the capacity of Central Asian States to respond to severe human rights violations, therefore weakening the stability and security of individual States and the region as a whole.

47. We call upon the OSCE participating States to:

-strengthen the mandate of Field Operations in the region, enabling them to monitor and report on human dimension developments in a timely manner;

-speak out clearly on human dimension problems in the Central Asian region;

-appoint experienced diplomats with at least some experience in human dimension issues to head OSCE Field Operations in Central Asia;

-encourage the Central Asian States to accept assistance by the OSCE institutions in implementation of OSCE commitments;

-mandate the ODIHR to present to the OSCE Permanent Council a special report on freedoms of assembly, association and movement in the five Central Asian States;

-hold regular meetings of the Permanent Council with the participation of the civil society to discuss the situation in Central Asia;

-engage in public dialogue with the participating Central Asian States about the fate of political prisoners and prisoners of conscience, and cases of enforced disappearance;

-strengthen cooperation between Field Operations and local civil society in the Central Asian region;

-encourage the participating Central Asian States to engage constructively with local independent human rights, humanitarian and environmental NGOs.