



HUMAN DIMENSION IMPLEMENTATION MEETING
24 September - 5 October 2007
Warsaw, Poland

ANNOTATED AGENDA

BACKGROUND

The *1992 Helsinki Document* mandates the ODIHR - as the OSCE's 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 2006, the meeting brought together more than 1000 participants, including over 400 NGO representatives.

The agenda for these meetings is adopted by the Permanent Council, including the choice of three specifically selected topics to be dealt with more in-depth. For the 2007 meeting, the agenda was adopted by Permanent Council Decision 801 of 12 July 2007. This annotated agenda provides participants with early guidelines to prepare for active and constructive participation in the working sessions of the meeting.

Information on the modalities for conducting discussions at the HDIM will be provided in the meeting manual and in due course at http://www.osce.org/conferences/hdim_2007.html. Consolidated summaries of previous Meetings, including recommendations from participants, are available at <http://osce.org/odihr/16533.html>. The HDIM factsheet can be accessed at http://osce.org/publications/odihr/2006/09/20658_674_en.pdf. A thematic compilation of human dimension commitments can be found at http://osce.org/odihr/item_11_16237.html.

SCHEDULE OF MEETINGS

Monday, 24 September

10:00 – 13:00

OPENING PLENARY SESSION

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

Keynote Speaker/s

15:00 – 18:00

WORKING SESSION 1

Tolerance and non-discrimination, including:

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

National minorities

Resolving problems related to the specific needs of national minorities is not only in the interest of the minorities themselves but is as much in the interest of the States in which they live and the OSCE region as a whole. Recognition of the plurality of communities and interests that comprise the State and of the value of harmonious inter-ethnic relations strengthens its stability and cohesion. It is encouraging that the development of constructive minority policies and policies that promote integration while respecting diversity is 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 the rights-based approach in the spirit of effective protection defined by international minimum standards may not, in and by itself, provide for a broader inclusion of minorities. Effective implementation of international standards regarding the rights of persons belonging to national minorities requires States to develop sound integration policies that take into account and respect diversity. One important aspect that this session could discuss is national minorities' access to, and participation in, public life, thus following up on Working Group IV of the Human Dimension Seminar on *Effective Participation and Representation in Democratic Societies* in May 2007.

Economic, social and political exclusion and discrimination of national minorities is often entrenched in existing institutional practices, so that legal

standards and rights-based institutions cannot assure by themselves equal opportunities and benefits for persons belonging to national minorities provided by the State or to basic human rights stated in constitutions or in specific laws. To adequately and effectively address the underlying causes of exclusion, it is necessary to develop institutional arrangements to ensure full 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;
- Special 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;

- 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 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. Affirmative action is a concept that is used to 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.

- 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 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 prevent aggressive nationalism, chauvinism, and ethnic-cleansing?

Tuesday, 25 September

10:00 – 13:00

WORKING SESSION 2

Specifically selected topic: Combating intolerance and discrimination and promoting mutual respect and understanding – implementation of commitments

This session will review the implementation of commitments related to tolerance and non-discrimination undertaken by participating States, including the most recent commitments under the Maastricht, Sofia, Ljubljana and Brussels Ministerial Decisions on Tolerance and Non-Discrimination. Participants may also discuss progress made and steps taken in follow-up to the 2007 OSCE's *High-Level Conference on Combating Discrimination and Promoting Mutual Respect and Understanding: Follow-up to the Cordoba Conference on Anti-Semitism and Other Forms of Intolerance* that was held in Bucharest on 7 and 8 June.

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 tolerance 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 within Maastricht, Sofia, Ljubljana and Brussels Ministerial Council Decisions?
- What steps have been taken by OSCE participating States to strengthen their collection and dissemination of data and statistics pertaining to hate crimes?
- What concrete tools and programmes exist to support implementation of OSCE commitments related to tolerance and non-discrimination by the participating States?
- 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 3****Combating intolerance and discrimination and promoting mutual respect and understanding – implementation of commitments (continued)**

In its 2006 Decision, the OSCE Ministerial Council expressed deep concern regarding racist, xenophobic and discriminatory public discourse. Throughout the OSCE region, right-wing extremist political parties and political leaders are mounting political campaigns based on racist, xenophobic and anti-Roma discourse, promising their constituencies to solve a threat that immigrants, migrants and Roma are believed to be posing to their society. The scape-goating of these groups is widespread and creates a climate which often serves to fuel and incite hate crimes against these groups.

The ODIHR will issue its report *Hate Crimes in the OSCE Region – Incidents and Responses: Annual Report for 2006* at this HDIM. It indicates that throughout the OSCE region, hate-motivated discourse often serves to dehumanize individuals, perpetuate stereotypes and create a climate in which racist violence may flourish. The European Commission against Racism and Intolerance and the United Nations Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance have also expressed concern over the way in which discriminatory and hate-motivated discourse have become increasingly accepted within mainstream political parties.

This session is forward-looking in its approach and will examine the positive role that political leaders and parliamentarians can play in defusing tensions within societies by speaking out against hate-motivated acts and by recognising the positive contributions that all individuals can make to a harmonious pluralistic society. The 17 March 2005 *Declaration on the Use of Racist, anti-Semitic and Xenophobic Elements in Political Discourse* adopted by the European Commission against Racism and Intolerance (ECRI) constitutes an important element for the debate. The *Charter of European Parties for a Non-racist Society*, adopted at the joint meeting between the Parliamentary Assembly of the Council of Europe and the European Parliament on 25 September 2003, represents a positive example of political leadership.

During this session, the *Bucharest Declaration* from the OSCE Conference on *Combating Discrimination, Promoting Mutual Respect and Understanding*, which acknowledged “the essential role that national parliaments play in the enactment of the necessary legislation as well as serving as a forum for national debate”, will also be discussed. The session should identify ways in which political leaders can counter negative images and help promote a positive portrayal of the diverse multi-faith and multi-cultural communities that make up today’s pluralistic societies.

