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Supplementary Human Dimension Meeting

ACCESS TO JUSTICE AS A KEY ELEMENT OF THE RULE OF LAW

16-17 November 2017
Hofburg, Vienna

FINAL REPORT



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OVERVIEW

I. EXECUTIVE SUMMARY

The third Supplementary Human Dimension Meeting (SHDM) in 2016 was dedicated to “Access to Justice as a Key Element of the Rule of Law”. The meeting brought together 165 participants, including 58 representatives from 33 OSCE participating States, one representative of a National Human Rights Institution (NHRI), 61 representatives of 45 non-governmental organizations, one representative of the media, 16 participants from the OSCE institutions and executive structures and three representatives of international organizations and agencies.

The meeting had three sessions:

- SESSION I: Current trends, challenges and opportunities in the area of access to justice
- SESSION II: Access to justice and conflict prevention
- SESSION III: Gender, diversity and access to justice.

II. SYNOPSIS OF THE SESSIONS AND RECOMMENDATIONS

OPENING SESSION

Opening remarks:

Amb. Florian Raunig, Head of Task Force, Austrian OSCE Chairmanship-in-Office (CiO) 2017

Amb. Lamberto Zannier, OSCE High Commissioner on National Minorities (HCNM)

Ms. Ingibjörg Sólrún Gísladóttir, Director of the OSCE Office for Democratic Institutions and Human Rights (ODIHR)

Keynote speech:

Prof. Katharina Pabel, Member of the Human Rights Council Advisory Committee; Dean of the Law faculty, University of Linz

Ambassador Raunig noted that access to justice remains high on the Austrian Chairmanship’s agenda. He characterized access to justice as the foundation for secure societies and states, and pointed out that the UN Sustainable Development Goals also underline the importance of this issue. He made reference to the fact that in OSCE commitments, from Copenhagen 1990 through to Helsinki 2008, access to justice forms part of a human rights based vision of the rule of law and a comprehensive approach to security. He highlighted the fact that security threats often do not stop at national borders, and expressed the view that responses must emanate from a legal system that is compliant with the rule of law. He said that an effective legal system is essential to security and it must not

be eroded in times of crisis or when faced with security threats, and emphasized that security and the rule of law are not contradictory or incompatible. Ambassador Raunig also noted that innovative ways can be found to enhance the rule of law and increase the efficiency and transparency of judicial processes. He welcomed the sharing of experiences on these topics, which he characterized as essential.

Ambassador Zannier noted that without trust, there is a potential for widening the distance between groups that make up societies. He explained that the HCNM's office has developed guidelines, the *Graz Recommendations on Access to Justice and National Minorities*, which can be used to prevent or reduce tensions that may result from these distances. He expressed the hope that if the guidelines are properly implemented, conflict can be significantly reduced. In the future, he said, the *Graz Recommendations* should become a reference manual for the OSCE when dealing with access to justice in diverse societies. They enshrine key rule of law principles, and construe the concept of access to justice as broader than merely access to courts. They recognize the obligation of states to provide accountable human rights institutions. These institutions must be representative of the people they serve in order to enjoy trust of the society. Ambassador Zannier concluded his remarks by stating that expert level meetings such as this one should be a forum to voice criticisms, discuss ideas and propose solutions that participating States can implement.

Director Gísladóttir began her remarks by stressing that the rule of law lays the foundation for the development of democratic institutions and the full realization of human rights. She noted that access to justice and equal treatment in the administration of justice lie at the heart of the OSCE holistic and human rights based vision of the rule of law. She also characterized the rule of law and access to justice as fundamental preconditions for building and maintaining trust in public institutions. She welcomed the opportunity that the meeting presented to look at emerging challenges to the full enjoyment of the right to access to justice in the OSCE region, and the significant threat they pose to efforts to achieve accessible, available, affordable and adequate justice for all, including the most vulnerable, marginalized and neglected. Director Gísladóttir also highlighted a few of the most pressing contemporary threats to access to justice throughout the OSCE region. She noted that while the right to legal representation stands at the forefront of the meaningful exercise of the right to access to justice, in some OSCE countries practising lawyers are subject to multiple obstacles, including harassment, violation of the right to private communication with their clients, threats and intimidation, withdrawal of their licence or even imprisonment. She emphasized the negative impact that this situation has on the right to access to justice for all, noting that there is a link between the lack of access to a lawyer and the underreporting of cases and unrepresented defendants in the criminal justice system. Director Gísladóttir also pointed out threats to access to justice resulting from the adoption of so-called "emergency laws" and the implementation of judicial practices that unduly restrict the guarantees recognized by international human rights standards. She pointed to OSCE commitments regarding placing limits on the scope of emergency legislation and recourse to states of emergency. She concluded her remarks by outlining the topics of the three working sessions, and welcomed a lively and enriching debate to follow.

