



**HUMAN DIMENSION IMPLEMENTATION MEETING**  
**22 September to 3 October 2014**  
**Warsaw, Poland**

**ANNOTATED AGENDA**

**BACKGROUND**

The 1992 Helsinki Document mandates 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 of this meeting may also evaluate the procedures and mechanisms for monitoring implementation of human dimension commitments.

Since 1998, the HDIM has taken place annually for a two-week period in Warsaw (except for 1999 and 2010, due to the Istanbul and Astana Summits, respectively). The HDIM brings together representatives from governments of the OSCE participating States and Partners for Co-operation, civil society, OSCE institutions, OSCE field operations, other OSCE structures, and other international organizations. In 2013, more than 1000 representatives were registered for the meeting.

The agenda for these meetings is adopted by the Permanent Council reflecting three special subjects to be dealt with more in-depth. For the 2014 meeting, the Permanent Council adopted the agenda in its *Decision No. 1132 of 8 September 2014*. 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/hdim\\_2014](http://www.osce.org/hdim_2014). Consolidated summaries of previous Meetings, including recommendations from participants, are available at <http://www.osce.org/odihr/44078>. The HDIM factsheet can be accessed at <http://www.osce.org/odihr/20680>. A thematic compilation of human dimension commitments can be found at <http://www.osce.org/odihr/43546>.

**MONDAY, 22 SEPTEMBER 2014**

**OPENING PLENARY SESSION**

**10 a.m.–1 p.m.**

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.”

**WORKING SESSION 1**

**3–6 p.m.**

**Democratic institutions, including address by the Director of the OSCE Office for Democratic Institutions and Human Rights**

**Democracy at the national, regional and local levels**

In the 1990 Charter of Paris, OSCE participating States committed “*to build, consolidate and strengthen democracy as the only system of government of our nations*”. Nurturing and developing democratic institutions at all levels constitutes the core of this commitment. In recognition to the diversity of political systems across the OSCE region, as outlined in Helsinki, the participating States acknowledged the importance of considering local governance and decentralization.

At all levels of governance, democracy in its true essence can only be achieved through the meaningful and inclusive democratic participation of all citizens, including women, youth and marginalized groups such as migrants. The OSCE participating States have the main responsibility in creating an enabling environment for encouraging citizen political participation. To this end, political parties are the key democratic institution, and the “gate-keepers” of democracy which should ensure the participation of citizens in political processes.

In turn, parliaments, both national and local, are key institutions to maintain the link between citizens and elected officials. Parliaments should function in adherence to the principles of pluralism, transparency and accountability as agreed in 1990 in Paris. Participating States have also repeatedly reaffirmed the significance of civil society in ensuring the full respect for fundamental freedoms and democracy. Decreasing public trust towards traditional democratic institutions, including political parties, parliaments and local governance represents a major challenge to democracies across the OSCE region. The OSCE participating State commitment to respect the separation between the state and political parties (1990 Copenhagen Document), while contributing to improved government practices and public integrity (Istanbul 1999) at all levels, has been declining in many OSCE participating States.

The OSCE/ODIHR has together with the Council of Europe's Venice Commission published the *Guidelines on Political Party Regulation*. The *Guidelines* have been used to advise participating State institutions, political parties, and civil society on ways to create an environment in which political parties can most effectively perform their democratic functions. The regulation of parliamentary ethical standards is an essential element to secure trust in the efficiency, transparency and accountability of democratic systems and the OSCE/ODIHR has been assisting the OSCE participating States in introducing and reforming codes of parliamentary ethics.

Questions that could be addressed:

- What are the key challenges participating States face in ensuring political pluralism and inclusive democratic governance at all levels? How can they be overcome?
- Which good practices exist in the OSCE region on enhancing political pluralism and democratic governance at all levels?
- How can the OSCE, its Institutions and Field Operations better assist OSCE participating States in the implementation of OSCE commitments on political pluralism?
- How can legislation, regulations and parliamentary codes of conduct contribute to increased transparency and accountability of political institutions?
- How can participating States contribute to increasing women's and youth political participation?
- How can participating States create stronger links between civil society organizations and political parties/parliaments?

### **Citizenship and political rights**

The right to vote, the right to freedom of expression as well as peaceful assembly and association is prescribed in the United Nations Universal Declaration of Human Rights and can be found in constitutions of all OSCE participating states. Citizenship provides for the implementation of political rights.

OSCE participating States recognized that no one should be deprived of his/her citizenship and nationality arbitrarily. The OSCE participating States have emphasized that all aspects of nationality should be regulated by law. In the 1992 Helsinki Document, the participating States have committed to take measures to reduce statelessness of persons in the OSCE region. The 1999 Charter for European Security has provided for further development of the international protection for stateless persons. The OSCE participating States have also agreed to a number of commitments in the field of political participation of national minorities (Geneva 1991) to ensure they enjoy the same rights and have the same duties of citizenship as the rest of the population. However, discrimination in the field of citizenship remains a challenge and requires increased attention from OSCE participating States to ensure effective implementation of political and other rights of citizens.

The ability to exercise political rights is a key condition for all citizens to participate in political life and for citizens to be included in decision-making processes. The 1990 Copenhagen Document explicitly refers to "citizens" taking "part in the governing of their country". The potential for non-citizens to become active members of their societies should thus be further explored by participating States. Ensuring equal opportunities for men and women, youth and marginalized groups is decisive for participating States to meet their

OSCE commitments. Such participation is an effective way of contributing to the integration of diverse societies in OSCE participating States and failure to facilitate political participation may lead to the isolation of underrepresented and marginalized groups. Greater awareness among participating States in prioritizing issues of equal opportunities in political participation as part of domestic policies is an important objective on the way to building a democratic society.

Questions that could be addressed:

- Are participating States meeting their commitments concerning citizenship and political rights?
- How can the OSCE, its institutions and field operations, better assist participating States to fully implement their commitments in the area of citizenship and political rights?
- What good practices exist for the participation of resident non-citizens in civic and political life (in particular at the local or regional level) and how could these practices be effectively shared among the OSCE participating States?
- Which outreach strategies have been used by participating States to make non-citizens aware of their political rights?

## **Democratic elections**

Within the OSCE, democratic elections are recognized as the cornerstone of democracy and regarded as one of the key elements of long-term security and stability. A range of OSCE commitments serve to safeguard the principle that the will of the people, freely expressed in periodic and genuine elections, constitutes the basis for the authority of the government. In recognizing the importance of democratic elections, the OSCE participating States mandated the OSCE/ODIHR to assist them in the implementation of election-related commitments through the conduct of comprehensive election observation. Reporting provided by the OSCE/ODIHR on electoral processes followed demonstrates that numerous examples of commendable electoral practice are encountered, in particular greater efforts at improving legal frameworks in line with international standards and good practice. At the same time, a number of issues continue to pose challenges for participating States and have the potential of impacting negatively citizens' election-related rights, in particular candidate rights and registration, the ability to campaign on the basis of equal treatment, effective complaints and appeals mechanisms, and credible procedures for voting, counting and tabulation.

