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Report on the 17th Human Dimension
Implementation Meeting

Check against delivery!

Excellencies,
Ladies and Gentlemen,

It is my great pleasure to address the Permanent Council today and report to you on the 17th Human Dimension Implementation Meeting which took place between the 23rd of September and the 4th of October 2013 in Warsaw, Poland. It is a special honour for me as this will be my last report on the HDIM, unless of course the participating States decide to go ahead with the reform and move the next HDIM to spring 2014.

This year's HDIM hosted more than 1000 participants, including about 400 delegates from 54 participating States and 7 delegates from 3 Partners for Co-operation, as well as more than 600 representatives of civil society.

We witnessed an record number (66) of side events organized on the sidelines of the HDIM addressing a wide range of human rights issues. Side events remain a popular advocacy tool not only among NGOs, but also among delegations and OSCE structures. It is of utmost importance to maintain an open platform for side events as they provide a useful and inclusive tool for discussions on specific matters of human dimension. Repeating what I mentioned in last year's report, participating States should continue to ensure that OSCE human dimension events give civil society an opportunity to share their views and to express their concerns on the status of implementation of the OSCE commitments - both at working sessions and at side events. I would also like to recall that EU Special Representative for Human Rights, Stavros Lambrinidis

reminded us: “the civil society and NGOs are watchdogs fighting for human rights. They can be nice if they want to, but they do not have to.”

In his keynote speech, Mr. Lambrinidis outlined a number of pressing issues on the regional and global agenda today: from freedom to believe or not to believe, to the individual right to privacy. He noted that the basic power of human rights resides in their universal nature, which cannot be questioned or reconsidered using the excuse of so called “traditional” or “cultural” values. Moreover, as Mr. Lambrinidis said, human rights have always been the universal voice of the powerless. We should respect and value this voice.

Following my tradition of reporting some interesting numbers to you, I wish to draw your attention to the rating of working sessions as assessed by the number of interventions.

Of the top five most popular sessions, number five was *Tolerance and Non-Discrimination II*, including gender equality and prevention of violence against women and children. Number four was *Tolerance and Non-Discrimination I on national minorities*. This year’s third most debated session was *Fundamental Freedoms I on freedom of expression, free media and information*. The session on *Freedom of religion or belief* was second. Finally, the most popular session of this year was once again the *Tolerance and Non-Discrimination II focusing on hate crimes, racism, xenophobia, discrimination and anti-Semitism*. This session set a new record by accommodating 94 interventions in three hours, which meant 90 seconds of time limit.

On the other hand, the session on *human dimension activities and project work*, saw a minimum of debating - after a number of presentations by different OSCE structures and field operations, only 4 delegations took the floor to comment with no representation from civil society.

Having this in mind I would like to invite participating States and planners of next year's HDIM to take this into consideration when allocating time for working sessions.

Ladies and gentlemen,

The HDIM Consolidated Summary was circulated last week. I will now report on the main highlights of the working sessions drawing your attention to certain implementation gaps and ways to tackle them:

- During a very busy debate at the *Tolerance and non-discrimination session II*, participants – within their allocated 90 seconds – emphasized the need to speak out against intolerant discourse and to publically condemn hate crime. They called for increased dialogue on discrimination and violence against various minority groups. Participants noted the need to collect and provide disaggregated data on hate crime, and in this regard, we in ODIHR remain concerned about the significant gaps in data collection. This is a major obstacle to understanding the prevalence and nature of hate crimes within most participating States. While NGOs provide increasingly reliable data on hate crime and hate-

related incidents, ODIHR calls upon participating States to fulfil their commitment to collect such data and provide it to ODIHR.