While there remains a need to translate commitments more efficiently into national discourse, positive initiatives undertaken by political leaders (at the local and national level) in speaking out against hate-motivated acts and in

promoting a message of mutual respect and understanding will be highlighted. The role of the OSCE Parliamentary Assembly in providing leadership and enhancing the political will of government authorities to enact strengthened legislation and ensure a more robust response to hate crimes will also be discussed.

Questions that could be addressed:

- How can political leaders contribute positively to public perceptions and attitudes?
- How can the participating States work to effectively combat rhetoric that incites violent acts of hatred against immigrant, migrant, Roma and other communities by extremist political parties?
- What is the link between racist, xenophobic and anti-Semitic discourse and the commission of crimes motivated by racist bias?
- What can be done to increase the participation of members of racial, ethnic and religious communities in political spheres, so that they can play a greater role in combating extremist and anti-immigrant political rhetoric and resulting policies?
- How can freedom of expression for all be strengthened in order to foster pluralism and diversity?
- What role can the OSCE Parliamentary Assembly play in promoting increased leadership by local and political representatives in the overall promotion of mutual respect and understanding?

Wednesday, 26 September

10:00 – 13:00

WORKING SESSION 4

Fundamental freedoms I, including:

- Freedom of thought, conscience, religion or belief;
- Freedom of movement.

In their Decisions on Tolerance and Non-Discrimination, the Ministerial Councils in Maastricht, Sofia, Ljubljana and Brussels 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 the Decisions, participating States are also encouraged to seek the assistance of the ODIHR and its Panel of Experts on Freedom of Religion or Belief.

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?
- What measures can be undertaken to further support OSCE participating States in increasing their commitments to promote inter-faith and inter-cultural dialogue, understanding and respect?
- How can the ODIHR's Advisory Panel on Freedom of Religion or Belief, assist participating States in fulfilling their commitments?

Freedom of movement

Population mobility is increasing every year; people in the OSCE region move both within and between 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 maintain restrictive policies 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, support 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?

15:00 – 18:00

WORKING SESSION 5

Humanitarian issues and other commitments I, including:

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

Refugees and displaced persons

The primary responsibility for providing for the 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 field operations 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 operations.

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.

While most OSCE participating States are party to the 1951 Refugee Convention and the 1967 Protocol, the principle of *non-refoulement* has been under strain in the recent years. According to international law, refugees should not be transferred to a place where they are at risk of torture, cruel, inhuman treatment or punishment or of other serious human rights abuses. The plight of refugee women and children is another issue that OSCE has been paying attention to in conflict-affected areas.

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?

Migrant workers, the integration of legal migrants

Increasing population mobility is one of the main characteristics of a modern society and brings new challenges for countries to develop and implement migration policies that are both humane and pragmatic. Migration can be a positive factor in economic and social development for both host and home countries and can contribute to understanding among cultures and to fostering democratization trends. However, migrants can also become victims of negative stereotyping, intolerance, xenophobia and violations of human rights.

Engagement and participation of legal migrants in the social, political, and public life of the host society are very important determinants of integration. Democratic and inclusive citizenship laws can be an effective tool for full integration and naturalization of legal migrants while allowing them to preserve their identity. 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. Overall, awareness raising of host societies on migrants and their role in and contributions to the society is essential.

These issues have been addressed in commitments by the CSCE and OSCE, starting with the Helsinki Final Act of 1975 and continuing through Madrid (1983), Vienna (1989), Copenhagen (1990), Paris (1990), Moscow (1991), Helsinki (1992) and Budapest (1994). In Copenhagen and Paris Documents, participating States agreed that “the protection and promotion of the rights of migrant workers are their common concern and that as such they should be addressed within the CSCE/OSCE process”. In accordance with paragraph 11 of the OSCE Maastricht Ministerial Council Decision No 4/03 on Tolerance and Non-Discrimination, the ODIHR is called to reinforce its activities aimed at “combating discrimination against migrant workers and at facilitating the integration of migrant workers into the societies in which they are legally residing”. The importance of migration on the OSCE agenda was further reiterated in OSCE Ljubljana Ministerial Council Decision No.2/05,

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 is to review the implementation of the OSCE commitments on migration and integration, as well as to assess 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 in 2005 during the OSCE Human Dimension Seminar on *Migration and Integration* and the OSCE Economic Forum on *Demographic Trends, Migration and Integrating Persons belonging to National Minorities*. These include mechanisms for fostering dialogue on labour migration among all stakeholders in the host countries and promoting co-operation on migration management and protection of migrant rights between countries of origin and destination.

Questions that could be addressed:

- Are the participating States making sufficient efforts to establish proper procedures for legal 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 legal 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 legal migrants?
- What are the participating States doing to ensure the inclusion of legal 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?

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 protecting and promoting human rights and fundamental freedoms. Participating States have to ensure that their policies concerning legal 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, 27 September

10:00 – 13:00

WORKING SESSION 6

Specifically selected topic: OSCE Action Plan on Roma and Sinti: participation in political life, overcoming discrimination

The aim of the session is to examine the current state of Roma political participation in accordance with the 2003 *Action Plan on Improving the Situation of Roma Within the OSCE Area*, in which participating States pledged to effectively eliminate all obstacles caused by discrimination. Four years after the adoption of the Action Plan, the session should review Roma-related policies, strategies, programmes, and initiatives and the extent to which they contribute to overcoming discrimination against Roma and promote their political participation. To realise their objectives, the measures prescribed by the Action Plan need more attention at the national and local levels.

It is widely observed that voter turnout among Roma is generally below average. This is partly due to lack of civic education and to the insufficient efforts of political parties to reach out to this electorate. Generally, political apathy appears to be quite high among Roma electors. Problems with identity documents further contribute to the low turnout among Roma voters. Issues concerning the Roma community rarely find their way into parties' election manifestos and campaign platforms. The main reason for this apparent neglect of the Roma electorate seems to be the lack of interest on the part of the mainstream parties. There appear to be instances when parties deliberately avoid targeting Roma voters out of concerns that this could cost them votes from other parts of the population. Furthermore, Roma parties often use ineffective campaign tactics, and their campaigns are regularly characterized by a dearth of programmatic issues, which limits their appeal.

