



**HUMAN DIMENSION IMPLEMENTATION MEETING  
28 SEPTEMBER to 09 OCTOBER  
Warsaw, Poland**

**ANNOTATED AGENDA**

**BACKGROUND**

The *1992 Helsinki Document* mandates the ODIHR – as the main institution of the human dimension – to organize a meeting to review the implementation of human dimension commitments entered into by all OSCE participating States and to look at ways to enhance compliance with these commitments. Based on *Permanent Council Decision No. 476 of 23 May 2002, on the modalities for OSCE Meetings on Human Dimension Issues*, the objectives of the Human Dimension Implementation Meeting (HDIM) are to review human dimension commitments and to foster their implementation. Participants in this meeting may also evaluate the procedures and mechanisms for monitoring implementation of human dimension 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 and from civil society as well as from OSCE institutions and structures and other international organizations. In 2008, more than 1000 representatives were registered at the meeting.

The agenda for these meetings is adopted by the Permanent Council, also reflecting three special subjects to be dealt with more in-depth. For the 2009 meeting, the Permanent Council adopted the agenda in its *Decision No. 897 of 30 July 2009*. This annotated agenda is intended to provide participants with 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\\_2009.html](http://www.osce.org/conferences/hdim_2009.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](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](http://osce.org/odihr/item_11_16237.html).

## **SCHEDULE OF MEETINGS**

### **MONDAY, 28 SEPTEMBER**

**10:00-13:00**

**OPENING PLENARY SESSION**

In accordance with PC.DEC/476, “[t]he opening Plenary Session will, as a rule, be addressed by the Chairperson-in-Office, a high representative of the host country, the Director of the ODIHR, the HCNM and the RFOM. The President of the OSCE Parliamentary Assembly will be invited to address this Plenary Session. A prominent international personality in the field of human dimension may also be invited to address the opening Plenary Session.”

**15:00-18:00**

**WORKING SESSION 1**

#### **Rule of law I, including:**

- Legislative transparency;
- Independence of the judiciary;
- Right to a fair trial;
- Follow-up of the 2009 Human Dimension Seminar on Strengthening the Rule of Law in the OSCE Area, with a Specific Focus on the Effective Administration of Justice.

#### **Legislative transparency**

OSCE commitments call for legislative processes to be open and public. In order for laws to be widely accepted by citizens and thus effectively implemented, the law-making process must be open, inclusive and transparent. It must allow for public discussions and include mechanisms for ensuring that the views and input of those directly affected by the law or responsible for its enforcement are taken into consideration. Citizens and civil society groups should be offered opportunities for commenting publicly on proposed legislation. Legislative agendas and timetables should be made public well in advance of the consideration of the proposed legislation, and access to parliamentary proceedings should be subject to reasonable conditions. Full collections of legislation, primary and secondary, currently and formerly in force, should be readily available, and copies of individual instruments should be easily acquired by officials, legal representatives and members of the public.

To this end, participating States should have clearly defined rules concerning the preparation, discussion, adoption and publication of legislation which include provisions for maximum public input and transparency in the law-making process. An open and transparent law-making process is also a safeguard against the imposition of special and hidden interests and may eventually help to ensure better implementation of OSCE human dimension commitments.

Questions that could be addressed:

- What are the main obstacles to implementing OSCE commitments that improve legislative transparency?
- How can participating States ensure that the public has access to the legislative process and public documents? What techniques and instruments can be used to this effect?
- How can public acceptance of legislative proposals be enhanced?
- How can access to legislation be secured? What measures can be taken to ensure the availability of legislation in a timely manner?
- How can the OSCE, its institutions and field operations support the efforts of participating States towards greater transparency of their law-making systems?

**Independence of the judiciary**

An independent judiciary is at the core of a democratic order and the rule of law. Independence of the judiciary takes on 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 pre-requisite for performing this function.

The process of 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. Promotions in the judicial sector should be guided by fair competitions and disregard irrelevant criteria, such as conviction rates.

Case assignment procedures are vital for good court administration and also have an impact on judicial independence. Cases should be assigned randomly or through a similarly objective system that precludes preferential treatment.

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 must 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 and promoted through a transparent procedure based on qualifications and merit?
- What measures are taken to strengthen judicial integrity? What safeguards are taken to ensure that these measures do not undermine judicial independence?
- How do the participating States ensure that cases are assigned randomly or through a similarly objective system to the judges?
- 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 OSCE commitments is essential to any democratic state governed by the rule of law. Equality of arms between the prosecution and the defence is central to the realisation of fair trials. 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. Recurring concerns relate to frequent instances where defence lawyers are penalized for the lawful performance of their duties.

The question of access to justice in remote or disadvantaged areas is often related to an insufficient number of qualified lawyers. Participating States should take measures to provide this access in order to guarantee that the entire population benefits from the justice system and the remedies it provides.

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 provision of fair trial. 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. In May 2008, the ODIHR launched its *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 and the right to be represented by legal counsel after arrest or detention and during all stages of criminal proceedings?
- Is the procedural balance of powers between different actors sufficiently safeguarded? How are participating States ensuring that prosecutorial powers are in check?
- How do the participating States ensure transparent merit-based admission to the legal profession?
- How do the participating States ensure that all geographic areas are covered by legal service providers?
- What independent justice system and trial observation initiatives have been taken by the participating States and how did they contribute to the improvement of justice administration?

### **Follow-up to the 2009 Human Dimension Seminar on Strengthening the Rule of Law in the OSCE Area, with a Specific Focus on the Effective Administration of Justice**

The rule of law is strengthened by an accountable public administration. The right to effective legal remedies is emphasized in OSCE human dimension commitments. Effective legal remedies must be available for the people affected by administrative decisions.

Effective judicial review over the acts of public administration is necessary for the rule of law. Participating States employ different models to carry out this review; these include ordinary and specialized courts and chambers, as well as quasi-judicial bodies.

The scope of judicial review also differs, especially when it comes to decisions made by administrative authorities exercising their discretionary powers.

Administrative codes in a number of participating States define offences, some of which are punishable by custodial sentences. Where this is the case, the process in such cases must comply with international fair trial guarantees. Consideration should be given to eliminating criminal offences from the administrative justice system and strengthening its core function – protection of individuals against potential abuses by administrations.

Execution of court decisions is essential for effective administration of justice. It is of particular importance in administrative matters, where authorities may be compelled to enforce decisions that are unfavourable to them. Their compliance with court decisions in such circumstances is imperative for upholding the rule of law.

Questions that could be addressed:

- What legal remedies are available for citizens negatively affected by administrative decisions?
- What conditions must be satisfied to ensure effective judicial review of administrative decisions?
- What reforms proved effective in strengthening the rule of law and accountability of public administrations?
- What efforts did the participating States employ to try administrative offences by fully respecting internationally accepted fair trial standards?
- What mechanisms have been put in place by the participating States to enforce court judgments? What are the remedies for citizens to address errors in enforcement?

**TUESDAY, 29 SEPTEMBER**

10:00-13:00

WORKING SESSION 2

**Fundamental freedoms I, including:**

- Freedom of thought, conscience, religion or belief;
- Follow-up of the 2009 Supplementary Human Dimension Meeting on Freedom of Religion or Belief.