- In the course of the special day on *freedom of religion or belief*, participants highlighted the abuse of the registration process, for instance through the use of excessive formalities to deny registration to religious or belief communities. They also reported on attacks on holy sites and on members of smaller or minority communities who face a challenging climate. Participants raised concerns over the existence and application of the blasphemy laws in some parts of the OSCE region. Many participating States expressed their support to ODIHR's efforts in the field of freedom of religion or belief. After completing a successful overhaul of the Advisory Panel of Experts on Freedom of Religion or Belief, ODIHR is embarking on an expansion of our freedom of religion or belief program and I invite participating States to use it.
- The session on *freedom of expression, free media and information, and protection of journalists*, raised attention to the lack of progress in this area. Attacks, intimidation and other forms of harassment against journalists continue to take place. Screening excessive amounts of online conversations and other personal data gave rise to further concerns. The OSCE Representative on Freedom of the Media, Ms. Dunja Mijatović called on all participating States to muster up the political will and courage to counter these worrisome trends. Both the Representative on Freedom of the Media and several participants called for the repeal of provisions criminalizing and restricting free expression both online and offline. The Office of the Representative was recommended to continue to monitor and document violations of

free expression and assist participating States in fulfilling their commitments.

- We were glad to welcome the new High Commissioner on National Minorities, Ms. Astrid Thors, who for the first time introduced the session on *national minorities and the prevention of aggressive nationalism, racism and chauvinism*. The High Commissioner focused her introduction on the linguistic rights of persons belonging to national minorities, and stressed that linguistic rights were a precondition for the realization of other rights, such as those related to education and participation. The High Commissioner also underlined the need to strike an appropriate balance between the promotion of the State language(s) as a tool for integration in society and the preservation of minority languages as part of their identities.
- From the discussion on *gender equality*, we can conclude that effective strengthening of women's political participation requires sustained co-operation with key democratic institutions: political parties, regulatory agencies and parliaments. For its part, ODIHR will step up its efforts to assist participating States in creating a level playing field for women and men to advance within political parties; to compete in elections; and to influence policymaking processes. The OSCE participating States reconfirmed their commitment to implement UNSCR 1325 on Women, Peace and Security, and encouraged ODIHR and the OSCE Gender Section to further assist participating States in developing national action plans. The session also stressed that, in the OSCE region, violence against women and children as well as domestic violence, let alone

justified as a “private” or “family” matter must no longer be tolerated.

Other key messages raised at the HDIM included the following:

- On the special day of *freedom of assembly and association*, participants underlined undue legislative restrictions, which hinder the exercise of freedom of assembly. Participating States were urged to facilitate the independent monitoring of assemblies. Participants also expressed grave concerns about legislative amendments limiting access to foreign funds for associations in certain participating States. It is of utmost importance to recognize civil society organizations and human rights defenders as legitimate actors and catalysts for the advancement of democracy and human rights. It was stressed that participating States should ensure that relevant laws are in line with OSCE commitments and other international standards, and do not place undue restrictions on the activities of civil society organizations. ODIHR, jointly with the Venice Commission of the Council of Europe, is currently developing a set of guidelines on the freedom of association, which will clarify the nature of the States’ obligations in respecting this freedom, and will provide examples of good practices. ODIHR is also engaged in preparing a set of recommendations on the protection of human right defenders.
- Participants also reached a very broad agreement on the value of *national human rights institutions* in upholding universal human rights and fundamental freedoms and in holding governments to account.

- Moving on to the special day on *democratic elections and election observation*, ODIHR continues to observe a mixed picture in the area of participating States' implementation of commitments and standards for democratic elections. There have been examples of both positive practice and shortcomings. Many HDIM participants underscored that election observation, conducted independently and professionally on the basis of a comprehensive long-term and needs-based methodology, continues to provide a solid basis for follow-up and legislative reform. The importance and utility of constructive post-electoral engagement and follow-up were stressed as an area requiring greater effort by the participating States. The role of citizen observer groups in election observation and follow-up was also highlighted. Participants shared several positive examples of constructive follow-up, many of which have yielded concrete results and changes in legislation and practice.
- This year's HDIM marked the 10-year anniversary of the *OSCE Action Plan for Combating Trafficking in Human Beings*. This occasion brought together all of the OSCE's previous and current Special Representatives on Combating Trafficking: Ms. Biaudet, Ms. Konrad and Ms. Giammarinaro. They jointly looked back and analysed the difficulties in OSCE's anti-trafficking work from the early days of the implementation of the Action Plan, and also endeavoured to offer a road map for future activities. Among the recommendations made at the session, we took note of the reiterated need for the ODIHR to facilitate the exchange of good practices among the participating States in their anti-trafficking efforts, to promote a human rights-based approach to combating trafficking, to ensure that commitments are translated into practice, to intensively assist participating States in promulgating