While underscoring the importance of observation, participating States have also repeatedly reaffirmed the significance of post-electoral dialogue and committed themselves to follow-up on OSCE/ODIHR's election assessments and recommendations. Having been tasked by the 2003 Maastricht Ministerial Council "to consider ways to improve the effectiveness of its assistance to participating States in following up recommendations", over the last years the OSCE/ODIHR has been making itself increasingly available for post-electoral dialogue. This includes in-country presentation and discussion of final reports following their publication, which have now evolved into a regular practice, as well as expert consultations and legal reviews of draft laws or amendments to election-related legislation. Follow-up to assessments and recommendations, however, remains the responsibility of OSCE participating States and could be further strengthened. The HDIM will offer an opportunity of reviewing both the electoral practice in OSCE participating State as it complies with

OSCE commitments and the implementation of OSCE/ODIHR's recommendations as part of the follow-up process, in part also drawing upon the conversation from 2013 regarding ODIHR's Review of Electoral Legislation and Practice in OSCE participating States report.

Questions that could be addressed:

- How are OSCE participating States meeting their commitments to conduct democratic elections?
- What challenges do participating States encounter in meeting their commitments? How can they be overcome?
- What are the examples of evolving and established good electoral practice that could serve to bring electoral processes in closer compliance with OSCE commitments?
- How can OSCE/ODIHR's assistance to OSCE participating States in meeting their commitments be further strengthened?
- What can be done to further enhance effectiveness of follow-up by the OSCE participating States to OSCE/ODIHR's recommendations?

**TUESDAY, 23 SEPTEMBER 2014**

**WORKING SESSION 2**

**10 a.m.–1 p.m.**

**Fundamental freedoms I, including freedom of expression and address by the OSCE Representative on Freedom of the Media**

## **Freedom of expression**

In accordance with her mandate, the OSCE Representative on Freedom of the Media will report to the Meeting on the status of the implementation of OSCE principles and commitments in respect of freedom of expression and freedom of the media in OSCE participating States.

The session on freedom of the media will focus on how to better and more quickly implement the existing OSCE commitments in the field of freedom of expression and freedom of the media. It will also provide an important forum to exchange best practices on protection of journalists. Since 1975, a long list of commonly formulated and agreed obligations was initiated and adopted by the participating States, with the aim to ensure that the media can function freely and independently, and journalists can carry out their work under safe conditions.

Throughout the years several OSCE events have focused on the importance of freedom of expression in the participating States. The latest of these events was the second Supplementary Human Dimension Meeting on *Promotion of freedom of expression: Rights, responsibilities and OSCE commitments*. The event took place on 3-4 July 2014 in Vienna. The event provided an important forum for OSCE institutions, participating States, field operations, as well as other international organizations and civil society to review the current status of freedom of expression in the OSCE region. Recalling the numerous OSCE commitments in the field of freedom of expression and freedom of the media, the event focused on efforts required by different stakeholders, including the legislative, executive and judicial branches of governments, local and regional authorities, media NGOs, journalists and other segments of civil society to ensure that freedom of expression, both online and offline, is protected and strengthened.

However, a lot remains to be done to turn these commitments into an organic part of national legislation and judicial practices. While significant differences continue to exist in the level of freedom of the media among participating States, there is no region in the organization where the commitments have been fully implemented and freedom of the media cannot be further improved. Commitments undertaken in the field of freedom of the media are matters of direct and legitimate concern to all participating States and do not belong exclusively to the internal affairs of the State concerned.

Besides the Office of the Representative on Freedom of the Media, the institution mandated to observe media developments in the participating States and to advocate and promote full compliance with related commitments, freedom of expression and freedom of the media are also promoted by other OSCE structures. These include the OSCE Secretariat, OSCE field

offices, as well as the Office for Democratic Institutions and Human Rights and the High Commissioner on National Minorities.

The session on freedom of the media this year will tackle the following topics: recent developments and the current situation of freedom of the media, as well as freedom of expression, and freedom of information in the OSCE, with a special focus on the importance to protect journalists, and ways to strengthen freedom of expression offline and online.

In 2014, various forms of assaults against journalists have increased, including severe beatings, attacks, kidnappings, imprisonment, harsh interrogation, or illegal detention, as well as threats and blackmailing. Since the last HDIM six journalists were killed at their work assignment, all in Ukraine.

As last year, the Office of the RFoM has not witnessed any significant improvement in the treatment of the media by the authorities, and in several cases the trend has gotten worse. Many governments continue to regard the media as a dangerous platform that needs to be controlled and sometimes even silenced, instead of considering the media to be what it is: an essential and unique tool of democracies that allows for every citizen to obtain and impart pluralistic information. Too many participating States fall dramatically short of fulfilling relevant international standards on freedom of expression, with the vast majority maintaining criminal defamation provisions that threaten the media's ability to report on matters in the public interest. Moreover, implementation of restrictive laws, such as criminal law provisions on libel or defamation continues, now increasingly online.

The session will emphasize the importance of resolute and public condemnation by the authorities of violence against journalists, concerted efforts to put an end to the impunity of perpetrators, and the necessity to reform the laws that limit free expression.

Besides discussing best practices, the session will also provide a forum to discuss the major obstacles to freedom of the media and freedom of expression with the equal involvement of governments, other international organizations, human rights and media experts and civil society, including media representatives from the participating States.

Questions that could be addressed:

- How can the OSCE participating States improve the implementation of existing OSCE media freedom commitments?
- What is the role of governments of participating States, intergovernmental organizations, non-governmental organizations, journalistic associations and media organizations in supporting pluralism and independence of the media, safety of journalists and access to information?
- How can participating States better ensure that the media can work freely and independently, and under safe working conditions?
- How can the authorities become more effective in ending impunity of masterminds and perpetrators of crimes committed against journalists?
- How can the sharing of best practices in the protection of journalists lead to increased media freedom OSCE-wide?
- What is the progress regarding decriminalization of libel and defamation in the OSCE area?

- What is the current state of media freedom online in the OSCE?
- How can the OSCE help ensure that the same rights that people have offline are also protected online, in particular freedom of expression and freedom of information?
- How can the OSCE participating States implement their commitments on media freedom and freedom of expression while combating hate speech?
- What is the role of civil society in media freedom advocacy?
- How can the OSCE, its institutions in particular the office of the RFoM, and field operations assist participating States in the implementation of OSCE principles and commitments in respect of freedom of expression and freedom of the media?

### **The role of civil society in the protection of human rights**

Civil society, including, non-governmental organizations, academia, unions and various professional groups such as journalists' associations, contribute significantly to the advancement of respect for human rights at the national, regional and international levels. Civil society has become a strong driving force across the OSCE region in collecting and disseminating information about human rights violations; ensuring accountability and advocating for greater efforts by States to implement their human rights obligations; mobilizing public opinion on issues of concern; supporting victims of violations with legal advice, counselling and rehabilitation; and in providing human rights education and training in non-formal and formal educational settings.

OSCE participating States have committed "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" (Budapest, 1994) and the important role played by civil society in helping them to ensure full respect for human rights and fundamental freedoms (Astana 2010). Based on these commitments and in line with its mandate, ODIHR developed and recently published its Guidelines on the Protection of Human Rights Defenders, which can serve as a reference framework in the OSCE to enhance the protection of individuals who promote and strive for human rights through peaceful means and to create and consolidate a safe and enabling environment that is conducive to their important work. The Guidelines, which have been launched in Berne, Switzerland, on 10-11 June 2014 at a Conference organized jointly by ODIHR and the Swiss OSCE Chairmanship, with the support of the incoming Serbian Chairmanship, draw specific attention to the risks and challenges faced by human rights defenders and calls for sensitivity and concrete action, where required, to react to cases where human rights defenders are in need of protection and measures to empower their activities.