**Freedom of religion or belief**

Freedom of religion or belief is one of the most central and longstanding of OSCE human dimension commitments. Principle VII of the 1975 Helsinki Final Act commits participating States to “recognize[ing] and respect[ing] the right of the individual to profess and practice, alone and in community with others, religion or belief in accordance with the dictates of his own conscience.” During the CSCE process, this basic commitment to freedom of religion or belief was further elaborated and developed to become the most detailed and complete provision pertaining to religion of any international human rights instrument (see, e.g., Vienna Concluding Document 1989). Recent Ministerial Council Decisions, MC Decisions 4/03 (Maastricht), 12/04 (Sofia), 10/05 (Ljubljana), 13/06 (Brussels), 10/07 (Madrid), have reiterated the

importance of the commitment to freedom of religion or belief, also linking it to the promotion of tolerance and non-discrimination and to raising awareness of religious diversity, including in the area of education. A series of meetings and conferences on issues related to the promotion of respect and understanding have underscored the importance of upholding freedom of religion or belief in the fight against intolerance and discrimination.

Throughout the OSCE region, individuals, religious or belief communities and participating States face a range of issues related to freedom of religion or belief. Many individuals and communities continue to be challenged by restrictions to their rights. Problems encompass infringements of the right to change, adopt and renounce a religion or a belief, as well as limitations to the right to manifest one's religion or belief. The latter category includes disruption or prohibition of worship even in private homes as well as attacks or restrictions on places of worship.

This session will review the implementation of commitments related to freedom of religion or belief undertaken by participating States. In the implementation of their commitments, OSCE participating States can benefit from the expertise of the ODIHR's 63-member Advisory Panel of Experts on Freedom of Religion or Belief established in 1997 to provide high-level knowledge on issues related to freedom of religion or belief. The session will also look at how the Advisory Panel can further assist participating States.

Questions that could be addressed:

- To what extent are OSCE participating States fulfilling their commitments to ensure and promote freedom of religion or belief? What are the main issues or obstacles arising when implementing the commitments?
- What measures can be undertaken to further support participating States to implement their commitments? How can the ODIHR and the Advisory Panel assist participating States?
- What synergies can be found among the OSCE Institutions and Field Operations, and between the OSCE and other international actors, to promote the implementation of the commitments in the area of freedom of religion or belief?

**Follow-up to the Supplementary Human Dimension Meeting on Freedom of Religion or Belief (9-10 July 2009)**

The implementation of OSCE commitments in the area of freedom of religion or belief concerns mainly the area of the manifestation of a religion or a belief, a right that is spelled out in detail in Principle 16 of the Concluding Document of the Vienna Meeting as well as in other international instruments such as the 1981 UN Declaration on the Elimination of Intolerance and Discrimination Based on Religion or Belief. The right to profess and practice freedom of religion or belief entails and raises a complex spectrum of issues related for instance to the recognition of religious or belief communities, the relationship between religious or belief communities and states, the autonomy of religious or belief communities, and the transformation of international norms and standards into state legal and administrative frameworks. The availability of places of worship is an inherent part of the right to religious freedom and therefore is covered by the legal guarantees that protect it.

The right to freedom of religion or belief affects individuals holding religious and non-religious beliefs, majority and minority communities, although the OSCE commitments and other international standards pay specific attention to the right to non-discrimination based on religion or belief.

Questions that could be addressed:

- Which different models of recognition of religious or belief communities exist in the OSCE area? What is the role of specialized committees and ministries?
- How is the autonomy of religious or belief communities best respected? What are the main challenges encountered in respecting this commitment?
- What are the main challenges met by participating States in fulfilling their commitments regarding the status of religious or belief communities?
- What are the main challenges met by participating States in fulfilling their commitments related to places of worship?
- How best is the right to places of worship applied in a non-discriminatory manner?

15:00-18:00

WORKING SESSION 3

**Fundamental freedoms II, including:**

- Freedom of assembly and association;
- Freedom of movement;
- National Human Rights Institutions (NHRIs) and the role of civil society in the protection of human rights.

**Freedom of assembly and association**

The rights to freedom of peaceful 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. In the 1990 Copenhagen Document, the participating States reaffirmed that “everyone will have the right of peaceful assembly and demonstration” and expressed their commitment to “ensure that individuals are permitted to exercise the right to association, including the right to form, join and participate effectively in non-governmental organizations which seek the promotion and protection of human rights and fundamental freedoms, including trade unions and human rights monitoring groups”.

These two freedoms have been a frequent subject of discussion in the OSCE framework, including at previous HDIMs and Supplementary Human Dimension Meetings. Implementation of relevant OSCE commitments in national legislation and practices still poses a challenge. Civil society actors in some participating States continue to report difficulties in exercising their right to assemble and associate, either formally or informally. Overly wide interpretations of antiterrorism legislation, vaguely formulated laws on freedom of assembly and freedom of association as well as excessive powers vested in local authorities as to the application of legislation lead to a situation when these two freedoms cannot be exercised effectively.

#### Questions that could be addressed:

- Have participating States created a favourable environment for the exercise of freedom of assembly and association by means of laws and practices consistent with international standards?
- Have participating States implemented relevant recommendations from the previous OSCE meetings? What challenges are they experiencing in the implementation process?
- What are the main legal obstacles limiting the activities of NGOs and other civil society actors?
- How can undue state interference in the activities of NGOs and other civil society actors be avoided?
- When deciding the legitimacy of any restrictions on the right to freedom of assembly, do participating States' laws provide for a transparent and participatory decision-making process?
- Are there good practices of how the OSCE/ODIHR *Guidelines on Freedom of Peaceful Assembly* influenced legislation and practices in OSCE participating States?
- How can the OSCE, its institutions and field operations assist OSCE participating States in the implementation of their commitments on freedom of association and freedom of assembly?

#### **Freedom of movement**

Despite a number of specific OSCE commitments to facilitate the movement of people across borders and within their own countries, some participating States still have restrictions such as exit visas and population registration regimes that restrict freedom of movement and freedom to choose one's place of residence or freedom to leave one's country.

#### 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?
- What are the challenges in developing efficient models of population registration in the participating States? How can the OSCE assist participating States in addressing internal registration issues?
- How can participating States balance administrative conditions required for registering a place of residence while not infringing fundamental rights?
- How can the OSCE assist the participating States in implementing best practices of cross-border co-operation and humane migration management?
- How can the OSCE enhance co-operation with other actors in this field at the national and international levels?
- How can the OSCE help to ensure that issues of migration and asylum are not confused with issues of terrorism and trafficking in human beings or narcotics?

#### **National human rights institutions and the role of civil society in the protection of human rights**

Independent national human rights institutions (NHRIs) compliant with the Principles relating to the Status of National Institutions (*Paris Principles*) contribute to the promotion and protection of human rights. The importance of these institutions has



been recognized in OSCE commitments; for example, participating States have pledged to "... facilitate the establishment and strengthening of independent national institutions in the area of human rights and the rule of law..." (Copenhagen 1990). 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 civil society at large.

OSCE participating States have also stated their commitment "to ensure effectively the rights of the individual to know and act upon human rights and fundamental freedoms, and to contribute actively, individually or in association with others, to their promotion and protection..." (Copenhagen 1990). Furthermore, participating States have emphasized "the need for protection of human rights defenders", looking forward to "the completion and adoption, in the framework of the United Nations, of the draft declaration on the "Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms" (Budapest 1994). This declaration was adopted by the UN General Assembly (A/RES/53/114) in 1998.

Civil society contributes significantly to the promotion and protection of human rights and fundamental freedoms. It advances respect for human rights at the national, regional and international level. Civil society actors collect and disseminate information about human rights violations, lobby their governments and advocate greater efforts by states to implement their human rights obligations, mobilize public opinion on issues of concern, contribute to the implementation of human rights treaties, support victims of violations with legal advice, counselling and rehabilitation, and provide human rights education and training.

