



Organization for Security and Co-operation in Europe

**HUMAN DIMENSION IMPLEMENTATION MEETING
2-13 OCTOBER 2006
Warsaw, Poland**

ANNOTATED AGENDA

BACKGROUND

The *1992 Helsinki Document* mandates the ODIHR - as the main institution of the human dimension - to organize a meeting to review the implementation of human dimension commitments entered into by all OSCE participating States and to look at ways to enhance compliance with these commitments. The evaluation of the procedures and mechanisms for monitoring should also be subject to this meeting. Based on *Permanent Council Decision No. 476 on the modalities for OSCE Meetings on Human Dimension Issues*, the sessions of the Human Dimension Implementation Meeting (HDIM) have as objectives to review human dimension commitments, to foster the implementation of these commitments, and to address new challenges by further developing commitments.

Since 1998, the HDIM has taken place annually (except for 1999, due to the Istanbul Summit) for a two-week period in Warsaw, bringing together representatives from the participating States' governments, from civil society, as well as from OSCE institutions and structures and other international organizations. In 2005, 945 representatives were registered at the meeting.

The agenda for these meetings is adopted by the Permanent Council, also reflecting three special subjects to be dealt with more in-depth. For the 2006 meeting, the agenda was adopted by Permanent Council Decision No. 730 of 22 June 2006. This annotated agenda is intended to provide participants with early guidelines to prepare for active and constructive participation in the working sessions of the meeting.

All decisions on human dimension commitments taken by participating States are subject of discussion during the HDIM; for this year, another decision seems of relevance: In Decision No. 17/05 on Strengthening the Effectiveness of the OSCE, the 2005 Ministerial Council in Ljubljana tasked the ODIHR to submit a report,¹ for discussion at the next Ministerial Council in Brussels

¹ The ODIHR report is to focus on the following subjects: (1) the implementation of existing commitments; (2) possible supplementary commitments; (3) ways of strengthening and furthering election-related commitments; and (4) improving the effectiveness of its assistance to participating States, taking into account and answering questions put by participating States and in close consultation with them.

In order to maximize the transparency and inclusiveness of this consultation process, the HDIM can be an opportunity to reflect on the subject areas mentioned in this decision. As to the modalities for conducting discussions at the HDIM, information will be provided in the meeting manual and in due course at http://www.osce.org/conferences/hdim_2006.html.

SCHEDULE OF MEETINGS

MONDAY, 2 OCTOBER

10:00-13:00	OPENING PLENARY SESSION
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Opening Session

Addresses by:

The Director of the ODIHR
The Chairman-in-Office
The Host Government
The President of the OSCE Parliamentary Assembly
The Secretary General of the OSCE
The High Commissioner for National Minorities
The Representative on Freedom of the Media

Keynote speaker/s

15:00-18:00	WORKING SESSION 1
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Fundamental freedoms, including:

- Address by the OSCE Representative on Freedom of the Media;
- Freedom of expression, free media and information, including follow-up to the 13-14 July 2006 Supplementary Human Dimension Meeting on Freedom of the Media: Protection of Journalists and Access to Information

Freedom of expression, free media and information

There are numerous OSCE commitments ensuring the individual's freedom of expression, freedom of information, and the freedom of the media. The strategic assumption of these commitments is to place the media in the custody of society instead of in the custody of the state. This session could usefully explore this process and the fundamental democratic function of the media.

The session will also provide an opportunity to follow up the recommendations from the June 2004 Paris meeting on the Relationship between Racist, Xenophobic and Anti-Semitic Propaganda on the Internet and Hate Crimes, as well as the related commitments in the Ljubljana Ministerial Council Decision in which OSCE States underlined the need to develop, in close co-operation with civil society, "concrete measures which do not endanger freedom of information and expression, in order to counter xenophobic stereotypes, intolerance and discrimination in the media" and "to encourage programmes to educate

children and youth about prejudice or bias they may encounter in the media or on the Internet.”

The discussion will also focus on the follow-up to the recently conducted Supplementary Human Dimension Meeting (SHDM) on Freedom of the Media: Protection of Journalists and Access to Information (Vienna, 13-14 July 2006). The SHDM centred on issues such as journalists’ access to government-held information and voluntary professional standards that may be able to promote mutual respect and understanding while protecting freedom of expression.

The RFOM is currently compiling an OSCE wide overview on access to information and secrecy regulations, which will be put into a database. It focuses on access to information and its restrictions, including secrecy regulations, and some special features such as the protection of journalistic sources in legal and judicial practice. Access to information, and protection of journalistic sources, are vital to the democratic functioning of the state.

Voluntary professional standards are deemed to promote mutual respect and understanding while protecting freedom of expression. Capacities to administer such self-regulation, and thus ensure a free media, should be established when non-existent and reinforced when not strong enough.

The SHDM also covered issues of administrative obstacles that the independent press or individual journalists face in some participating States.

This session will focus on ways in which governments implement OSCE commitments on freedom of expression and will address limitations inconsistent with those commitments. Governmental restrictions often target independent media, investigative journalism, and critical opinion. Measures taken in this regard include administrative discrimination in taxation, registration, and accreditation; governmental control over printing facilities, newsprint production, distribution, etc. Furthermore, journalists reporting on political decisions and processes are sometimes faced with defamation and insult laws. Even in countries where defamation laws are decriminalized, journalists can face oppressively high fines for civil libel, or governmental pressure to disclose sources of their investigative work. The discussion could result in comprehensive recommendations on how to ensure legal and other preconditions of freedom of the media, including access to the judiciary. Such recommendations could take into account that governments can also hinder democratic media by what they do not do, e.g., not being proactive in ensuring legal and other preconditions of pluralism, not privatizing print media, or not licensing privately owned television and radio.

New challenges can provoke new ways of mishandling freedom of the press. Innovative types of media available through the Internet are endangered by over-regulation, triggered by what governments or civil society perceive to be “bad content”.

Questions that could be addressed:

- Are OSCE States fulfilling their commitments to ensure freedom of expression, information and free media?

- What measures can be provided by the relevant players, i.e., governments of participating States, international governmental organizations, non-governmental organizations, journalistic associations and media organizations themselves, to support pluralism and independence of the media, freedom of critical voices, and access to information?
- How can the professional development of the press be supported while keeping and enhancing its freedom? Could the OSCE do more to build up the capacity of the media, for instance through peer-to-peer contacts?
- How can we raise awareness among journalists about religious and cultural sensitivities and diversity?
- Are criminal defamation laws, insult laws, and excessively high civil fines being used to suppress freedom of the media and freedom of expression?
- How can we discourage Governments from using the media to launch campaigns against targeted groups?
- How can the investigative freedom of the media be protected, in particular in the context of combating terrorism?
- What measures can be taken to increase the level of safety of journalists in the OSCE region?
- What roles do minority-language media play in a democratic society? How can participating States support minority-language media?
- What is the situation of freedom of the media and the Internet in the OSCE region? What forms of censorship are being applied? How can we ensure freedom of the media on the Internet in the OSCE participating States?

TUESDAY, 3 OCTOBER

SPECIAL DAY

10:00-13:00

WORKING SESSION 2

Specifically selected topic: addressing factors contributing to the cycle of trafficking

The special day provides an opportunity to review the implementation of OSCE commitments relevant to factors contributing to the cycle of trafficking. At the centre of this review is the 2003 Action Plan to Combat Trafficking in Human Beings, which clearly states that a comprehensive approach to trafficking in human beings requires a focus on bringing to justice those responsible for this crime, and on carrying out effective measures to prevent it, while maintaining a humanitarian and compassionate approach in rendering assistance to its victims.

Inclusive referral mechanisms have proven to be an important tool in this regard, and the recommendation to establish National Referral Mechanisms is a key component of Chapter V of the OSCE Action Plan to Combat Trafficking in Human Beings and is central to the ODIHR's anti-trafficking work. The day will allow participants to take stock of developments on protection of, and assistance to, trafficked persons, including trafficked children. It will also aim to consider the role of protection and assistance in contributing to effective law enforcement action against those responsible for trafficking in human beings. The day will also review the commitments and context underpinning the demand side of trafficking for both labour and sexual exploitation. Consideration will also be given to measures taken in preparation for large sporting and other events to prevent exploitation.

The session will also highlight the co-ordination and co-operation at the national and international levels in addressing factors contributing to continuing trafficking in human beings, including among the different actors within the OSCE framework.

10.00-13.00

Breaking the cycle of trafficking through identification and protection

In 2004, the ODIHR hosted a conference in Helsinki on the central role of destination countries in breaking the cycle of trafficking, which was followed by a conference in Vienna, hosted by the OSCE Special Representative on Combating Trafficking in Human Beings, on effective victim assistance and protection.² The importance of victim identification and protection was emphasized at these events as an aspect of all countries' international legal obligations. The identification and protection of victims are crucial in ensuring their withdrawal from exploitation; access to justice, compensation, and rehabilitation; and freedom from future ill-treatment, including re-trafficking.

