

SCHEDULE OF SIDE EVENTS

HUMAN DIMENSION SEMINAR

“Strengthening Judicial Independence and Public Access to Justice”

The Helsinki Document of 1992 (Chapter IV) called for increasing the openness of CSCE activities and expanding the role of NGOs. In particular, in paragraph (15) of Chapter IV the participating States decided to facilitate during CSCE meetings informal discussion meetings between representatives of participating States and of NGOs, and to provide encouragement to NGOs organizing seminars on CSCE-related issues. In line with this decision, NGOs, governments, and other participants are encouraged to organize side meetings on relevant issues of their choice.

The opinions and information shared during the side events convened by participants do not necessarily reflect the policy of the OSCE/ ODIHR.

Tuesday, 18 May	Tuesday, 18 May
<p><i>Title: The court as an instrument of political persecution of dissenters. The issues concerned with Kazakhstan taking over chairmanship of the OSCE: the cases of Zhovtis, Dzhakishev, Yesergepov, “Respublika” newspaper & others.</i></p> <p><i>Convenor: Foundation “Civic activity”</i></p> <p><i>Time: 13.00 – 15.00</i></p> <p><i>Venue: Meeting Room 1</i></p> <p><i>Language: English, Russian</i></p>	<p><i>Title: Judicial independence in the OSCE/judges’ perception: Presentation of the Survey on Judicial Independence conducted by the OSCE Spillover Monitor Mission to Skopje and the Judges association</i></p> <p><i>Convenor: OSCE Spillover Monitor Mission to Skopje and ODIHR</i></p> <p><i>Time: 13.15 – 14.45</i></p> <p><i>Venue: Plenary Hall</i></p> <p><i>Language: English, Russian</i></p>
Tuesday, 18 May	Wednesday, 19 May
<p><i>Title: Public Access to Justice: Developing the Role of Mediation in Resolving Disputes in the OSCE Area</i></p> <p><i>Convenor: London School of Mediation</i></p> <p><i>Time: 18.00 – 18.45</i></p> <p><i>Venue: Meeting Room 2</i></p> <p><i>Language: English</i></p>	<p><i>Title: Access to Justice within Different Legal Systems</i></p> <p><i>Convenor: US Mission to the OSCE</i></p> <p><i>Time: 13.00 – 14.30</i></p> <p><i>Venue: Meeting Room 1</i></p> <p><i>Language: English, Russian</i></p>

OVERVIEW OF SIDE EVENTS

As submitted by the organizers

The side events below have been organized and scheduled exclusively at the request of participants of the Human Dimension Seminar. The following descriptions of the meetings were prepared by the organizations convening the events and do not necessarily reflect the views of the OSCE, ODIHR.

Tuesday, 18 May

Time: 13.00 – 15.00
Venue: Meeting Room 1
Title: The court as an instrument of political persecution of dissenters. The issues concerned with Kazakhstan taking over chairmanship of the OSCE: the cases of Zhovtis, Dzhakishev, Yesergepov, “Respublika” newspaper & others
Convenor: Foundation “Civic Activity”
Language: English, Russian

Summary: The latest information on trials that have political motives in Kazakhstan will be provided on the event, as well as court judgments will be appraised, and a standpoint of civil society will be pronounced

Refreshments will be served

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Tuesday, 18 May

Time: 13.15 – 14.45
Venue: Plenary Hall
Title: Judicial independence in the OSCE/judges’ perception: Presentation of the Survey on Judicial Independence conducted by the OSCE Spillover Monitor Mission to Skopje and the Judges association
Convenor: OSCE Spillover Monitor Mission to Skopje and ODIHR
Language: English, Russian

Summary: Judicial independence is at the forefront of the organization’s rule of law commitments. Without an independent judiciary, justice systems cannot function. The right to fair trial depends on the independence of both judges and the system behind them. Public trust cannot be generated and further developed in a system which is controlled by the executive and legislative powers.

In 2009, OSCE Spillover Monitor Mission to Skopje, in coordination with the Judges Association, conducted a survey of the country’s judges to gauge perceptions of judges’ own experiences, the factors that may be influencing their work, and the broader challenges to judicial independence. This event will share the survey’s results and provide a forum for discussion of possible next steps.