As the State has the primary responsibility for the protection of human rights at the national level, there is a need for continuous interaction between State organs and civil society. Several factors play an important role in ensuring a vibrant civil society positively interacting with State bodies: these include respecting the freedoms of individuals to exercise their rights; consulting with civil society on important policy decisions which may influence the human rights situation and providing protection to civil society actors. ODIHR's Focal Point for Human Rights Defenders and NHRIs was created in order to identify issues of concern, and to strengthen co-operation with national human rights institutions.

#### Questions that could be addressed:

- How can independent NHRIs be established and strengthened in accordance with relevant OSCE commitments and the UN *Paris Principles*?
- How can the relationship between civil society, including human rights defenders, and independent NHRIs be strengthened?
- How can NHRIs support civil society more effectively?
- What challenges do civil society actors and human rights defenders face in the OSCE region?
- What opportunities do OSCE participating States create to facilitate the work of civil society? How can these opportunities be further reinforced?

- How can the OSCE, its institutions, and field operations assist participating States in ensuring particular support and protection to human rights defenders in the countries where they are under threat?

## **WEDNESDAY, 30 SEPTEMBER**

**10:00 – 13:00**

**WORKING SESSION 4**

### **Rule of law II, including:**

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

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

Out of 56 OSCE participating States, two continue to carry out executions. In the Vienna Document of 1989, those 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:

- Have any developments occurred in the OSCE region over the past year regarding the abolition of the death penalty or the introduction of moratoria?
- 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 steps are needed in law and practice to ensure that international legal obligations on the use of the death penalty are observed?
- How can the availability of statistics on the use of the death penalty (including sentences and executions) be improved?
- What standards and good practices should be observed by OSCE participating States that have a moratorium on executions in place?

### **Prevention of torture**

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 is reflected in the Copenhagen Document of 1990. In the Istanbul Charter of 1999, the OSCE participating 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 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.

A 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 national bodies, supported by visits from an international Subcommittee on Prevention of Torture created under the Protocol. The participating States were urged to give early consideration to signing and ratifying this Protocol in a MC Decision 12/05.

The latest ODIHR online publication *The Fight against Torture: OSCE Experience* was made available in June 2009. It contains an overview of the OSCE's torture prevention work, suggests a strategy for the organization's field operations working on the issue and provides best practices from participating States in their effort to establish national preventive mechanisms according to the OPCAT.

Questions that could be addressed:

- What steps are those OSCE States who are parties to the OPCAT taking to establish national preventive mechanisms and enact effective implementing legislation?
- 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 such sectors as law enforcement personnel, the judiciary and detention centre staff?
- What mechanisms, including disciplinary proceedings, exist in participating States to ensure that allegations of torture and ill-treatment are investigated in a transparent and impartial manner and punished appropriately?

**Protection of human rights and fighting terrorism**

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

Many human rights and fundamental freedoms have been impacted by counter-terrorism strategies and practices. The right to be free from torture, cruel, inhuman or degrading treatment or punishment is, for example, absolutely protected yet continues to be debated. Another right which may be affected is the right to liberty and security of the person, which includes, *inter alia*, a prohibition on arbitrary or unlawful detention; the right to be informed of the reasons for arrest or detention; and the right to challenge the lawfulness of the detention and release where a court decides that the detention is unlawful (considered one of the most important safeguards of a person's freedom). Freedom of religion or belief, which protects an individual's right to practice his or her faith without the interference of state authority, may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, morals or the fundamental rights and freedoms of others. Each individual should be free to pursue the faith of his or her choosing without being suspected of

extremism on the basis of their religious beliefs.

Other rights, such as the rights to equal treatment and non-discrimination, due process rights, the right to a fair trial, rights of free expression, association and assembly, as well as rights of privacy and property may also be impacted. The full spectrum of these rights is covered by the OSCE human dimension commitments, and participating States have committed themselves to fully protecting them (Moscow, para. 23, i-ix), including specifically within the context of combating terrorism (Bucharest Plan of Action for Combating Terrorism (2001) para. I.3; OSCE Charter on Preventing and Combating Terrorism (2002), paras. 5, 7).

Questions that could be addressed:

What steps are being taken by participating States to ensure that:

- counter-terrorism practices do not violate the right to be free from torture and to ensure that there is no interference with the absolute protection afforded by this right?
- the principle of non-refoulement and the right to appear before a judge are respected in all extraditions or transfers of individuals between jurisdictions?
- persons suspected of terrorism are not being held in detention arbitrarily, unlawfully, incommunicado, without access to a lawyer or without remedy?
- counter-terrorism practices are subject to judicial review and/or parliamentary oversight?
- counter-terrorism practices respect human rights and fundamental freedoms and that limitations of these rights are legitimate and proportionate to the situation?

15:00-18:00

WORKING SESSION 5

**Tolerance and non-discrimination I**, including:

- Address by the OSCE High Commissioner on National Minorities;
- National minorities;
- Preventing aggressive nationalism, racism and chauvinism.

**National minorities**

The OSCE High Commissioner on National Minorities has developed an approach to minority issues that can be broadly summarised as “integration with respect for diversity”. This approach, which excludes on the one hand forced assimilation and on the other separation, informs the direction which most of the High Commissioner’s recommendations follow.

Integration is a two-way process that requires action by and respect of both the majority and minority communities. It, thus, implies a commitment by minorities to participate and engage in public life as well as an obligation on the side of the State to create conditions which enable the minority to actively participate. Education is crucial for this process because it plays a central role in forming the views and attitudes of majorities and minorities to other groups. It is one of the principal tools to create the necessary conditions to on the one hand, allow a child to develop its distinct identity as member of a particular minority while on the other, provide children with the ability to fully participate in the society's economic, social and political spheres.

Disregarding the role of education as a tool for integration may hinder the development of a cohesive society. Integrated education is a very effective means of bringing communities together and developing mutual understanding. Segregated education can provide a breeding ground for stereotyping and the development of hostility between groups. In this context, creating the conditions for integration through education has strong conflict prevention potential.

Unfortunately, the HCNM has noted an increased tendency towards segregated education along ethnic lines in several areas of the OSCE. Such a development has clear negative implications for both majority and minority communities. A segregated society will not only limit the individuals' possibility to reach their personal and professional potential to their fullest, but will also endanger social cohesion, prosperity and stability of society at large, leading ultimately to a situation of tension between different groups and possibly to conflict. It also often translates into weak or non-existent knowledge of the State or official language among minorities. In addition, segregated education often creates an impression in the majority's mind that minorities are a foreign, alien body in the state. In schools formed along ethnic lines, children rarely immerse themselves in each other's culture, traditions and ways of looking at the outside world.

Fully integrated education may not always be possible and may be particularly difficult to achieve in regions where minorities live in compact settlements, especially in post-conflict areas. Some persons belonging to national minorities may also for religious or cultural reasons be strongly attached to separate education. In these cases, States should make deliberate efforts to promote contacts between minority and majority students through extra-curricular activities and exchanges with other schools to foster understanding and respect for others.

In multi-ethnic societies and in particular in situations where States opt to keep separate minority schools, language education faces particular challenges. If persons belonging to minorities are to integrate successfully into a multi-ethnic society they need to acquire fluency in the State language. At the same time, minorities have the right to study and develop their skills in their own mother tongue. Unfortunately, it is frequently the case in minority schools that the entire school curriculum is taught in a minority language, often combined with inadequate teaching of the State language, while majority schools ignore minority languages and culture.