Furthermore, in recognition of the invaluable contribution of civil society in efforts towards achieving the common goals and objectives of the OSCE, the Swiss OSCE Chairmanship engaged throughout 2014 in substantial dialogue with civil society to further strengthen its role and involvement in the OSCE. For this reason, four regional workshops (in Vienna, Dushanbe, Tbilisi and Belgrade) for representatives of the civil society sector have been organized throughout the year to discuss major topics of concern in the human dimension. The session will provide an opportunity to address challenges and exchange good practices related to the role of civil society in promoting human rights.

Questions that could be addressed:

- What challenges do civil society actors and human rights defenders face in the OSCE region? What should participating States do to effectively address these risks and challenges?
- What measures are OSCE participating States taking to facilitate the work of civil society? What opportunities do they provide for the active involvement of civil society and human rights defenders? How can these opportunities be further reinforced?
- How can the OSCE, its institutions, and field operations assist participating States in ensuring specific support and protection to human rights defenders in the countries where they are under threat?

**WORKING SESSION 3**

**3–6 p.m.**

**Fundamental freedoms I (continued),  
including freedom of peaceful assembly and association**

**Freedom of peaceful assembly and association**

Few rights embody the principle of democracy so pertinently as the freedoms of peaceful assembly and association. Both have often been called the “cornerstones of democracy” and indeed, both rights are concrete examples of genuine civil participation in democratic systems. Moreover, the fulfillment of these rights is an essential condition for the exercise of other human rights, such as freedom of expression, and thus intrinsic to a tolerant society.

As early as 1990, all OSCE participating States recognized democracy as the only system of government for their nations. They also committed themselves to facilitate and protect the rights to freedom of peaceful assembly and association already then (Paris and Copenhagen Documents, 1990). These rights are firmly rooted in major international human rights instruments such as the International Covenant on Civil and Political Rights and the European Convention on Human Rights and Fundamental Freedoms.

However, while there is an OSCE-wide agreement on the importance of these rights and the need to protect and promote them, numerous challenges still persist. In several participating States the legislative framework regulating assemblies and associations is still quite restrictive and poses burdensome requirements on those wishing to exercise their rights. Legislation regulating assemblies often requires the permission of administrative authorities or foresees bans on holding assemblies at specific locations and times. In practice, long-term assemblies and assemblies without clear leadership, or identifiable organizers, also pose challenges, and are then met with disproportionate state response, which is not in line with the strict rules of proportionality imposed by international human rights standards. All too often police use excessive or unnecessary force while facilitating assemblies. The Internet, while it can greatly facilitate the organization of assemblies on the one hand, is increasingly used for undue surveillance before, during and after assemblies.

In many OSCE participating States, the right to freedom of association is still unreasonably restricted and international human rights standards on this issue are not fully respected.

Legislation and practice often treat associations differently depending on their respective aims, members and activities. Moreover, associations are faced with increasing difficulties to access resources, and restrictive legislation unduly imposing burdensome reporting requirements and disproportionate sanctions for failure to comply with such requirements, often make the access to foreign funding, including funding by international organizations, extremely difficult. Members of the civil society are at times also targeted for their activities.

Rather than restrict, legislation regulating associations should always strive to create an enabling environment for all associations. While reporting requirements and sanctions for wrongdoing are permissible, these should never be disproportionate, and should never inhibit the functioning of the associations themselves. In this context, it is essential that associations continue to function independently, and without the fear of excessive state interference.

As part of its mandate to assist participating States in the implementation of OSCE commitments, ODIHR continues to monitor public assemblies throughout the OSCE space, provide capacity building on assembly monitoring, and review key pieces of legislation regulating assemblies and associations in order to ensure that they are in line with OSCE human dimension commitments and other international human rights standards. ODIHR likewise continues to promote and update the Joint ODIHR-Venice Commission Guidelines on Freedom of Peaceful Assembly (2<sup>nd</sup> ed. 2010) and both organizations have now started to work on Guidelines on Freedom of Association. Moreover, ODIHR is in the process of developing a Human Rights Training Guide to Policing Assemblies.

The session aims to discuss good practices and remaining challenges regarding the implementation of the rights to freedom of peaceful assembly and association and will also seek to take stock of how the participating States have implemented the relevant recommendations from previous Human Dimension events. The session will also address how the OSCE, its institutions and field operations can better assist OSCE participating States in the implementation of their commitments on the freedoms of assembly and association.

#### Questions that could be addressed:

- How have participating States implemented relevant OSCE commitments and recommendations from previous OSCE meetings? What are the particular challenges of the implementation process? What are examples of good practices in this respect?
- How the surveillance of assemblies currently is regulated in law, and how is it implemented in practice? What more can States do to ensure that such surveillance does not unduly restrict the enjoyment of freedom of peaceful assembly? What are good practices in this regard?
- How can participating States respond to challenges and opportunities offered by new technologies in order to promote the full implementation of the rights to freedom of assembly and association?
- What can be done to foster effective co-operation and dialogue between civil society and participating States relating to the exercise of the freedoms of assembly and association?
- How can independent monitoring contribute to the effective enjoyment of freedom of assembly and association and how can states facilitate such monitoring?
- How can the right to an effective remedy for undue State interferences into the exercise of the freedoms of peaceful assembly and association be ensured?

- 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 peaceful assembly?

### **National human rights institutions**

National human rights institutions (NHRIs) have become one of the key actors in the human rights architecture. They address broad areas of human rights through a variety of available instruments and approaches, such as by receiving, investigating and seeking to resolve complaints of human rights violations; identifying protection gaps in national human rights systems and providing recommendations on how to address them. Independence is one of the essential elements of the effective functioning of NHRIs. Compliance with the Principles relating to the Status of National Institutions (Paris Principles), which emphasize the need for guarantees of independence of NHRIs, is seen as a precondition for their effectiveness.

The importance of NHRIs has been recognized in OSCE commitments. In Copenhagen in 1990 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...” NHRIs often serve as a bridge between governments and civil society in their work to promote and protect human rights. NHRIs can play a key role in the protection of specific rights, for example, they can contribute to the prevention of torture and ill-treatment by advising and providing recommendations on effective legal frameworks, by dealing with complaints and allegations of torture, as well as monitoring places of detention. Independent and effective NHRIs are therefore among ODIHR’s natural allies and principal partners in strengthening respect for fundamental freedoms and human rights in the OSCE area and ODIHR has been actively supporting the development of NHRI staff and institutions. With the aim of strengthening the capacity of NHRIs in the OSCE area, in 2014 the first NHRI Academy was organized by ODIHR, jointly with the European Network of NHRIs and Central European University.

#### Questions that could be addressed:

- How can independent NHRIs be established and strengthened in accordance with relevant OSCE commitments and the Paris Principles? How can the independence of NHRIs be promoted and strengthened?
- How can the relationship between civil society, including human rights defenders, and independent NHRIs be strengthened? How can civil society and NHRIs increase their effectiveness in jointly promoting and defending human rights? What can NHRIs do to increase the protection of human rights defenders and empower their work?

**WEDNESDAY, 24 SEPTEMBER 2014**

**WORKING SESSION 4**

**10 a.m.–1 p.m.**

**Rule of law I**

### **Protection of human rights and fighting terrorism**

OSCE participating States have repeatedly reaffirmed the importance of the human dimension while preventing and countering terrorism. In the OSCE Consolidated Framework for the Fight against Terrorism they have reiterated the need for all counter-terrorism measures to be conducted in full compliance with international human rights law, and have committed to place specific emphasis on the strategic area of promoting and protecting human rights and fundamental freedoms in the context of counter-terrorism measures.