Questions that could be addressed:

- What are the factors that fuel the under-representation, disadvantage and discrimination of Roma at the local, national and regional level?
- What is the relation between the Roma community's socio-economic status and political participation?
- Are equality and minority rights effective for the political participation of Roma?
- What existing forms of political participation of Roma in various countries offer positive examples?

15:00 – 18:00

WORKING SESSION 7

OSCE Action Plan on Roma and Sinti: participation in political life, overcoming discrimination (continued)

The number of Roma who occupy elected positions is very low. Political participation of Roma and Sinti is crucial for successful integration into wider society. This forward-looking session will focus on legal provisions of electoral laws in various States and their impact on Roma representation. It should also discuss the criteria for registration of political parties and how this may affect minorities.

Positive examples of successful political mobilization of Roma and other minorities and the potential applicability to Roma communities will form the second thematic cluster of this meeting. The pros and cons of mainstream versus ethnic minority politics, including ways to increase the interest of mainstream parties towards Roma will be discussed. The issue of coalition-building and political platforms for Roma representatives as a means to become active in political life will be of interest in this regard. Prospects and strategies for increasing political participation of Roma at all levels, including within international institutions will also be examined. The session should also identify concrete ways in which the role of civil society in realising these objectives can be enhanced.

The particular concerns that Romani women face with regard to political participation will be given special consideration, as well as a discussion of the challenges and prospects to improve their situation.

Questions that could be addressed

- What activities can be undertaken by Roma and non-Roma members of parliament and Roma and non-Roma political parties to include more Roma in political life?
- How can civic education mobilize Roma to participate in political life? What mediums can be used?
- What barriers exist and how to overcome them, to increase participation of Roma in political life?
- Means to ensure a significant role in decision-making processes by Roma?

- How can non-electoral politics contribute to Roma political participation and overcoming discrimination?

Friday, 28 September

10:00 – 13:00

WORKING SESSION 8

Rule of law I, including:

- Separation of powers;
- Democratic law-making.

Separation of powers

The concept of separation of powers is widely recognized as an essential element of a democratic order that all OSCE participating States committed to maintain. In the 1990 Charter of Paris for a new Europe the participating States undertook to build, consolidate, and strengthen democracy “as the only system of government for our nations.” They further stressed that democracy “entails accountability to the electorate, the obligation of public authorities to comply with the law and justice administered impartially.”

The UN Human Rights Commission declared that essential elements of democracy include *inter alia* respect for human rights and fundamental freedoms, access to power and its exercise in accordance with the rule of law, the holding of periodic free and fair elections by universal suffrage and by secret ballot as the expression of the will of the people, a pluralistic system of political parties and organizations, the separation of powers, the independence of the judiciary, transparency and accountability in public administration, and free, independent and pluralistic media.¹

The notion of separation of powers between the legislative, executive, and the judicial branches of government emerged as a safeguard against the abuse of power. A corollary to the idea of separation of powers is the system of checks and balances between the legislature, the executive, and the judiciary. Such a system is meant to prevent arbitrary decision-making and ensure that excessive power is not concentrated in any branch of the government.

The main challenge in this area for OSCE participating States is not in achieving a mechanical division of responsibilities between the executive, legislature, the courts, and other institutions but rather to ensure that separation of powers facilitates and supports other elements of democracy, most notably the rule of law and respect for human rights and fundamental freedoms.

Questions that could be addressed:

- Do the constitutional and legislative frameworks of participating States adequately ensure separation of powers as a fundamental element of democratic order? Is the competence of each branch of power clearly delimited?

¹ UN Commission on Human Rights Resolution 2003/36, UN Doc E/CN.4/2003/59

- Do courts enjoy sufficient powers of judicial review? If judicial review is vested in a constitutional court, does it enjoy sufficient independence?
- Is excessive power concentrated in any branch of the government? What reforms should be undertaken to remedy such situations?
- What checks on the executive power exist and are they effective?
- Are the legislature and the executive accountable to the electorate through democratic elections by universal suffrage and by secret ballot, in accordance with OSCE commitments?
- Are legislatures free to adopt their rules of procedure and to schedule their sessions, and do they have sufficient expertise and administrative resources?
- Does the legislature have oversight responsibilities/capabilities as a tool to keep the executive branch accountable? Does the legislature effectively exercise these oversight responsibilities through public hearings and questioning of government officials?

Democratic law-making

Since the early 1990s, many OSCE participating States have been engaged in an unprecedented law-making effort in order to create the institutional and regulatory environment necessary for a pluralistic democracy based on the rule of law. While legal reform in any democracy is a major endeavour replete with potential pitfalls, countries that emerged from authoritarian forms of governance are confronted with particular challenges.

Concerns about the quality and impact of legislation are widespread, and the way in which legislation is prepared and enacted has come under scrutiny in many places. There is a developing understanding that both the content of legislation and the methods by which it is made must be more responsive to the context in which it is to operate. Improved and more systematic methods of law-drafting have been recommended.

Calls have been made to develop more organized regulatory frameworks for drafting legislation. Legislation should emerge as the result of a planned and coordinated process which has been structured to provide adequate time for preparation, consultation (inside and outside government), and parliamentary consideration. Furthermore, there are calls for wider use of alternative devices in order to address what some see as an excessive recourse to legislation. This involves more frequent use of non-normative instruments, such as procedural rules, instructions, interpretative guides, and prescriptive rules, as well as recommendations, codes of conduct, practice rules, and voluntary codes.

Due to their intrinsic democratic value, there is an increasing requirement to consult with non-governmental organizations and other segments of civil society. Not only do such consultations make public acceptance of legislative proposals more likely, but they are, in themselves, a valuable means of improving the quality of proposals and may result in legal solutions more likely to encourage compliance. Policies for improving access to legislation may be worthy of consideration. Full collections of legislation, primary and secondary, currently and formerly in force, must be readily available, and

copies of individual instruments must be easily acquired by officials, legal representatives and members of the public.