laws to prevent trafficking, and to create and promote a culture of evaluation in anti-trafficking activities.

- A number of challenges were underlined during the discussion on *democratic institutions* such as corruption and lack of transparency and accountability within formal democratic institutions. Political parties continue to experience restrictions and difficulties with registration and participation in elections in the OSCE region. In addition, political parties are seen to be the most corrupt and the least trusted institutions in many participating States.
- There was a concern about politically motivated trials across the OSCE region with the *independence of the judiciary* (and its subordination to the executive) questioned. Participants called for additional reforms in the OSCE participating States to implement relevant OSCE commitments, stressing that an independent judiciary is essential to uphold *fair trial* rights and preserve public trust in the justice system.
- Participants called on participating States to fully abolish the *death penalty* in law and practice and encouraged ODIHR to continue a debate with retentionist States on this subject. Concerns were also expressed over the wide-spread nature of *torture* in the OSCE region. Furthermore, participants called on participating States to implement *counter-terrorism* measures in strict compliance with human rights and the rule of law and raised concerns regarding the lack of accountability for human rights violations committed in the fight against terrorism. Some of these allegations were made in the context of efforts by States to combat terrorism.

- On *freedom of movement*, the discussion centred mainly on the question of visa liberalization in the OSCE area.
- The discussion on *Roma and Sinti* forked along the two lines of action to be undertaken by the OSCE participating States and ODIHR. Firstly, to combat all forms of racism and discrimination against Roma and Sinti and secondly, to speed up social inclusion of Roma and Sinti at the local level.
- Challenges highlighted by participating States in the field of *migration* in the OSCE region include the need to develop and implement comprehensive integration policies for migrants in host countries and to continue combating expressions of discrimination, intolerance and xenophobia. The rising number of *asylum seekers, refugees and internally displaced persons (IDPs)* in the OSCE region was underlined. In the context of a sustainable solution for IDPs and for their protection, the OSCE was called upon to develop a new document on IDPs based on the UN Guiding Principles on Internal Displacement.
- Finally, I am glad to note that during the *project session*, a strong support was expressed for human dimension work by ODIHR and larger OSCE. As recommended by participants, the participating States and OSCE structures should specifically focus on the gap between commitments and their implementation.

Ladies and gentlemen,

This year once again, the HDIM drew the attention to some of the most serious issues in the human dimension. These can be studied in detail in the rapporteurs' reports and other recommendations contained in the HDIM consolidated summary. I hope that participating States will take this into account and follow up on recommendations as well as concerns that were expressed. ODIHR will take the HDIM recommendations into consideration in its assistance to participating States, including in the areas of legislative support and capacity-building. As noted by HDIM participants, the OSCE and its structures, in particular the Human Dimension Committee, continue to play an important role in institutionalizing and adopting a co-ordinated approach to follow-up.

In conclusion I must mention the ongoing discussion on the reform of the Human Dimension Events. We in ODIHR welcome the efforts of the Chairmanship and participating States in mapping the options of making the Events more attractive and efficient. We stand ready to support the incoming Swiss Chairmanship in continuing this discussion and we welcome the fact that the Swiss Chairmanship has included this as one of its priorities for next year.

With this, I also thank my team at ODIHR for the excellent organization of the HDIM. We will continue doing our best in supporting the participating States in implementation of their human dimension commitments.

Thank you.