Addressing the threat of terrorism is a difficult task which can have a strong impact on the enjoyment of human rights. Whilst there is a clear need for participating States to continue their efforts in the fight against terrorism, there remain challenges in ensuring that all counter-terrorism efforts are fully human rights compliant. Compliance with human rights is needed in order to ensure that the implementation of anti-terrorism policies does not undermine their very purpose, which is to protect and promote a democratic society.

In relation to counter-terrorism laws, the overly broad scope of certain offences aimed at preventing recruitment, incitement and material support to terrorism can adversely affect rights such as freedom of expression, association and assembly, freedom of religion or belief, the right to respect for private and family life and freedom from discrimination. Similar human rights concerns exist in relation to measures to address the financing of terrorism, kidnapping for ransom and travel to foreign countries to train, support or participate in terrorist activities.

Moreover, there remain serious concerns with regard to the use of targeted killings or torture or other ill-treatment in the fight against terrorism. The prohibition on arbitrary or unlawful detention, the right to be informed of the reason for arrest or detention and all fair trial guarantees must be respected to ensure that terrorism suspects have a fair and public hearing within a reasonable time before an independent and impartial tribunal.

Where counter-terrorism measures may have violated human rights, States have a duty under international law to conduct thorough, independent and impartial investigations and to hold perpetrators accountable and provide effective remedies to victims. Accountability, coupled with independent and rigorous oversight (and reinforced by an independent media and civil society), is also indispensable to build public trust in States' actions against terrorism.

The current Swiss OSCE Chairmanship has placed particular emphasis on the OSCE's role in addressing terrorist challenges in a human rights compliant manner, which formed the basis of its 2014 Counter-Terrorism Conference in Interlaken.

### Questions that could be addressed:

- What steps are being taken by participating States to ensure that:
  - counter-terrorism legislation and practices respect human rights and fundamental freedoms and that any limitations to human rights are legitimate and proportionate?
  - counter-terrorism practices do not violate the right to life, the absolute prohibition of torture and other ill-treatment, including the principle of non-refoulement?
  - preventive efforts are not discriminatory and do not unduly interfere with the respect for private and family life, the freedoms of expression, of association and assembly and the freedom of religion or belief?
  - persons suspected of terrorism are not being held in detention arbitrarily, unlawfully, incommunicado, without access to a lawyer or without remedy?
  - persons suspected of terrorism are tried without undue delay by impartial and independent tribunals in accordance with fair trial standards?
- How can accountability for counter-terrorism measures be guaranteed and strengthened?
- How can ODIHR and other OSCE structures and field missions further assist the OSCE participating States in fulfilling their commitment to promote and protect human rights in their counter-terrorism efforts?

### **Prevention of torture**

The prohibition of torture is of absolute nature and enjoys the enhanced status of a peremptory norm of general international law. States are thus required to actively suppress and prevent any practices that may amount to torture.

Participating States have consistently emphasized the importance of torture prevention to human security and the rule of law. In particular, they have committed to prohibit torture and other cruel, inhuman or degrading treatment or punishment (Vienna 1989, Paris 1990, Moscow 1991, Budapest 1994, Istanbul 1999), while undertaking to “keep under systematic review interrogation rules, instructions, methods and practices as well as arrangements for the custody and treatment of persons subjected to any form of arrest, detention or imprisonment in any territory under their jurisdiction, with a view to preventing any cases of torture” (Copenhagen 1990). Moreover, in Ljubljana in 2005, the Ministerial Council called on participating States to publicly condemn instances of torture and to invest special effort into ensuring that the perpetrators are duly prosecuted and punished, if found guilty.

Despite such commitments, the right to be free from torture and other ill-treatment continues to be violated in the OSCE area. There remain concerns about acts of torture and other ill-treatment committed in the criminal justice system. In this context, challenges are in some cases compounded by the excessive reliance on a confession-based approach to the investigation and adjudication of criminal cases. In addition, torture remains a problem also in places of deprivation of liberty outside the criminal justice system (e.g. social care institutions, psychiatric hospitals and substance abuse rehabilitation facilities, immigrant detention facilities, etc.). Here, the obstacle to the eradication of torture is often a lack of adequate safeguards against torture, including monitoring and oversight mechanisms.

The current OSCE Chairmanship attaches special importance to preventing and combating torture, and indeed selected it as a priority. Reflecting this emphasis, the first Supplementary Human Dimension Meeting in 2014 was dedicated to the topic of the prevention of torture. The participants took stock of developments in the OSCE region since the first, 2003 SHDM on the Prevention of Torture, discussed national-level responses and the role of national preventive mechanisms, as well as the role of the OSCE in assisting participating States in preventing torture.

Impunity of perpetrators of acts of torture or other ill-treatment is a concern across the OSCE area and efforts to bring those responsible of such acts to justice remain insufficient.

#### Questions that could be addressed:

- What safeguards against torture and other ill-treatment exist? Are they applicable to both traditional detention facilities and places of deprivation of liberty outside the criminal justice system? What are the challenges in introducing viable safeguards and implementing them?
- What efforts are underway to ensure that the investigation of criminal acts does not overly rely on confessions? What good practices are available in this regard?
- What is the role of performance evaluation and institutional success indicators in reducing incentives for torture? What are some good practices from OSCE participating States? How can the OSCE, and ODIHR in particular, assist participating States in reforming such indicators?
- How can participating States promote internal accountability of criminal justice agencies? How can the OSCE, and ODIHR in particular, assist in this regard?
- Are anti-torture efforts sufficiently victim-centered? What can be done to improve the situation?
- How can all participating States ensure that independent and effective domestic monitoring mechanisms are in place to conduct frequent visits in detention facilities? What is the role of civil society organizations in monitoring places of detention?
- How can the OSCE, its field operations, and ODIHR in particular, assist participating States in better preventing torture?

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

OSCE participating States made a number of commitments relating to the issue of the death penalty. In 1989 in Vienna, participating States pledged to restrict the use of capital punishment to the “most serious crimes” and in a manner “not contrary to their international commitments”. At the 1990 Copenhagen Meeting, participating States agreed to make available to the public information regarding the use of the death penalty and keep the question of the abolition of capital punishment under consideration. These commitments were reaffirmed at the Moscow Meeting in 1991 and at the Budapest Summit in 1994.

Fifty-one of the 57 participating States of the OSCE have abolished the death penalty for all crimes and a number of participating States continued expressing their strong support for the global trend towards the abolition of capital punishment at various OSCE and other fora.

Questions that could be addressed:

- What further measures can be taken to advance co-operation among the OSCE participating States, civil society and relevant international organizations on the issue of the death penalty?
- What further measures can be taken to make available to the public information regarding the use of the death penalty, including statistical and qualitative information on non-nationals facing the death penalty, people on death row, and nationals facing the death penalty abroad, among other issues?
- Which relevant international safeguards and standards, including on the protection of children who have a parent facing the death penalty or executed, are to be strengthened and addressed?

**WORKING SESSION 5**

**3–6 p.m.**

**Rule of law II**

## **Democratic lawmaking**

A transparent and balanced system of drafting and adopting qualitatively sound laws are the foundation of any democratic state. This was recognized in relevant OSCE commitments, which require laws to be formulated and adopted, based on an “open process reflecting the will of the people” (1991 Moscow Document).