Questions that could be addressed:

- How is the need for legislation assessed? Are alternatives to legislation given consideration? What are the checks performed when considering draft legislation (regulatory checks, cost assessment, implementation checks, etc)?
- How can the relations between the legislature and the executive be improved in drafting legislation?. Does the government have a monopoly on proposing legislation or can the legislature or its members propose new laws?.
- How can the law-making process be made more transparent to affected groups? How can governments be more responsive to the needs and interests of affected persons? How can greater public acceptance of legislative proposals be developed?
- How can access to legislation be secured? What measures can be taken to ensure the availability of legislation in a timely and responsive manner?
- What mechanisms are foreseen for monitoring the implementation of legislation? How can these mechanisms be used to encourage or improve compliance with the legislation?

15:00 – 18:00

WORKING SESSION 9

Rule of law II, 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.

The question of the abolition of capital punishment

There is a continuing trend towards the abolition of the death penalty in the OSCE region. Out of 56 OSCE participating States, only three continue to carry out executions: Uzbekistan, Belarus and the United States of America. 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 consistent with 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?

- What developments have occurred in the OSCE region regarding the abolition of the death penalty or the introduction of moratoria?
- 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 constructive exchange of information on the abolition of the death penalty be improved?
- How can the availability of statistics on the use of the death penalty (including sentences and executions) be improved?
- What standards and best practices should be observed by OSCE participating States that have a moratorium on executions in place?

Prevention of torture

OSCE participating States undertook to prohibit and take effective measures to prevent and punish torture in the Vienna Document of 1989. The absolute nature of the prohibition against torture as *ius cogens* is, within the OSCE framework, reflected in the Copenhagen Document of 1990. In the Istanbul Charter of 1999, States further committed themselves to the eradication of torture and other cruel, inhumane or degrading treatment or punishment in the OSCE area. However, torture and ill-treatment continue to exist in varying degrees in a number of OSCE countries.

In the context of the fight against international terrorism, challenges have arisen to concepts such as the absolute prohibition against torture and the definition of torture, as developed in international law. Renewed efforts are needed to ensure effective and full implementation of the *UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* and the *European Convention for the Prevention of Torture*.

A relatively new tool now exists in international law for combating torture – the Optional Protocol to the UN Convention against Torture (OPCAT). It came into force in 2006 and is aimed at strengthening anti-torture prevention measures by introducing systematic visits to detention centres, to be carried out by both national and international bodies. Participating States were urged to give early consideration to signing and ratifying this Protocol in a Ministerial Council Decision of 2005 (MC.DEC/12/05 of 6 December 2005).

Questions that could be addressed:

- To what extent have participating States prohibited torture in their national criminal law as required by international law, and to what extent is the offence of torture defined in conformity with the relevant international instruments, rather than in a more restrictive manner?
- How are participating States ensuring in practice that torture prevention is incorporated in training for law enforcement personnel, the judiciary and detention centre staff?
- What mechanisms exist in participating States to ensure that allegations of torture and ill-treatment are investigated in a transparent and impartial manner and punished appropriately?
- Are those participating States who are not parties to the OPCAT considering early ratification? What steps are those OSCE States who

are parties to the OPCAT taking to establish national preventive mechanisms and enact effective implementing legislation?

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 it 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. 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. This commitment has been reaffirmed at the subsequent OSCE meetings and strengthened by the commitment to support national and international efforts to bring to justice those who have perpetrated crimes recognized as war crimes or crimes against humanity (Sofia 2004).

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?
- How do participating States support national and international efforts to bring to justice those who have perpetrated crimes recognized as war crimes or crimes against humanity?
- What impact does the International Criminal Court have on 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 Court?

Protection of human rights and fighting terrorism

It is imperative that measures taken to combat terrorism and violent extremism comply with obligations under international law. Counter-terrorism measures that violate international human rights law may have adverse effects: They may in fact increase support for extremism and in doing so diminish, rather than enhance, security and stability in the long term.

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 other regional human rights treaties. The right to liberty includes the prohibition on arbitrary detention, the right to challenge the legality of the detention, the right of detainees to an effective defence, in a language that person understands, access to legal counsel, and freedom from torture and ill treatment. Similarly, individuals must be free to pursue the faith of their choice without being suspected or accused of religious extremism.

The entire spectrum of these issues is covered by OSCE human dimension commitments, and participating states have committed themselves to fully protecting these rights. (Moscow, para 23, i-ix)

Questions that could be addressed:

- What steps are being taken by participating States to ensure that persons suspected of terrorism are not being held in detention arbitrarily; that they have access to legal representation and that they are free from torture or inhuman or degrading treatment?
- Are counter-terrorism measures in participating States subject to judicial review?
- What steps have participating States taken to ensure that counter-terrorism provisions adhere to international human rights law and are they proportionate to the situation?
- Are states abiding by the principle of *non-refoulement*?
- What steps are States taking to ensure that illegal renditions are not taking place in their territory?

Monday, 1 October

10:00 – 13:00

WORKING SESSION 10

Specifically selected topic: Gender aspects of security I:

- Implementation of the OSCE Action Plan for the Promotion of Gender Equality;
- Equal opportunities for women and men;
- Prevention of violence against women.

Implementation of the OSCE Action Plan for the Promotion of Gender Equality

Through the adoption of the OSCE Action Plan for the Promotion of Gender Equality in 2004 the OSCE participating States have pledged to undertake all necessary measures to ensure effective gender mainstreaming of all OSCE activities, policies, and programmes and to take vigorous steps in their national jurisdictions to promote equality of rights and opportunities among women and men in all areas of public and private life.

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. 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.

The session will address achievements and challenges in the implementation of the Action Plan and will provide insights into the ongoing process of gender-mainstreaming of the organization's internal structures and policies as

well as among the participating States. This session will have a practical and a multi-stakeholder (inter-agency and cross departmental) approach to implementation and empowerment of women, with a special focus on the need of full involvement of civil society).