Professor Pabel began her keynote speech by emphasizing that the concept of access to justice encompasses more than just access to a court, and it also requires participating States

to ensure legal protection in a comprehensive manner, including in the case of disputes between citizens. She highlighted the importance of judicial independence to the organization of a legal system which adequately ensures access to justice. She characterized an attack on the independence of the courts as an attack on the rule of law itself, and emphasized the link between the perception of judicial independence and confidence and trust in the rule of law. Professor Pabel also noted the importance of a system of functioning, effective legal protection for the individual, including the right to trial within a reasonable time. She also stressed the importance of the effective implementation of binding court decisions as a precondition to this requirement. Professor Pabel pointed to the requirement that each person, not only formally and theoretically but actually and factually, has the opportunity to use the legal protection system. She noted the implications of this on the way states structure their justice systems, taking particular account of a “digital gap” and the needs of various disadvantaged groups. Professor Pabel concluded her remarks by exploring the connection between access to justice and the broader concept of human security. She characterized promotion of access to justice for all as an effective way to promote confidence in the capacity of the rule of law to resolve conflicts and contribute to a concept security which guarantees fundamental freedoms.

SESSION I: Current trends, challenges and opportunities in the area of access to justice

Moderator:

Ms. Andrea Huber, Deputy Chief of the Rule of Law Unit, ODIHR

Introducers:

Dr. Borbala Fellegi, Executive Director of the Foresee Research Group, Hungary

Dr. Martin Schneider, Public Prosecutor, Federal Ministry of Justice of Austria

Dr. Jonas Grimheden, Senior Policy Manager, Freedoms and Justice Department, EU Fundamental Rights Agency (FRA)

In the first working session, participants reflected on trends, challenges and opportunities in the area of access to justice. The moderator, Ms. Andrea Huber, opened the session by introducing the agenda and questions for discussion.

Dr. Fellegi outlined the advantages of restorative justice systems as giving victims a stronger voice and higher chance of obtaining compensation and satisfaction, preventing the overuse of punitive criminal sanctions and showing positive effects in terms of the prevention of re-offending. Statistics from Hungary, where the mechanism has been in place for 10 years, illustrated these benefits. Dr. Fellegi stressed that voluntariness, confidentiality, impartiality of an adequately trained mediator, equal emphasis on the needs of victims, offenders and the community as well as legal safeguards constitute key elements of restorative justice. She pointed to the forthcoming update of the Council of Europe Recommendation concerning restorative justice and penal mediation.

Dr. Schneider shared his experience from the introduction of various elements of e-justice in Austria over the past decades. He reflected on the way in which e-government and e-justice provide easier access and transparency, can contribute to efficiency and the reduction of routine and administrative tasks. Examples included the introduction of a land and commercial register decades ago, followed by online databases and directories of experts and interpreters, mobile bailiffs, video-conferencing and electronic court file management. Dr. Schneider described the development of “e-CODEX”, a system for cross-border judicial cooperation via electronic means in Europe. He recalled that digital justice is linked to an enormous amount of particularly sensitive data, creating the need to establish robust systems of data protection and ensuring the right to privacy of court users.

Dr. Grimheden reported on comparative socio-legal research on access to justice recently conducted by FRA, including large-scale surveys. The research concluded that avenues provided to access justice and legislation are often too complex and obstacles too great, including costs, time and uncertainty, aggravated by stigma and feelings of shame of victims. Statistical data relating to marginalized groups, such as Roma, illustrated the particularly low number of individuals aware of relevant legislation and avenues of redress against discrimination, and the low rate at which members of these groups file reports and complaints in such cases. Good practice identified related to well-resourced judicial and non-judicial bodies, outreach to marginalized groups, availability of avenues of collective redress and legal standing for representative organizations.

The following specific recommendations were made in Session I:

Recommendations for the OSCE participating States:

- Several interventions called on participating States to ensure robust and transparent selection procedures for judges throughout the court system;
- A couple of interventions urged the participating States to allocate sufficient financial and staff resources to courts, and to undertake measures to enhance the capacity of lawyers, including legal aid providers;
- A number of interventions urged states to develop mechanisms for the protection of attorneys, implementing international norms and standards;
- Several interventions supported the exploration of e-justice models and the use of technologies, however stressing the risk that such systems may create new barriers for marginalized groups and require robust data protection;
- With regard to international complaints mechanisms, a couple of interventions recommended that participating States monitor types and numbers of complaints in order to identify systemic problems and furthermore, stressed the need to improve mechanisms for the implementation of judgments;
- Participants recommended to consider and increase the use of alternative dispute resolution and mediation, including restorative justice models;
- Numerous interventions called on participating States to ensure the implementation of international law with regard to fair trial safeguards, including public hearings;
- A number of statements urged participating States to improve access to justice for marginalized groups, including by training for law enforcement officials on non-discrimination and relating to hate crimes.

Recommendations for the OSCE institutions and field operations:

- It was recommended that ODIHR refines its guidance on the selection and promotion of judges, and on judicial self-administration;
- A couple of interventions suggested the need for ODIHR to assist in the development of methodology for trial monitoring in situations of conflict and state of emergency.