Such an “open process” requires that draft laws are preceded by policy discussions on the need and purpose of preparing a law, involving consultations and discussions with relevant stakeholders and the wider public. Further consultations should then take place at other stages during the law drafting and adoption process, to ensure that all persons affected by a law, and those who will implement it, have been involved in the lawmaking process.

Next to open and transparent proceedings, it is essential that the first step of preparing legislation is not, as is so often the case, a draft law, but rather an open discussion on how best to resolve an identified issue. Such policy discussions shall also involve proper and realistic impact assessments of all proposed solutions, including financial impact assessments.

While numerous OSCE participating States have taken important steps to improve the processes of drafting, debating and adopting legislation, challenges remain in that a large number of laws are passed every year, many of which are later repealed or amended, as they are found to be ineffective or not applicable often due to a lack of prior policy discussions. At the same time, other policy options that are less elaborate and time-consuming than the preparation of laws are not even considered, or thought about.

Another challenge in law-making is the little time that States allocate for the discussion and adoption of legislation. At times, the deadlines imposed by international instruments, or regional treaties urge both the executive and the legislature to adopt new legislation in fast-track proceedings that do not allow for a proper reflection or debate of important features in legislation or of complex laws. Procedures are not transparent, and important stakeholders, and the wider public, are not sufficiently consulted, so that key questions and criticisms

cannot be raised prior to adoption. As a consequence, laws are often ambiguous, and, where they introduce wholly new concepts, remain unimplemented, due to a lack of awareness of both individuals and the state administration.

Once adopted, amendments to laws are often not introduced into the actual text of a law, but rather co-exist as separate additional laws, that need to be read together with the original legal text. This lack of public access to consolidated versions of laws is wide-spread in many OSCE countries, and leads to a situation where public officials, the public, and the judiciary are often at loss as to which version of a law is the final, official and applicable version.

To assist participating States in implementing OSCE commitments, ODIHR has developed, over the years, a methodology of assessing lawmaking systems as a whole, from the inception of a law to its final adoption and promulgation. Assessment reports on specific lawmaking systems of states with concrete recommendations for improvement help identify gaps and weaknesses, and promote the conceptualization of home-grown and tailor-made reform programs.

#### Questions that could be addressed:

- Are participating States sufficiently involving key actors, e.g. civil society, and the wider public in discussions on draft laws? How is this done, and what are some good practice examples?
- How well are laws in individual OSCE participating States drafted? Are their provisions clear and easy to implement? Are they at times open to abuse?
- Is the wider population in individual OSCE participating States aware of key legislative acts? Is the public able to access the latest and applicable versions of laws?

### **Independence of the judiciary**

The independence of the judiciary is essential for the functioning of the judiciary and in ensuring that every individual has the right to a remedy before a court that is impartial and independent. It is at the core of a democratic order and the rule of law, and participating States have repeatedly recognized its importance since Copenhagen 1990, and reiterated their commitment to ensure judicial independence most recently in Helsinki 2008 in the Ministerial Council Decision on “*Further strengthening the rule of law in the OSCE area*”.

In Moscow (1991), participating States committed themselves to implement relevant international standards and to ensure that the independence of the judiciary is guaranteed and respected in practice. Notwithstanding due guarantees of judicial independence in constitutions and laws, the respect for the independence of judges and courts is not always guaranteed in practice. Judges continue to experience attempts at undue influence and in some OSCE participating States executive control of the judiciary deprives victims of human rights violations of effective legal remedies, which undermines public trust in the judiciary and risks generating sentiments of injustice in society.

The administration of justice needs to be guided by clear rules, if the judiciary is to provide the required checks and balances stemming from the division of power between the executive, legislative and judicial branch. Systems for selecting and promoting judges should be based on a fair and transparent procedure based on clear criteria to ensure that

judges are appointed and promoted through a merit-based procedure. While independence of judges is vital, it is also acknowledged that there need to be systems for holding judges accountable in order to ensure their democratic legitimacy and public trust in the judiciary.

Accountability mechanisms for legal professionals was the main topic of the 2011 annual report of the United Nations Special Rapporteur on the Independence of Judges and Lawyers who emphasized that: “judicial accountability and judicial independence are two essential elements of an independent, impartial and efficient justice system, and that, as a consequence, States should undertake efforts to develop and adopt international standards for judicial accountability to guide the enactment of domestic legislation establishing a comprehensive system of judicial accountability which is effective, objective, transparent and respects judicial independence.”

There are different ways for holding judges accountable such as disciplinary measures, performance evaluation, criminal or civil liability, disclosure of financial and extrajudicial activities, peer review of judicial conduct and public scrutiny. ODIHR’s *Kyiv Recommendations on Judicial Independence in Eastern Europe, South Caucasus and Central Asia* also contain specific suggestions on the accountability of judges. Participating States are encouraged to consider these policy suggestions to improve legislation and practice for achieving greater independence of the judiciary.

Questions that could be addressed:

- What mechanisms have participating States put in place to hold judges accountable?
- Which state bodies are involved in administering accountability measures, in particular on evaluating performance and disciplining judges?
- How are these states bodies composed, and what are the procedures for selecting the members of these bodies?
- What are good practices in the area of devising accountability mechanisms, in particular bearing in mind the need to ensure judges’ independence? How is the fairness and transparency of the accountability mechanisms ensured?

**Right to a fair trial**

The notion of fair trial encompasses various procedural and substantive rights to be guaranteed by the state to all individuals, regardless of whether the jurisdiction has opted for the inquisitorial or adversarial/accusatorial criminal procedure model. Past and current criminal procedure reforms throughout the OSCE region have led to the rise of mixed models, adopting elements of both models to a varying degree.

In this connection, the OSCE encourages participating States to share information and best practices *inter alia* in the area of ‘the observation of rule of law standards and practices in the criminal justice system’ (Helsinki 2008) with the assistance of relevant OSCE executive structures.

Participating States have agreed that fair trial rights are among the elements of justice which are essential to the full expression of the inherent dignity and of the equal and inalienable rights of all human beings (Copenhagen 1990). Key fair trial principles such as the adversarial nature of criminal proceedings, the equality of arms, the right to defend oneself in person or through legal assistance, and the right to call and examine witnesses,

can be guaranteed under both procedural models provided that relevant safeguards are introduced to ensure that these principles are adapted to work in the specific model.

Fair trial guarantees are not limited to criminal proceedings. Increasing attention is given to the commitment of OSCE participating States to ensure effective means of redress against administrative decisions to guarantee respect for fundamental rights and ensure legal integrity, and the extent to which States succeed in providing for judicial review of administrative regulations and decisions (Copenhagen 1990, Moscow 1991).

Participating States have agreed to accept the presence of observers at judicial proceedings to ensure greater transparency in the implementation of their human dimension commitments (Copenhagen 1990). Trial monitoring has proven to be a valuable tool to collect objective information on the implementation of fair trial rights enabling OSCE field operations and ODIHR to provide targeted recommendations and assistance for justice reform efforts.