ODIHR together with the Max-Planck Institute for Comparative Public and International Law, in 2009, started to research best practices and remaining

challenges with respect to judicial independence in countries in transition. The event will provide an opportunity to discuss some of the findings of the research

Refreshments will be served

Tuesday, 18 May

Time: 18.00 – 18.45
Venue: Meeting Room 2
Title: Public Access to Justice: Developing the Role of Mediation in Resolving Disputes in the OSCE Area
Convenor: London School of Mediation
Language: English

Summary: Public Access to Justice: Developing the Role of Mediation in Resolving Disputes in the OSCE Area

In both the new and old democracies of OSCE, Governments face increasing challenges in ensuring fair and affordable public access to justice for all. In the newer democracies there is often a lack of public confidence in weak or insufficiently developed judicial or court structures, and an absence of other means for resolving disputes. In the old democracies the prohibitive cost of lawyers and legal aid schemes, and the complexity, delay and stress of litigation, frequently put access to justice beyond the reach of ordinary citizens. It is against such a backdrop that civil mediation between conflicting parties as a form of Alternative Dispute Resolution (ADR) has in recent years come to be seen as a highly efficient and cost effective adjunct to conventional judicial processes in delivering justice.

The essence of facilitative civil mediation is the use by a trained and qualified mediator of his or her skills to facilitate a process through which parties to a dispute reach a mutually agreeable settlement. The mediator acts neither as judge, expert, lawyer, or arbitrator, but functions solely in a neutral and impartial capacity. By exploring the issues, interests, needs and concerns of the parties, the mediator seeks to assist in the creation of solutions which the conflicting parties own. Whilst the mediator is in charge of the process, the parties have charge of the outcome. Mediation is therefore universally adaptable across the whole OSCE area, as the unique circumstances of the conflicting parties, both local, cultural and jurisdictional, will prevail at all times. In principle any dispute is capable of being mediated by guided mediation, if the parties concerned are willing to agree to participate in such a process with a view to reaching a mutually agreeable settlement. Such disputes may range from complex multi-party political or ethnic conflicts, civil, commercial, family or workplace disputes of all kinds, down to individual disputes between neighbours.

Presentation and questions:

Jonathan Dingle - Hon. Secretary of the UK Civil Mediation Council since founding in 2002. Barrister and International Mediator. Mediation Achiever of the Year 2009.

Judith Kelbie - Leading independent International Mediator and Trainer. Board Member of UK Civil Mediation Council. Specialist in mediator standards and accreditation.

Tim Dingle - Mediator and negotiation specialist. Member of the World Board of the Global Negotiation Insight Initiative (Harvard Negotiation Project). MBA trainer.

Julian Peel Yates - OSCE/ODIHR External Expert. Lawyer, diplomat, mediator. Since 1993 CSCE/OSCE field and election observation mission experience at Head of Mission level.

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Wednesday, 19 May

Time: 13.00 – 14.30
Venue: Meeting Room 1
Title: Access to Justice within Different Legal Systems
Convenor: US Mission to the OSCE & ODIHR
Language: English, Russian

Summary Equal access to justice remains an issue of concern in many OSCE participating States. Usually, people living in rural areas and vulnerable groups have problems in accessing formal justice systems for various reasons. A number of participating States have taken considerable measures to remedy shortcomings related to this issue, but the legal framework sometimes hinders full compliance.

In order to compare, contrast and discuss which measures have worked and could serve as best practice for other participating States in the area of public access to justice, the U.S. Delegation to the OSCE in Vienna convenes a panel of experts asked to discuss measures that have been taken in sometimes very differing legal systems to enhance public access to justice. Experts will focus their presentations on efforts by the participating States and **promising models** for access to justice programs and how to sustain them.

The panelists will include: Professor Laurence Tribe, Senior Counselor for Access to Justice, U.S. Department of Justice and; Dariusz Sielicki Judge, Carlos Almela, Senior Prosecutor and Judge, International Relations Department, Spanish General Council for the Judiciary

Refreshments will be served