



## **Supplementary Human Dimension Meeting**

Vienna, Austria, 16 - 17 November 2017

### **SCHEDULE AND OVERVIEW**

#### **OF SIDE EVENTS**

##### *as submitted by the organizers*

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

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

#### **Thursday, 16 November**

Time: **13:30-14:45**  
Venue: **Bibliotheksaal**  
Title: Access to Justice for the Internally Displaced Persons in the OSCE Area and its Impact on Conflict Resolution  
Convenor: Permanent Mission of the Republic of Azerbaijan to the OSCE  
Working language: English

Summary: According to the UNHCR, by the end of 2016 there were over 3 million internally displaced persons (IDP) within the OSCE area. As a result of on-going armed conflicts IDPs are suffering from serious violations of various human rights, most of all by threats to their life, inhuman treatment, interferences with their private and family life, damage or deprivation of their home and other property without compensation etc. as well as lacking or ineffective access to justice. Over the past years the international community has become increasingly aware of the plight of IDPs and has undertaken efforts towards addressing more effectively their needs. However, those efforts fall very often short of implementing in full the rights of IDPs and finding durable, long-term solutions due to on-going armed conflicts or the unwillingness of conflict parties to guarantee and fulfill the rights of

IDPs to return to their homes and properties and to get compensation for the incurred injustice. The panelists will discuss the legal framework regarding IDPs as well as the respective legal practice of protection and implementation of the rights of IDPs in OSCE area. In particular, the case-law of the European Court of Human Rights (ECtHR) on the European Convention of Human Rights (ECHR) will be analysed and assessed in view of its impact and relevance to strengthen the human rights of IDPs. The ECtHR took a number of emblematic cases, addressing specifically the protection of the rights of IDPs. Another unique feature of ECHR is its implementation machinery – the European Court of Human Rights and the Committee of Ministers of the Council of Europe (CoE), mandated to supervise the compliance by the Member States of CoE with the judgments of the Court. The impact of the judgments of the ECtHR on conflict resolution will also be discussed.

*Snacks and refreshments will be served in Ratsaal Foyer at 13.00 before the event*

Time: **13:00-14:45**  
Venue: **Meeting Room 531**  
Title: Recommendations for enhancing gender equality and diversity in justice systems  
Convenor: OSCE Office for Democratic Institutions and Human Rights  
Working language: English

Summary: OSCE participating States have committed to provide “for specific measures to achieve the goal of gender balance...in all judicial and executive bodies” (Athens 2009) and to ensure “that judges are properly qualified, trained and selected on a non-discriminatory basis” (Moscow 1991). ODIHR was tasked with developing and implementing “specific programmes and activities to promote women’s rights, to increase the role of women at all levels of decision making, and to promote equality between women and men throughout the OSCE area, particularly through education in gender awareness” (Sofia 2004). Additionally, OSCE participating States are encouraged “to recognize the positive contribution that all individuals can make to the harmonious pluralistic character of our societies by promoting policies focusing on equality of opportunity, rights, access to justice and public services, and on fostering dialogue and effective participation” (Brussels 2006). On the basis of this mandate, ODIHR organized an expert meeting on gender, diversity and the judiciary in Warsaw in October 2016 which confirmed the existence of significant needs in this area and has sparked subsequent ODIHR activity on the topic. Women, minorities and persons with disabilities across the OSCE region continue to experience barriers to access to justice and equal representation and effective participation in the justice system, including in the judiciary. This is particularly acute in cases of intersectionality (e.g. Roma or Muslim women, women with disabilities), where individuals face multiple barriers to accessing justice and to participation in legal professions. For persons with disabilities such barriers include lack of access (physical and linguistic as well as to information), limited support, legal and administrative barriers (including limitations on legal capacity), lack of adequate inclusive education, outdated paternalistic approaches and prevailing social stereotypes. Additionally, judiciaries and policy makers may lack common understanding on reasons for the need for diversity within the judicial profession, as well as how to adequately promote it within relevant legislation. In light of the above, ODIHR has undertaken a needs assessment on how gender equality and respect for diversity are ensured within the judiciary, the prosecution and the justice system, gathering information and providing recommendations to guide future policy and legal reform efforts in that area and highlight technical assistance needs. The needs assessment report examines gender and diversity in terms of representation, but it also evaluates equality and inclusiveness in qualitative terms. Additionally, the assessment includes an analysis of possible causes for unequal representation from the perspective of diversity and gender among judges and prosecutors; how existing processes for selection, evaluation, promotion and discipline might affect diversity in the judiciary and the prosecution; and potential measures to improve gender equality and diversity at different levels,

including examples of positive practice. The assessment also includes a short analysis of challenges to equal access to justice in the form of bias and prejudice against justice actors and participants in judicial proceedings related to their gender and diversity backgrounds. The event will feature a preview of the findings of ODIHR's needs assessment report on gender, diversity and justice. Speakers will highlight barriers to access to justice and effective participation in the justice system currently faced by women, minorities and persons with disabilities across the OSCE region, and will identify recommended changes in the policies and practices that perpetuate underlying inequalities and stereotypes.