SESSION II: Access to justice and conflict prevention
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Moderator:

Mr. William Romans, Senior Legal Adviser, OSCE High Commissioner on National Minorities

Introducers:

Dr. Jennifer Jackson-Preece, Deputy Head, European Institute, London School of Economics and Political Science

Mr. Laurentiu Hadirca, Senior Legal Adviser, OSCE High Commissioner on National Minorities

In the second working session, participants reflected on access to justice and conflict prevention. The moderator, Mr. William Romans opened the session by inviting participants to share good practices and emphasized the importance of providing specific recommendations.

Dr. Jackson-Preece opened her presentation asking if access to fair institutions is enough when considering access to justice requirements. She noted that national minorities are often overrepresented as victims and underrepresented in national institutions. Dr. Jackson-Preece explained that access to justice is critical to the rule of law and the exercise of legal rights and minority rights, and there is a mutually supportive link between access to justice and economic and social development. She referred to the comprehensive approach to access to justice included in the *Graz Recommendations on Access to Justice and National Minorities* which consider barriers to access to justice in formal and informal institutions. The session concluded with a quote from Italian jurist Mauro Cappelletti that access to justice “is of paramount importance... and can be seen as the most basic requirement, the most basic human right, of a system which purports to guarantee legal rights”.

Mr. Laurentiu Hadirca, Senior Legal Adviser for the OSCE High Commissioner on National Minorities, presented on the nature and role of the High Commissioner on National Minorities in the context of access to justice. He recalled that the mandate of the High Commissioner is one of conflict prevention engaging on issues with clear security implications. He observed that a denial of justice for both individuals and groups can have a negative effect on societal cohesion and peace within and among States. He explained that the HCNM’s *Graz Recommendations* synthesize work conducted on conflict prevention and access to justice, recognizing that in order to build well integrated and cohesive societies, States should guarantee access to justice and the enjoyment of all rights. He further observed that access to justice is referenced as a relevant consideration in human rights assessment

missions and in the findings of international tribunals and courts.

The following specific recommendations were made in Session II:

Recommendations for the OSCE participating States:

- Several interventions urged participating States to ensure that all citizens have equal access to courts and equal access to justice through, *inter alia*, the utilization of good practices, bringing legislation in line with international norms and implementing additional reforms where necessary;
- Several interventions recommended participating States to address regional concerns including displaced persons and the issue of enforced disappearances in the context of access to justice;
- Several interventions urged participating States to ensure fair trial rights, including refraining from arbitrary or unlawful imprisonment and the obligation to ensure that courts provide hearings in a language understood by parties to the proceedings.

Recommendations for the OSCE institutions and field operations:

- Several interventions asked OSCE executive structures to work with States so they refrain from impeding access to justice;
- Several interventions urged the OSCE executive structures to consider access to justice in the context of other issues including statelessness and enforced disappearances.

SESSION III: Gender, diversity and access to justice

Moderator:

Ms. Tatjana Peric, Adviser on Roma and Sinti Issues / Deputy Chief of the Contact Point for Roma and Sinti Issues, ODIHR

Introducers:

Ms. Tanya Sue Wanageshik, Chief Judge, Grand Traverse Band of Ottawa and Chippewa Indians Tribal Court

Mr. Dezideriu Gergely, former Executive Director of the European Roma Rights Centre

The working session focused on exploring ways to remove obstacles and improve access to justice and ensure equal representation and effective participation of diverse groups in the justice system. Participants were also invited to discuss challenges and share good practices in efforts to increase diversity in the judicial services.

There were two introducers for this session:

Ms. Wanageshik gave an introduction to the self-governance and self-determination system of Native American tribes within the United States. Each of the 576 federally-recognized tribes is governed by a Tribal Constitution. Tribal governments mirror the United States governmental structure with an executive, legislative and judiciary. In most tribes, the

executive and legislative body is combined into a tribal council. For tribes that operate their own tribal court, any member of the tribe can serve as a tribal court judge or if the person is not a tribal member, they must have a law degree and be a state bar licensed attorney. Ms. Wanageshik noted that while many tribal court judges are Native American, several of them women, who have attended law school and are bar licensed, the basic issue facing Native Americans remains education. High school graduation rates and numbers of graduates with a college degree are significantly lower among Native Americans than the averages for non-native Americans. Moreover, Native Americans are two times more likely to be victims of violent crime than other groups. At the same time, the criminal jurisdiction of tribal courts is limited to crimes committed by an Indian in an Indian country. However, due to the high rates of domestic violence, sexual assault and rape committed against Indian women, the tribal courts can expand their criminal jurisdiction over non-Natives that abuse Native American women within an Indian county, and their sentencing powers have been increased. Other efforts to reduce the impact of violent crimes in the Indian county include diversionary courts, such as healing to wellness courts and peacekeeping courts. These courts are favoured for multiple reasons, including reducing the backlog of cases coming to the judiciary and resolving problems and conflicts by using the cultural and traditional norms of the society. Ms. Wanageshik concluded her presentation by referring to the Harvard online implicit association test, which tests various biases about race, gender, sexual orientation, religion and other areas known to be discriminatory. The test is widely used in the training of Native American judges so that they are more aware of their latent biases and in order to rule effectively free from bias.