Comprehensive assistance to trafficking victims, based on co-operation between counselling services, shelters, lawyers, law enforcement and the judiciary, among other actors, in accordance with the concept of National Referral Mechanisms, has proved important with regard to the vital issue of securing prosecutions of the perpetrators of trafficking, as required by domestic law and international obligations, while at the same time guaranteeing protection of victims' rights. The 2003 Action Plan to Combat Trafficking in Human Beings equally recommends the harmonisation of victim assistance with investigative and prosecutorial efforts.

Current information on trafficking in the OSCE region indicates, however, that victims of trafficking are still not adequately protected and assisted. Victims may be subject to administrative detention as "illegal migrants" and removed to countries of origin without risks to their safety, or the likelihood of trafficking occurring again being considered. In certain countries, trafficking victims are still prosecuted for illegal activities, including prostitution, possession of fraudulent documents, and illegal border-crossing. Sources also indicate that the provision of assistance, on condition that the trafficking victim (immediately) collaborates with law enforcement or returns to the country of origin following judicial proceedings, alienates victims and prevents them from seeking protection or claiming their rights. Criminal proceedings also expose victims and their families to risks to their safety, while the State remains unable to provide adequate protection. In the absence of more-acceptable responses, such as the provision of temporary or permanent residency or compensation payments for trafficking victims, some service providers are increasingly reluctant to refer trafficking victims for assistance or encourage them to co-operate with law enforcement.

Questions that could be addressed:

- What measures have States taken to improve protection and assistance of trafficking victims, including victims of labour exploitation? What are the best practices/models of interagency co-operation?

² "Ensuring Human Rights Protection in Countries of Destination: Breaking the Cycle of Trafficking", Helsinki, September 2004. "Taking a Stand: Effective Assistance and Protection to Victims of Trafficking", Vienna, March 2005.

- What measures are States taking to ensure that assistance programmes to trafficking victims are adequately funded, including those undertaken by civil society?
- How do States ensure that their assistance programmes reflect the needs of trafficking victims?
- What measures can States take to improve compensation to trafficking victims?
- In which areas of identification and protection of trafficking victims is there a need to develop more expertise or different approaches?

15:00-18:00

WORKING SESSION 3

The issue of demand in trafficking has been very much in the public domain in recent months. Recent World Cup preparations led to numerous calls for action to address perceived increases in trafficking for sexual exploitation, and the preparation for the 2012 Olympics has also led to calls for measures that will prevent exploitation in the construction sector.

Under Part IV of the OSCE Action Plan to Combat Trafficking in Human Beings, participating States agreed on analysing in more depth “the demand factors in trafficking” (s1.3); to “addressing the problem of unprotected, informal and often illegal labour with a view to seeking a balance between the demand for inexpensive labour and the possibilities of regular migration” (s3.2); and to “adopting measures to discourage demand that fosters all forms of exploitation of persons and leads to trafficking” (s3.3). Article 9.5 of the Palermo Protocol also requires that States “adopt or strengthen legislative or other measures, such as educational, social or cultural measures, including through bilateral and multilateral cooperation, to discourage the demand that fosters all forms of exploitation of persons, especially women and children that leads to trafficking.”

This session aims to raise awareness of the complex issues that underpin demand for the labour/services of trafficked persons in different contexts, including in the sex industry, agriculture, construction, and domestic work. It will allow for the exchange of information on possible legal, social, and educational measures that can be taken to address the demand factors in trafficking that would ensure a comprehensive response to the issues.

Questions to be addressed:

- What are the key human rights concerns that need to be considered in States’ responses to demand factors in trafficking?
- What balance should be struck between the legal, social, and educational measures needed to address demand for trafficked persons labour or services? What are the best practices?
- What lessons have been learned in addressing demand for trafficked persons’ labour or services around big sporting or other events?

WEDNESDAY, 4 OCTOBER

10:00 – 13:00

WORKING SESSION 4

Tolerance and non-discrimination I, including:

- Equality of opportunity for women and men;

- Implementation of the OSCE Action Plan for the Promotion of Gender Equality;
- Role of women in conflict prevention and crisis management;
- Prevention of violence against women.

Equality of opportunity for women and men/implementation of the OSCE Action Plan for the Promotion of Gender Equality

The OSCE participating States have committed to making equality between men and women an integral part of their policies, both at the level of their States and within the Organization. Through the adoption of the revised Action Plan for the Promotion of Gender Equality in 2004, the OSCE participating States have pledged to undertake all necessary measures, including cross-dimensional measures, to ensure effective gender mainstreaming of all OSCE activities, policies, and programmes and to take vigorous steps in their national jurisdictions to ensure de jure and de facto compliance with these commitments.

While many OSCE participating States have taken important steps to combat gender based discrimination, concerns still remain in the field of women's enjoyment of their rights in political, social, and economic matters, and in the field of combating violence against women. The low level of women's participation in governance structures, discrimination in employment opportunities and access to education, and violence in the community and in the family stand as serious impediments to women's full and equal enjoyment of their human rights and their full participation in democratic processes.

In order to address these concerns, OSCE participating States should develop comprehensive, cross-dimensional policies of gender mainstreaming, and should also design and implement proactive measures for monitoring the situation and reviewing progress.

This session will look at the implementation of the Action Plan, including the contribution in this regard of the 2006 OSCE report on the Gender Action Plan.

Questions that could be addressed:

- How are the OSCE participating States implementing their commitments regarding equality of opportunity for men and women in line with the OSCE Action Plan for the Promotion of Gender Equality? Are the existing policies being translated effectively into practice?
- What procedures has the OSCE put in place to monitor and evaluate progress on implementation of its Action Plan for the Promotion of Gender Equality?
- What measures are participating States taking to ensure women's equal opportunity for participation in democratic processes, including opportunities for women to participate in decision-making processes at the local, regional, and national levels?
- How can OSCE assistance in ensuring equality of opportunity for men and women be strengthened? What steps need to be taken?
- How can the OSCE ensure, in practice, systematic and consistent integration of a gender perspective in all its activities, policies, and decisions in accordance with the OSCE Action Plan for the Promotion of Gender Equality?
- Can co-operation between governments and civil society for the advancement of gender equality be strengthened? What are the best practices?

Role of women in conflict prevention and crisis management

In accordance with the Ministerial Council Decision 14/05 and the OSCE Action Plan for the Promotion of Gender Equality, OSCE structures are to, as appropriate within their mandate, promote the implementation of UNSCR 1325 on the role of women in, inter alia, in the prevention of conflicts and post-conflict reconstruction. In line with the overall gender-mainstreaming approach, the Action Plan also specifically stresses that OSCE activities, policies, projects, and programmes in the politico-military dimension shall take into account obligations embodied in the resolution. The integration of a women's-rights and a gender perspective in OSCE activities is a cross-dimensional concern for the OSCE.

The OSCE is a key instrument for early warning, conflict prevention, crisis management, and post-conflict rehabilitation in its region. For comprehensive early-warning and conflict-prevention strategies, integration of a women's-rights and a gender perspective is essential. The process of integrating a gender perspective into all the stages of early warning is vital

Questions that could be addressed:

- What practical measures are being, and have been, taken by the OSCE and participating States to implement the Ministerial Council Decision 14/05 and the OSCE Action Plan for the Promotion of Gender Equality thus including enhance the implementation of the provisions of United Nations Security Council Resolution 1325 on Women, Peace and Security in the OSCE work in particular with regard to the appointment of more women to senior positions both domestically and within the OSCE?
- How is the OSCE integrating a women's-rights and mainstreaming a gender perspective across in its conflict-prevention work and its elaboration on effective early-warning systems? What good practices and possible challenges could be identified in this regard?
- What further assistance and guidance would participating States need from OSCE institutions to strengthen the inclusion of women in conflict prevention, crisis management and post-conflict rehabilitation as well as an integration of a women's-rights and a gender perspective in conflict prevention and early-warning systems?

Prevention of violence against women

States have an obligation to exercise due diligence to prevent, investigate, and punish perpetrators of violence against women and to provide protection to victims, and failure to do so violates and impairs or nullifies the enjoyment of their human rights and fundamental freedoms. Particular attention must be paid to domestic violence, as one of the most acute manifestations of violence against women.

With the adoption of Ministerial Council Decision 15 in 2005, the OSCE participating States further committed to taking all necessary legislative, policy, and programmatic monitoring and evaluation measures to promote and protect full enjoyment of the human rights of women and to prevent and combat all forms of violence against women and girls. OSCE participating

States are further urged to investigate acts of violence against women and prosecute their perpetrators, thereby addressing the needs of the perpetrators for appropriate treatment

With the aim of creating effective mechanisms for combating violence against women, significant efforts should target increasing awareness of the issue, as well as solutions thereto among law enforcement and medical professionals. Engagement and active participation of civil society organizations in combating violence against women should be ensured through joint initiatives on awareness-raising and education, victim protection and rehabilitation.

