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VLADIVOSTOK**

VANCOUVER

TO

*An occasional round-up of human rights developments in the
Council of Europe and the Conference on Security and Co-operation in Europe*

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Human rights a casualty in CSCE stalemate with Belgrade

The CSCE is struggling to find a way to break the political stalemate with the Federal Republic of Yugoslavia (FRY) (that is, Serbia and Montenegro) over the return of a CSCE mission to the country.

In July Belgrade forced the 20-member CSCE long-term mission in Kosovo, Sandak and Vojvodina to close down. Belgrade also refused to allow CSCE fact-finders into the country to investigate human rights, particularly the imprisonment and beating concerns of opposition leader Vuk Drašković and his wife Danica.

It is generally agreed that the CSCE long-term mission was an important source of objective reporting and helped to calm tensions in Kosovo between the Serb dominated authorities and the mainly ethnic Albanian population.

Belgrade claims the dispute is purely political. It says it will not cooperate as long as the FRY is suspended from the CSCE.

After a short-lived flurry of diplomatic activity in June and July, the CSCE seems to have conceded defeat, at least for the moment. It is now trying to follow events in the FRY through embassies of CSCE states in Belgrade and by its Vienna-based Conflict Prevention Centre tapping press, government, opposition and NGO sources.

Recently Belgrade started allowing selected, short visits to Kosovo, including one by Ambassador Bögh, the former head of the CSCE mission in the FRY. However, it is clear that a longer-term presence is needed in order to sort out the truth of conflicting claims and to have a more sustained effect on the ground.

Since the closure of its mission in the FRY the CSCE has been struggling to find a relevant role in the Yugoslav conflict.

A group of CSCE observers is stationed in Skopje to deter a spillover of the conflict into the Former Yugoslav Republic of Macedonia, but here the CSCE shares the task with a similar United Nations (UN) observer mission.

The CSCE has also set up a modest group of experts to help Hungary, Romania and Bulgaria in enforcing the UN-imposed sanctions on the FRY.

Largely, however, the CSCE has resigned itself to a back-seat role, merely expressing support for European Union and UN initiatives. The Yugoslav conflict perhaps happened when it was too soon for the CSCE to test its new, self-professed role as peacekeeper and peacemaker in Europe.

It is concerned that the FRY has repeatedly blocked both CSCE and UN initiatives to monitor and protect human rights in the FRY. In October it was itself refused visas to visit Kosovo.

In an appeal to governments by its Secretary General, it has called on governments and the UN, CSCE, European Union and Organization of Islamic Conference to work together to find a solution to the urgent need for an international monitoring presence in the FRY. ♦

HIGHLIGHTS

Rethink on detainee text

In an important breakthrough, the Council of Europe has sent a controversial Protocol to the European Convention on Human Rights on the rights of detainees back to its experts for major redrafting. In the Autumn all sections had urged their governments not to accept the current draft which is seriously flawed and called for redrafting along the lines set out in a detailed Memorandum from all.

Romania joins Council

Romania became the 32nd member of the Council of Europe in October amid continuing disquiet about the state of human rights in the country. Shortly before its admission the Council's Parliamentary Assembly recommended reforms to the judiciary and other institutions to bring Romania into line with the European Convention on Human Rights. It is unclear how the Council will ensure these changes are made.

Historic Council summit sidesteps challenges

For the first time in its 44-year history, heads of state from the 32 members of the Council of Europe held a Summit, in Vienna, on 8 and 9 October.

It tried to confront the challenges of a disintegrating Europe and the rising tide of racism and minority conflicts.

The Summit ended the controversy over the role of the Council in minority rights issues. It agreed to draft a 'framework' convention, also open to non-member states, which will set out broad goals for the protection of minority rights which states hope to achieve. But individuals will not be able to complain about violations to the European Commission of Human Rights.

However, the Council will also draft a Protocol to the European Convention on Human Rights, limited to individual cultural rights such as use of minority languages, which will be enforceable before the Strasbourg court.

The Summit also adopted a program of action against racism, xenophobia, anti-semitism and intolerance. A new group of experts will be set up to recommend changes in national laws and policies.

The Summit confirmed that the European Commission of Human Rights and European Court of Human Rights will be merged into a single court to tackle the current huge delays in dealing with cases. An amending treaty is already being drafted and may be ready for adoption in May 1994.

Before the Summit Amnesty International wrote an open letter to governments pointing out that while the issues at the Summit were vital, other challenges were still being ignored.

The Committee of Ministers has avoided taking political action to deal with member states which have a record of serious and systematic violations of human rights.

All also pointed to a disturbing trend in the Council to draw up weak human rights standards which ignore recent developments in human rights law.

Much of the work of the Council - which affects millions of people - is also carried out behind closed doors, without any meaningful role for a wide range of NGOs.

The Summit reaffirmed that respect for human rights, particularly freedom of expression,

remain "decisive criteria" for assessing applications for membership of the Council.

But AI pointed out that investigations into the human rights situation in potential members are often perfunctory and there is no system to ensure that outstanding recommendations for reform are implemented after admission. ♦

Council of Europe Briefs

Governments block progress

A few governments are blocking agreement on making the right of individual petition under the European Convention on Human Rights automatic. Experts drafting a treaty to merge the European Commission and Court of Human Rights have proposed that individuals should have an inalienable right to take their case to Strasbourg. AI present states decide every few years whether to renew a declaration that allows their citizens this right.