Mr. Gergely gave a presentation on diversity and access to justice issues relating to Roma and Sinti in Europe. He pointed out that the disadvantages experienced by Roma and Sinti minority members in different areas of life are reflected also in their treatment within the criminal justice system. Referring to the findings of the European Union Minorities and Discrimination Survey, he noted that there is a high perception amongst Roma and Sinti communities that the criminal justice system is not fair and just. Consequently, although most Roma and Sinti victims of crime consider that there is an ethnic motivation attached to crimes, they do not report them to the police or to any organization. Most Roma and Sinti are not confident the police would be able to do anything or that anything would change by reporting. Similarly, most legal professionals, including judges, prosecutors or police, agree that underreporting is partly due to the victims' belief that they would not benefit from the proceedings or their lack of trust in the police. As a way of illustrating this point, the introducer provided examples of European Court of Human Rights case-law on discrimination of Roma and Sinti by the judiciary, the police and other authorities. With regard to equal representation and effective participation of diverse groups in the justice system, Mr. Gergely noted that there is no effective policy to address the representation of minorities, including Roma and Sinti, in the judicial services or data collection policy to assess discrimination experienced by them within the justice system. As an example of positive developments he mentioned initiatives to improve Roma and Sinti representation among the police in a number of OSCE participating States. In conclusion, the introducer stressed that there is a particular need for judges, prosecutors and police officers to demonstrate fairness when carrying out their responsibilities, if confidence in the justice system is to be maintained and promoted amongst all ethnic groups, including Roma and Sinti. Awareness of the communities served by the courts, including of racism and

disadvantage they experience, will assist judges, prosecutors or the police in understanding better the needs and issues of those participating in the justice system.

There were a number of interventions, comments and questions to the introducers from the floor. Several participants stressed that national minorities, such as Roma and Sinti, should have an equal opportunity to participate in the public and political life of their societies, including the judiciary. Enhancing equal access to justice and improving the quality of justice require systematic work, in particular providing free legal aid to vulnerable groups, increasing awareness of judges on specific vulnerability of different groups and their needs, and increasing diversity in legal education. Participants underlined that in the future more attention needs to be paid to increasing the number of women in the judicial system and addressing indirect barriers, such as gender bias, to ensure gender balance also in higher level courts.

The following specific recommendations were made in Session III:

Recommendations for the OSCE participating States:

- Several interventions called on OSCE participating States to implement the recommendations of the Committee of Ministers of the Council of Europe and the *Graz Recommendations on Access to Justice and National Minorities* of the HCNM concerning the participation of Roma and Sinti in the justice system.
- Participating States were encouraged to assess current laws on discrimination and promote human rights; assess judicial practices and look for examples on discrimination against women; raise awareness of judicial system; and support civil society organizations that promote better access to justice.
- Some interventions called on participating States to improve Roma and Sinti women's access to legal education.
- One participant encouraged the Czech Government to urgently compensate Roma women who were victims of forced and coercive sterilisation during the Communist times.

Recommendations for the OSCE institutions and field operations:

- The OSCE should revisit the 2003 OSCE Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area and propose clear recommendations that can influence action in the future.

CLOSING SESSION

The meeting concluded with a plenary session featuring short reports by the working session moderators and concluding remarks by Ms. Katarzyna Gardaphadze, First Deputy Director of ODIHR and Ambassador Clemens Koja, Chairperson of the OSCE Permanent Council and Permanent Representative of Austria to the OSCE.

Ambassador Koja stated that access to justice does not only have a human dimension perspective but must be looked at from a conflict prevention angle. He stressed that the *Graz Recommendations* are a valuable tool for participating States to ensure access to justice. He referred to stereotyping as a factor in creating barriers between people. He expressed his

gratitude for the meeting's discussions and recommendations on how participating States can ensure inclusiveness in their judicial systems. On behalf of the Chairmanship, he thanked the moderators and speakers as well as ODIHR and the HCNM for supporting the CiO in the organisation of the event. He highlighted that in many instances those in need would not address judicial institutions to have their rights respected, and stressed the lack of trust in the ability of the judiciary to provide effective redress as a root cause. He indicated that addressing the lack of trust in the judiciary was one of the priorities of the Chairmanship. He encouraged participating States and OSCE representatives to emphasize the dissemination of information about avenues to accessing justice to marginalised groups. He recalled the need to fight the stereotypes and biases that hamper the fair delivery of justice. Ambassador Koja concluded by expressing his hope that the discussions helped raise awareness on how to bring access to justice to all.