Questions that could be addressed:

- How are the OSCE participating States fulfilling their commitment to combat violence against women?
- What legal and other practical measures have proven most effective in combating violence against women, particularly domestic violence and various forms of exploitation of women?
- How can the OSCE ensure, in practice, effective assistance to participating States in their efforts to combat violence against women?
- What are the best practices in the field of promoting joint state/civil society activities in order to combat violence against women and provide redress and rehabilitation to victims?
- How do we assure that Governments do not perpetuate violence, harassment and discrimination against women in the name of religion, customary law or socially constructed practices?

15:00-18:00

WORKING SESSION 5

Humanitarian issues and other commitments, including:

- Migrant workers, the integration of legal migrants;
- Refugees and displaced persons;
- Treatment of citizens of other participating States.

Migrant workers, the integration of legal migrants

The engagement and participation of migrants in the social, political, and public life of the host society are very important determinants of integration. Some additional measures such as language education, orientation to community services and health care, and legislation against discrimination of migrants can be taken to further integration. Democratic and inclusive citizenship laws can be an effective tool for full integration and naturalization of migrants while allowing them to preserve their identity. But all these measures are not sufficient without the education of the host societies about the migrants.

In 2006, the ODIHR strengthened its activities on migration as follow-up to the recommendations of the two major OSCE meetings held in 2005: the Human Dimension Seminar on *Migration and Integration* held in Warsaw on 11-13 May and the 13th Meeting of the OSCE Economic Forum on *Demographic Trends, Migration and Integrating Persons belonging to National Minorities*. The importance of migration on the OSCE agenda was further reiterated in Ministerial Council Decision No.2/05 on Migration, encouraging the ODIHR to continue, among others, “facilitating dialogue and co-operation between

participating States, including countries of origin, transit and destination in the OSCE area” and “assisting the participating States (...) to develop effective migration policies”.

The aim of this session will be to review the implementation of commitments on the issue of migration and integration, as well as to take stock of the current situation and challenges within the OSCE region. This session could also be used to highlight and to follow up on the recommendations that were made during the 2005 Seminar and the Economic Forum. These include mechanisms for involving all interested parties in discussions concerning migrant workers, as there is the establishment of inter-state dialogue between governments, employers, and labour unions.

Questions that could be addressed:

- Are the participating States making sufficient efforts to establish proper procedures for migrant workers to arrive and stay in their countries on a legal basis?
- Are the participating States making efforts to co-ordinate activities in elaboration of migration and integration policies?
- Are the participating States actively exchanging information on migration management and integration programmes, including national experiences on regularization and legal status of migrants?
- What are good examples of simplified procedures for the provision of work permits or legal-status documents to migrants?
- Are the participating States establishing interstate dialogue between sending and receiving countries, as well as social dialogue among trade unions, employers, and governments, when dealing with problems of migrant workers?
- How are the participating States involving NGOs, employers and employees, including migrants, in the process of elaboration of national migration and integration policies?
- What are examples of legislation that are aimed at preventing structural and institutional discrimination against migrants?
- What are the participating States doing to ensure the inclusion of migrant women and children into the integration process?
- Are the participating States developing special training programmes for law enforcement officers, government officials, civil servants, employers, etc. on the treatment of migrants, their rights, and their place and role in the host society?

Refugees and displaced persons

The primary responsibility for providing for the security and well-being of internally displaced persons (IDPs) lies with national authorities, which have to guarantee their physical security and ensure respect for their human rights. Participating States should provide, in particular, adequate shelter, education, documentation, employment, and opportunities for political participation by developing strategies, laws, policies, and relevant national institutions.

OSCE missions in conflict areas provide support to resolve the problematic situation of IDPs and refugees and monitor their safety and human rights, especially during their returns. Assistance is crucial in the development of appropriate strategies for voluntary returns or

resettlement, minority protection, property restitution, and reintegration of refugees and displaced persons in their places of origin.

The prohibition of forced return is one of the cornerstones of protecting refugees and IDPs and one of their most basic rights. IDPs should be permitted to choose between returning to their areas of origin or settling elsewhere in a country guaranteeing their right to freedom of movement and choice of residence, and they should receive needed assistance in either case. In order to facilitate reintegration, appropriate procedures and institutions, as well as necessary legislation and policies, must be in place. The legal and administrative regimes governing property repossession need to be in line with international and human right standards and national constitutions. The United Nations Guiding Principles on Internal Displacement are a valuable tool in development of policies affecting the IDPs and can be fully utilized by the participating States as well as by the OSCE field Missions.

The OSCE's engagement in situations of internal displacement has expanded significantly over the past decade. The current situation of internal displacements in the OSCE region requires, however, that the participating States keep a strong and more systematic focus on IDPs.

Questions that could be addressed:

- How do participating States ensure access of displaced persons to adequate shelter, education, documentation, employment, and political participation?
- How do participating States respond to cases of discrimination of displaced persons and violation of their human rights?
- How are participating States implementing their commitments concerning refugees and IDPs? How can OSCE institutions, missions, and field operations best assist the participating States in that field?
- Which mechanisms do participating States have to protect refugees and IDPs from forced return to unsafe conditions?
- How do participating States facilitate the voluntary return in safety and dignity, or, if IDPs wish, the resettlement and (re)integration of IDPs?
- How do participating States conduct registration, census, and documentation of persons who are displaced in order to establish the best tailor-made solutions for return?
- Are there models of co-operation between state authorities and non-governmental organizations in the planning and framing of return and reintegration programmes for IDPs?
- How do participating States assist IDPs with the return of their property or tenancy rights and obtaining fair compensation?
- What role is civil society playing in assisting governments in providing support to refugees and IDPs? How can this role be strengthened?
- Is there a need for reinforced/new OSCE commitments in the area of human rights protection for refugees and IDPs?
- How can OSCE assistance in ensuring the human rights of refugees and displaced persons be protected?

Treatment of citizens of other participating States

Free movement, free choice of place of residence, and contacts among the citizens of participating States are important in the context of the protection and promotion of human rights and fundamental freedoms. Participating States have to ensure that their policies concerning entry into their territories and the presence and movement of citizens from other participating States on their territories are fully consistent with the aims set out in the relevant OSCE documents. Participating States committed themselves to removing all legal and other restriction with the exception only of those restrictions that may be necessary and officially declared for state interests in accordance with their national laws.

It is important to ensure that administrative authorities dealing with citizens of other States implement OSCE commitments on travel and freedom of movement and respect the personal dignity and human rights of people entering their respective countries.

Questions that could be addressed:

- Have the OSCE commitments on the treatment of citizens of other participating States been introduced into the legislation and migration policies of all participating States?
- Do participating States treat citizens of other participating States in accordance with their OSCE commitments? What factors can result in people being treated differently?

THURSDAY, 5 OCTOBER

SPECIAL DAY

10:00-13:00

WORKING SESSION 6

Specifically selected topic: access to justice

Accessible and affordable legal assistance

Participating States have recognized that, where violations of human rights and fundamental freedoms are alleged to have occurred, effective remedies include the right of the individual to seek and receive adequate legal assistance.* The lack of accessible and affordable legal assistance in some participating States is an obstacle to effective protection of human rights and upholding the rule of law.

Participating States have committed to providing free legal assistance to indigent defendants in criminal cases, when the interests of justice so require. Most States have taken steps to implement this commitment and have developed different models for provision of this aid that include appointment of *ex officio* legal counsel and/or special institutions such as public defenders. This session will provide an opportunity to exchange experiences and share lessons learned from the operation of these different models.

Some participating States also fund programmes to ensure legal assistance in civil and administrative matters. This assistance is of special importance where individuals seek to defend their rights against encroachments by government agencies. It is also indispensable to ensuring access to justice for socially disadvantaged and vulnerable groups, including the poor and socially marginalized communities. Participating States are encouraged to discuss their policies and practices in this regard in light of their commitments and shared values.

* 1990 Copenhagen Document, paragraph 11.1.

Questions that could be addressed:

- What steps have been taken by participating States to ensure access to legal assistance, including in administrative and civil matters?
- What special schemes have been put in place to ensure access to legal assistance for those who cannot afford it and for other vulnerable groups?
- What best practices can be shared with States on provision of legal aid? What models of legal aid have been most effective?

15:00-18:00

WORKING SESSION 7

Timely and enforceable court decisions

Court procedures become effective remedies only insofar as they result in reasonably prompt and independent judgments that can be easily enforced. Courts in some participating States are unable to cope with the volume of litigation, which leads to substantial delays in administration of justice. In recent years, many participating States have reformed their court administration and operational procedures. This session offers an opportunity to share successes and lessons learned from such reforms, including systems facilitating better case management and improving workflow in the courts.

Access to justice is also impeded by the inability of parties to enforce valid court judgments. Participating States should bear in mind that administration of justice does not end with a court decision. Public trust in the judicial system is undermined by the State's inability to ensure proper enforcement of court judgments.