Questions that could be addressed:

- How do both procedural models in criminal justice guarantee the right to effective defence and equality of arms? Particularly, in adversarial/accusatorial systems, what are the rules on the defence's access to evidence and the prosecution's duty to disclose evidence, and the establishment of a free or low cost legal assistance system?
- What are the fair trial right-related risks in the area of plea bargaining, an institute that is typical of adversarial/accusatorial systems? What are good practices?
- What are effective mechanisms to ensure that criminal trials are conducted in a dignified and fair manner? How do jurisdictions following the adversarial/accusatorial model ensure that the judge is neutral but, at the same time, maintains some control over the proceedings to guarantee fairness and equality of arms of the parties? In the inquisitorial system, what measures are put in place to counter-balance the far-reaching control exerted by the judge in order to ensure that the parties are given the opportunity to convincingly present their case?
- To what extent have OSCE participating States in their criminal justice and legal reform processes addressed recommendations from OSCE/ODIHR trial monitoring programmes?

## THURSDAY, 25 SEPTEMBER 2014

**WORKING SESSION 6**

**10 a.m.–1 p.m.**

**Humanitarian issues and other commitments, including address by the OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings**

Trafficking in human beings (THB) remains a widespread violation of human rights and fundamental freedoms. It affects the lives of millions of women, men and children across the OSCE region and undermines the rule of law and democratic values. ILO estimates of 20.9 million people globally in forced labor situations and \$150 billion of annual criminal revenues from forced labor and THB clearly manifest the scope of the scourge. Simply put, trafficking continues to be a low-risk high-profit criminal activity which hampers human security in the OSCE region.

The patterns of THB changed over the course of time, their methods became more subtle and sophisticated, but the cruelty of labor and sexual exploitation and the degrading treatment of the victims remain the same. Traumas of child victims, trafficked also for forced begging, and subsequent violations of the rights of the child, have a life-long impact. The same can be said about the victims of THB for organ removal. Victims' suffering often amounts to torture.

Victim's assistance and protection clearly need further improvement. For example, the return of a trafficked person has to be conducted in compliance with their human rights, including whether and how the process of the return takes place. The OSCE's victim-centered approach underlies the concept of National Referral Mechanisms, the advocating for compensation to be provided to the victims for the harm suffered, as well as for ensuring their safe and voluntary return, and other measures for their empowerment and rehabilitation.

Since 1999, the OSCE has been at the forefront in the fight against modern-day slavery. The OSCE reflected its approach to THB in a number of MC and PC Decisions adopted between 2000 and 2013, and relevant OSCE executive structures have been assisting participating States - upon their request - to implement their anti-trafficking commitments at both local and central levels since then. Its 2003 Action Plan to Combat Trafficking in Human Beings remains a strategic document providing a comprehensive set of recommendations designed to assist participating States in the prosecution of offenders, crime prevention and victims' protection.

Relevant MC Decisions comprise the OSCE political commitments that address all areas requiring anti-trafficking action (the three "Ps"), including special needs of child victims of trafficking for protection and assistance, THB for labor exploitation, and steps to increase the criminal justice response. These Decisions call for better co-operation and co-ordination at the national level, as well as for the creation of national monitoring and reporting mechanisms, and closer co-operation with NGOs.

In 2013, participating States adopted the *Addendum to the Action Plan to Combat THB: One Decade Later* that addresses new and emerging forms of modern-day slavery, such as THB for exploitation in domestic servitude (including in diplomatic households), in organized begging, in forced criminality, and for the purpose of organ removal. The Addendum aims to meet the most pressing challenges of the so-called 3 Ps: prosecution, prevention and protection. It adds new vulnerable categories of potential victims, such as children in child institutions/orphanages, children in alternative care, runaway youth, unaccompanied and separated children, children with disabilities. The Addendum also encourages participating States to adopt zero tolerance policies in government procurement of goods and services and to engage the private sector to prevent THB for labor exploitation through the adoption of codes of conduct. Furthermore, it recommends increasing awareness through training for new categories of state officials and the private sector for better identification and prevention of THB cases. Finally, the Addendum calls to further strengthening the work of the Alliance against Trafficking in Persons as a privileged innovative framework for dedicated co-operation with relevant international partners. The Joint OSCE–CoE Conference on Combating Trafficking in Human Beings held in Vienna on 17-18 February 2014 can be seen as concrete step in this direction.

In this session participating States will take stock of the implementation of relevant OSCE commitments and explore the challenges posed by the growing complexity of the current migration flows, with increased numbers of labor-migrants, refugees, IDPs and other categories of vulnerable people, especially children, *inter alia*, affected by conflict situations. Moreover, this session will provide an opportunity to share good practices in the implementation of the 2013 Addendum to the Action Plan and ways to enhance co-operation between the participating States and the OSCE executive structures tasked with providing assistance, upon request.

Questions that could be addressed:

- What best practices that have been applied nationally can be recommended to address new forms of trafficking (THB for domestic servitude, for organized begging, for forced criminality, and for organ removal)? Are there other forms of THB that participating States have come across and prosecuted?
- How to improve victim identification, ensure protection of their rights and provide adequate levels of assistance meeting their real needs? How to differentiate assistance and protection to the victims of all forms of THB, including for the purpose of labour exploitation, and prevent re-trafficking?
- How to ensure the safe return of THB victims?
- How to further improve the implementation of the OSCE commitments at the ground level and how to promote the OSCE's cross-dimensional approach to combating THB more effectively through the media and ICT?
- How to mainstream anti-trafficking components more effectively into related programmes and policies (migration, tolerance and non-discrimination, gender equality, employment, children's rights and education, youth policies, business and human rights, etc.) at the national and international levels?
- How to enhance national and international co-operation and develop further partnerships with various stakeholders, including the private sector?
- In what concrete ways can co-operation be enhanced between participating States and relevant OSCE structures, where appropriate, in combating THB? What kind of joint actions can be recommended and accomplished?

- How can the OSCE, its institutions and field missions further assist the OSCE participating States in fulfilling their commitment to combat THB?

**WORKING SESSION 7**

**3–6 p.m.**

**Tolerance and non-discrimination I, including equality of opportunity for women and men and the implementation of the OSCE Action Plan for the Promotion of Gender Equality**

Gender equality stands for equal rights and opportunities for women and men in laws and policies, and equal access to resources and services within families, communities and society. It refers to women and men being able to access and participate in all spheres of life on an equal footing, including in democratic governance, decision-making and at all levels in the security sector. Achieving the goal of gender equality requires that women and men receive adequate and equitable protection of their human rights, including the right to live free of violence in a safe and supportive home and community.

This year marks the 10th anniversary of the adoption of the 2004 OSCE Action Plan for the Promotion of Gender Equality (MC.DEC/14/04), providing participating States, OSCE structures, Partners for Co-operation, and civil society with a unique opportunity to reflect on challenges and achievements and to identify areas requiring strengthened efforts towards ensuring gender equality and protection of women's rights in the OSCE region.

Despite advances being made towards gender equality, women remain under-represented in public institutions in all areas of government – executive, legislative, judicial and defence – particularly in decision-making positions at the national and local level. For example, according to the IPU, while women's representation in parliaments in the OSCE region now stands at an average of 25 per cent, there is a wide variation among participating States from a high of 50 per cent to under 10 per cent in a few states. At the local level, according to the European Commission database of women and men in decision-making positions, only 13 per cent of mayoral offices are occupied by women. In the security sector, particularly in the armed forces, the percentage of women rarely surpasses 10% and only exceptionally in the higher ranks. Women from minority groups, such as Roma and Sinti women, are particularly under-represented and do not enjoy equal participation in public and political life, including the effects of cultural practices that limit their political and public engagement. Additionally, the social and economic aspects of institutional discrimination of women in the OSCE region should be considered.

