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Copenhagen Anniversary Conference
**“20 years of the OSCE Copenhagen Document: Status and
future perspectives”.**

Copenhagen, 10-11 June 2010

Annotated Agenda

I. Background

At the 1990 Copenhagen Conference on the Human Dimension, States laid the groundwork for what would become the fundamental rule book for the entire OSCE area, the human dimension *acquis* of the OSCE. This *acquis* continues to be the main reference document for the OSCE's human dimension work. The essence of this work is the regular, ongoing review of implementation of commitments in this field, as well as the provision of assistance where required. Already at the Copenhagen Conference, pS considered that the degree of compliance with these commitments had improved in recent times. Yet they also expressed the view that “further steps are required” (Document of the Copenhagen Meeting of the Conference on the human dimension of the CSCE (CD), preamble). This combination of acknowledgement of past achievements with a realistic appreciation of shortcomings and challenges is as relevant today as it was then.

Since 1990, the OSCE has consistently deepened and developed its commitments on human rights and democracy. Nevertheless, 20 years onwards, the commitments undertaken in Copenhagen remain the foundation for democratic government in the OSCE area. The Copenhagen event will celebrate the achievements laid down in the Document as it defined standards for functioning, accountable, open, and transparent democratic systems, and confirmed that “the protection and promotion of human rights ... is one of the basic purposes of government” (CD, §1).

On this basis, the Conference will take stock of the general compliance in the OSCE area with commitments enshrined in the Copenhagen Document, define remaining challenges and look at measures that can be taken to tackle these challenges and close implementation gaps. The event should be forward-looking and provide guidance for the further development of the OSCE's commitments on democracy, human rights, the rule of law and national minorities. ODIHR's “Common Responsibility” report could provide relevant inspiration.

Democracy is a process, and so is the development and application of human rights. This event would also serve to emphasize that these are issues that do not lend themselves to complacency.

II. Structure of the event

The Conference is divided into five substantive sessions (excluding opening/closing):

- **Democratic processes – elections and human rights;**
- **Rule of law;**

- **National minorities;**
- **Freedom of movement;**
- **Implementation of the human dimension commitments.**

10 June

09.00-10.00: Opening Session

10.00-12.00: Session 1

Democratic processes – elections and human rights

In line with the concept of this event that emphasises the inter-relationships between various parts of the CD, Session 1 will seek to emphasize the link between elections and human rights i.e. that there cannot be genuinely democratic elections without respect for human rights, and that democracy and human rights are mutually reinforcing. Main achievements and best practices will be discussed as well as problems faced in implementing commitments and possible measures to overcome such problems.

Issues which could be discussed:

- Proper *election* procedures and how to ensure their application, (CD §§ 3, 4, 5, 6, 7 and 8). Lessons learned and best practices. How do democracy, respect for human rights and the rule of law interact? The relationship between political pluralism, free media, human rights, access to justice and effective remedies against violations of electoral rights (CD § 5.9).
- *Freedom of association* (CD §§10 and 11). What measures should be taken to guarantee and monitor freedom of association? Possible limitations? The discussion could focus on how international norms and legislation has been, and should be, implemented. Civil society's contribution to the realization of this right.
- *Freedom of assembly* (CD §9.2.). What measures should be taken to guarantee and monitor freedom of assembly? Possible limitations? How does freedom of assembly interact with democracy? Civil society's contribution to the realization of this right.
- *Freedom of expression* (CD §§ 7.7, 7.8). What measures should be taken to guarantee unimpeded access to the media on a non-discriminatory basis for all political groupings and individuals wishing to participate in the electoral process?
- Possible *additional commitments and statements* that could enrich, reinforce and amplify existing human dimension commitments, with a focus on those not expressly stated in the

CD, e.g. on transparency and accountability as sources of public confidence, ref. e.g. the conclusions and recommendations of ODIHR's report on "Common Responsibility", elaborated in pursuance of MC Decision No. 17/05.

12.00-13.30: Lunch

13.30-15.30: Session 2

Rule of law

The OSCE has recognized the diversity of models and systems of government that exist across the OSCE region. Any 'democracy template' risks being utopian and perhaps undesirable. It may not be likely to succeed in organizing free societies effectively. The CD has captured this conviction in its §4, in which pS confirmed "that they will respect each other's right freely to choose and develop, in accordance with international human rights standards, their political, social, economic and cultural systems." The provision goes on to stipulate that "in exercising this right, [pS] will ensure that their laws, regulations, practices and policies conform with their obligations under international law and are brought into harmony with ... [O]SCE commitments." This key sentence requires national legislation and political infrastructure to conform to the principles and provisions, which the CD specifies as necessary for democratic systems in its subsequent provisions.

Session 2 could recognise the diversity of traditions and systems across the region, discuss and develop the CD's efforts to define universal ingredients of representative and pluralist democracy - such as the rule of law-, discuss possibilities of monitoring respect for these provisions and recall the imperatives to implement them.