Questions that could be addressed:

- What steps have been taken by the participating States to optimize the workload of courts and otherwise minimize delays in the administration of justice?
- What best practices can be shared with States in case management and court administration? Do increased transparency and access to court decisions contribute to improved administration of justice?
- How is enforcement of court decisions ensured? What steps can be taken to improve the performance of the existing enforcement mechanisms?

FRIDAY, 6 OCTOBER

10:00-13:00

WORKING SESSION 8

Rule of law I, including:

- Exchange of views on the question of the abolition of capital punishment;
- Prevention of torture;
- International humanitarian law;
- Protection of human rights and fighting terrorism.

Exchange of views on the question of the abolition of capital punishment

There is an increasing trend towards abolition of the death penalty in the OSCE region. Out of 56 OSCE participating States, nine retain the death penalty in some form, and only three still carry out executions.

In the Vienna Document of 1989, the participating States that retain the death penalty committed themselves to using capital punishment only for the most serious crimes and in a manner not contrary to their international commitments. In addition, in the Copenhagen Document of 1990, OSCE participating States committed themselves to exchange information and inform the public regarding the use of the death penalty and on the question of the abolition of the death penalty.

Questions that could be addressed:

- To what extent are the OSCE commitments on the death penalty, including in regard to the exchange of information, being complied with by OSCE participating States?
- How can the constructive exchange of information on the abolition of the death penalty be improved?
- What steps are needed in law and practice to ensure that international legal obligations on the use of the death penalty are observed?
- How can the availability of statistics on the use of the death penalty (including sentences and executions) be improved?
- What developments have occurred in the OSCE region regarding the abolition of the death penalty or the introduction of moratoria?
- What standards and best practices should be observed by OSCE participating States that have a moratorium on executions in place?

Prevention of torture

The issue of torture and ill treatment continues to be a great concern in the OSCE region. Although many changes have been made in legislation, the effective implementation of these laws continues to be a problem. In addition to overall implementation strategies, there also needs to be a corresponding change in the mindset and behaviour of law enforcement officials. In this context, the issue of impunity must be addressed by all participating States. The role of the judiciary in the prevention or punishment of torture should also be highlighted. Prison reform has also been advocated as a means to help prevent torture.

The problem of torture and degrading or inhuman treatment as a tool for the extraction of information or confessions has received specific attention in recent years. However, most acts of torture receive no prominence or media attention whatsoever, and torture is still used systematically in some OSCE participating states as a political and law enforcement tool.

Legislation against torture is adequate in most participating States. It is the application and enforcement of that legislation that is lacking. In some cases, however, the difficulty lies not primarily with law enforcement agencies but with governments, for which torture can be seen as an instrument that they perceive as an aid in entrenching their power, thereby creating conditions where torture can continue to exist.

Questions that could be addressed:

- How are participating States implementing their commitments to prevent torture?
- Do legal frameworks provide sufficient safeguards against torture? How can the issue of impunity be addressed? How can the effectiveness of complaint mechanisms be ensured?
- How can transparency in places of custody be ensured as a preventive tool? What is the impact of prison reform or the transfer of prisons among different government ministries on instances of torture?
- How can governments be encouraged to make clear to their subordinates that torture is unacceptable and indeed is a serious crime that will be severely punished?
- How can a concerted strategy for the prevention of torture in law and in fact be developed? How can the predominant reliance on confessions as the main evidence in criminal cases be decreased?
- What investigatory techniques can be used to solve crimes? Are there more effective methods of ensuring that police investigations are completed and crimes effectively prosecuted? How can States change their systems so that the police are not rewarded for the number of convictions?
- What steps can governments and the OSCE take to prevent torture by local police immediately after arrest?

International humanitarian law

The presence of internal armed conflicts within the OSCE region (as well as the legacy of international armed conflict) highlights the importance of the implementation of humanitarian law by participating States, especially as concerns the protection of civilians and respect for fundamental non-derogable rights. In Helsinki in 1992, the participating States declared that they will respect and ensure respect for international humanitarian law including the protection of the civilian population in all circumstances. They also recalled that those who violate international humanitarian law were to be held personally accountable. In Istanbul in 1999, the participating States undertook to seek ways of reinforcing the application of international humanitarian law in order to enhance the protections of civilians in times of conflict.

Questions that could be addressed:

- What steps are being taken by participating States to reinforce the application of international humanitarian law in order to enhance the protection of the civilian population?
- Has the coming into force of the Rome Statute of the International Criminal Court in July 2002 had a significant impact for OSCE participating States?
- What is the situation regarding the Additional Protocols to the Geneva Conventions, the Ottawa Convention on the ban of anti-personnel mines, and the co-operation with the International Criminal Tribunals for the former Yugoslavia and for Rwanda?

Protection of human rights and fighting terrorism

The threat of terrorism is a very serious concern for all OSCE participating States. Nevertheless, in order to avoid becoming a source of further insecurity, counter-terrorism measures cannot but abide by the rule of law and applicable international law, including

human rights law, international humanitarian law, and refugee law (UN Security Council Resolution 1566 of 8 October 2004).

The right to liberty may be threatened by measures taken to fight terrorism. The right to liberty and security of persons is enshrined in Article 9 of the International Covenant on Civil and Political Rights as well as in other regional human rights treaties. The right to liberty includes the prohibition on arbitrary detentions, the right to challenge the legality of detention, the right of detainees to communicate with counsel, and, last but not least, the freedom from torture and ill treatment. The entire range of issues is covered by the OSCE human dimension commitments, and participating States have committed themselves to fully protect the right to liberty (Moscow 1991, para. 23.1, i-xi).

In the zeal to prevent terrorism, governments must not unduly burden or restrict the religious freedom of observant believers. All religious groups must feel free to worship and participate in religious life without being suspected and/or accused of religious extremism.

Follow-up to the SHDM on Human Rights and Anti-Terrorism (Vienna, 14-15 July 2005) could also be highlighted during this session.

Questions that could be addressed:

- Are participating States implementing their OSCE commitments concerning the right to liberty?
- What steps are being taken to assure freedom of worship, also in communities where religious extremists exist side-by-side with non-political observant religious believers?
- What steps are being taken by participating States to ensure that persons suspected of terrorism offences are not being held in detention arbitrarily, that they have access to legal representation, and that they are free from torture and inhumane or degrading treatment?
- How is the principle of non-refoulement being respected with regard to international co-operation and the fight against terrorism?
- Are counter-terrorism measures in participating States subject to judicial review or any other form of review?
- What steps have participating States taken to ensure that counter-terrorism provisions fully reflect human rights standards and are commensurate with the exigencies of the situation?

15:00-18:00

WORKING SESSION 9

Rule of law II, including:

- Follow-up to the 10-12 May 2006 Human Dimension Seminar on Upholding the Rule of Law and Due Process in Criminal Justice Systems, including penal systems;
- Independence of the judiciary;
- Right to a fair trial, including follow-up to the 3-4 November 2005 Supplementary Human Dimension Meeting on Role of Defence Lawyers in Guaranteeing a Fair Trial;
- Legislative transparency.

Follow-up to the 10-12 May 2006 Human Dimension Seminar (HDS) on Upholding the Rule of Law and Due Process in Criminal Justice Systems, including penal systems

The HDS focused on common challenges facing criminal justice systems of the OSCE participating States. The participants shared solutions and experience from their jurisdictions. Special effort was made to advance the discussions from the reiteration of well-known international principles and OSCE commitments to their practical implementation by the legal institutions involved in the administration of criminal justice. The seminar also examined interaction between the different parts of criminal justice systems, recognizing the importance of institutional relationships to ensuring human rights and fairness of criminal proceedings. The Seminar was divided into four working sessions:

- An independent judiciary and due process in criminal justice systems;
- Accountable and responsive policing in upholding the rule of law;
- Role of public prosecutors in upholding the rule of law;
- The defence lawyer as a fundamental pillar of an effective criminal justice system.

The penal system is a crucial component of any criminal justice system. It has to ensure that offenders serve their sentences in conditions that facilitate their rehabilitation and re-socialization. The reform of the penal policy is on its way in several participating States. One goal of such reforms is to improve human-rights conditions in places of detention. This can be achieved by reducing prison populations. Decriminalizing of certain offences and increasing the use of alternative sentencing can be one way to reduce the number of inmates. Individuals convicted of certain crimes can be sentenced to non-custodial measures, including fines, probation, and community service. These alternative measures can be much more appropriate to serve the goal of reintegration of these individuals into their societies. The creation of mechanisms for public monitoring of places of detention, which will make prisons more transparent, can be an effective tool in the prevention of torture and will improve the human rights situation in the prisons.