This session will also define the link between the OSCE gender commitments and security, look at implementation of the 2004 Action Plan for the Promotion of gender commitments and security and MC Decision 14/05 on Women in Conflict Prevention, Crisis Management and Post-Conflict Rehabilitation.

Questions that could be addressed:

- How can we ensure gender is mainstreamed in all dimensions?
- 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?
- 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 steps have been taken by the participating States to ensure non-discriminatory legal and policy frameworks?
- What steps have been taken by the participating States to ensure equal participation of women in political and public life and for building national mechanisms for the advancement of women?
- How to implement a gender perspective specifically into the OSCE's political military dimension (e.g. the integration of gender perspectives into the OSCE strategy to address threats to security and stability in the XX-centrury)?
- The involvement of women and women's groups in the conflicts dealt with by the OSCE and consideration of women's groups as discussion partners (e.g. gender perspective in the activites of the co-chairs of the Minsk Group)?

Equal opportunities for women and men

The low level of women's participation in governance structures, discrimination in employment opportunities and access to education, 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.

This is particularly evident in societies where traditional attitudes and stereotypical approaches to the role of women and men are prevalent and significantly inhibit progress in promoting equality of rights and opportunities among women and men. These traditions and attitudes have a negative impact on the status of women, choices and opportunities available to women and subsequently leading to women being increasingly marginalised and underrepresented in democratic processes.

Questions that could be addressed:

- How are the OSCE participating States implementing their commitments to ensure equal opportunities for men and women and are the existing policies being translated effectively into practice?
- What measures are participating States taking to ensure women's equal participation in democratic processes, including in decision-making processes at the local, regional, and national levels?
- How can OSCE assistance in ensuring equal opportunities for men and women be strengthened? What steps need to be taken?
- What are the best practices in strengthening co-operation between governments and civil society for the advancement of gender equality?

Prevention of violence against women

With the adoption of Ministerial Council Decision 15 in 2005 on *Preventing and Combating Violence against Women*, the OSCE participating States further committed themselves 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 States are further urged to investigate acts of violence against women and prosecute their perpetrators, thereby addressing the needs of victims, as well as ensuring appropriate treatment for perpetrators.

With the aim of creating effective mechanisms for combating violence against women, participating States should promote increased awareness of the issue among the law-enforcement agencies, health-care providers and the general public. 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 are the legal and practical measures that have proven most effective in combating violence against women and particularly domestic violence?
- 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 rehabilitation to victims?

15:00 – 18:00

WORKING SESSION 11

Gender aspects of security II

— United Nations Security Council Resolution 1325 (2000)

The promotion of the role of women in conflict prevention and peace reconstruction processes is defined as an area of priority within the OSCE. In accordance with the Ministerial Council Decision 14/04 and the *OSCE Action Plan for the Promotion of Gender Equality*, OSCE structures should strive to promote the implementation of *United Nations Security Council Resolution 1325 on Women, Peace and Security* (UNSCR 1325).

UNSCR 1325 reaffirms “the important role of women in the prevention and resolution of conflicts and in peace-building, and ... [stresses] the importance of their equal participation and full involvement in all efforts for the maintenance and promotion of peace and security.” In spite of this clear mandate for increased female participation and gender mainstreaming in the area of peace and security, the emerging field of Security Sector Reform (SSR) remains largely closed to issues of gender and women’s participation. The ‘security sector’ is commonly understood to include all organisations that have the authority to use, or order the use of, force, or the threat of force, in order to protect individuals, communities and the state.

Questions that could be addressed:

- What efforts are participating States making to integrate gender aspects into policy/ strategy development regarding conflict prevention and early warning?
- What practical measures 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 with regard to implementation of the provisions of United Nations Security Council Resolution 1325 on Women, Peace and Security? What examples of best practices are available?
- What further assistance and advice might participating States need from OSCE institutions to strengthen the inclusion of women in conflict prevention, crisis management and post-conflict rehabilitation strategies as well as to integrate women’s rights and gender perspectives into conflict prevention and early-warning systems?
- How can the OSCE and participating States best achieve the effective protection and promotion of women’s rights and the systematic integration of a gender perspective in the security sector?

Tuesday, 2 October

10:00 – 13:00

WORKING SESSION 12

Humanitarian issues and other commitments II, including:

- Trafficking in human beings;
- Implementation of the OSCE Action Plan to Combat Trafficking in Human Beings.

Cases of labour trafficking have been identified across the whole OSCE region and in a variety of work sectors, often characterised by low wages, such as

agricultural work, food processing, domestic work, and construction. Authorities in many countries may still be unaware of the existence of labour trafficking and the need to identify and protect its victims. Instead, irregular immigration status may often be held against those trafficked and exploited resulting in individuals labelled and treated as illegal migrants and denied their rights to protection and justice, whilst traffickers and exploiters remain unpunished. At the same time there are increasing reports of regular migrants, authorised to live and work in destination countries, falling victim to trafficking and exploitation which raises new challenges. Demand for such exploitative labour is seen to be shaped by certain policy developments which foster a climate in which precarious work flourishes, characterized by low pay, long hours, temporariness, insecurity and inapplicable (or difficult to implement) labour standards. Respect of labour standards is therefore central to an effective response to labour trafficking.

Other proposals to better address labour trafficking also include making the tackling of the forced labour component of trafficking more central to strategies alongside developing indicators of forced labour. With respect to protection of trafficked persons, recent OSCE events have indicated that civil society organisations experienced in assistance and protection of trafficked persons are often inexperienced in addressing labour trafficking. Instead the lead on practice in this regard is being taken by migrants' rights organisations and trade unions. Such efforts are instructive and need to be supported by participating States keen to improve their responses to labour trafficking. Typically these organisations pursue a broad rights-based agenda focused on the enforcement of labour law for all workers, irrespective of immigration status and the promotion of a policy agenda aimed at securing 'decent work' for all.² Action to empower trafficked persons to act on their own behalf against traffickers, through awareness raising, organisation and intervention is also central to their activity and merits further support.

