

Human Dimension Seminar

Promoting effective and integral justice systems: how to ensure the independence and quality of the judiciary

21 - 23 November 2016

Warsaw, Poland

OVERVIEW OF SIDE EVENTS

As submitted by the organizers

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

The side events below have been exclusively organized and scheduled exclusively at the request of participants of the Human Dimension Seminar. The below descriptions have been provided by the organizers. They have been lightly edited by ODIHR for language but not for content. Responsibility for the content remains with the organizers. Neither the text below nor the events themselves necessarily reflect the views of the OSCE.

Tuesday, 22 November

Time: **08:15-09:45**
Venue: **Meeting Room 1**
Title: Diversity and the Judiciary: Promoting Full and Equal Participation of Women and Minorities
Convenor: OSCE Office for Democratic Institutions and Human Rights
Working languages: English, Russian

Summary: OSCE participating States have committed themselves to provide “for specific measures to achieve the goal of gender balance...in all judicial and executive bodies” (Athens 2009) and to ensure “that judges are properly qualified, trained and selected on a non-discriminatory basis” (Moscow 1991). Yet, women and minorities are often under-represented in proportion to their numbers in society at large across the OSCE region. Across the OSCE region, a lack of research and uniform, reliable statistics on diversity in the judiciary impede careful consideration of the extent, and potential consequences, of non-diverse judiciaries. Paths for entry into and promotion within the judicial profession differ from State to State, with some OSCE participating States having near gender equality on the bench. However, even where women appear as often as men in the judiciary, they are commonly found

disproportionately in lower-level courts and in “feminized” practices such as family law. The absence of uniform systems or mechanisms to prioritize diversity, and the corresponding lack of attention paid by civil society and the media in some States, further contribute to this void. Diversity in the judiciary is critical to the legitimacy of the judiciary and public perception that the justice system is fair, equal and accessible to all. The Women’s Power Breakfast will provide a platform for discussion on how to facilitate a more diverse judiciary that promotes full and equal participation of women and minorities and that addresses the needs of court end-users to protect access to justice and fair trial rights for all.

Refreshments will be provided

Time: **13:00-14:45**
Venue: **Meeting Room 2**
Title: Lack of independence of the judiciary and prosecution of Human Rights Defenders in the Eastern part of the OSCE area
Convenor: Helsinki Foundation for Human Rights
Working languages: English

Summary: The Helsinki Foundation for Human Rights and the Netherlands Helsinki Committee, together with partner organizations, would like to invite you to the side event devoted to the role of the judiciary in The Eastern part of the OSCE area. A well-functioning judiciary may be a grantor of human rights protection, acting as a shield for potential abuses by the executive power. However, the judiciary may also become a tool of human rights oppression, if there are insufficient independence guarantees. The justice system can be easily used to silence dissident voices. Both of the organizations undertook a dialogue with the International Association of Prosecutors and other stakeholders in order to seize human rights breaches by the judiciary and prosecution. The side event would constitute an opportunity to share the outcome of the organizations efforts. The event will zoom in on accountability of countries and international associations failing to abide by the principles of the rule of law. A special focus would be given on Russia and Azerbaijan.

Refreshments will be provided

Time: **13:00-14:45**
Venue: **Meeting Room 3**
Title: “The role of pro bono legal aid in advancing human rights protection”
Convenor: Legal Clinics in Poland
Working languages: English

Summary: The discussion will be an opportunity to analyse the history of pro bono legal help in Poland and its importance in human rights advocacy. The speakers will present three different perspectives on the subject: Katarzyna Gajowniczek-Pruszyńska – attorney at law, chairwomen of the Women's Rights Unit at the Polish Bar Council Sylwia Gregorczyk-Abram – attorney at law and pro bono coordinator in Clifford Chance law firm. Dorota Głowacka – lawyer, coordinator of the Helsinki Foundation for Human Rights "Observatory of Media Freedom in Poland" programme.

Refreshments will not be provided