

Chairmanship: Ireland

908th PLENARY MEETING OF THE COUNCIL

1. Date: Thursday, 19 April 2012

Opened: 9.40 a.m.

Closed: 1 p.m.

2. Chairperson: Ambassador E. O’Leary
Ms. M. Feeney

3. Subjects discussed – Statements – Decisions/documents adopted:

Agenda item 1: ADDRESS BY THE COMMISSIONER ON HUMAN RIGHTS, DEMOCRACY AND THE RULE OF LAW OF THE MINISTRY OF FOREIGN AFFAIRS OF THE RUSSIAN FEDERATION, AMBASSADOR-AT-LARGE KONSTANTIN DOLGOV

Chairperson, Commissioner on Human Rights, Democracy and the Rule of Law of the Ministry of Foreign Affairs of the Russian Federation (PC.DEL/348/12), Denmark-European Union (with the acceding country Croatia; the candidate countries the former Yugoslav Republic of Macedonia, Iceland, Montenegro and Serbia; the countries of the Stabilisation and Association Process and potential candidate countries Albania and Bosnia and Herzegovina; as well as the European Free Trade Association country Norway, member of the European Economic Area, in alignment) (PC.DEL/331/12), United States of America (PC.DEL/338/12), Belarus (PC.DEL/346/12), Georgia, Ukraine, Switzerland (PC.DEL/328/12)

Agenda item 2: OSCE CENTRE IN BISHKEK AND OSCE ACADEMY IN BISHKEK

Chairperson, Head of the OSCE Centre in Bishkek (PC.FR/5/12 OSCE+), Director of the OSCE Academy in Bishkek (PC.FR/6/12 OSCE+), Denmark-European Union (with the acceding country Croatia; the candidate countries the former Yugoslav Republic of Macedonia, Iceland, Montenegro and Serbia; the country of the Stabilisation and Association Process and

potential candidate country Bosnia and Herzegovina; the European Free Trade Association countries Liechtenstein and Norway, members of the European Economic Area; as well as Andorra and Moldova, in alignment) (PC.DEL/332/12), United States of America (PC.DEL/339/12), Russian Federation, Switzerland (PC.DEL/329/12), Turkey (PC.DEL/352/12), United Kingdom, Kyrgyzstan

Agenda item 3: DECISION ON THE AGENDA, TIMETABLE AND OTHER ORGANIZATIONAL MODALITIES OF THE 2012 HUMAN DIMENSION SEMINAR

Chairperson

Decision: The Permanent Council adopted Decision No. 1038 (PC.DEC/1038) on the agenda, timetable and other organizational modalities of the 2012 Human Dimension Seminar, the text of which is appended to this journal.

Agenda item 4: REVIEW OF CURRENT ISSUES

- (a) *Freedom of the media in Turkey:* Denmark-European Union (with the acceding country Croatia; the candidate countries the former Yugoslav Republic of Macedonia, Iceland, Montenegro and Serbia; the country of the Stabilisation and Association Process and potential candidate country Bosnia and Herzegovina; the European Free Trade Association country Norway, member of the European Economic Area; as well as Armenia and Moldova, in alignment) (PC.DEL/333/12), Turkey (PC.DEL/351/12)
- (b) *Release of Mr. A. Sannikov and Mr. D. Bandarenka in Belarus:* Denmark-European Union (PC.DEL/337/12), United States of America (PC.DEL/340/12), Switzerland (PC.DEL/330/12), Georgia, Russian Federation, Belarus (PC.DEL/347/12)
- (c) *International Roma Day, celebrated on 8 April 2012:* Denmark-European Union (with the acceding country Croatia; the candidate countries the former Yugoslav Republic of Macedonia, Iceland, Montenegro and Serbia; the countries of the Stabilisation and Association Process and potential candidate countries Albania and Bosnia and Herzegovina; the European Free Trade Association country Norway, member of the European Economic Area; as well as Andorra, Armenia, Georgia, Moldova and San Marino, in alignment) (PC.DEL/336/12), United States of America (PC.DEL/342/12), Turkey (PC.DEL/326/12)
- (d) *Tolerance and non-discrimination in the Russian Federation:* United States of America (PC.DEL/343/12), Norway, Russian Federation
- (e) *Meeting in the 5+2 negotiation format on the settlement of the Transdniestrian conflict, held in Vienna on 16 and 17 April 2012:* Chairperson, Denmark-European Union (PC.DEL/335/12), United States of America (PC.DEL/344/12), Russian Federation, Moldova