The OSCE has been active in developing expertise on labour trafficking in the last years. The Special Representative and Co-ordinator for Combating Trafficking in Human Beings' two Alliance conferences on Trafficking for Labour Exploitation in 2005 and 2006 and the ODIHR's events on labour exploitation during Human Dimension meetings in May 2005 and October 2006, alongside its project activities to review application of the National Referral Mechanism to labour trafficking, have all contributed to this process. The Brussels Ministerial Council Decision 14/06 also encourages participating States "to combat trafficking in human beings for labour exploitation in a more proactive manner" (paragraph 6). This working session provides an opportunity to review implementation of the current OSCE commitments on trafficking for labour exploitation and identify possible gaps and difficulties.

Questions that could be addressed

² For the International Labour Organisation's 'decent work' agenda see its *Draft Multilateral Framework on Labour Migration: Non-Binding Principles and Guidelines for a Rights-Based Approach to Labour Migration*, Geneva 2005.

- What measures have States taken to combat trafficking for the purposes of labour exploitation? What challenges have they encountered in doing so?
- What measures targeting structural and systemic features of labour markets that might lend themselves to exploitation are States taking to prevent trafficking for labour exploitation and to protect those that are most vulnerable, such as migrant workers and other marginalized groups?
- What good practices have participating States identified and implemented to protect the rights of those vulnerable and exploited, nationals and non-nationals? Who are the key civil society partners of the participating States in this regard?

15:00 – 18:00

WORKING SESSION 13

Rule of law III, including:

- Independence of the judiciary;
- Right to a fair trial.

Independence of the judiciary

An independent judiciary is at the core of the rule of law and a democratic order. Independence of the judiciary takes on a special importance when courts exercise their powers of judicial review – i.e. scrutinize compliance of legislative and executive acts with the constitutional framework. It falls on the courts to ensure that no one is above the law and independence is a prerequisite for performing this function.

Selection and appointment of judges plays a great role in ensuring their independence. Judicial appointments should be made on the basis of qualifications and merit, through transparent procedures that exclude nepotism and corruption. Many participating States are yet to institutionalize systematic and formalised training for all newly-appointed judges. In addition, continuing legal education for all judges, including training in relevant international law, is another area in need of improvement in the OSCE area.

Administration of justice also entails accountability. Increasingly, many participating States are taking measures to ensure judicial integrity and prevent abuses of judicial office. Such measures should not undermine judicial independence. Adequate working conditions and remuneration for performance of judicial duties are essential. Financing of the judiciary should be allocated in a way that ensures its independence, especially from the executive. Due consideration should be given to the role of judicial self-government, as well as to the transparency and due process in the judicial disciplinary proceedings.

Questions that could be addressed:

- How do the participating States ensure the independence of judges vis-à-vis the executive and the legislative branches of government?

- Are judges appointed through a transparent procedure based on qualifications and merit?
- Is systematic training for all newly-appointed judges institutionalized?
- What measures are taken to strengthen judicial integrity? What safeguards are taken to ensure that these measures do not undermine judicial independence?
- How are transparency and due process ensured in judicial disciplinary proceedings? What steps are taken to ensure that these proceedings are not abused?

Right to 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. Another central aspect is bar admission practices and the need to ensure that new lawyers are regularly admitted to the bar through open and transparent procedures. Among recurring concerns are the frequent instances where defence lawyers are penalized for the lawful performance of their duties.

Trial monitoring has proven to be a valuable diagnostic tool to collect and disseminate objective information on the administration of justice in individual cases and to draw conclusions regarding the broader functioning of the justice system and the adherence to fair trial standards. In recent years, achieving compliance with fair trial standards has often been supported by findings and recommendations from trial monitoring programmes run by OSCE field operations or NGOs. The ODIHR prepared a *Trial Monitoring Reference Manual* to promote and facilitate these programmes.

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 the legal profession?
- 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?

Wednesday, 3 October

10:00 – 13:00

WORKING SESSION 14

Democratic institutions, including:

- Democratic elections;
- Democracy at the national, regional and local levels;
- Citizenship and political rights;
- Follow-up to the 16–18 May 2007 Human Dimension Seminar (HDS) on Effective Participation and Representation in Democratic Societies.

Democratic elections

OSCE participating States have made commitments to hold democratic elections in line with the 1990 OSCE Copenhagen Document, which provides the primary criteria for the ODIHR when assessing an election, as well reference to other universal and regional principles and standards. While election observation is the most visible aspect of the ODIHR's election mandate, it is just one part of a much broader range of election-related activities aimed at fostering and strengthening democratic elections. These activities also focus on the review of election legislation, follow-up on recommendations, observation methodological development and election observer training.

Since last year's HDIM, the ODIHR has been involved in observing and assessing elections in Albania, Armenia, Bulgaria, Belgium, Estonia, France, Ireland, Kazakhstan, Latvia, Moldova, the Netherlands, Serbia, Tajikistan, Turkey and the United States of America. In addition, the ODIHR sent an election support team to the February 2007 presidential election in Turkmenistan and to the April 2007 parliamentary by-elections in two constituencies in Kyrgyzstan.

In its election observation efforts, the ODIHR continues to work in partnership with the European Parliament as well as the parliamentary Assemblies of the OSCE, the Council of Europe, and of NATO, in the framework of the International Election Observation Missions which are focused on election day observation. In addition, the ODIHR facilitates implementation of its recommendations through follow-up activities. One key element of these activities is the review of electoral legislation, often in co-operation with the Council of Europe's Venice Commission.

Election observation continues to identify a number of ongoing and emerging challenges to democratic elections in some OSCE participating States, including: full respect for the civil and political rights of candidates and voters; compilation of accurate voter lists; equitable media access and unbiased media coverage; access for international and domestic observers; participation of women and inclusion of national minorities; honest counting and tabulation of votes; effective complaints and appeals processes; and

challenges related to the development and implementation of new voting technologies.

The ODIHR continues its attempts to address outstanding issues with regard to implementation of OSCE election-related commitments and other international standards. The ODIHR commented extensively on challenges, as well as responses thereto, in its report *Common Responsibility: Commitments and Implementation*, which was mandated by the Ministerial Council and presented at its meeting in Brussels in December 2006.