In response to this challenge, the HCNM has been a strong advocate of bilingual or multilingual education – i.e. teaching of subjects in different languages, normally the minority language and the State language. The Hague Recommendations on Education Rights for National Minorities provide a model for bilingual education with a gradually increasing emphasis on the State language. The emphasis on the increasing use in later stages of the State language, not just as a taught subject but as a medium of education, reflects the advantages of learning a language by using it rather than through traditional methods of learning grammar and word lists. In later stages, such methodologies may help provide multi-ethnic societies with the language abilities required for cohesive society where minorities may integrate and gain equal access to university education while at the same time enjoying opportunities to learn, speak and develop their minority language.

#### Questions that could be addressed:

- How can states ensure that schools become a meeting place which cuts across ethnic, social and religious boundaries in such a way that it promotes understanding among all citizens and supports the cohesion of society?
- How can states ensure that minorities receive mother-tongue education and at the same time adequately learn the State language so that they can have access to third level education if they so wish and become active participants in the societies where they live?
- Multilingual or bilingual education requires special teaching techniques and methodologies. Examples of good practices in the implementation of such methodologies can be given.
- In situations where fully integrated education is not currently possible, what options are available to States and communities to promote contacts between young people from majority and minority communities?

#### **Preventing aggressive nationalism, racism and chauvinism**

The determination of the OSCE participating States to combat aggressive nationalism, racism, 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, racism and chauvinism 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 while respecting the rights of freedom of expression, assembly and association. 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, racism and chauvinism? 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?

## THURSDAY, 1 OCTOBER

10:00-13:00

WORKING SESSION 6

### **Humanitarian issues and other commitments I, including:**

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

OSCE commitments require protection of the rights of trafficked and exploited persons and encourage participating States to create inclusive national anti-trafficking structures that develop and implement policy on trafficking in close co-operation with civil society, which represents the needs of trafficked persons. Many OSCE participating States have made considerable progress in developing such structures in the form of 'National Referral Mechanisms'. Notwithstanding this progress, the central aim of an NRM, being to protect the rights of trafficked persons from identification through to return to one's country of origin, is still not fully achieved. If psycho-social assistance is generally available in most countries to identified trafficked persons, opportunities to access justice, including compensation for the harm suffered, and be returned in a safe, dignified and sustainable manner to one's country of origin, are not available to many trafficked persons.

OSCE documents call on the OSCE participating States to strengthen the right of victims to compensation from the trafficker and provide for an award for damages suffered, including restitution of wages (the OSCE Action Plan to Combat Trafficking in Human Beings Chapter III, s.1.5 and MC Decision 8/07 para 7). Compensation through criminal proceedings is the most widespread avenue for compensation claims, but is currently not widely used as trafficked persons are not informed or supported in claiming this right. An equally important avenue for compensation is through civil remedies. These enable trafficked and exploited persons to take their claims to court independently, irrespective of whether or not a criminal case is opened, and demand their unpaid wages and compensation for moral and material damage. More effort is needed to support victims in claiming these entitlements – not least through ensuring that adequate information and legal assistance is available.

With respect to safe return, the OSCE Action Plan to Combat Trafficking in Human Beings recommends that States ensure "due process in all return and removal proceedings, taking into account a humanitarian and compassionate approach" (Chapter V, s. 7.2). The MC Decision 14/06 further urges the States to conduct "risk assessments to ensure that the return of victims is done with due regard for their safety". But in the absence of opportunities and legal advice to claim their status as victims of trafficking in proceedings to remove irregular migrants, many victims of trafficking remain unidentified, are detained, expelled from countries of destination and subject to re-entry bans. Even where victims are identified and assisted they are mandatorily required to leave destination countries after expiry of any residence entitlement issued during criminal proceedings. In these cases States do not conduct risk assessments and so fall short of ensuring that their return is safe and sustainable and for those victims not wishing to return home, they may be subject to forcible removal. Little effort has so far been made to monitor the reintegration of returnees

and concerns with re-trafficking remain widespread. States need to examine their return practices and bring them in line with the existing commitments.

Questions that could be addressed:

- What measures have States taken to implement the OSCE Action Plan and other commitments to improve the rights of access to justice and safe return for trafficked and exploited persons?
- What good practices have States developed to improve compensation of trafficked and exploited persons?
- Do States ensure that victims of trafficking, without authority to remain in the country, are granted the right to stay and pursue legal claims against their traffickers in civil or labour proceedings?
- How do states ensure that trafficked and exploited persons are given opportunities to be identified as persons with legal claims in the country amongst irregular migrants in the process of returning them to countries of origin?
- How do States ensure that the return of victims of trafficking to countries of origin is safe, dignified and sustainable?
- What measures have States taken to tackle the phenomenon of re-trafficking?

15:00-18:00

WORKING SESSION 7

**Tolerance and non-discrimination II, including:**

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

**Equality of opportunity for women and men**

The OSCE participating States have committed to promoting equality between women and men as an essential element for achieving a more peaceful, prosperous and democratic OSCE region. Based on these and other international commitments, significant reforms have been undertaken by many OSCE participating States, including the adoption of legislation for combating gender-based discrimination and violence against women, development of various policy instruments and establishment of national institutions mandated to promote gender equality and undertake comprehensive gender-mainstreaming of all public policies and programmes. Nevertheless, in many parts of the OSCE region concerns still remain in the field of women's enjoyment of de facto equality in public and private spheres, often compounded by harmful gender-based stereotypes regarding the role of women in public and private spheres, direct and indirect discrimination, lack of effective anti-discrimination and appeals mechanisms, under-representation of women in governance structures and decision-making positions across all public institutions.

Participating States should take comprehensive measures to identify and eliminate gender-based discrimination and should develop effective policy mechanisms to implement, monitor and evaluate actions for promoting gender equality in all areas of public and private spheres. These actions should ensure that participation of women is fostered across all areas of public life and in all public institutions, and policies and



programmes should aim at recruiting, retaining and promoting women within institutions where they are underrepresented.

This session will serve to identify a number of recurrent challenges in the OSCE participating States in promoting effective equality of rights and opportunities among women and men, and will aim at furthering the dialogue on the implementation of the existing OSCE and other international commitments in this field.

Questions that could be addressed:

- How are the OSCE participating States implementing their commitments to ensure equal opportunities for men and women in all areas of public and private spheres?
- What progress has been achieved in developing effective legal and non-discriminatory policy frameworks?
- Are the existing policies being translated effectively into practice? What challenges have been identified in the process of the implementation?
- What measures are participating States taking to ensure that women are fully enfranchised in the democratization process, in particular through participation in political processes?
- How are the political parties as gatekeepers of women's political participation addressing the need for promoting women's political participation?
- What good practices exist in increasing the number of women in security institutions, including the identification of policies and programs that are aimed at recruiting, retaining and promoting them?
- What is the experience of participating States in developing functioning national mechanisms for equal opportunities among women and men? What are the particular good practices in this field that may serve as models for gender equality reforms elsewhere?

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

The OSCE Action Plan for the Promotion of Gender Equality is the key document that provides for a comprehensive framework for action to promote equality of rights and opportunities among women and men and to ensure effective gender-mainstreaming of all activities and structures across the Organization.

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 across all dimensions. Important lessons learnt and recommendations for enhancing the implementation of the Action Plan will be identified.