Issues which could be discussed:

- The overarching theme of *compliance of legislation with international law* (CD §§4, 5.7, 5.20 and 29). What are the most effective ways of bringing laws in compliance with international law, including *inter alia* ICCPR, ICESCR and the ECHR? How do States best cooperate with the international human rights monitoring mechanisms?
- *Independence of the judiciary and the legal profession* (CD, §§5.12, 5.13, 5.16 and 5.17). How to ensure that the executive does not intervene in judicial appointments and proceedings and that judiciaries are not only independent but also perceived as such? How should the legal profession be organized? How can it be assured that lawyers can defend their clients without facing difficulties regarding bar membership renewals or other measures?
- *Right to a fair trial* (with a specific focus on rights of arrested persons in the pre-trial stage) (CD §§5.7, 5.15, 5.20 and 16). How

to assure – in law and in practice - that tainted evidence is not considered in court? What measures are in place for arrested persons to have the decision regarding arrest and detention reviewed?

- *Best practices to ensure the rule of law, including the commitment to adopt and adapt legislation through open and public procedure as well as access to laws* (CD §4 and §5.8).
- Should *additional commitments* be introduced to broaden access to justice, particularly for the disadvantaged and other vulnerable groups?

15.30-16.00: Coffee break

16.00-18.00: Session 3

National minorities

The Copenhagen Document constitutes a breakthrough in international standard-setting on national minority issues. It was the first negotiated multilateral document, which brought about an extensive list of minority standards. The participating States established the principle that “the questions relating to national minorities can only be satisfactorily resolved in a democratic political framework based on the rule of law, with a functioning independent judiciary.” A second principle made it clear that “respect for the rights of persons belonging to national minorities as part of universally recognized human rights is an essential factor for peace, justice, stability and democracy” (CD §30).

Twenty years later, all human dimension commitments relating to national minorities retain their validity. This is why it is advisable to discuss the results achieved in further standard-setting and interpretation of minority standards in the practice of the OSCE High Commissioner on National Minorities against the background of complementary activities of the Advisory Committee under the CoE Framework Convention for the Protection of National Minorities.

Of all the areas where national minority commitments have been developed (participation, education, use of languages, access to media, policing, kin-States and integration with respect for diversity) it would be advisable to have a focused debate on the progress and challenges in the field of participation of national minorities in public life.

More detailed guidelines on participation were subsequently endorsed by the High Commissioner as the Lund Recommendations on the Effective Participation of National Minorities in Public Life (1999).

Issues which could be discussed:

- Electoral arrangements facilitating the participation and representation of national minorities in the political sphere at both national and local levels;
- Advisory and consultative bodies serving as channels for dialogue between governmental authorities and national minorities; and
- Non-territorial and territorial arrangements for national minorities.

18.00: Reception

11 June

10.00-12.00: session 4

Freedom of movement

The Copenhagen Document stipulates that “freer movement and contacts among [pS] citizens are important in the context of the protection and promotion of human rights and fundamental freedoms” (CD §§ 19, 20 and 21). The participating States committed to facilitate freer movement and contacts among persons, in this regard they intend gradually to simplify and to administer flexibly the procedures for exit and entry, to conclude multilateral or bilateral consular conventions or other relevant agreements or understandings (Helsinki Final Act). Over the last decades the OSCE region has witnessed positive developments in the sphere of freedom of movement due to efforts at both bilateral and multilateral levels. However, there is still room for further facilitation of freer movement and contacts among persons. Improved implementation of commitments in the field of human contacts, including on a bilateral and multilateral basis, could add to the effectiveness of the Organization in the field of OSCE’s human dimension.

Issues which could be discussed:

- Simplifying the procedures for entry into [pS] territories, including the issuing of visas and passport and customs control: existing problems and their resolution.
- Reducing administrative requirements for visa applications, especially in cases of an urgent, humanitarian nature.
- Reducing other barriers to movement and contacts among citizens.
- Considering and dealing with problems that might emerge as a result of increased movement of persons.

12.00-13.30: Lunch

13.30-15.30: session 5

Measures to improve implementation of the human dimension commitments

The Moscow Document 1991 enshrined an agreement of all to consider human dimension commitments a matter of “direct and legitimate concern to all pS”. The issue to be dealt with at this session is how to foster a process through which all pS become indeed “responsible to each other for their implementation of their OSCE commitments” (Istanbul Document, § 7). In Athens last year, Ministers noted that the principles of the Helsinki Final Act and OSCE commitments are not fully respected and implemented.

The OSCE has an impressive and somewhat diverse set of implementation measures at its disposal. It is questionable however how well coordinated and effective these mechanisms are. That also goes for the Moscow Mechanism, which was designed particularly for the implementation of the CD. Problems with cooperation have on several occasions prevented the OSCE from fulfilling its mandated function. Improved measures of implementation could add to the effectiveness of the OSCE’s human dimension toolbox. Furthermore the coordination among the many implementation measures in the OSCE could be improved.

During the meetings in the Corfu-process, pS have consistently stressed that there is an inseparable connection between the OSCE human dimension and maintaining peace. The human dimension with its focus on security and rights of the individual is an integral part of the OSCE’s comprehensive security concept. Respect for human rights is a prerequisite for security, as incomplete implementation of human dimension commitments weakens states; it erodes internal stability and endangers external stability.

In the light of the deliberations that have already taken place in the context of the Corfu Process, together with the wish expressed by the Chairman-in-Office that conferences scheduled for 2010 should further consider possible contributions, the debate at this session could serve as inspiration for the improvement of the implementation measures.

Issues which could be discussed:

- Are existing measures to promote implementation sufficient?
- How could they be improved?
- Possible new measures?

15.30-16.00: Closing session