- (f) *Nineteenth round of the Geneva Discussions on security and stability arrangements in Georgia, held on 29 March 2012*: Denmark-European Union (with the acceding country Croatia; the candidate countries the former Yugoslav Republic of Macedonia, Iceland, Montenegro and Serbia; the countries of the Stabilisation and Association Process and potential candidate countries Albania and Bosnia and Herzegovina; the European Free Trade Association countries Liechtenstein and Norway, members of the European Economic Area; as well as Andorra, Moldova and San Marino, in alignment) (PC.DEL/334/12), United States of America (PC.DEL/341/12), Russian Federation, Georgia, Chairperson

Agenda item 5: REPORT ON THE ACTIVITIES OF THE
 CHAIRPERSON-IN-OFFICE

- (a) *Press statements by the Chairperson-in-Office concerning the murder of five persons in Skopje and welcoming the release of Mr. A. Sannikov in Belarus*: Chairperson (CIO.GAL/44/12)
- (b) *Visit of the Chairperson of the Permanent Council and the Secretary General to Belgrade on 18 April 2012*: Chairperson (CIO.GAL/44/12), United States of America (PC.DEL/345/12), Germany (PC.DEL/349/12), Italy, United Kingdom (PC.DEL/350/12), France, Serbia
- (c) *Meeting in the 5+2 negotiation format on the settlement of the Transdniestrian conflict, held in Vienna on 16 and 17 April 2012*: Chairperson (CIO.GAL/44/12)
- (d) *Visit of the Chairperson of the Permanent Council and the Secretary General to Mongolia from 3 to 6 June 2012*: Chairperson (CIO.GAL/44/12)

Agenda item 6: REPORT OF THE SECRETARY GENERAL

- (a) *Announcement of the distribution of a written report of the Secretary General*: Secretary General
- (b) *Closure of the OSCE Office in Zagreb on 31 March 2012*: Secretary General
- (c) *Signing of a Memorandum of Understanding between Tajikistan and the OSCE*: Secretary General
- (d) *Visit of the Secretary General to Jeddah, Saudi Arabia, to hold consultations on mediation with the United Nations and regional organizations*: Secretary General
- (e) *Meetings held on the margins of the Ministerial Conference of the Central Asia Border Security Initiative (CABSI)*: Secretary General
- (f) *Recent incidents in the former Yugoslav Republic of Macedonia*: Secretary General

- (g) *Joint staff meeting of the OSCE and the United Nations Office on Drugs and Crime, held on 30 March 2012: Secretary General*
- (h) *Signing of a Memorandum of Understanding between the Ministry of Defence of Kazakhstan and the OSCE on the disposal of m \acute{e} lange: Secretary General*
- (i) *Visit of the Secretary General to Sarajevo to attend the International Donors Conference concerning Durable Solutions for Refugees and Displaced Persons, to be held on 24 April 2012: Secretary General*