Questions that could be addressed:

- How do participating States organize professional training of judges? Is specialized training organized to prepare newly appointed judges for their positions?
- What can participating States do to ensure that defence lawyers serve their clients without inappropriate pressure or intimidation from governmental authorities?
- What are the most effective tools against corruption in criminal justice systems?
- What mechanisms are used for public monitoring of human rights conditions in places of detention?
- How are offenders rehabilitated in participating States?
- What alternatives to imprisonment are used and how can they be improved?
- What are recent examples of successful penitentiary reform efforts in the OSCE region?

Independence of the judiciary

An independent judiciary has long been recognized by the OSCE participating States as an essential element of justice. Independence of the judiciary is an established constitutional

principle, not an abstract value. It has far-reaching implications for the protection of individual rights and ensuring due process of law.

Questions that could be addressed:

- How do the participating States ensure the independence of judges vis-à-vis the government and other institutions of the criminal justice system?
- Are judges appointed in a transparent procedure based on qualifications and free from political influence that could endanger their independence?
- What measures are taken to combat corruption within the judiciary? What safeguards are taken that these measures do not undermine judicial independence?

Right to a fair trial, including follow-up to the 3-4 November 2005 Supplementary Human Dimension Meeting on Role of Defence Lawyers in Guaranteeing a Fair Trial

The right to be tried fairly in accordance with international standards is essential to any democratic state governed by the rule of law. In order to achieve better compliance with fair-trial guarantees and to ensure fairness of the process for all parties involved, legislative reform and better implementation of existing legal instruments is necessary in many participating States. Central to the notion of fair trials is the equality of arms between the prosecution and the defence. The SDHM in November 2005 focused particular attention on the role of defence lawyers in guaranteeing a fair trial. The meeting was divided into three working sessions:

- Access to legal counsel;
- Admission to, and regulation of, the bar;
- Equality of parties in criminal proceedings.

Among other things, one concern that was stressed related to instances where defence lawyers are penalized for the lawful performance of their duties. A recurring issue is also bar admission practices and how to ensure that new lawyers are regularly admitted to the bar through open and transparent procedures.

Questions that could be addressed:

- What measures are being taken by the participating States to implement the right to access to a lawyer after arrest or detention and during all stages of criminal proceedings?
- Is the confidentiality of lawyers' files and lawyer-client communication protected adequately under law and in practice? How is this right balanced with security concerns?
- How do the participating States ensure transparent merit-based admission to legal practice?
- What steps are being taken by participating States to ensure reliable and accurate recording of court proceedings?
- Is the procedural balance of powers between different actors sufficiently safeguarded? How are participating States ensuring that prosecutorial powers are in check?

Legislative transparency

Legislation and its implementation are critical to the development of democracy and the rule of law. Also, for democracy to function properly, laws have to be prepared, drafted, discussed, and adopted through an open and transparent process that involves actors outside parliament and government. This basic principle was laid down in the Copenhagen and Moscow Documents.

Questions that could be addressed:

- What measures may be taken by participating States to improve access to laws and legislative documents, including primary and secondary legislation, court rulings, draft laws, and legislative agendas?
- How can legislative transparency be fostered at all levels of government, including local self-government?
- How can participating States ensure and encourage broader public consultation within the legislative process?
- How can the legislative process be made more efficient?
- How can state officials and civil society be made more aware of the advantages of participation of citizens in the legislative process to ensure that their interests are reflected and ensure implementation of the laws adopted?

MONDAY, 9 OCTOBER

10:00-13:00

WORKING SESSION 10

Democratic institutions, including:

- Democratic elections;
- Democracy at the national, regional, and local levels;
- Citizenship and political rights.

Democratic elections

Democratic elections conducted in line with OSCE standards and principles are considered an essential condition for the establishment and maintenance of a stable and pluralistic democracy, the rule of law, and the protection of human rights. It is in recognition of this that the OSCE/ODIHR has been bestowed by the 56 participating States with its important mandate for election observation. Equally important is the ODIHR's election-related technical assistance and review of electoral legislation. The objective of OSCE/ODIHR election observation is to assess the extent to which an electoral process complies with OSCE commitments and other international principles for democratic elections. An election is also evaluated to see whether it is carried out in line with domestic legislation, which should reflect these international standards. The primary responsibility to implement these election commitments lies with the 56 participating States.

While significant progress has been achieved in parts of the OSCE region, outstanding electoral shortcomings and malpractice are often observed in the course of OSCE/ODIHR election observation. The meeting will provide an opportunity to discuss current positive and negative trends in the conduct of democratic elections.

Since September 2005, the OSCE/ODIHR has been involved in observing and assessing electoral events in Azerbaijan, Belarus, Bosnia and Herzegovina, Canada, Georgia, Italy, the former Yugoslav Republic of Macedonia, Montenegro, Kazakhstan, Kyrgyzstan, Serbia and Ukraine.

Following the principles of equality of sovereign States, as laid down in Helsinki, all participating States are equally bound to identical commitments. With this in mind, the OSCE/ODIHR has also deployed election assessment missions to countries with a long-standing democratic tradition to assess electoral practices and provide recommendations.

In its election observation efforts, the ODIHR co-operates with parliamentary bodies, such as the OSCE Parliamentary Assembly (in the framework of the 1997 cooperation agreement), the Parliamentary Assembly of the Council of Europe, the European Parliament, as well as, on occasion, the NATO Parliamentary Assembly, in observing election day proceedings. Parliamentarians complement the broad range of ODIHR expertise necessary for a comprehensive assessment of an election process by their own specific expertise and political experience, and support the delivery of the ODIHR mandate.

In addition, the ODIHR has been dedicated to challenges such as the ones that were emphasized at the April 2005 OSCE Supplementary Human Dimension Meeting on “Challenges of Election Technologies and Procedures”. These include the following:

- 1- Elaborating a more consistent approach to effective follow-up. One key element of follow-up activities is the review of electoral legislation, often in co-operation with the Council of Europe’s Venice Commission;
- 2- Ongoing and emerging challenges, including those related to observation of new voting technologies, are being closely examined by the OSCE/ODIHR;
- 3- Following a request from the Permanent Council, the OSCE/ODIHR has suggested specific language on three basic principles integral to the democratic election process – transparency, accountability, and public confidence – that could usefully serve as the basis for additional commitments;
- 4- The OSCE/ODIHR continues to fine-tune its observation methodology, benefiting from the exchange of views during the November 2005 Expert Meeting on Election Observation called by the Chairman-in-Office, and conducted in Moscow by the ODIHR with support from the Central Election Commission of the Russian Federation.

Questions that could be addressed:

- Are participating States meeting their commitments to conduct democratic elections? How can implementation be improved? Over the last 15 years, what have been the main trends, strengths, and weaknesses of electoral processes in OSCE States?
- How do participating States view a possible “peer review” process, with mechanisms to be further identified, in the context of follow-up to ODIHR recommendations?
- How can follow-up to the OSCE/ODIHR’s reports and recommendations be strengthened? How can the role of the ODIHR’s partners, such as OSCE field missions, non-governmental organizations, parliamentary bodies and other institutions, be further enhanced in ODIHR follow-up activities?

- How can OSCE/ODIHR technical assistance better assist participating States in meeting their OSCE commitments to conduct democratic elections?
- Are additional commitments on public confidence, transparency, and accountability necessary?
- How do participating States and the OSCE/ODIHR address the challenges and perceptions of new technologies in the context of transparency, accountability, and public confidence, and particularly with regard to the challenges of observing such new technologies?
- How can the OSCE/ODIHR, together with participating States and other election observation bodies, continue to constructively exchange views on election related activities?

Democracy at the national, regional and local levels

It is essential to develop strong democratic institutions, including effective local governments responsive to local needs. A functioning democracy requires, among other elements, democratic legislative practices, open public administration and effective civil society participation. The OSCE has been contributing to a number of successful efforts in institution building in a number of participating States and is in position to disseminate its experiences and lessons learned to other participating States.

Question that could be addressed:

- What can participating States do to encourage the enhancement of locally elected government in order to strengthen democracy?
- How can the OSCE and the ODIHR work with participating States and other international organizations to assist in this process?
- How can the OSCE assist legislatures to play a role as the main venue for voicing the opinions and interests of the citizens?
- How can political parties become effective players in democratization processes?
- What are the best practices in interaction between the public administration and the civil society?
- Should the OSCE consider developing more detailed standards with regard to functioning and transparency of democratic institutions?
- How can the OSCE ensure that lessons learned from experiences in democratic institution building by some field missions can be secured in the organization and utilized in its work throughout the region?

Citizenship and political rights

Citizens of OSCE States have a general right to participate in their country's political system through a variety of means, including elections, civil society, and the legislative process. While the link between citizenship and political rights is apparent, it is less evident that the absence of citizenship does or should exclude the individual from enjoyment of all political rights at all levels in the country where that person lives. Under international law, this link is made only with respect to the political participatory rights to vote and to stand for office,

which may be reserved for citizens. In addition, existing international human rights instruments prescribe entitlements relating to and necessary for political life (including freedoms of expression, information, the press, assembly, association and movement) for "everyone," not on the basis of citizenship. Similarly, there are some instances of States extending political rights (including the rights to vote and stand for elected office) to non-citizen legal residents, at least at the local level.