Questions that could be addressed:

- How can the OSCE ensure, in practice, systematic and consistent integration of a gender perspective in all its activities, policies, and decisions, including all three dimensions of the organization's work?
- 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 best practices can be identified from various participating States in their endeavours to promote the implementation of the OSCE Action Plan at the national

level (namely, in the fields of promoting non-discriminatory legal and policy frameworks, preventing and combating domestic violence, fostering equal opportunity for participation of women in political and public life, encouraging women's participation in conflict prevention, crisis management and post-conflict rehabilitation activities, promoting equal opportunity for women in the economic sphere, and building national mechanisms for the advancement of women)?

### **Prevention of Violence against Women**

Violence against women is the most severe form of gender-based discrimination and is rooted in structural inequalities between women and men, including unequal power relations and the history of impunity for perpetrators. Key policy objectives for participating States in combating violence against women include the adoption of the most effective measures possible to prevent violence against women from occurring as well as the provision of immediate and long-term measures to ensure the safety and security of the victims of violence against women and the provision of the necessary support and assistance to address their needs. The broad concept of protection, therefore, should be understood to include comprehensive and integrated protection and support services to assist survivors of violence. Several participating States in the OSCE region have authorized such measures through the adoption of comprehensive legal instruments for combating various forms of violence against women and are successfully implementing a wide range of approaches. Many other participating States and various national stakeholders are currently contemplating possible legal and policy reforms to address these needs.

The discussion during this session will focus on reviewing existing practices in the provision of protection measures to victims/survivors of violence against women, investigation and prosecution of perpetrators of violence against women; and implementation of prevention measures, including measures to combat gender-based discrimination and inequalities, as well as targeted awareness-raising campaigns.

#### Questions that could be addressed:

- What measures are being undertaken by the OSCE participating States to provide effective protection and support services to victims/survivors of violence against women, including the establishment of functioning victim assistance and rehabilitation facilities such as safe shelters and hot-lines?
- How are the OSCE participating States ensuring the commitment to investigate and prosecute cases of violence against women, at the same time addressing the need for appropriate treatment for perpetrators?
- What are the existing good practices in the OSCE region on the role and responsibilities of police authorities when responding to calls regarding violence against women?
- What measures are being undertaken to empower women, through legal literacy, awareness-raising campaigns, psycho-social support, and other forms of capacity building in order to prevent violence against women?
- What measures are being taken to prevent and protect women and girls from gender-based violence during and after armed conflict and emergencies? How can pS ensure that there is no impunity for gender based violence during conflict?

## FRIDAY, 2 OCTOBER

10:00-13:00

WORKING SESSION 8

### **Specifically selected topic: Human Rights Education**

Human rights education (HRE) is education, training and information is aimed at building a universal culture of human rights. A comprehensive education in human rights not only provides knowledge about human rights and the mechanisms that protect them, but also imparts the skills needed to promote, defend and apply human rights in daily life.

In March 2004 the OSCE Supplementary Human Dimension Meeting devoted to human rights education and training took place in Vienna. The meeting aimed at consolidating ongoing efforts to promote human rights education and training in the OSCE region (with a focus on formal and informal human rights education, human rights education in school curricula, human rights education and training of public officials). During the 2008 HDIM a Special Day was dedicated to Education and awareness-raising in the promotion of human rights, allowing the participants to discuss a range of issues related to human rights teaching in schools and in non-formal settings. One of the main recommendations of these past human dimension events was that the OSCE institutions and field operations should continue bringing together governments and civil society on initiatives aimed at human rights education and training. This Special Day provides an opportunity to review the recent work of the OSCE in the area of HRE, and the ways in which HRE contributes to greater security through conflict prevention and reconciliation.

ODIHR, together with partner intergovernmental organizations (UNESCO, UNOHCHR, CoE) has developed a resource entitled “*Human Rights Education in the School Systems of Europe, Central Asia and North America: A Compendium of Good Practice*”. This resource compiles 101 exemplary practices from 38 countries in the OSCE area which represent educational approaches to deal with numerous human rights issues confronting contemporary societies, including human rights violations and abuses, post-conflict tensions, conflict resolution, and intolerance. This compendium of good practices may serve as a primary point of reference for the whole HDIM Special Day and particularly for working session 8.

### Questions that could be addressed:

- What are the main achievements of the implementation by the participating States of their key commitments in the area of human rights education and training?
- What particular features make a practice in the field of human rights education good?
- What good practices exist in the area of HRE and education for conflict prevention and reconciliation in the OSCE participating States both in formal and non-formal education, for youth and for adults?
- What has been the OSCE contribution to the first phase of the on-going World Programme for Human Rights Education and how can its involvement strengthen the planned second phase of the World Programme?

**Specifically selected topic: Human Rights education** (continued):

The term “human rights education” is often used as an umbrella term to include also education for democratic citizenship/citizenship education, education for mutual respect and understanding, education for conflict prevention and reconciliation (or peace education), and others. All these areas of education are based on internationally-agreed human rights standards and are seen as interconnected and essential within educational systems and in non-formal education in order to prepare young people but also adults to be active, responsible and caring participants in their communities as well as at the national and global levels. Working session 9 of the Special Day will focus on HRE and education for conflict prevention and reconciliation (ECPR). The latter involves education and training that aims to prevent violence, promote conflict resolution, shape active citizens who stand up to protect and promote the rights of others, and build societies based on respect for human rights and dignity as a prerequisite for long lasting security and stability.

HRE and ECPR are powerful tools to combat inequality, prevent human rights violations, preserve peace and build mutual respect and understanding. OSCE commitments in the field of education and awareness-raising go back to the Helsinki Final Act in which States committed to publishing and disseminating the text of the Final Act. In the Moscow Document (1991), OSCE participating States agreed on the fundamental role of human rights education and recognized as essential that their citizens are educated about human rights and fundamental freedoms. The relevant commitments on HRE and ECPR were further expanded in later OSCE documents: Istanbul Charter for European Security (1999), OSCE Strategy to Address Threats to Security and Stability in the Twenty-first Century, MC Decision 4/03 on Tolerance and Non-Discrimination, MC Decision 11/05 on Promotion of Human Rights Education and Training in the OSCE Area, and the Cordoba and Edinburgh Declarations. HRE was particularly mentioned as an important means to “promote and enhance tolerance, co-existence and harmonious relations between ethnic, religious, linguistic and other groups, [to] provide early warning of and appropriate responses to violence, intolerance, extremism and discrimination of these groups, [and to] promote respect for the rule of law, democratic values and individual freedoms” which is key to the OSCE’s approach to combating and preventing terrorism (OSCE Bucharest Plan of Action (2001)).

The purpose of the Working Session 9 is to raise awareness of OSCE participating States and civil society about existing commitments in the area of human rights education and education for conflict prevention and reconciliation, and discuss ways to address the current challenges by means of quality human rights education and education for conflict prevention and reconciliation, and in particular how the OSCE can contribute to building long-term security by becoming more active in these areas of education.

Questions that could be addressed

- What are the practical and theoretical connections between HRE and education for conflict prevention and reconciliation and how is this reflected in educational practices?

- How can education for conflict prevention and reconciliation contribute to long-term security in the OSCE area?
- How can state institutions and non-governmental organizations cooperate effectively on human rights education and education for conflict prevention and reconciliation?
- What practical steps could be taken to ensure strategic thinking about human rights education and training in participating States?
- How can ODIHR address existing challenges and support the efforts of the OSCE participating States in the area of human rights education and education for conflict prevention and reconciliation?