Ms. Gardapkhadze thanked Ambassador Koja for his concluding remarks and the Austrian Chairmanship team for the organization of the final SHDM of 2017. She expressed her gratitude to colleagues and partners from the Office of the HCNM and her own colleagues from ODIHR for joining forces and assisting the Chairmanship in organising the meeting. She also thanked the delegations for their contributions, and those who travelled to present their countries' good practices. Ms. Gardapkhadze stressed that the remarks made during the meeting touch upon questions of fundamental importance such as how participating States can enhance their efforts to promote the rule of law, including access to justice. She reminded all present that the judiciary should reflect the diversity of society. She recalled that civil society organizations participating in the meeting offered a reality check through sharing their experience as users of judicial institutions. She stressed that the concept of access to justice encompasses more than just access to court, but also public trust and confidence in the judiciary. Ms. Gardapkhadze referred to discussions on the struggle of marginalized groups, judicial reforms and attempts to enable access to justice. She stressed that solutions which work for one country may not enjoy the same success in another. She highlighted the need to involve all affected parties, offenders, victims and the community. She indicated that the guarantee of access to justice require that each person has the opportunity to have their rights protected by the legal system. Ms. Gardapkhadze concluded the meeting by reminding participating States of their commitment made in Ljubljana towards the rule of law as justice based on recognition and full acceptance of value of human personality. She emphasized that upholding fundamental principles of the rule of law is essential to ensuring the preservation of democratic institutions.

ANNEXES

ANNEX I: SHORT AGENDA



Supplementary Human Dimension Meeting

**ACCESS TO JUSTICE
AS A KEY ELEMENT OF THE RULE OF LAW**

**16-17 November 2017
Hofburg, Vienna**

AGENDA

Day 1 16 November 2017

13:00 – 14:45

Side events

15:00 – 16:00

OPENING SESSION

Opening remarks:

Amb. Florian Raunig, Head of Task Force, Austrian OSCE Chairmanship 2017

Amb. Lamberto Zannier, OSCE High Commissioner on National Minorities (HCNM)

Ms. Ingibjörg Sólrún Gísladóttir, Director of the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR)

Keynote speech:

Prof. Katharina Pabel, Member of the Human Rights Council Advisory Committee; Dean of the Law faculty, University of Linz

Technical Information – Ms. Katarzyna Gardapkhadze, First Deputy Director of the OSCE/ODIHR

16:00 – 18:00

SESSION I: Current trends, challenges and opportunities in the area of access to justice

Introducers:

Dr. Jonas Grimheden, Senior Policy Manager, Freedoms and Justice Department, EU Fundamental Rights Agency (FRA)

Dr. Borbala Fellegi, Executive Director of the Foresee Research Group, Hungary

Dr. Martin Schneider, Public Prosecutor, Federal Ministry of Justice of Austria

Moderator:

Ms. Andrea Huber, Deputy Chief of the Rule of Law Unit,
OSCE/ODIHR

18:00 Reception hosted by the Austrian OSCE Chairmanship at
Palmenhaus

Day 2 **17 November 2017**

10:00 – 12:00 **SESSION II: Access to justice and conflict prevention**

Introducers:

Dr. Jennifer Jackson-Preece, Deputy Head, European Institute,
London School of Economics and Political Science

Mr. Laurentiu Hadirca, Senior Legal Adviser, OSCE High
Commissioner on National Minorities

Moderator:

Mr. William Romans, Senior Legal Adviser, OSCE High
Commissioner on National Minorities

12:00 – 14:00 Lunch break /side events

14:00 – 16:00 **SESSION III: Gender, diversity and access to justice**

Introducers:

Ms. Tanya Sue Wanageshik, Chief Judge, Grand Traverse Band of
Ottawa and Chippewa Indians Tribal Court

Mr. Dezideriu Gergely, former Executive Director of the European
Roma Rights Centre

Moderator:

Ms. Tatjana Peric, Adviser on Roma and Sinti Issues / Deputy Chief
of the Contact Point for Roma and Sinti Issues, OSCE/ODIHR

16:00 – 17:00 **CLOSING SESSION**

Reports from the working sessions

Comments from the floor

Closing remarks

Ms. Katarzyna Gardapkhadze, First Deputy Director of the
OSCE/ODIHR

Amb. Clemens Koja, Chairperson of the OSCE Permanent Council,
Permanent Representative of Austria to the OSCE

17:00 Closing of the meeting

ANNEX II: BIOGRAPHICAL INFORMATION: Keynote Speaker, Introducers and Moderators (as provided by speakers and moderators)

Day 1: Thursday, 16 November 2017

15:00 – 16:00: OPENING SESSION

Opening remarks: **Amb. Florian Raunig**, Head of Task Force, Austrian OSCE Chairmanship 2017

Ambassador Florian Raunig was born in Basel. In 1986 he finished the classical gymnasium in Munich and then studied political science, philosophy and law at the University of Vienna. In 1997 he joined the newly-established OSCE Presence in Albania, setting up the first Field Office as well as the Border Observation Team in Northern Albania. Thereafter, he headed the Austrian Development Co-operation Offices in Tirana and Skopje and worked for the Delegation of the European Commission in Tirana. After joining the Austrian Foreign Ministry in 2002 he served in the Ministry's department for the EU, at the Austrian Embassy in Ljubljana and in the Austrian Development Agency. He served as Austrian Ambassador to Montenegro (2007-2009) and to Albania (2009-2013) and as the Head of the OSCE Presence in Albania (2013-2016). Since 6 July 2016 he heads the Task Force for the Austrian OSCE Chairmanship 2017.