The ODIHR continues to further diversify participation of observers and support training networks. In addition, it continues to pay special attention to diversification when recruiting experts for core teams. The ODIHR has set up a public, open, competitive and transparent recruitment process for election observation missions.

Questions that could be addressed:

- How are participating States meeting their OSCE commitments to conduct democratic elections?
- What are the main challenges that OSCE participating States face in meeting their OSCE commitments?
- How can the ODIHR assist OSCE participating States in addressing these challenges? What actions can OSCE States take to address these challenges?
- How do participating States consider the value and need for additional election-related commitments - *transparency, accountability and public confidence* - to supplement existing ones?
- What could enhance follow-up and post-election dialogue in order to more effectively assist the implementation of election-related commitments?
- How are participating States addressing the challenges of new technologies in elections and what steps the ODIHR has taken to refine its election observation methodology to take into account new developments in the field of voting technologies?

Follow-up to the 16-18 May 2007 OSCE HDS on Effective Participation and Representation in Democratic Societies

Attended by over 190 participants, the Seminar discussed ways to improve citizens' participation and representation by examining trends in contemporary political life and at ways to improve the environment for political participation. The role of democratic electoral processes and the challenges surrounding the participation of persons belonging to national minorities and underrepresented groups were also discussed in detail.

Among many other issues, the Seminar highlighted the greater will of the general public, and youth in particular, to get politically involved using a growing variety of forms of participation through increasingly sophisticated multi-media technologies as well as innovative forms of political mobilization, petitioning and manifestations. It was nevertheless noted that OSCE States have quite some way to go in putting into practice their commitments when it

comes to political participation and representation and that challenges are not only limited to new and restored democracies.

The 2007 HDIM is an opportune moment to revisit a number of concrete recommendations for follow-up on the issue of increasing the effectiveness of citizen participation and representation in OSCE participating States. Of special interest were: strengthening freedom of assembly and association as well as citizenship and political rights as indispensable pre-conditions for ensuring effective participation; promoting new technologies that contribute to broadening participation; increasing civic education in school curricula; promoting participation at the regional and municipal level; reviewing participatory frameworks for minorities, migrants and other underrepresented groups at regular intervals; sharing best practices for increasing women's participation and representation; developing effective interfaces between civil society and the system of political parties.

Questions that could be addressed:

- What measures are participating States taking in order to promote participation through new technologies? How can the OSCE be of assistance in this area?
- How are participating States meeting their commitments in achieving equal participation and representation?
- How can States best promote relations between political parties and civil society?
- How can the ODIHR best promote an on-going exchange of best practices in strengthening multi-party systems, inter-party dialogue and intra-party democracy?

15:00 – 18:00

WORKING SESSION 15

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

- Presentation of activities of the ODIHR and other OSCE institutions and field operations to implement priorities and tasks contained in the OSCE decisions and other documents.

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. This has been accomplished through the development and implementation of targeted activities and projects, which are part of a longer-term, cross-cutting strategy. These human dimension activities have grown in scope 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 also plays a crucial role by

drawing attention to a specific issue and creating a space and a forum for focused dialogue, which can be followed up by concrete assistance.

The OSCE and its Institutions and field operations have been able to identify areas in which they are best placed to facilitate change and reform. 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. It can therefore be most effective in supporting and complementing the work of OSCE field operations, and in providing a channel for exchange of experience and best practices from one region of the OSCE to another.

This session will explore the ODIHR's role as a facilitator and its offer of targeted programmes of assistance and expertise across the OSCE region. Field operations and other OSCE institutions/structures may present lessons learned from their activities and how they can be used as a catalyst for discussion and co-operation between and within participating States, including civil society. Participating States, international organizations and civil society including NGOs, are invited to comment on the presentations and to present their own project priorities for reciprocal comment. The aim is to identify how participating States can derive most benefit from the OSCE's offer of assistance in implementing the priorities and tasks contained in OSCE decisions and other documents.

Questions that could be addressed:

- What tools does the OSCE offer to assist participating States? How can the OSCE be most effective in assisting participating States in implementing their human dimension commitments?
- What are successful examples of OSCE interventions, programmes, and projects from past years? What are less successful examples? Why were these (not) successful?
- In which areas are the OSCE Institutions and field operations best placed to facilitate change by creating a forum for dialogue?
- How can the Organisation deal with serious, persistent and flagrant breaches of commitments? How specifically can the OSCE and/or participating States be a catalyst for discussion and co-operation, thus allowing participating States, including civil society, to make more progress towards fulfilment of their commitments?
- How can OSCE's Institutions as well as its Parliamentary Assembly facilitate the sharing of expertise and experience from one region or participating State of the OSCE to another?
- How can the interplay between OSCE institutions' and field operations' mandates and programming be used most effectively?
- What are successful examples of human dimension activities and programmes conducted by other organizations (international, national, local) from which the OSCE could learn?

Thursday, 4 October

10:00 – 13:00**WORKING SESSION 16****Fundamental freedoms, including:**

- Address by the OSCE Representative on Freedom of the Media;
- Freedom of expression, free media and information.

Freedom of expression, free media and information

There are numerous OSCE commitments to ensure 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 will mainly focus on the three topics: access to information, media self regulation, and the internet and pluralism.

In May 2007, the Representative presented the outcomes of the survey of *Access to Information in the OSCE Region*. The survey found that the overall trend on access to information in the OSCE region is positive. However, the survey also found that in numerous participating States journalists are still not protected against court orders to reveal their confidential sources. Access to information and the protection of journalists' confidential sources are prerequisites for democratic governance and the public's right to know. Participants could discuss the public's right to government information and the practice of defining "state secrets". The discussion could result in comprehensive recommendations on how to ensure legal and other preconditions of freedom of the media and access to information.