Questions that could be addressed:

- Are participating States meeting their commitments concerning citizenship and political rights?
- What steps can participating States take to improve implementation of their OSCE commitments?
- With this in mind, what is the relationship between citizenship and the extent and/or criteria for enjoyment of specific political rights?
- How can participating States better ensure that their citizens to exercise their political rights?

15:00-18:00

WORKING SESSION 11

Discussion of human dimension activities (with special emphasis on project work), including:

- Activities of the ODIHR and other OSCE institutions, including monitoring the implementation of human dimension commitments and ways of strengthening and furthering them.

Project and programme activities and the role of the OSCE

The Human Dimension Implementation Meeting provides an important forum for participating States, civil society, and others to focus on human dimension activities. This is done to identify best practices and to see where a greater focus from the OSCE institutions, field operations, and other OSCE structures could help to define priorities for the future. An important point for reflection is how the results of the Human Dimension Implementation Meetings can be taken forward most effectively to the Permanent Council and the Ministerial Council.

In recent years, the OSCE has played an active role within the international community in strengthening democracy and human rights practices, as well as in promoting reinforced compliance with human dimension commitments by OSCE participating States, through the development and implementation of targeted activities and projects. These human dimension activities have grown in number, intricacy, and duration to include specific assistance efforts, programmes, and projects (e.g., legislative and technical assistance, training, and workshops for both government officials and members of civil society, human rights education). The OSCE works with specific States and in sub-regional groupings, as well as at the international political level in consultation and co-ordination with other international organizations.

The ODIHR's mandate covers all 56 participating States and it can be most effective in supporting and complementing the work of OSCE field operations. With heavy programme

loads and increasing demands by the participating States and the NGO community for human dimension expertise, as well as an external need to co-ordinate and co-operate with international and other partner organizations, the OSCE must continue to co-ordinate its activities internally, with other international organizations, and with NGOs active in the OSCE region to increase its effectiveness and prevent duplication.

At this session, the ODIHR, field operations, and other OSCE institutions/structures will present lessons learned from their activities and how these can influence the identification and development of future activities. International organizations and NGOs, as well as participating States and other participants, are invited to comment on the presentations and to present their own project priorities for reciprocal comment. The aim is to foster exchange of institutional experience and explore how this can be applied to existing challenges.

A selection of questions that could be addressed:

- How can the OSCE be most effective in assisting participating States in implementing their human dimension commitments? What tools does the OSCE offer to assist participating States? How can the Organisation deal with serious, persistent and flagrant breaches of commitments?
- How can ODIHR's capacities for activities be further strengthened?
- What are successful examples of best practices and of OSCE interventions, programmes, and projects from past years? What are less successful examples? Why were these (not) successful?
 - How can the interplay between OSCE institutions' and field operations' mandates and programming be used most effectively?
- What models of co-operation between the OSCE and local or national actors – both governmental and non-governmental – exist in human dimension activities and how could they be explored further?
- What are successful examples of human dimension activities and programmes conducted by other organizations (international, national, local) from which the OSCE could learn?
- Are there useful examples of human dimension activities that illustrate how to maximise the benefits of co-operation between international organizations in the human dimension?
- How could OSCE Institutions more systematically monitor actual breaches of international Human Rights obligations, including OSCE commitments.

TUESDAY, 10 OCTOBER

10:00-13:00

WORKING SESSION 12

Fundamental freedoms II, including:

- Freedom of movement;
- Freedom of assembly and association, including follow-up to the 30-31 March 2006 Supplementary Human Dimension Meeting on Human Rights Defenders and National Human Rights Institutions: Legislative, State and Non-State Aspects;
- Ombudsperson and national human rights institutions.

Freedom of movement

Population mobility is increasing every year; people in the OSCE region move both within their countries and between their countries, and therefore participating States have developed a number of specific commitments related to freedom of movement and human contacts, starting with the Helsinki Final Act.

Despite OSCE commitments to facilitate the movement of people across borders and within their own countries, some participating States still have restrictions such as exit visas and internal registration regimes that restrict freedom of movement and freedom to choose one's place of residence. Some countries have introduced limitations on leaving the country for particular population groups in the fight on trafficking in human beings. In other parts of the OSCE region, the fight against terrorism has raised issues concerning border management and tighter visa regimes and controls.

Questions that could be addressed:

- Are participating States fully implementing their commitments concerning freedom of movement? What problems are they experiencing in the implementation process?
- How can a balance be found between national-security concerns and the right to freedom of movement? What criteria do participating States use in this regard?
- How can the OSCE, and in particular the ODIHR, assist the participating States in implementing best practices of cross-border co-operation and humane migration management?
- How can the OSCE enhance co-operation with other actors in this field at the local, regional, national, and international levels?
- How can the OSCE ensure that issues of migration are not confused with issues of terrorism and trafficking in human beings or narcotics?
- How can the OSCE address concerns about onerous visa requirements that still exist in some countries in the region? What role could the OSCE have in this regard?

Freedom of assembly and association, including follow-up to the 30-31 March 2006 Supplementary Human Dimension Meeting on Human Rights Defenders and National Human Rights Institutions: Legislative, State and Non-State Aspects

The freedoms of assembly and of association are two fundamental rights that play a crucial role in any democratic society, as they guarantee the right of citizens to freely associate with one another either on an informal or formal basis by forming or joining associations or by organizing peaceful gatherings in order to express their views on matters of public concern.

The 1990 Copenhagen Document states that: “everyone will have the right of peaceful assembly and demonstration...and individuals are permitted to form...NGOs which seek the promotion and protection of human rights...” and that “everyone will have the right to freedom of expression including the right to communication. This right will include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers”. In the 1999 Istanbul Charter for European Security, the participating States further acknowledged “that NGOs are an integral component of a strong civil society and perform a vital role in the promotion of human rights, democracy and the rule of law”.

The freedoms of assembly and association affect all members of any society, but human rights defenders and NGOs are likely to assert these rights most actively. The SHDM on Human Rights Defenders and National Human Rights Institutions (NHRI): Legislative, State and Non-State Aspects held on 30-31 March 2006 in Vienna was a forum used by participants to express their concerns about existing and increasing obstacles to the work of human rights defenders. The SHDM debates underlined that national laws in many OSCE states did not always provide for conditions conducive to the full respect and enjoyment of fundamental civil and political rights. Freedom of association, for instance, is increasingly targeted in a number of countries, and excessive restrictions are being placed on freedom of expression and assembly, as well as on the freedom to seek and disseminate information on human rights. The SHDM report contained many recommendations addressed to governments, to international organizations, and to civil society itself.

One of these recommendations encourages OSCE participating States to review their domestic legislation concerning freedoms of association and assembly and to amend or repeal laws and regulations that unreasonably restrict freedoms of NGOs and human rights defenders. The process of development and adoption of the EU Guidelines on Human Rights Defenders was mentioned as an example of support that OSCE participating States could give to human rights defenders in other countries. The SHDM also recognised the importance of NHRI as they are there to offer citizens, including human rights defenders, an opportunity to have their complaints heard, evaluated and investigated by independent bodies. The SHDM called for the further establishment of independent NHRIs in OSCE participating States, in accordance with the Paris Principles for NHRIs.

Recognizing the importance of freedom of assembly for the functioning of democratic societies, the ODIHR launched a set of activities in 2006 aimed at consolidating the draft ODIHR guidelines on freedom of assembly. These guidelines are intended to provide legislators and law enforcement personnel in the OSCE participating States with a practical toolkit covering the legal issues involved in the regulation of assemblies and public meetings in the light of the relevant international instruments and good practices from OSCE countries. Representatives of the ODIHR Expert Panel on Freedom of Assembly present at the HDIM will give a short presentation on the status and content of the guidelines.

Questions that could be addressed:

- Have participating States created a favourable environment for the free exercise of freedom of assembly and association by means of laws and practices consistent with international standards?
- Do participating States invite human rights defenders to participate in the formulation of laws relating to their status and activities?
- When deciding the legitimacy of any restrictions on the right to freedom of assembly, do participating States' laws provide for a transparent and participatory decision-making process?
- Can human rights defenders assist the participating States in ensuring freedom of assembly in practice by means of independent and impartial monitoring of assemblies and preparation of objective reports?
- How can the OSCE, its institutions, and field operations assist participating States in ensuring particular support and protection to human rights defenders in the countries where they are under threat?

- How should the OSCE respond to calls from participants at the SHDM for increased attention to be paid to the plight of human rights' defenders in the OSCE region? How could NGOs become more involved in the Permanent Council and the Ministerial Council?
- How to establish and to strengthen independent NHRIs in accordance with the Paris Principles?
- How to strengthen the relationship between civil society and human rights defenders on the one hand and independent NHRIs on the other hand?
- How to enhance OSCE engagement and support for independent NHRIs?