Agenda item 7: ANY OTHER BUSINESS

- (a) *Farewell to the Permanent Representative of Slovakia, Ambassador M. Peško: Dean of the Permanent Council (Liechtenstein), Slovakia*
- (b) *Parliamentary elections in Georgia, to be held in October 2012: Georgia*
- (c) *Presidential elections in Iceland, to be held on 30 June 2012: Iceland*
- (d) *Long-range missile launch by the Democratic People's Republic of Korea on 13 April 2012: Republic of Korea (Partner for Co-operation) (PC.DEL/327/12)*
- (e) *Formation of the Freedom Online Coalition in December 2011: Netherlands (also on behalf of the United States of America, Austria, Canada, Estonia, Finland, France, the United Kingdom, Ireland, Sweden, the Czech Republic and Mongolia (Partner for Co-operation)) (Annex)*
- (f) *Informal follow-up consultations on strengthening the legal framework of the OSCE, conducted from 17 to 19 April 2012: Chairperson*
- (g) *Second Preparatory Meeting of the 20th OSCE Economic and Environmental Forum on Promoting Good Governance and Combating Corruption in Support of Socio-Economic Development, to be held in Dublin on 23 and 24 April 2012: Chairperson*
- (h) *Deadline for registration for the OSCE Chairmanship conference Shared Future: Building and Sustaining Peace, the Northern Ireland case study, to be held in Dublin on 27 April 2012: Chairperson*
- (i) *OSCE Chairmanship Conference on Internet Freedom, to be held in Dublin on 18 and 19 June 2012: Chairperson*

4. Next meeting:

Thursday, 26 April 2012, at 10 a.m., in the Neuer Saal



**Organization for Security and Co-operation in Europe
Permanent Council**

PC.JOUR/908
19 April 2012
Annex

Original: ENGLISH

908th Plenary Meeting

PC Journal No. 908, Agenda item 7(e)

**STATEMENT BY
THE DELEGATION OF THE NETHERLANDS
(ALSO ON BEHALF OF THE UNITED STATES OF AMERICA,
AUSTRIA, CANADA, ESTONIA, FINLAND, FRANCE,
THE UNITED KINGDOM, IRELAND, SWEDEN,
THE CZECH REPUBLIC AND MONGOLIA
(PARTNER FOR CO-OPERATION))**

Mr. Chairperson,

On behalf of Austria, Canada, the Czech Republic, Estonia, Finland, France, Ireland, the Netherlands, Sweden, the United Kingdom, the United States and partner country Mongolia I would like to use this opportunity to inform the participating States of the OSCE about the formation of the Freedom Online Coalition (FOC).

In December 2011, my country hosted a conference on internet freedom. The conference was well attended by ministers, government officials, representatives of the private sector and NGO's. It was noted with concern that in many countries human rights and fundamental freedoms are not respected online. The flow of information on the internet and through connection technologies is often limited beyond the few exceptional circumstances in which restrictions are acceptable and in accordance with international human rights obligations.

At the conference fifteen countries dedicated themselves to establishing the "Freedom Online Coalition". In addition to the mentioned OSCE participating States, and partner country Mongolia, also Mexico, the Republic of Maldives, Ghana and Kenya are part of this informal coalition that continues to expand globally to other countries.

The Freedom Online Coalition has dedicated itself to sharing information on violations of fundamental human rights on the internet and other connection technologies, and to co-operate in finding means to protect human rights online. The coalition members will collaborate closely to support – both politically and through project support – the ability of individuals to exercise their human rights through the internet and connecting technologies. We intend to engage with other governments, regional organizations, international institutions, civil society and other relevant stakeholders, such as businesses and academics, to reinforce our efforts in this regard. The coalition would also like to support the

OSCE institutions, in particular the Office of the Representative on Freedom of the Media, in their efforts to foster the freedom of expression online.

Within our OSCE context we will develop, promote and support new initiatives in the field of Freedom Online, and we will continue supporting already existing efforts that can fortunately count on the support of many more participating States in this room. The FOC will also aim to affirm OSCE commitments by initiating and supporting decisions and political declarations in the field of fundamental freedoms online.

Let me conclude by expressing our support for the Chairperson-in-Office's efforts to promote freedom online through the Dublin conference on 18–19 June 2012.

I request this statement be attached to the journal of the day.

Thank you for your attention.