*Refreshments will be provided*

## **Friday, 17 November**

Time: **12:00-13:45**  
Venue: **Meeting Room 532**  
Title: Access to Justice for Roma and Sinti  
Convenor: OSCE Office for Democratic Institutions and Human Rights; European Roma Rights Center  
Working language: English

Summary: Roma and Sinti constitute one of the largest ethnic minority groups within Europe and at same time they are considered as one of Europe's most oppressed ethnic minorities, experiencing severe human rights violations. They have been persecuted throughout their history and were victims of genocide during the Second World War. Because of centuries-old prejudice, intolerance and pervasive discrimination that they continue to face, they experience problems in accessing rights and services in most areas of life and are poorly represented in public and political life in their societies. According to the 2016 survey conducted by the EU Agency for Fundamental Rights, although these communities continue to face intolerable discrimination and unequal access to vital services, still, on average, only 12 per cent of respondents who felt discriminated against because of their Roma background reported the incident to the authorities or filed a complaint. Moreover there are relatively few cases of rights violations against Roma and Sinti decided in courts at European level. For example, only 1-2 per cent of judgments decided by the European Court of Human Rights each year concern Roma and Sinti applicants. According to the European Roma Rights Centre (ERRC), one of the main reasons for this is that these communities lack access to justice. In particular, they lack access to lawyers who can bring cases on their behalf, they lack information about legal aid or quasi-judicial mechanisms for achieving justice, and they lack confidence in the justice system to provide an impartial response to their plight. Roma and Sinti women are in an even worse situation, since they experience multiple forms of discrimination based on race and gender. Coerced and forced sterilization is among the most egregious violations of Roma and Sinti women's rights. Cases of coerced and forced sterilization have been documented in a number of OSCE participating States including the Czech Republic, Hungary, Slovak Republic, Sweden, Switzerland, Norway, Germany and Uzbekistan. However, many of the Roma and Sinti women victims of coerced and forced sterilization are, still to this day, denied access to justice and compensation for the serious rights violations they have suffered. The OSCE participating States have committed to facilitate access to justice for Roma and Sinti communities with the 2003 Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area. The Action Plan contains a comprehensive set of commitments and measures to combat racism and discrimination, including measures related to access to justice such as legal aid and the provision of information in the Romani language. Objective: The objective of this side event is to identify the key obstacles to access to justice for Roma and Sinti,

particularly the barriers faced by Roma and Sinti women and steps that can be taken by public bodies to eliminate them. The event will feature speakers addressing the following topics: - Presentation of data about access to justice for Roma and Sinti; - Collective punishment of Roma and Sinti and its relationship to access to justice, including pogroms, police raids, and forced evictions; - Legal aid and anti-discrimination cases; - Providing free legal services to Roma as part of strategic litigation; - Prejudice against Roma and Sinti among judges; - Access to justice of Roma and Sinti women; - Justice and reparations for Roma and Sinti women victims of coercive and forced sterilization.

*Refreshments will be provided*

Time: **12:00-13:45**  
Venue: **Ratsaal**  
Title: Necessary reforms gone wrong? Threats to legal profession in Kazakhstan.  
Convenor: International Bar Association, International Commission of Jurists  
Working language: English, Russian

Summary: In 2017, the Ministry of Justice of Kazakhstan, claiming the Kazakhstani bar association to be ineffective and the current law obsolete, initiated a reform of the legal profession in the country. In September 2017, the Ministry presented a draft *Law on advocates activities and legal aid*, which would reform the existing bar association in a way that threatens its independence and self-regulation. The IBAHRI and the ICJ view the legal profession in Kazakhstan – as it stands today – as the strongest civil society component that remains in the country. If the independence of the current bar association is compromised by undue interference and control, this will have a significant negative effect not for Kazakhstan only but also for the wider Central Asia region.

This side event organized in the framework of the OSCE's **Supplementary Human Dimension Meeting on Access to Justice as a Key Element of the Rule of Law**, aims to give an overview of current challenges and key organizational and procedural barriers faced by lawyers in Kazakhstan, in the light of the internationally-accepted independence guarantees and safeguards. It will further discuss what reforms are indeed necessary to guarantee professional autonomy and strengthen the independence of lawyers. Finally, it will give an assessment of the legal reforms proposed by the Ministry of Justice from an international perspective, and discuss potential consequences of these reforms for the legal profession in Kazakhstan.

*Refreshments will be provided*