## **MONDAY, 5 OCTOBER**

**10:00-13:00**

**WORKING SESSION 10**

### **Tolerance and non-discrimination II (continued):**

- Review of the implementation of commitments, promotion of mutual respect and understanding
- Prevention and response to hate crimes in the OSCE area;
- Follow up of the 2009 Supplementary Human Dimension Meeting on Hate Crimes – Effective Implementation of Legislation;
- Combating racism, xenophobia, and discrimination, also focusing on intolerance and discrimination against Christians and members of other religions;
- Combating anti-Semitism;
- Combating intolerance and discrimination against Muslims.

Racism, xenophobia, anti-Semitism, discrimination and intolerance, including against Muslims, Christians, Jews and others, is a major challenge to social cohesion and human rights across the OSCE region. In response to this, participating States have committed to combating intolerance and discrimination and promoting mutual respect and understanding under the Ministerial Decisions on Tolerance and Non-Discrimination made in Maastricht, Sofia, Ljubljana, Brussels and Madrid. These decisions have included commitments to take positive steps such as awareness raising, developing educational tools, encouraging the establishment of national institutions and specialized bodies, and responding to hate crimes effectively and cooperating with civil society.

The aim of this session is to review the implementation of OSCE commitments related to tolerance and non-discrimination, by examining challenges, good practices and lessons learned in this area. In particular, the measures taken to prevent and respond to hate crimes, including strengthening hate crime legislation, data collection, training of law enforcement officers and co-operation with non-governmental organizations will be assessed. A forward-looking approach will be adopted in order to discuss how the existing frameworks, approaches and mechanisms of participating States can be improved in order to more effectively combat violent manifestations of all forms of intolerance and discrimination.

Questions that could be addressed:

- To what extent have participating States implemented their commitments pertaining to tolerance and non-discrimination?
- What are the existing initiatives and planned activities of participating States to promote tolerance and non-discrimination and combat racism, xenophobia, anti-Semitism and other forms of bias and prejudice?
- In particular, what steps have recently been taken by participating States to strengthen their legislation, data collection mechanisms and law enforcement response pertaining to hate crimes? What are the barriers participating States face in this area? How can these be overcome?
- What challenges do participating States face in preventing and responding to violent manifestations of prejudice and intolerance? How are these challenges being met?
- How can ODIHR and other OSCE institutions, including the three Personal Representatives of the Chairperson-in-Office on tolerance and non-discrimination issues, better support OSCE participating States in implementing their commitments on tolerance and non-discrimination?

**Follow-up to the Supplementary Human Dimension Meeting on “Hate Crimes – Effective Implementation of Legislation”**

At the 2003 Maastricht Ministerial Council Meeting, OSCE participating States recognized the importance of legislation to combat hate crimes and made a commitment to consider strengthening legislation relating to hate crimes, and to seek ODIHR’s assistance in the review and drafting of such legislation.

Hate crime laws explicitly provide for increased penalties for crimes motivated by prejudice or bias towards the victim based on their membership of a racial, ethnic, religious or other group. Where States have well-drafted laws which respond to the specific manifestations of hate crimes in their community, there is a greater chance of improving the response and of preventing escalation of individual crimes into a major social problem. Such laws serve a number of purposes. First, they indicate social condemnation of crimes motivated by prejudice; second, they indicate to the victim that their experience has been recognized by the state. Third, they indicate to the perpetrator that their behaviour is particularly unacceptable.

Hate crimes are unusual in that they require investigation and proof of motive. This can be difficult, especially as motive can only be proven by reliance on inferences and circumstantial evidence. Thus, police and prosecution need to be trained in special investigation and prosecution techniques in order to correctly identify, properly investigate, and gather sufficient evidence to prove hate motivation.

Questions that could be addressed:

- What kind of legislation is best suited to addressing the problem of hate crimes? In this context, what measures can participating States take to prevent the occurrence of hate crimes?
- What steps can OSCE participating States undertake to raise the awareness of law enforcement agencies, prosecutors and judges on how to respond to hate crimes?

- What institutional mechanisms can facilitate improved responses to hate crime by law enforcement? Are specialized prosecution and investigation units an effective approach?
- How can OSCE participating States ensure cooperation between law enforcement agencies on national and international level to combat organized violent hate groups?
- How can States co-operate with community organizations in the field of combating hate crimes, and what are the positive benefits of such co-operation?
- How can the victim's perspective be better integrated into the response of law enforcement?

15:00-18:00

WORKING SESSION 11

**Humanitarian issues and other commitments, including:**

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

**Migrant workers, the integration of legal migrants**

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, during an economic downturn, migrants' are particularly vulnerable and they can become victims of negative stereotyping. The economic recession impacts disproportionately their wages, working conditions and unemployment levels, meanwhile those migrants who return to their country of origin rarely receive adequate support from their states. Intolerance towards migrants threatens social cohesion and can easily become a security issue for the OSCE region.

Overall, the implementation of legislation prohibiting discrimination against migrants and awareness-raising within host societies on migrants and their role in and contributions to the society are essential. Well-established specialised institutions of law enforcement and an easily accessible support system for victims of discrimination and exploitation are additional key pillars to protect migrants' rights. Providing opportunities for migrants to engage more fully in the economic and public life of the host society is also a very important determinant of their empowerment. Measures such as inclusive citizenship laws, language education, orientation to community services and health care can be taken to strengthen this development. A comprehensive approach to migration management, taking into account co-operation between countries of origin and destination, will provide a basis to deal with migration-related challenges.

The aim of this session is to review the implementation of the OSCE commitments on the protection of the human rights of migrants and to assess the current situation and challenges within the OSCE region in light of the economic crisis. This session can also be used to highlight and to follow up on the OSCE Supplementary Human Dimension Meeting on The Role of National Institutions against Discrimination in Combating

Racism and Xenophobia in 2008, the OSCE Human Dimension Seminar on Migration and Integration of 2005, the 2005 OSCE Economic Forum on Demographic Trends, Migration and Integrating Persons belonging to National Minorities and the 2009 OSCE Economic and Environmental Forum.

Questions that could be addressed:

- Are participating States establishing interstate dialogue between countries of origin and countries of destination?
- How do the participating States ensure that migrant workers enjoy equal rights with native workers with respect to access to employment and social services?
- What are the participating States doing to provide migrants with the opportunity to participate in the public life of the receiving society?
- Are the participating States making sufficient efforts to provide information to migrants in their own languages on their civic rights and obligations?
- What are examples of legislation aimed at preventing structural and institutional discrimination against migrants?
- Are 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?
- What are participating States doing to reintegrate returning migrants?

**Refugees and Displaced Persons**

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. International protection can only be provided if asylum-seekers have access to the territory of States where their protection needs can be assessed properly. The plight of refugee women and children is an issue that OSCE has been paying attention to in conflict-affected areas.

The primary responsibility for providing for the security and well-being of internally displaced persons (IDPs) lies with national authorities, who must protect and respect their human rights and fundamental freedoms including regarding their physical security, in accordance with their obligations as parties to international human rights treaties and with their OSCE commitments. 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. During the Maastricht Ministerial, participating States recognized the UN guiding principles on internal displacement as a "useful framework for the work of the OSCE and the endeavours of participating States in dealing with internal displacement". 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 prohibition of forced return is one of the cornerstones of protecting IDPs. They 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 must be consistent with each State's international human right obligations and national constitutions.