908th Plenary Meeting

PC Journal No. 908, Agenda item 3

DECISION No. 1038
AGENDA, TIMETABLE AND OTHER ORGANIZATIONAL
MODALITIES OF THE 2012 HUMAN DIMENSION SEMINAR

Warsaw, 14–16 May 2012

Rule of law framework for combating trafficking in human beings

I. Agenda

1. Opening of the Seminar
2. Opening plenary: Keynote addresses
3. Discussion in four working groups
4. Closing plenary: Summing up and closing of the Seminar

II. Timetable and other organizational modalities

1. The Seminar will open on Monday, 14 May 2012 at 10 a.m. It will close on Wednesday, 16 May 2012 at 6 p.m.
2. All plenary sessions and working group sessions will be open to all participants.
3. The closing plenary session, scheduled for the afternoon of 16 May 2012, will focus on practical suggestions and recommendations for addressing the issues discussed during the working group sessions.
4. The plenary and working group sessions will take place in accordance with the work programme below.
5. A representative of the ODIHR will chair the plenary sessions.
6. The Rules of Procedure of the OSCE and the modalities for OSCE meetings on human dimension issues (Permanent Council Decision No. 476) will be followed, *mutatis mutandis*, at the Seminar. Furthermore, the guidelines for organizing OSCE meetings (Permanent Council Decision No. 762) will also be taken into account.

7. The discussions during the plenary and working group sessions will be interpreted from and into the six working languages of the OSCE.

Working group I: The primacy of human rights and the rule of law – Establishing domestic legislative framework compliant with OSCE commitments and international standards: Key challenges to implementation

- The importance of a strong legal framework to combat all forms of trafficking in human beings (THB) and related issues. Key elements of a robust legal framework in compliance with human rights and internationally agreed standards; such as the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime;
- Challenges of establishing a clear definition of THB that can provide the basis for effective prosecutions. Use of related offences to prosecute THB: Opportunities and risks;
- Legal protections for victims: The main issues that should be addressed in law;
- Key challenges on implementing the legislative framework: Victim identification and the special needs of child victims; Safe and voluntary return: Due process and the principle of *non-refoulement*.

Working group II: Criminalization, punishment and redress – Effective investigation, prosecution and adjudication of trafficking: Establishing an appropriate institutional framework

- Establishing effective national referral mechanism for protection and assistance of trafficked persons;
- Standards and good practices in co-operation between victim support providers and criminal justice agencies;
- Specialization of the investigatory and prosecutorial functions: Modalities, opportunities, risks and good practices;
- Institutional support for bilateral and international legal co-operation, (capacity and effective communication among central and regional/local authorities within States; bilateral and regional co-operative arrangements among them including provision for extradition): Gaps, strengths and opportunities;
- Training of criminal justice officials: Assessing needs and measuring impact.

Working group III: The victim in the criminal justice process: A focus on justice and human rights

- Evidentiary challenges in prosecuting THB cases and the crucial role of victims. Challenges in securing the co-operation of victims and how these can be addressed;

- The commitments that victims of trafficking do not face prosecution solely because they have been trafficked and are not penalized for their involvement in unlawful activities to the extent that they have been compelled to do so: Practical implementation issues;
- Practical aspects of involving victims in the trial process: How to ensure victims can testify safely and effectively. Legal assistance, protection and temporary residence permits: Support to victim witnesses; protection from re-victimization;
- The criminal justice system as a source of justice and redress for victims and ensuring access to effective remedies: Challenges and good practices. Accessing justice and redress through labour and civil proceedings.

Working group IV: Issues of accountability, accessibility and justice: Preventing all forms of trafficking in human beings

- Fair trial and due process safeguards and appropriate sentencing: Special consideration in THB prosecutions;
- Monitoring the impact of anti-trafficking measures to ensure that they do not adversely affect established rights;
- Prevention through labour protection and the provision of safe migration opportunities;
- Tackling corruption: State responsibility and due diligence in eradicating public-sector involvement in trafficking;
- Addressing the root causes of human trafficking in countries of origin, transit and destination and the factors that increase the vulnerability of certain groups and individuals to being trafficked. Ensuring reintegration and social inclusion of victims of trafficking upon return to prevent re-trafficking.

Work programme

Working hours: 10 a.m.–1 p.m.
3–6 p.m.

| | Monday 14 May 2012 | Tuesday 15 May 2012 | Wednesday 16 May 2012 |
|-----------|-------------------------------|--------------------------------|----------------------------------|
| Morning | Opening plenary session | Working Group II | Working Group IV |
| Afternoon | Working Group I | Working Group III | Concluding plenary session |