Opening remarks: **Amb. Lamberto Zannier**, OSCE High Commissioner on National Minorities (HCNM)

Ambassador Lamberto Zannier of Italy took up the mandate of OSCE High Commissioner on National Minorities on 19 July 2017, succeeding Ambassador Astrid Thors of Finland, whose three-year tenure ended on 19 August 2016. Before taking up the position as High Commissioner, Zannier was OSCE Secretary General during two consecutive three-year terms, from 1 July 2011 until 30 June 2017. Zannier joined the Italian Foreign Ministry as a career diplomat in 1978. From June 2008 to June 2011 he was UN Special Representative for Kosovo and Head of the United Nations Interim Administration Mission in Kosovo (UNMIK). From 2006 to 2008 he was Coordinator for CFSP and ESDP (now CSDP) in the Italian Ministry of Foreign Affairs, dealing inter alia with EU foreign policy issues and with Italy's participation in EU operations, both civilian and military. From 2002 to 2006, he was the Director of the Conflict Prevention Centre of the OSCE, focused on political-military issues, as well as crisis management, and responsible for managing the OSCE's field operations. Previous senior positions include Representative of Italy to the Executive Council of the Organization for the Prohibition of Chemical Weapons in The Hague (2000-2002), Chairperson of the negotiations on the adaptation of the Treaty on Conventional Armed Forces in Europe (1998-1999) and Head of Disarmament, Arms Control and Cooperative Security at NATO (1991-1997). Previously, he served in Rome, Abu Dhabi and Vienna, mainly specializing in multilateral and security affairs. He has authored several publications on security, conflict prevention and crisis management issues. He has been a member of the Board of Trustees of the OSCE Academy in Bishkek, the Advisory Board of the Geneva Centre for the Democratic Control of Armed Forces (DCAF) and the EU ISS

Board of Directors. He is currently President of the Centre for International Negotiation and Mediation of the University of Gorizia, Italy. Zannier holds a law degree and an honorary degree in International and Diplomatic Sciences from the University Of Trieste, Italy. He was awarded the distinction of Grand Decoration of Honour in Gold with Star for services to the Republic of Austria and Grand Officer in the Order of Orange Nassau by the Government of the Netherlands.

Opening remarks: **Ms. Ingibjörg Sólrún Gísladóttir**, Director of the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR)

Ingibjörg Sólrún Gísladóttir, began her tenure as Director of the OSCE Office for Democratic Institutions and Human Rights on 19 July 2017, succeeding Michael Georg Link of Germany. Gísladóttir has 35 years of leadership experience working on human rights, democratic governance and the rule of law at the international, national and local levels. Before taking up the position of ODIHR Director, she served from 2014 as Regional Director for Europe and Central Asia at UN Women, and Country Representative to Turkey. From 2011 to 2014 she was Country Representative of UN Women to Afghanistan. From 2007 to 2009, Gísladóttir served as Minister for Foreign Affairs of Iceland. She was previously a Member of Parliament and Chairperson and Leader of the Social Democratic Alliance (2005 – 2009) and Mayor of the City of Reykjavik (1994 – 2003). Throughout her career, she has been involved in policy and development work in conflict and non-conflict countries, aimed at strengthening democratic institutions and human rights. In the early years of her political career, in 1982, Gísladóttir was one of the founders of the Women's Party, laying the ground for Iceland's remarkable progress in gender equality. Gísladóttir holds a Bachelor's degree in history and literature from the University of Iceland (1979), and pursued Post-graduate studies in history at the University of Copenhagen (1979 – 1981). In 2004 she was a Visiting Scholar at the European Institute, London School of Economics (LSE). She speaks English, French and Danish.

Keynote speech: **Prof. Katharina Pabel**, Member of the Human Rights Council Advisory Committee; Dean of the Law faculty, University of Linz

Professor Pabel is an independent expert of the Human Rights Council Advisory Committee, an Austrian expert under the Moscow Mechanism and Professor at the University of Linz. She is also a substitute member of the Venice Commission. Her work has focused, among other topics, on the ECHR and on protection of fundamental rights in the European Union.

16:00 – 18:00: **SESSION I: Current trends, challenges and opportunities in the area of access to justice**

Introducer: **Dr. Borbala Fellegi**, Executive Director of the Foresee Research Group, Hungary

Dr. Borbala Fellegi is a researcher, mediator, conference and peacemaking circle facilitator as well as a trainer and lecturer. Her PhD thesis was about the implementation of restorative justice in Hungary. She is in charge of Hungarian and the EU programmes researching the potential application of mediation and peacemaking circles in community conflicts and in

the prison settings. She has been working as consultant for the Council of Europe, the UNODC, the National Crime Prevention Board and the Office of Justice in Hungary. Since 2015 she has been in the faculty of the Masters Programme of the US-based International Institute for Restorative Practices (www.iirp.edu). Besides numerous articles and book chapters she is the author of the book 'Towards restoration and peace' (Napvilág, 2009), one of the first comprehensive studies on the implementation of restorative justice in Hungary.