OSCE Field Operations in conflict and post-conflict areas provide support to resolve the problematic situation of IDPs and refugees and monitor their safety and human rights, especially during their return. Assistance is crucial in the development of appropriate strategies for voluntary return or resettlement, minority protection, property restitution, and reintegration of refugees and displaced persons in their places of origin.

Questions that could be addressed:

- 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 have States set up to protect refugees and IDPs from forced return to unsafe conditions?
- What are States doing to make border controls more sensitive to the rights and safety of refugees?
- Which mechanisms have States set up to protect refugees in transit?
- 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 and refugees?
- How do participating States facilitate the voluntary return in safety and dignity, or, if IDPs wish, the resettlement and (re)integration of IDPs?
- How can participating States effectively address and resolve prorated refugee situations?
- How do 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 do States ensure that long-term IDPs enjoy equal rights with other citizens with respect to access to employment, health care, social services and education?
- 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?
- In what way can States share the responsibilities for refugee protection?

**Treatment of citizens of other participating States**

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

accordance with their national laws.

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

Questions that could be addressed:

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

## TUESDAY, 6 OCTOBER

10:00-13:00

WORKING SESSION 12

### **Specifically selected topic: Freedom of expression, free media and information**

Numerous OSCE commitments are aimed 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. The special day on media freedom will focus on the following topics:

- Acts impeding media freedom, including harassment, detention or violence against journalists.
- The chilling effect of state prosecution investigating media professionals, the excessive punishment in defamation cases, and the use of extremism laws.

### **Acts impeding media freedom, including harassment, detention or violence against journalists**

This session aims to raise attention to the frequency of violent acts committed against journalists in the OSCE area, and discuss the role of the authorities in carrying out successful investigations and thereby protecting free media. In the last years, an unprecedented surge in killings of journalists dominated the news on media in the OSCE region. The majority of these victims were deliberately targeted in retaliation for their journalistic work. In several OSCE countries, evidently, journalism remains a dangerous profession.

The authorities' handling of such cases has not been encouraging. As stressed by the Representative on Freedom of the Media (RFOM) on numerous occasions, attempts at silencing critical voices with the help of violence should be seen and handled by law enforcement not as ordinary crimes, but as acts aimed to undermine the basic democratic value of free expression, censorship in fact. Impunity in such cases will only provoke further violent cases against media workers and becomes a formidable obstacle to uninhibited journalism. Furthermore, in the last several years, few high-profile cases of murdered journalists resulted in charges being brought against the masterminds. In most cases, not even the perpetrators could be found or punished. Without a major overhaul of the treatment by the law enforcement of violence against journalists, true freedom of the press will remain jeopardized by fear of covering issues such as corruption and human rights.

### **The chilling effect of state prosecution investigating media professionals, the excessive punishment in defamation cases, and the use of extremism laws**

The past years saw deterioration not only in the physical security of journalists, as noted above, but also in the legal protection of critical speech. On numerous occasions the RFOM called for the abolition of undue restrictions on free speech and reporting, stressing the chilling effect they exercise on media freedom.

Laws allowing for arbitrary, politically motivated restrictions on dissenting or offensive speech, including on the Internet, endanger free speech as effectively as violence does. They range from labelling as 'extremist' the reporting, debates, or criticism on controversial issues to criminalization of historical or religious disputes. These tailor-made bans come in addition to the criminalization of 'defamation' and 'breach of secrecy', which still continues to harm professional journalism in many countries. This is why RFOM continues to urge governments to abstain from arbitrary restrictions on discourse in society, and grant broad protection to the right of discussing, dissenting, even deriding, all of which are crucial in democratic societies.

Additionally, we saw cases of dubious 'criminal' or administrative charges against journalists or outlets covering political or social issues or holding a critical opinion of their government. In these cases, law enforcement and civil servants, far from complying with their democratic vocation to protect freedom and safety of journalism, are assuming a role in suppressing society's right to free discussion.

Questions that could be addressed:

- Are OSCE participating States fulfilling their commitments to ensure freedom of expression, information and free media?
- What are the good practices to help the media fulfil their role as the informer of the public?
- 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?
- How can the safety of journalists encourage the professional development of the media?
- How can we simultaneously preserve freedom of the media 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 does new legislation aimed to regulate the Internet affect media freedom?
- What is the danger in extremism provisions?
- What should be the participation of the civil society in media freedom advocacy?
- What is the situation regarding decriminalization of libel in the OSCE area? What are the main guidelines to follow when determining the sanctions of civil libel cases?

15:00-18:00

WORKING SESSION 13

**Specifically selected topic: Freedom of expression, free media and information** (continued)

## WEDNESDAY, 7 OCTOBER

10:00-13:00

WORKING SESSION 14

### **Specifically selected topic: Roma and Sinti and, in particular, early education for Roma and Sinti children**

As observed in the ODIHR 2008 Status Report, the implementation of the Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area (MC Decision 3/03) continues to be lacking. In particular, one of the long-standing problems affecting Roma and Sinti is their lack of equal access to education. There is a wide gap between the education level of Roma and Sinti and that of the majority population, which in some countries appears to be widening. It is widely recognized that addressing this major issue is perhaps the only way to overcome the vicious circle of poverty and exclusion of Roma and Sinti from societies in which they live.

MC Decision 6/08 on Enhancing OSCE Efforts to Implement the Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area is guided by the idea that there is a need to invest more in and prioritize the strategic area of access to early education, which has the potential to lead in the long run to a breakthrough in the situation of Roma and Sinti.

This Special Day's sessions are dedicated to the topic of participation of Roma and Sinti children in early education processes, through the framework and perspective of the MC Decision 6/08 and the tasks given to participating States to provide for equal access to education and to promote early education for Roma and Sinti children.

Many studies and reports show that a large number of Roma pupils do not continue their studies beyond primary education, so that their representation in secondary and higher education is very low. There is a disproportionate number of Roma children in special schools meant for children with disabilities and learning difficulties, in which the quality of education is often substandard. The same inferior level of education is received by Roma children in Roma-only segregated classes or schools, where teaching is delivered mostly by unqualified and unmotivated staff, in substandard facilities. These phenomena reflect the lack of capacity within education systems to deal with the needs of Roma and Sinti children.

The purpose of this session is to understand the nature and scale of the problem of low participation of Roma and Sinti children in early education processes. Participating States are encouraged to share information about the policies and initiatives they have implemented to address this issue, focusing on any steps proven to promote enrolment and successful participation of Roma and Sinti children in early education. States are encouraged to share the results of evaluation of these initiatives and their effectiveness.

#### Questions that could be addressed:

- What is the extent and nature of the phenomenon of non-participation of Roma and Sinti children in early education, and how does the lack of such early education impact on subsequent school participation and performance?

- What are the main problems and obstacles affecting the capacity of Roma and Sinti parents to enrol and support the continuous participation of their children in early education?
- What measures have been undertaken by the responsible authorities to address those obstacles preventing Roma and Sinti from equal access to education, including early education, and what are the results obtained thus far?
- What is the mandate and responsibility of regional and local authorities to provide for and ensure equal access of Roma and Sinti children to early education?
- What policies have been developed and/or measures undertaken by national, regional and local authorities to foster enrolment and participation of Roma and Sinti children in early education, and what are the good practices in this regard?

15:00-18:00

WORKING SESSION 15

**Specifically selected topic: Roma and Sinti and, in particular, early education for Roma and Sinti children** (continued):

The afternoon session will facilitate the exchange of information and sharing of experiences and good practices at national, regional and local levels, implemented by state authorities and/or by other stakeholders, promoting and facilitating equal access and participation of Roma and Sinti children to early education. Focus will be placed on achievements, lessons learned, encountered obstacles and solutions found to overcome them, all of which could be of valuable support and inspiration for other countries engaged in similar endeavours.