15:00-18:00

WORKING SESSION 13

Fundamental freedoms II, including:

- Freedom of thought, conscience, religion or belief.

In their Decisions on Tolerance and Non-Discrimination, the Ministerial Councils at Maastricht and Sofia affirmed the importance of freedom of thought, conscience, religion or belief; condemned all discrimination and violence against any religious group or individual believer; and emphasized the importance of continued and strengthened interfaith and intercultural dialogue to promote greater tolerance, respect, and mutual understanding. The Decisions also committed OSCE participating States to ensure and facilitate the freedom of the individual to profess and practice a religion or belief, alone or in community with others, through transparent and non-discriminatory laws, regulations, practices, and policies. Under these Decisions, participating States are also encouraged to seek the assistance of the ODIHR and its Panel of Experts on Freedom of Religion or Belief. The Declaration from the OSCE Conference on Anti-Semitism and on Other Forms of Intolerance further reinforced these commitments.

The aim of this session will be to review implementation of OSCE commitments to ensure freedom of thought, conscience, religion or belief. The session will also examine the connection and differences between issues related to freedom of religion or belief and those related to intolerance and discrimination. The issue of tolerance education will also be discussed, focusing on the need to evaluate existing models and practices.

Questions that could be addressed:

- To what extent are OSCE States fulfilling their commitments to ensure and promote freedom of thought, conscience, religion or belief? What are the reasons for States' failure to fulfill their commitments?
- How can we assure that the implementation of other fundamental freedoms address freedom of religion or belief?
- Are the OSCE commitments in the area of freedom of religion or belief sufficient today?
- What measures can be undertaken to further support OSCE participating States in increasing their commitments to promote interfaith and intercultural dialogue, understanding, and respect?

- What are the best practices of OSCE States in supporting the promotion of tolerance through education? How can existing models of tolerance education be effectively evaluated and assessed?
- How can the OSCE, including the ODIHR and the ODIHR Advisory Panel on Freedom of Religion or Belief, assist participating States in fulfilling their commitments?

WEDNESDAY, 11 OCTOBER

10:00-13:00

WORKING SESSION 14

Tolerance and non-discrimination, including:

- Address by the OSCE High Commissioner on National Minorities;
- National minorities;
- Prevention of aggressive nationalism, chauvinism, and ethnic-cleansing.

Address by the OSCE High Commissioner on National Minorities National minorities

Resolving problems related to the specific needs of persons belonging to national minorities is not just in the interest of the minorities themselves but is just as much in the interest of the States in which they live and the OSCE region as a whole. Recognition within the State of the plurality of communities and interests that comprise the State and of the value of harmonious inter-ethnic relations strengthens the stability and the cohesion of the State. It is encouraging that the development of constructive minority policies and policies that promote integration while respecting diversity are gaining increasing attention in the OSCE region. The OSCE participating States have established various forms of legal and institutional frameworks for the protection of the rights of persons belonging to national minorities. However, it has become increasingly clear that an exclusively rights-based approach in the spirit of effective protection may not necessarily provide for a broader inclusion of minorities. Effective protection of the human rights of persons belonging to national minorities requires States to develop sound integration policies.

The economic, social, and political exclusion and discrimination against persons belonging to national minorities is often entrenched in the existing institutional practices, so that legal standards and rights-based institutions cannot assure by themselves equal access of persons belonging to national minorities to the opportunities and benefits provided by the State or to human rights stated in constitutions or in specific laws.

It is necessary to develop institutional arrangements and mechanisms that will ensure fully and active participation of persons belonging to national minorities. Such mechanisms are already in place or under development in different countries, under various forms, such as:

- Special quotas of places in education for minorities; school inspectors for minorities;
- Governmental departments, offices/agencies for minorities, with branches at regional or local levels;
- National networks of experts on minorities issues;
- Health and community mediators for people belonging to national minorities;
- Quotas for jobs within law enforcement structures, such as the police;

- Mainstreaming of equality at all levels of government;
- Support for teaching the State language to minorities;
- Programmes targeting deprived areas.

The participation of persons belonging to national minorities could be strengthened at all levels and stages in the decision-making processes, specifically by:

- Being part of the process of elaborating policies;
- Being involved in implementation;
- Acting as officials within the institutional mechanisms for implementation;
- Participating in monitoring, evaluating, and assessing the respective policies.

Questions that could be addressed:

- Are OSCE participating States implementing their commitments to ensure the human rights of persons belonging to national minorities?
- Do States have sufficient anti-discrimination legislation in place and is it being implemented properly?
- How can the effective participation of national minorities in public life be achieved beyond mere representation in legislative bodies?

The effective participation of persons belonging to national minorities is required at the *executive, legislative, and judicial* branches of government, at all levels: national, regional, and local. States should generate development and implementation of inclusion policies, so that the enjoyment of human rights and fundamental freedoms and the rights guaranteed by national constitutions becomes a reality for persons belonging to national minorities. Affirmative action is a concept that could be used to fulfil this goal.

- To what extent are persons belonging to national minorities represented in governmental institutions and public bodies and administrations?
- The policies of OSCE participating States regarding political participation should be based on objective and non-discriminatory criteria and should not be used to restrict the enjoyment of minority rights. What good practices of OSCE participating States exist to avoid discriminatory criteria in the field of political participation? Notwithstanding the contemporary importance of multilateral standards and institutions in protecting and promoting the human rights of persons belonging to national minorities, bilateral co-operation among States regarding specific issues and groups remains a matter of interest for many OSCE participating States. Which elements of such co-operation are best suited for bilateral co-operation, and which elements might best be left to the multilateral level?

Prevention of aggressive nationalism, chauvinism, and ethnic-cleansing

The determination of the OSCE participating States to combat aggressive nationalism, chauvinism, and ethnic-cleansing has been reaffirmed in numerous OSCE documents (Copenhagen 1990, Helsinki 1992, Stockholm 1992, Rome 1993, Budapest 1994, Lisbon 1996, Istanbul 1999, Bucharest 2001, and Porto 2002). The participating States committed themselves to combat these phenomena both by political and legislative means and by promoting awareness and understanding of the subject. Unfortunately, aggressive nationalism, chauvinism, and ethnic-cleansing still manifest themselves in the OSCE area.

This discussion should look at the causes of these phenomena and how they can be addressed. This session should examine what legal and political steps can be taken to prevent discrimination, ensure equality and respect for diverse cultural identities, and facilitate the effective participation of minorities in public life. The special role of education and the media in promoting tolerance and non-discrimination is another area for discussion.

Questions that could be addressed:

- What steps should OSCE participating States take to implement measures aimed at combating and preventing such phenomena as aggressive nationalism, chauvinism, and ethnic-cleansing? How should States monitor and evaluate these measures to ensure their effective implementation?
- Which policies in the OSCE participating States have been successful in promoting inclusiveness, understanding, and tolerance?
- What are the possibilities and limitations for governmental policies? In this regard, special attention should be paid to the importance of human rights education and the promotion of a human rights culture throughout society, as policies and legislation against discrimination and intolerance will not be fully effective unless they are complemented by activities that seek to bring about new behaviour and attitudes and increase mutual understanding.
- How can governments and the media contribute positively to public perceptions and attitudes?
- What can the OSCE do to assist governments in their efforts to combat aggressive nationalism, chauvinism, and ethnic-cleansing?

15:00-18:00

WORKING SESSION 15

Tolerance and non-discrimination II, including:

- **Roma/Sinti; implementation of the OSCE Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area.**

Since the discussion on Roma and Sinti issues during the 2005 HDIM, the Chairman-in-Office and the ODIHR co-organized two international meetings in Warsaw in October 2005 and in Bucharest in May 2006. These meetings were dedicated to reviewing implementation by the participating States of the OSCE Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area and how the Action Plan is related to the actions of other international organizations and initiatives, particularly those of the Council of Europe, the European Union, the European Monitoring Centre on Racism and Xenophobia, the Project on Ethnic Relations and the Decade for Roma Inclusion initiative.

Roma and Sinti communities themselves have suggested that stronger political will is needed in order to put into practice the many action plans, strategies, and recommendations that have been made over the past decade. Only when such political will is present will appropriate and effective political mechanisms and institutional tools be developed and adequate financial provisions in the national budgets of concerned participating States be made available.

