

## HDIM 2013

### Working Session 5: Fundamental Freedoms II, including:

- Freedom of movement;
- National human rights institutions and the role of civil society in the protection of human rights;
- Human rights education

*Rapporteur: Patrick O'Reilly, Deputy Head of Mission, Permanent Mission of Ireland to the OSCE*

Working Session 5 was devoted to freedom of movement, national human rights institutions (NHRIs) and the role of civil society in the protection of human rights, and human rights education. On freedom of movement, the discussion centred mainly on the absence of visa liberalization throughout the entire OSCE area and on restrictions of the movement of some civil society representatives from and within some participating States. The session saw very broad agreement on the value of strong and effective Paris Principles-accredited NHRIs and as well as the importance of civil society organizations and human rights defenders in upholding universal human rights and fundamental freedoms and in holding governments to account. There was widespread support too for the crucial contribution of effective human rights education in promoting human rights and combating intolerance and discrimination.

In his introductory remarks, Ambassador Janez Lanarčič, Director of ODIHR, noted that freedom of movement was a pre-requisite to ensure the free exercise of other fundamental freedoms. He highlighted the importance of human contact across borders and drew attention to the Supplementary Human Dimension Meeting on this topic earlier in 2013. He also stressed the vital role of NHRIs and civil society and noted the risks and challenges that many civil society representatives and human rights defenders faced as a result of their work. In this context, he noted that ODIHR is currently preparing recommendations for the protection of human rights defenders. He also drew attention to ODIHR's ongoing activities in the field of human rights education.

The first introducer, Ms. Debbie Kohner, Secretary General of the European Network of National Human Rights Institutions, discussed the role of NHRIs and their relationship with the State and with civil society. She noted that although mandated and funded by the State, NHRIs should be fully independent so as to be able to promote and protect human rights in an open and transparent manner. She stressed the importance of accreditation through the Paris Principles and noted the support that her organization can offer to its membership. On freedom of movement, Ms. Kohner highlighted the right to leave one's country as well as the plight of stateless persons. She concluded by highlighting the value of effective human rights education, which should be accessible and inclusive and carried out in line with international standards and guidance.

The second introducer, Mr. Vyacheslav Kalyuzhnyy, Head of the National Centre for Human Rights in the Republic of Kazakhstan, noted that freedom of movement within countries can be limited by overly burdensome registration systems. He highlighted the process of implementing laws concerning the creation of the NHRI in his own country and that institution's growing interaction with State authorities in order to promote human rights. He went on to stress the vital importance of human rights education, including in secondary schools.

Following the introducers, there were 38 interventions, 25 of which were made by non-governmental organisations and 1 by an International Organisation. In addition, 8 participating States and 1 group of participating States availed of the opportunity to make a right of reply.

On freedom of movement, participants stressed the importance of OSCE commitments in the area, but differed in their emphasis on the interpretation of the commitments. A large number of participants decried what they described as overly-restrictive visa regimes in some States that did not match OSCE commitments. Some suggested that some participating States were using “blacklists” to restrict freedom of movement. Many participants expressed deep concern that certain participating States are using exit visas and other administrative procedures to limit the freedom of movement of journalists, human rights defenders and other members of civil society. A number of participants suggested that the non-recognition of their travel documents by the majority of participating States was unfairly affecting their freedom of movement. Other participants in turn expressed concern about the erection of barriers along and increasing restrictions on movement across the Administrative Boundary Lines in one participating State.

There was very wide support for the crucial role played by NHRIs. Participants stressed the value of accreditation in line with the Paris Principles, and encouraged greater co-operation and information sharing between different NHRIs. One participant called for the development of a consolidated handbook on best practices for NHRIs. Several participants outlined the steps taken by their national authorities to develop an NHRI.

Participants who spoke on the issue of civil society stressed the vital importance of them being able to operate freely and without hindrance. A number of participants expressed concern at restrictions being imposed on human rights defenders and civil society organizations (CSOs) in some participating States, ranging from outright harassment to damaging administrative, financial and fiscal measures and the use of overly burdensome registration systems to undermine certain CSOs or their activities. Some participants shared concerns about perceived undue restrictions on some CSOs resulting from the receipt of foreign financing. Several speakers commented favourably on ODIHR’s work to develop recommendations for the protection of human rights defenders.

Participants who commented on human rights education highlighted the importance of education in promoting and protecting the understanding and practice of human rights and fundamental freedoms and in helping to combat intolerance and discrimination. Many participants suggested that human rights education should take place throughout the entire education system and should make best use of new technologies and media. Education for young people was stressed by several speakers as particularly useful, as was providing specific and relevant training for public servants, police and border officials, members of the military, the judiciary and those working in the legal profession. The importance of the UN World Programme on Human Rights Education was underlined.

### **Recommendations to the participating States:**

- Examine the possibility of expanding localized visa-free regimes to additional areas;
- Exchange information on effective implementation of freedom of movement commitments;
- Those that have not already done so should establish national human rights institutions that are fully independent and sufficiently resourced and that are accredited in line with the Paris Principles;
- Create a safe and enabling environment for civil society and human rights defenders to operate in, without undue interference;

- Develop best practices in the area of financing civil society organizations, which should also address the issue of foreign financing;
- Make particular effort to provide comprehensive human rights education and training to public officials, including judges, prosecutors, police and prison officers;
- Fully and effectively implement measures foreseen in the UN World Programme on Human Rights Education;
- Appoint a Co-ordinator within the Helsinki plus 40 process to examine issues relating to the human dimension, including the role of civil society.

**Recommendations to the OSCE, its institutions and field operations:**

- OSCE executive structures should focus more on the full range of freedom of movement issues, such as examining visa policies and the freedom of movement from and within countries, including by human rights defenders, journalists and other members of civil society as well as members of minority groups;
- OSCE should encourage co-operation and contacts between NHRIs and should produce an annual rating of such Institutions;
- OSCE Secretary General should establish a body to liaise with civil society, in much the same way as the liaison with Track 2 initiatives;
- ODIHR should continue to provide capacity-building assistance to civil society organizations across the OSCE area.