The ODIHR Contact Point for Roma and Sinti Issues will present its activities, as well as of those planned to support implementation of the MC Decision 6/08. An analysis based on the results of a data collection exercise facilitated by an ODIHR questionnaire sent to participating States and to civil society, focusing on access and participation of Roma and Sinti children in early education, will be shared and discussed, offering participants the opportunity to better grasp the issue at stake and its related challenges. Examples of initiatives implemented by international organizations will be presented.

It is generally agreed that in order to achieve the goal of effecting wide participation of Roma and Sinti children in early education, it is expected that national, regional and local authorities will take a more proactive approach, *inter alia* by ensuring that adequate financial, institutional and human resources are provided, and that the relevant legislation is, to this end, fully and effectively used.

Questions that could be addressed:

- What initiatives, at the national and local level, as implemented by state authorities and/or by other stakeholders, have been successful in addressing the issue of non-participation of Roma and Sinti children in early education?
- What are the lessons learnt and achievements of such initiatives and how can these be further replicated and developed as policies?
- How can regional and local authorities, considering the general trend of decentralization, become more proactive towards Roma communities and

families, raising their awareness about the importance of early education and facilitating enrolment of Roma and Sinti children?

- What support, including of social nature, can be rendered by local authorities to help Roma parents sustaining the continuous participation of their children in early education?
- How can participating States enhance the implementation of their Roma-related strategies and ensure wide participation of Roma and Sinti children in early education?
- What role could international organizations play in supporting these efforts?

## **THURSDAY, 8 OCTOBER**

**10:00-13:00**

**WORKING SESSION 16**

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

- Presentation of activities of 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 in strengthening democracy and human rights practices, as well as in promoting reinforced compliance with human dimension commitments by OSCE participating States. An important element in this accomplishment has been 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 an important 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 well placed to facilitate change and reform. The OSCE works with individual States and in sub-regional groupings, as well as in consultation and co-ordination with other international organizations. ODIHR's mandate covers all 56 participating States. It can therefore provide a channel for exchange of experience and best practices from one region of the OSCE to another, and be effective in supporting and complementing the work of OSCE field operations.

This session will explore 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 assistance in implementing the priorities and tasks contained in OSCE decisions and other documents.

Questions that could be addressed:

- 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? Why were these successful?
- In which areas are the OSCE institutions and field operations best placed to facilitate change by creating a forum for dialogue?
- How specifically can the OSCE 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 examples of successful human dimension activities and programmes conducted by other organizations (international, national, local) from which the OSCE could learn?

15:00-18:00

WORKING SESSION 17

**Democratic institutions, including:**

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

The 1990 Copenhagen Document presents wide-ranging commitments agreed upon by all OSCE participating States for fostering the protection and promotion of human rights and fundamental freedoms, as well as the promotion of democratic institutions and the rule of law. Furthermore, the OSCE participating States have on many occasions committed to conducting genuinely democratic elections. Over the last two decades, the OSCE has placed great emphasis on promoting democratic elections as a key pillar of sustainable security and stability.

ODIHR is mandated to assist participating States in the implementation of election-related commitments through long-term and short-term election observation, and to provide follow-up assistance in implementing the recommendations. The Office assesses whether elections are conducted in line with OSCE commitments and national legislation, and formulates recommendations for future improvements. In this context, ODIHR has developed a systematic observation methodology that permits insights into all aspects of an electoral process. In its election observation efforts, ODIHR continues to work in partnership with the OSCE Parliamentary Assembly, in line with MC Decision 19/06 and the 1997 Co-operation Agreement. It continues also its cooperation with the Parliamentary Assembly of the Council of Europe, the European Parliament and NATO Parliamentary Assembly, as well as other bodies, as appropriate.



In the past years, ODIHR has broadened the geographic scope of its activities to follow electoral developments in a wide range of participating States. This has been possible by deploying election assessment missions to countries with a tradition for conducting democratic elections, primarily to assess the legal and administrative framework for electoral practices, and to provide possible recommendations as necessary.

Since the last HDIM, ODIHR has followed elections in Albania, Azerbaijan, Belarus, Bosnia and Herzegovina, Bulgaria, the former Yugoslav Republic of Macedonia, Kyrgyzstan, Iceland, Montenegro, Moldova, and the United States of America as well as preparations for the European Parliament elections in some 15 EU member States.

While ODIHR is able to note examples of commendable election practices in keeping with OSCE commitments in some participating States, and improvements in others, shortcomings have also been identified. The following disturbing trends are regularly identified in some OSCE participating States during the course of ODIHR election observation missions. These trends most often attempt to limit competition and marginalize voter choices, including:

- Limitation on the right to be elected;
- Limitations to a free campaign environment;
- Inequitable access to the media and biased coverage by the media;
- Lack of transparency and accountability during the counting and tabulation of the votes
- Challenges to universal and equal suffrage due to deficiencies in voter registration;
- Challenges to the secrecy of the vote;
- Lack of confidence in the impartiality of the election administration;
- Inadequate and ineffective complaints and appeals processes; and
- Limitations to the work of international and domestic election observers.

Overall, these shortcomings require further attention and improvement in some participating States in order to bring election processes in line with agreed upon OSCE commitments for the conduct of democratic elections.

Beyond election observation, ODIHR continues to address the implementation of OSCE commitments through follow-up activities, including targeted technical assistance projects. For many years, ODIHR has particularly specialized in the review of election legislation, often carried out in cooperation with the Council of Europe's Commission for Democracy through Law ("Venice Commission"). It has focussed on the implementation of its comprehensive recommendations through the development of follow-up activities and attempts to ensure ongoing and constructive post-election dialogue.

Questions that could be addressed:

- How are OSCE participating States meeting their commitments to conduct democratic elections?
- What are the main remaining challenges that OSCE participating States face in meeting their election-related commitments? What actions can OSCE participating States take to address these challenges?

- Recognising that OSCE States have the primary responsibility for implementation, how can ODIHR further assist them in addressing these challenges and in meeting their commitments?
- How can follow-up activities and post-election engagement be enhanced in order to more effectively assist the implementation of ODIHR recommendations?
- How are participating States ensuring participation and representation of women and inclusion of minorities? Has progress been made in these areas?
- How are participating States addressing challenges to ensuring that they have election administration bodies that enjoy broad confidence, effective voter registration and candidate registration procedures, an equitable campaign environment including access to media and campaign finance regulation, accessible and timely complaints and appeals procedures, and honest vote count and tabulation procedures?
- How are participating States fulfilling their responsibilities to ensure respect for the rights of election observers, including international as well as partisan and non-partisan domestic observers?
- How are participating States addressing the introduction of new technologies in a manner that ensures the same transparency and accountability as traditional procedures?

## **FRIDAY, 9 OCTOBER**

**10:00-13:00**

**CLOSING REINFORCED PLENARY SESSION**

### **Reinforced Closing Plenary session**

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

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

The Reinforced Closing Plenary Session will look at how direction can be given with regard to the effective follow-up of the discussions in the different working sessions and the recommendations that came out of these discussions in light of further discussions in the Permanent Council on the results of the HDIM as well as with regard to the preparations of the next OSCE Ministerial Council Meeting in Athens on 1 and 2 December 2009.

- 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