Gibraltar killings

The European Commission of Human Rights has said it will look into the killings of three members of the Provisional IRA shot dead by UK security forces in Gibraltar in 1988. The families claim the killings violated the right to life protected by the European Convention on Human Rights. They are taking their case to Strasbourg after being denied legal aid to challenge the inquest verdict of lawful killing. AI had questioned whether there had been an official policy to shoot the three rather than arrest them.

Looking eastward

As part of the Council of Europe's process of opening up to the wider CSCE region, a new Protocol to the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment has been adopted which will allow states outside the Council to ratify the convention. By ratifying, a state agrees that experts from the European torture committee can visit any place of detention in the country and make confidential recommendations about how to prevent torture and ill-treatment.

NGOs come of age at CSCE Implementation Meeting

***From Vancouver to Vladivostok
1993***

November

NGOs played a remarkable role in shaping the course of the chief CSCE human rights meeting this year.

For the first time at a major CSCE meeting NGOs had the right to attend every session, speak on every issue, distribute documents and approach government delegations.

The inaugural Human Dimension Implementation Meeting (HDIM), held in Warsaw from 27 September to 15 October brought together CSCE members, observer states, intergovernmental organizations and NGOs to scrutinize how the 55 participating states have implemented their CSCE human rights commitments and to examine how to strengthen CSCE human rights mechanisms.

NGOs brought a sense of reality to the sometimes philosophical or highly politicized debates. NGOs exposed human rights violations in specific CSCE states and urged concrete action by governments and the CSCE.

More than 50 international and national NGOs participated in the meeting, representing as diverse interests as minority rights, gay and lesbian rights, press freedom and secular culture. An AI delegation actively participated in the meeting.

The only controversy came when two Kurdish NGOs were prevented from attending, although two other NGOs working on Kurdish human rights issues were eventually allowed to register.

Although the meeting did not have power to make binding decisions, it did make a number of influential recommendations which went directly to the Committee of Senior Officials and the Council of Foreign Ministers for approval.

Key recommendations related to integration of human rights into CSCE political decision-making, streamlining the sending of missions under the Moscow mechanism, increasing the role of NGOs and developing a common CSCE response to the refugee crisis in Europe.

Perhaps states could tolerate NGOs because this meeting had little power. The real test will come next year at the Budapest Review Conference which will be able to make binding commitments.

It is uncertain whether opposition from some states can be overcome to give NGOs at least the same rights of participation in the human rights aspects of the Budapest conference that they enjoyed at the HDIM.

It is now up to the Hungarian Government to make practical proposals and it will be up to NGOs to watch that governments do not erode the progress made in Warsaw. ♦

CSCE Briefs

Latvia mission

Fearing an escalation in tensions over the treatment of the Russian-speaking minority, the CSCE has sent a long-term mission to Latvia to promote dialogue between the communities. Set up initially for six months, the initiative follows a similar mission operating in Estonia since February.

Roma report

Max van der Stoep, the CSCE High Commissioner on National Minorities has urged CSCE states to bring Roma communities into the mainstream of society. His report, commissioned by the Committee of Senior Officials, highlights continuing prejudice and discrimination against Roma. Unique among intergovernmental organizations, the CSCE has developed since 1990 detailed commitments on Roma.

1994 seminars

Up to three expert seminars will be held in Warsaw in the coming year, on migrant workers, local democracy and Roma in the CSCE region. It is hoped that a range of government and NGO experts will thrash out new approaches to deal with the human rights problems in these areas. NGOs have the right to participate fully in these seminars.

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CSCE Foreign Ministers bring human rights in from the cold

The annual meeting of the CSCE Council of Foreign Ministers ended in Rome today having decided to integrate human rights into the mainstream of CSCE decision-making, but with few answers to tackle the intractable conflicts raging in Europe.

Following a recommendation by the Implementation Meeting in October, it welcomes the recognition by the Council that the CSCE political decision-making bodies should consider human rights issues whenever they deal with conflicts and security in Europe and that CSCE long-term missions should have a human rights component.

The Council acted to widen the mandate of the existing mission in Georgia to include promotion of human rights and helping to draft a new constitution. It is not clear to what extent monitors will be authorised to intervene to protect human rights.

A new long-term mission of four people will try to tackle the continuing conflict in Tadjikistan and its mandate will also include the promotion of respect for human rights.

It also welcomes the endorsement of the Implementation Meeting recommendation that the CSCE should now tackle the regional crisis of refugees and displaced persons. It hopes this will lead to a common response to refugee problems based firmly on international human rights standards.

Despite fears of countries which have won independence from the former USSR, the Council tentatively agreed that Russia could act as peacekeeper in the CIS region, provided such operations were based on principles of "respect for sovereignty and territorial integrity; consent of parties; impartiality, multinational character;...[and] integral link to a political process for conflict resolution".

In an important move, the Council endorsed the growing role of the Warsaw-based Office for Democratic Institutions and Human Rights as the main source of human rights expertise in the CSCE. It will have an input into CSCE long-term missions such as the new one in Tadjikistan.

However, the meeting was unable to deal with several outstanding problems in member states.

The foreign ministers "called for the early and unconditional return of the Missions of

Long Duration to Kosovo, Sandak and Vojvodina" but offered no new initiatives to achieve this aim.

The long-standing peace talks on Karabakh remain at a stalemate and the Council could only continue to deplore human rights violations in Bosnia-Herzegovina. ♦

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