Introducer: **Dr. Martin Schneider**, Public Prosecutor, Federal Ministry of Justice of Austria

Dr. Schneider served as the Head of Legal Information and ICT department at the Austrian Federal Ministry of Justice. He was responsible for modernization of the courts, court automation and information systems in justice administration. He also served as an Austrian representative in the Council of Europe's expert committee on IT and Law and chaired it in 1997-1999. He was an Austrian representative in the Working Parties on Legal Data Processing and E-Justice of the Council of the European Union. Besides that he was a lecturer at the University of Vienna for Computers and Law. He received a number of awards, including the eGovernment Label for Good Practice 2001, 2005 and 2007, the Crystal Scale of Justice 2006, the eGovernment Award 2009, the e-Award for Strategic Initiative Justice 3.0. Dr. Schneider is an author and co-author of various publications in legal journals. His earlier work with the Austrian Ministry of Justice included work with the IT department and the internal audit department.

Introducer: **Dr. Jonas Grimheden**, Senior Policy Manager, Freedoms and Justice Department, EU Fundamental Rights Agency (FRA)

Dr. Jonas Grimheden is a Senior Policy Manager at the European Union's advisory body for human rights within the EU, the Agency for Fundamental Rights (FRA), based in Vienna. Previously heading FRA's access to justice work, he has been with the Agency since 2009. He is a specialist in international human rights law with focus of work placed on justice, business and human rights, indicators, and monitoring mechanisms. He is titular Associate Professor (Docent) of International Human Rights Law at the Law Faculty, Lund University, Sweden. He has edited books and written numerous articles in the areas of international, human rights, comparative, Chinese and EU law.

Moderator: **Ms. Andrea Huber**, Deputy Chief of the Rule of Law Unit, OSCE/ODIHR

Andrea Huber holds the position of Deputy Chief of the Rule of Law Unit, and is based in Warsaw. Before joining ODIHR, she worked as Policy Director for Penal Reform International – an independent international organization specializing in criminal justice and penal reform worldwide. Responsible for the development of policy and for advocacy at an international and regional level, she provided technical assistance to states, was involved in international fora and negotiations, and produced practical tools for penal reform and the implementation of international standards. A lawyer by training, she started her career as a legal counsellor, headed the migration department of Caritas Austria, and worked as a legal assistant at the Regional Higher Court Vienna. During her career she also held different functions for Amnesty International in Vienna, Brussels and London. Andrea Huber

published two books and various other publications, and developed and conducted numerous trainings on human rights and criminal justice.

Day 2: Friday, 17 November 2017
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10:00 – 12:00: SESSION II: Access to justice and conflict prevention

Introducer: **Dr. Jennifer Jackson-Preece**, Deputy Head, European Institute, London School of Economics and Political Science

Dr. Jennifer Jackson-Preece is Associate Professor of Nationalism and Deputy Head of the European Institute at the London School of Economics. She is the author of two leading academic monographs in the area of minority rights, *National Minorities and the European Nation-States System*, and *Minority Rights: Between Diversity and Community*. Dr. Jackson-Preece has also written more than twenty articles and book chapters on human and minority rights, nationalism and ethnic conflict prevention. She is currently chair of the ECMI Advisory Council. She regularly acts as an expert advisor to international organizations. Her expertise was used towards the OSCE HCNM *Ljubljana Guidelines on Integration of Diverse Societies* (2012) and the Council of Europe's *Fourth Thematic Commentary on the Scope of Application of the Framework Convention for the Protection of National Minorities* (2016).

Introducer: **Mr. Laurentiu Hadirca**, Senior Legal Adviser, OSCE High Commissioner on National Minorities

Laurentiu Hadirca (M.Litt., LL.M.) holds degrees in Comparative Constitutional Law, and in International Relations, from universities in Moldova, Hungary and Australia, as well as advanced post-graduate certificates in international criminal law from universities in Austria and Italy. Since March 2014, he has been working as a Senior Legal Adviser to the OSCE High Commissioner on National Minorities. In 2010–2014, he was a Legislative Support Officer for the OSCE Office for Democratic Institutions and Human Rights, reviewing and commenting on the draft legislation of various OSCE participating States, often jointly with other international bodies, such as the Council of Europe's Venice Commission. Prior to that, in 2007–2010, he was a Legal Analyst for the OSCE Mission in Kosovo, working on war crimes and other serious criminal cases, and in 2005–2007, he worked as National Co-ordinator for the OSCE Trial Monitoring Programme in Moldova. From 2004 to 2007, he lectured on law courses in Moldova, serving as a “returning scholar” in this academic capacity.

Moderator: **Mr. William Romans**, Senior Legal Adviser, OSCE High Commissioner on National Minorities

William Romans has worked as a Senior Legal Adviser to the OSCE High Commissioner on National Minorities since 2013. Prior to that he worked as Chief of the Human Rights Section in the OSCE Mission to Kosovo, and subsequently, as Human Rights Expert with EULEX-Kosovo. He has also worked as Senior Legal Officer to the Trial Chambers at the

Special Court for Sierra Leone, and as Judgement Coordinator at the United Nations International Criminal Tribunal for Rwanda. He holds degrees in law from universities in Scotland and South Africa, and is appointed as an attorney-at-law in the State of New York.