At the HDIM in 2006 the Representative hosted a side event presenting media self regulation as the best tool to uphold the quality and responsibility of mass media in society. The term media 'self regulation' refers to the implementation of a mechanism that is drafted by and for media professionals and is independent from governmental control. The core element of media self-regulation is a code of ethics or voluntary professional standards that publicly define the functions, rights and duties of journalists in the country or directly within media outlets. This code of ethics is a flexible tool that can and should be adapted according to topical, societal, cultural and technological developments. It is thus swifter and more reactive to developments than new, and mostly unnecessary, governmental regulations would be. Participants could discuss the different forms of self regulation, as well as the advantages of such mechanisms.

New challenges, such as freedom of expression on the Internet, 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 "harmful content" as perceived by governments or civil society. Speaking out has never been easier than on the Web. Yet at the same time we are witnessing the spread of Internet censorship. Recent moves against free speech on the Internet in a number of countries globally show with what ease governments sometimes seek to suppress speech that they disapprove of, dislike, or simply fear.

A distinct difference from traditional media is that whereas standards for previous means of communication were set by intergovernmental organizations, for the Internet this is often done by the online community or expert bodies with an open membership. There are many fields in which the State leaves governance of the Internet to civil society or the private sector, for example when it comes to the technical functioning, administration, or organization of networks. The UN-led Internet Governance Forum (IGF) is exploring how this multi-stakeholder approach might change the way of policy making for the Internet. Participants could discuss the benefits of the internet and the need for good governance to safeguard freedom and pluralism on the Internet.

The session will focus on ways in which governments implement OSCE commitments on freedom of expression, especially in situations of continuing unjustified limitations. Governmental restrictions often target independent media, investigative journalism, and critical opinion. The discussion may also address other challenges to freedom of the media, such as the challenges to public service broadcasting, including the digitalisation of terrestrial broadcasting, and libel or defamation.

Questions that could be addressed:

- Are OSCE States fulfilling their commitments to ensure freedom of expression, information and free media?
- What are the best practices in access to information, which are conducive to helping the media fulfil their role as the informer of the public and on ensuring accountability?
- 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 to support pluralism and independence of the media, freedom of critical voices, and access to information?
- Can media self regulation encourage the professional development of the press while keeping and enhancing its freedom?
- Can we simultaneously preserve freedom of the press and foster respect for cultural sensitivities?
- How can the investigative rights of the media be ensured? How can we address the potential conflict between freedom of the media and other human rights, such as the presumption of innocence in criminal proceedings and the right to freedom from discrimination?
- What is the situation of freedom of the media and the Internet in the OSCE region? How can we ensure freedom of the media on the Internet in the OSCE participating States?
- What should be the participation of civil society in internet governance? How can this participation be encouraged?

15:00 – 18:00

WORKING SESSION 17

Fundamental Freedoms III, including

- Freedom of assembly and association;
- Follow-up to the 29 and 30 March 2007 Supplementary Human Dimension Meeting on Freedom of Assembly, Association and Expression;
- Ombudspersons and independent national human rights institutions;
- Follow-up to the 12 and 13 July 2007 Supplementary Human Dimension Meeting on Promotion and Protection of Human Rights.

Freedom of assembly and association

The rights to freedom of assembly and association are intrinsic to any democratic society. They allow citizens to come together 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 March 2007 SHDM on *Freedom of Assembly, Association and Expression: Fostering Full and Equal Participation in Pluralist Societies* explored how long term stability and security can be secured by encouraging a pluralistic and diverse society through the protection of these two freedoms. Concerns were raised over the threats posed by restrictive laws and policies which do not respect the principles of proportionality, legality, non-discrimination or the requirements of good administration and transparency of decision making process. NGOs provide an opportunity for citizens to act collectively in any democratic society. Therefore, States were encouraged to set up a simple and clear framework for their organization and with minimum interference. Recommendations were also made to remove financial and administrative obstacles to the work, of human rights defenders.

This event also saw the launch of the OSCE/ODIHR *Guidelines on the Freedom of Peaceful Assembly* which were designed as a practical toolkit for those involved in freedom of assembly issues and draw upon best practice from the OSCE region. Participating States were encouraged to implement, with the help of ODIHR, the recommendations from the Guidelines.

Questions that could be addressed:

- How can undue state interference in the activities of NGOs be avoided?
- How can participating States promote the full implementation of freedom of assembly? In particular, what legal and regulatory framework is most conducive to the implementation of this freedom?
- What challenges do assembly organizers face in the OSCE region and how can these be met?

- How can freedom of assembly be advanced in a manner to allow as diverse a range of groups as possible the greatest degree of free expression?
- Are there good examples of how the OSCE/ODIHR *Guidelines on Freedom for Peaceful Assembly* were put to use?

Ombudspersons and independent national human rights institutions

Independent national human rights institutions (NHRIs) compliant with the *Paris Principles* play a vital role in the promotion and protection of human rights. The importance of establishing independent institutions has been recognized in OSCE commitments. As part of their role in receiving, investigating and seeking to resolve complaints of human rights violations, NHRIs can not only identify protection gaps in national human rights systems, but also form partnerships with human rights defenders and NGOs as well as assist in establishing links between NGOs and state institutions.

At the July 2007 SHDM entitled *Protection and Promotion of Human Rights: Responsibilities and Effective Remedies* a session was devoted to the role of NHRIs in promoting and protecting human rights. Following up on this event, this session will focus on how to enhance the role of NHRIs in fostering partnerships between NHRIs, NGOs and government, and their role in creating a more effective national framework for the protection and promotion of human rights. It will also examine the importance of strengthening their independence, and the sharing of best practices between NHRIs.

Questions that could be addressed:

- How can the independence of NHRIs be strengthened?
- How can best practices be shared between NHRIs
- How can NHRIs best establish partnerships with and between NGOs at the national level?
- How can the NHRIs support human rights defenders more effectively?

Friday, 5 October

10:00 – 13:00	CLOSING REINFORCED PLENARY SESSION
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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 capitals of the 56 participating States and Heads of the OSCE institutions.

The Plenary Session will review 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. It 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 Madrid on 29 and 30 November 2007.

- 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