The OSCE participating States have committed to “consider possible legislative measures, which would facilitate a more balanced participation of women and men in political and public life and especially in decision-making.” (Athens 2009) This can be done by identifying and remedying discriminatory laws and policies, and sharing implementation of good practices for women's engagement in democratic processes and the public sector. Women's participation in parliaments, political parties and electoral processes should be promoted by strengthening processes that enable women to influence policy and legislative agendas. Making institutions more inclusive, representative, and gender-sensitive requires that women from all marginalized groups, including national minorities and migrants, and

particularly Roma and Sinti, are given equal access to policymaking processes. To ensure sustainability of efforts on national level, capacities of national mechanisms for the advancement of women, including national human rights institutions, to effectively protect and promote women's rights and gender equality should be strengthened.

In addition to urging the participating States to achieve gender equality in their national frameworks, the 2004 OSCE Gender Action Plan also calls on the OSCE to strengthen gender mainstreaming efforts within its own processes, programmes and policies and to achieve gender balance within OSCE institutions. Taking into account the recommendations resulting from the OSCE Gender Equality Review Conference held in Vienna in July 2014, this session will allow participants to review progress in implementing the 2004 OSCE Gender Action Plan, present challenges and good practices, and identify goals and objectives for future efforts towards achieving gender equality in the OSCE region.

Questions that could be addressed:

- What are the challenges that the participating States continue to confront in achieving gender equality and ensuring effective protection of women's rights?
- What are some good practices of OSCE participating States to foster equal participation of women and men in all aspects of public life, including in decision-making and in security service institutions?
- What initiatives can participating States implement to sensitize all those serving in the security sector to the security needs of women and to properly addressing such needs?
- What efforts have participating States undertaken to support national mechanisms for the advancement of women and enhance their capacity to protect and promote women's rights and gender equality?
- How can participating States support access to policymaking processes of women from all marginalized groups, including national minorities and migrants, and particularly Roma and Sinti?
- How should participating States review and measure progress in implementing the 2004 OSCE Action Plan and other OSCE commitments?
- How can the OSCE, its institutions and field missions further assist the OSCE participating States in fulfilling their commitment to achieve gender equality?

## FRIDAY, 26 SEPTEMBER 2014

### WORKING SESSION 8

10 a.m.–1 p.m.

**Specifically selected topic:**  
**Violence against women and children**

The Special Day will review implementation of commitments in the field of violence against women and children, to identify main challenges in this area and to share good practices from across the OSCE region. The morning session will focus on **domestic violence** and the afternoon session on **violence against women belonging to vulnerable groups**.

### Domestic violence

Domestic violence is a persistent problem across the OSCE region. Exacerbated by a lack of visibility and by gender-based inequalities and stereotypes, addressing such violence and its causes is often viewed as a private or domestic affair rather than a human rights violation. The prevalence with which such acts of violence occur impedes upon women's ability to meaningfully participate in all spheres of life. Preventing and combating domestic violence should be a precondition for all other activities aimed at protecting women's rights.

OSCE participating States have committed to address domestic violence through legislative reform, support to victims and their children, access to justice and capacity building of relevant institutions, as specified in the MC Decision 15/05 on Preventing and Combating Violence against Women. The Decision further urges participating States to comply with the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child, emphasizing their duty to prevent, investigate and punish the perpetrators of such violence, as well as to protect victims, especially women, children, and those most marginalized in society.

Over the last decade, OSCE structures have been working, in particular through field operations, to assist participating States in preventing and combating domestic violence. These efforts included the development of improved legal frameworks on combating domestic violence; trainings for police officers, medical and judicial authorities and other first responders on how to improve investigation of domestic violence cases; supporting protection services for victims; promoting public education campaigns; and knowledge exchanges through roundtable meetings and study visits. Furthermore, OSCE structures have also worked on developing innovative strategies to engage men in combating domestic violence. The promotion of positive, non-violent masculinities and the engagement of men and boys in a discourse on violence are critical to breaking the vicious circle of violence. In fact, some of the male perpetrators of domestic violence have previously been victims of violence themselves.

Monitoring and assessing progress on preventing and combating all forms of domestic violence in OSCE participating States remains a challenge. An EU-wide Survey on Violence against Women, undertaken by the European Union Agency for Fundamental Rights (FRA), demonstrates "extensive abuse that affects many women's lives, but is systematically under-reported to the authorities. For example, just over one in five women has experienced physical and/or sexual violence from either a current or previous partner (and) only 14 % of women reported their most serious incident of intimate partner violence to the police." At

the same time, prevalence of domestic violence in some other regions of the OSCE remains an unknown, since data collection is not systematized.

Building on the OSCE Gender Equality Review Conference held in Vienna in July 2014, this session will provide participating States, OSCE structures, Partners for Co-operation, and civil society with a platform to discuss how best to strengthen efforts, monitor and assess progress, and identify good practices for preventing and combatting domestic violence in the OSCE region.

Questions that could be addressed:

- What progress has been achieved in preventing and combatting domestic violence in OSCE participating States, and what more could be done?
- What are some of the good practices of the OSCE participating States that have proven effective in preventing and combatting domestic violence?
- What initiatives have OSCE participating States implemented in order to improve the investigation of cases involving domestic violence?
- What efforts have OSCE participating States undertaken in order to comprehensively address the needs of victims?
- How can the OSCE promote greater engagement by men and boys in initiatives to prevent and combat domestic violence?
- How can the OSCE improve its efforts to prevent and combat domestic violence, including data collection and information sharing mechanisms so as to ensure that needs and priorities are being addressed and effective protection is provided?
- How can the OSCE, its institutions and field missions further assist the OSCE participating States in fulfilling their commitment to prevent and combat domestic violence?

**WORKING SESSION 9**

**3–6 p.m.**

**Specifically selected topic:**

**Violence against women and children (continued)**

**Violence against women belonging to vulnerable groups**

In the OSCE MC Decision 15/05 on Preventing and Combating Violence against Women, the OSCE participating States expressed their deep concern “at the particular targeting or vulnerability to violence and hence the need for protection of girls and some groups of women, such as women belonging to minority groups, indigenous women, refugee and internally displaced women, migrant women, women living in rural or remote communities, destitute women, women in institutions or in detention, women with disabilities, elderly women, widows, women in situations of armed conflicts and women who are otherwise discriminated against, including on the basis of HIV status.” Furthermore, the UN Security Council Resolution 1325 on Women, Peace and Security calls for “special measures to protect women and girls from gender-based violence, particularly rape and other forms of sexual abuse, and all other forms of violence in situations of armed conflict.”

Women from vulnerable groups face multiple forms of violence and discrimination, such as increased vulnerability to trafficking and sexual violence, domestic violence, and reproductive violence – including forced sterilization. At the same time, Roma and Sinti women, for example, are also exposed to hate crime and other forms of intolerance and instances of disproportionate exercise of police powers and excessive use of force.

Successive ODIHR annual hate crime reports (<http://hatecrime.osce.org/>) demonstrate that women can be targeted in a range of ways, from threats to violent attacks. In many cases, racist or religious bias intersects with gender bias. Intolerant discourse and hate speech in the public sphere often portray women as submissive and oppressed individuals who lack the ability to express their opinions freely. Such rhetoric demonstrated against women belonging to minority groups, refugee and internally displaced women, migrant women, or women wearing the veil or other religious symbols points to deep, sustained, and institutional discrimination and intolerance that needs to be effectively combatted by the OSCE participating States.