14:00 – 16:00: SESSION III: Gender, diversity and access to justice

Introducer: **Ms. Tanya Sue Wanageshik**, Chief Judge, Grand Traverse Band of Ottawa and Chippewa Indians Tribal Court

Ms. Tanya Sue Wanageshik is the Chief Judge of the Grand Traverse Band of Ottawa and Chippewa Indians, a United States federally recognized Indian Tribe organized under Indian Reorganization Act. Miss Wanageshik is a licensed attorney specializing in Indian Law with a focus on representing Native Americans, Tribal governments and Tribally owned-operated businesses throughout the United States in various federal, state and Tribal courts. Her expertise includes litigation, constitutional reform, drafting codes, drafting policies/procedures, disenrollment, governmental restructure and programmatic development. Miss Wanageshik has presented at Empowering Women in Indian County where she discussed Tribal sovereignty, contract support costs claims and constitutional reform. She has also presented at the Traverse City Human Rights Commission discussing contemporary issues on human rights. Miss Wanageshik currently serves on the Board of Trustees for Michigan Indian Legal Services. She is currently on the Council for the State Bar of Michigan's American Indian Law Section; previously she served as the American Indian Law Section's Chair, Vice Chair and Secretary.

Introducer: **Mr. Dezideriu Gergely**, former Executive Director of the European Roma Rights Centre

Mr. Dezideriu Gergely, a lawyer and a trainer on non-discrimination and Roma issues, cooperates with international institutions such as the Council of Europe. Most recently he was involved in the Council of Europe draft working group of CAHROM elaborating the recommendation on improving the access to justice for Roma and Travelers in Europe adopted by the Committee of Ministers in October 2017. Previously he worked as Executive Director with the European Roma Rights Centre in Budapest (2011–2014). He was a member of the National Council for Combating Discrimination, the Romanian equality state body where he served for six years as a Member of the Steering Board and Secretary of State. He is a human rights lawyer, member of the Bucharest Bar. He represented Romania with the Council of Europe Committee of Experts on Roma and Travellers and was twice elected Chair of the Committee as well as Vice Chair during 2005–2010.

Moderator: **Ms. Tatjana Perić**, Adviser on Roma and Sinti Issues / Deputy Chief of the Contact Point for Roma and Sinti Issues, OSCE/ODIHR

Tatjana Perić has been active in the field of ethnic and religious minorities since 1994. She studied human rights and religious freedom at Columbia University in New York and the University of Essex, and is a PhD Cand. in Gender Studies at the University of Novi Sad. She has published extensively on the situation of Roma communities throughout Europe for the United Nations Development Programme, Office of the High Commissioner for Human

Rights, Organization for Security and Co-operation in Europe, and others. Currently she works at the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) in Warsaw, Poland, as their Adviser on Roma and Sinti Issues / Deputy Chief of the Contact Point for Roma and Sinti Issues.

16:00 – 17:00: CLOSING SESSION

Closing remarks: **Ms. Katarzyna Gardapkhadze**, First Deputy Director of the OSCE/ODIHR

Katarzyna Gardapkhadze, the First Deputy Director of ODIHR, is responsible for managing the operations of the ODIHR, overseeing the preparation, co-ordination and implementation of the activities of the Election, Democratization, Human Rights, Tolerance and Non Discrimination Programmes and of the Contact Point for Roma and Sinti Issues, as well as formulation of the ODIHR public message. Ms. Gardapkhadze is an expert in management, strategic planning and capacity building, with more than 20 years of professional experience from Poland, the United States, Western Balkans, South Caucasus and Central Asia. Prior to her current appointment, she was the Head of ODIHR's Human Rights Department. In 2003-2011, Ms. Gardapkhadze served as the director of conflict resolution, human rights and child/social welfare reform programs in the South Caucasus. In 2000 – 2002, she led programs focused on human rights, minorities and inter-ethnic dialogue in Western Balkans. Fluent in Polish, English and Russian, Ms. Gardapkhadze holds a Master's Degree in social sciences.

Closing remarks: **Amb. Clemens Koja**, Chairperson of the OSCE Permanent Council, Permanent Representative of Austria to the OSCE

Ambassador Clemens Koja was born in Vienna. Raised and educated in Vienna and later in Salzburg, where he finished a classical gymnasium in 1978, he served in the Austrian army as a reserve officer. From 1979 -1983 Koja studied law at the Universities of Salzburg and Vienna, obtaining a Dr.iur. In the following years he studied Catholic theology in Rome and Salzburg, obtaining a Master's degree in 1993. In 1989 he joined the Austrian Foreign Service; his first postings abroad were at the Austrian Embassies in Warsaw, Rome and the Vatican. In the Foreign Ministry he worked mostly in the Southern European Department, of which he was the Director between 2003 and 2008. Later he served as Deputy Head of Mission in Madrid and as Ambassador in Belgrade (2008-12) and Ljubljana (2012-16). Since 6 July 2016 he is the Permanent Representative of Austria to the OSCE.