Questions that could be addressed:

- Are the OSCE States implementing their commitments concerning Roma and Sinti, in particular those contained in para. 40 of the 1990 Copenhagen Document?
- How are States implementing the 2003 Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area?
- What steps should be taken to follow up on the recommendations of the two international meetings in Warsaw and Bucharest on the implementation of Roma and Sinti policies at the national level?
- What are the main lessons learned from practices at the local and national levels? What is the status of co-ordination and harmonization between mechanisms and agencies established by governments to implement Roma- and Sinti-relevant national legislative and institutional measures at the local level?
- Is there sufficient co-ordination between mechanisms in place to combat racism and discrimination, in particular the recommendations on police and Roma (as tasked by Chapter III of the Action Plan) and those meant to ensure that Roma and Sinti enjoy social and economic rights on par with others as tasked by Chapter IV of the Action Plan? How are national commitments and actions transmitted to, and implemented at, the local level, in particular the recommendations of the Action Plan on housing and living conditions and on improving access to education?
- How can awareness be raised and more effective action be taken on the gender dimension of Roma and Sinti policies? What are the existing practices on addressing the particular issues of Roma and Sinti women during conflict and post-conflict situations and/or during reported incidents of racism, intolerance, and discrimination against Roma and Sinti groups?
- How can the OSCE institutions and field missions enhance their contribution to resolving the situation of the large number of Kosovo Roma refugees and IDPs in the OSCE region in a realistic and durable way?

THURSDAY, 12 OCTOBER

SPECIAL DAY

10:00-13:00

WORKING SESSION 16

Specifically selected topic: promotion of tolerance, non-discrimination, and mutual respect and understanding: the implementation of OSCE commitments

- **Review of implementation by participating States of OSCE commitments related to tolerance and non-discrimination**

This session will review implementation by participating States of the commitments related to tolerance and non-discrimination, including the most recent commitments under the Sofia, Maastricht, and Ljubljana Ministerial Decisions on Tolerance and Non-Discrimination. Participants may also discuss progress made and steps taken in follow-up to the 2005 OSCE Conference on Anti-Semitism and on Other Forms of Intolerance that was held in Cordoba on 8 and 9 June 2005 and the tolerance implementation meeting in Almaty on 12-13 June 2006. The session will also allow discussion of the Berlin Declaration, the Brussels Declaration, and the Cordoba Declaration.

The session will also examine the measures taken by participating States to combat racism, xenophobia, anti-Semitism, and other forms of intolerance and discrimination, including against Muslims, Christians, and members of other religions. The efforts taken to monitor hate-motivated crimes and to use diversity education to combat discrimination against individuals and religious communities will also be reviewed.

Questions that could be addressed:

- To what extent have participating States implemented their commitments pertaining to tolerance and non-discrimination, particularly those contained in the Maastricht, Sofia, and Ljubljana Ministerial Council Decisions?
- How are participating States following up on the Berlin Declaration, the Brussels Declaration, and the Cordoba Declaration?
- Following the issuance of the ODIHR's preliminary report in June on hate-motivated incidents in the OSCE region, what steps have been taken by OSCE participating States to provide further information to the ODIHR on incidents and responses to such incidents, as well as to provide updated information on statistics, legislation, and good practices pertaining to combating hate crime?
- What tools and programmes exist to support implementation of OSCE commitments related to tolerance and non-discrimination by the participating States? How are these tools being utilized by states and civil society?
- How can the ODIHR and other OSCE institutions, including the three personal representatives of the CiO for tolerance and non-discrimination issues, the High Commissioner on National Minorities, the Representative on Freedom of the Media, and field missions, provide support to OSCE participating States in implementing their commitments on tolerance and non-discrimination?

15:00-18:00

WORKING SESSION 17

Promotion of tolerance, non-discrimination, and mutual respect and understanding: the implementation of OSCE commitments: forward-looking discussions

This session is forward-looking in its approach and will focus mostly on youth in relation to hate crimes and hate-motivated violent manifestations of racism, xenophobia, anti-Semitism, and other forms of intolerance and discrimination, including against Muslims, Christians, and members of other religions. The session will address three areas: 1) young people as perpetrators of hate-motivated crimes and incidents; 2) young people as victims of hate-motivated crimes and incidents; and 3) the role of young people and youth organizations as agents of change in combating manifestations of hate.

Recent data suggest that hate-motivated acts are often committed by young people or well-organized hate groups using the Internet as a tool for inciting hatred. Young people are thus an important target group for (tolerance) educators, social workers, and public authorities, as they are still at a formative stage of their life and are more susceptible to racist, xenophobic, anti-Semitic, and other intolerant images, ideas, and discourses. The 2003 and 2004 Ministerial Council Decisions recognized this, as they committed the OSCE to "increase its efforts toward the younger generation in order to build up their understanding for the need of tolerance".

Young people are also often victims of hate crime. A US Department of Justice study recently found that 30 per cent of all victims of bias-motivated aggravated assault and 34 per cent of victims of simple assault were under the age of 18.

At the same time, it should also be acknowledged that young people and youth organizations are often able to serve as agents of change and therefore can play a crucial role in combating violent manifestations of hate. Young people are more likely to effectively address the problems of intolerance among their peers than adults do. Many youth organizations in the OSCE area are already effectively implementing formal and informal educational projects to combat intolerance and discrimination as a way of preventing violent incidents. Examples of such projects include programmes for preventing hate violence among youth, youth groups for tolerance, and peer-to-peer tolerance education programmes, as well as interethnic, inter-religious, and intercommunity tolerance projects.

This forward-looking session will be an opportunity to discuss the problems of hate-motivated violence and solutions and approaches developed *by* and *with* communities of young people. Best practices involving different communities of young people, public authorities, and non-governmental organizations in violence prevention will be presented, including best practices supported by OSCE field missions. During the session, the role of law enforcement in responding to hate-motivated crimes as acts against entire communities will be discussed as well as the need for strong partnerships between law enforcement and affected communities in order to effectively address and combat such acts.

The session is also follow-up to the Tolerance Implementation Meeting on Promoting Inter-Cultural, Inter-Religious and Inter-Ethnic Understanding that took place in Almaty (12-13 June 2006) that recommended, among others, “increased engagement and interaction with youth in order to address the root causes of prejudice and intolerance”. The focus on youth was also reflected in the perception paper of the OSCE Chairmanship in March 2006 that proposed “awareness raising towards the public, in particular the younger generation”. Finally, as was stressed in the perception paper, as well as by the NGO preparatory meeting in Almaty, the focus on youth during this special day provides the opportunity to develop closer co-operation with the initiatives of other international organizations,³ such as the Council of Europe’s “All Different - All Equal” European Youth Campaign for Diversity, Human Rights and Participation that is running from June 2006 through September 2007.

Questions that could be addressed:

- How can participating States encourage educational institutes, community-based professionals, young people, and law enforcement officials to closely co-operate on combating hate-motivated incidents committed by and against young people?
- What kind of best practices in this field in the OSCE area can be supported?
- What is the role of OSCE missions in supporting youth organizations that address hate-motivated incidents? What can be learned from this experience?

³ In line with the 2003 MC Decision that “commits the OSCE to intensify its cooperation with relevant IOs (...) to promote tolerance and non-discrimination” and 2004 PC Decisions 607 and 621/2005 MC Decision that “Commits participating States to encourage and support international organizations and NGOs efforts in these areas”.

- Are there examples of good practices of co-operation between participating States and youth organizations in promoting tolerance and non-discrimination?
- How can co-operation between tolerance programmes and campaigns of international organizations be improved, for example, the Council of Europe's Youth Campaign: "All Different, All Equal"?
- How can youth organizations be better integrated into the activities of the OSCE against hate-motivated incidents and hate crimes?
- Is there a need to strengthen the youth perspective in the work of the OSCE, for example, by setting up a working group within the OSCE focusing on the role of youth and youth organizations in tackling hate-motivated acts of intolerance and discrimination?
- To what extent do participating States involve young people and youth organizations in the implementation of their commitments pertaining to combating hate crimes and hate-motivated acts, particularly those contained in the Maastricht, Sofia, and Ljubljana Ministerial Council Decisions?
- How can the ODIHR and other OSCE institutions, including the three personal representatives of the CiO for tolerance and non-discrimination issues, the High Commissioner on National Minorities, the Representative on Freedom of the Media, and field missions strengthen the youth focus of their work?

FRIDAY, 13 OCTOBER

10:00-13:00

CLOSING REINFORCED PLENARY SESSION

Reinforced Closing Plenary session

Based on *Permanent Council Decision No. 476 on the modalities for OSCE Meetings on Human Dimension Issues*, the HDIM will be concluded by a Plenary Session that is reinforced by the participation of Human Rights Directors or similar senior officials responsible for human dimension matters in the Foreign Ministries of the 56 participating States, as well as OSCE ambassadors and the Heads of the OSCE institutions.

This Session aims at reviewing the results of the HDIM on the basis of the presentation of the reports on the working sessions on human dimension activities, as well as on the specifically selected topics.

The Reinforced Closing Plenary Session will look at how direction can be given with regard to the effective follow-up of the discussions in the different working sessions and the recommendations that came out of these discussions in light of further discussions in the Permanent Council on the results of the HDIM as well as with regard to the preparations of the next OSCE Ministerial Council Meeting in Brussels on 4 and 5 December 2006.

- Reports on the Working Sessions on Human Dimension Activities as well as on the specifically selected topics;
- Reports from the work of the HDIM and review of the results and recommendations from the first and the second week.

Any other business
Closing