Women and children from vulnerable groups must be provided with adequate safety and security in the OSCE region, including freedom from domestic and sexual violence, from hate crimes, and from institutional discrimination. Laws and policies of the OSCE participating States should be reviewed and improved, to effectively prevent, investigate and punish the perpetrators of such violence, as well as to protect victims, especially women and children, and those most marginalized in society.

Building on the OSCE Gender Equality Review Conference held in Vienna in July 2014, this session will provide participating States, OSCE structures, Partners for Co-operation, and civil society with a platform to discuss how best to strengthen efforts, monitor and assess progress, and identify good practices for preventing and combatting violence against women belonging to vulnerable groups.

Questions that could be addressed:

- What progress has been achieved in the OSCE participating States in preventing and combatting violence that occurs against women and children from vulnerable groups during peacetime and during conflict?
- What measures have been taken by the participating States in order to combat multiple forms of violence and discrimination faced by women and children from vulnerable groups?
- What are some of the good practices that have proven effective in combating intolerance against women and children from vulnerable groups?
- How can the OSCE combat extremist violence, hate speech, and hate crimes against women and children from vulnerable groups?
- How can the OSCE improve its efforts to prevent and combat violence against women and children from vulnerable groups, including data collection to ensure that needs and priorities are being addressed and effective protection provided?

**MONDAY, 29 SEPTEMBER 2014**

**WORKING SESSION 10**

**10 a.m.–1 p.m.**

**Specifically selected topic:**

**Rights of persons belonging to national minorities, including address by the OSCE High Commissioner on National Minorities**

The theme of this special day is to review implementation of commitments in the field of protection and promotion of the rights of persons belonging to national minorities, to identify main challenges in this area and to share best practices, with a focus on education rights and the right to effective participation. The morning session will focus on the **education rights of persons belonging to national minorities** and the afternoon session on the **right of persons belonging to national minorities to effective participation**.

### **Education rights of persons belonging to national minorities**

Education is an important right and condition for the enjoyment of other rights, including the right to fully and effectively participate in public affairs. The education system should be a conduit for encouraging respect for diversity – whether ethno-cultural or religious, while allowing developing and maintaining minority groups' languages, cultures and identities. The education rights of persons belonging to national minorities are well established in various international instruments, including United Nations documents, European treaties and OSCE Human Dimension Commitments. In paragraph 34 of The Copenhagen Document (1990): "The participating States will endeavor to ensure that persons belonging to national minorities, notwithstanding the need to learn the Official Language(s) of the State concerned have adequate opportunities for instruction of their mother tongue or in their mother tongue [...]"

The HCNM specifically addressed education in its Hague Recommendations Regarding the Education Rights of National Minorities (1996) and as a key policy area of integration in the Ljubljana Guidelines (2012). Furthermore, the Advisory Committee of the Framework Convention for the Protection of National Minorities of the Council of Europe played a significant role in standard-setting by adopting in 2006 the Commentary on Education under the Framework Convention for the Protection of National Minorities.

Education policies should strike an adequate balance between respecting education rights of minorities and the integration of the society as a whole and not result in the marginalization or even segregation of minorities in a society. The education should provide for opportunities to learn official language(s). Thus, the policy towards implementation of education rights of minorities would benefit from a non-isolationist approach to minority issues, target both majorities and minorities, and should encourage inter-communal communication.

Some OSCE participating States have discussed or experimented with adoption of integrated multilingual education models that aim to respond to the needs of persons belonging to national minorities in particular circumstances and contexts. Such integrated

multilingual education can help maintaining and transmitting essential elements of identity and at the same service an effective channel to promote intercultural contact and understanding and a shared sense of civic identity. As the *Ljubljana Guidelines* explain, in multilingual societies, a balanced and inclusive system should combine tuition in the State and official language(s) with adequate opportunities for pupils to learn their minority languages or receive instruction in this language. Therefore, participating States are invited to share their experience how such models enable persons belonging to national minorities to ensure their full and effective participation in all spheres of life on an equal footing and at the same time safeguard their rights to study their own language or receive instruction in their own language.

Educational policies should endorse comprehensive and pro-active approaches to ensure equal opportunities for both minorities and majorities. Fluency in the official language(s) and minority languages are often a necessity for public participation, as described in *The Lund Recommendations on the Effective Participation of National Minorities in Public Life* (1999). In order to achieve such opportunities, national minorities must have access to educational opportunities as do the majorities.

The access to mother tongue in pre-school is important. Teaching in minority languages or of minority languages can be a key element for meaningful realization of education rights of minorities and ensuring equal access to their education at primary and secondary school. In this respect, particular attention should be paid to policies promoting Roma and Sinti early education and the teaching of Romani language as well as policies providing equal opportunities for Roma and Sinti, in particular girls.

Although there is no generally established right to mother tongue education at the tertiary level, it may be necessary, in some contexts, to consider specific policies with respect to tertiary level education of persons belonging to national minorities when they have demonstrated the need for it and when their numerical strength justifies it. At the very least, education at the tertiary level should be available for prospective teachers of minority schools.

The respect for parental choice, consultations with minorities, and introduction of special enabling mechanisms should be important factors in designing education policies.

In line with *The Hague Recommendations Regarding the Education Rights of National Minorities* (1996) and *The Ljubljana Guidelines on Integration of Diverse Societies* (2012) education rights of minorities must be coupled with shared responsibility to integrate and participate in the wider society.

#### Questions that could be addressed:

- How is access of minorities to quality education safeguarded in national educational systems?
- What are the obstacles to equal access to education for minorities? What is the experience of some OSCE participating States with special measures aimed at promoting better access for minorities to education at primary, secondary, vocational and tertiary levels?
- How mother tongue instruction or teaching of mother tongue is safeguarded for persons belonging to national minorities?

- What mechanisms exist to ensure that minorities participate in development of educational policies?
- What are some of the models of integrated multilingual education used by participating States? What influence them in choosing a concrete model and how it ensures that education rights of minorities are respected?
- What content of curricula and textbooks contribute to the aims of integrated multilingual education?
- What resources and capacities are allocated for training of teachers in minority schools or in multilingual education?
- What examples can be provided of education policies that target majorities and minorities?
- How can the OSCE, its institutions and field missions better assist the participating States in implementing commitments related to education rights of persons belonging to national minorities?

**WORKING SESSION 11**

**3–6 p.m.**

**Specifically selected topic:**

**Rights of persons belonging to national minorities (continued)**

**Right of persons belonging to national minorities to full and effective participation in public affairs**

The Copenhagen document (1990) makes reference to the participating States commitment to respect the right of persons belonging to national minorities to “effective participation in public affairs, including participation in the affairs of relating to the protection and promotion of the identity of such minorities”. Participating States reaffirmed this commitment in the Helsinki document (1992) specifying that members of national minorities should be able to “participate fully, in accordance with the democratic decision-making procedures of each State, in the political, economic, social and cultural life of their countries including through democratic participation in decision-making and consultative bodies at the national, regional and local level, inter alia, through political parties and associations”. The HCNM, created as a conflict prevention instrument, has since then developed recommendations and guidelines based upon those human dimension commitments, as well as its own unique mandate, which acts independently through cooperation with participating States to promote more stable societies through minority protection and at the same time act to reduce tensions involving national minorities.

With the publication of the *Lund Recommendations on the Effective Participation of National Minorities in Public Life (1999)* the High Commissioner developed a set of recommendations and guidelines which proved influential in shaping the standards and the practice in the area of minority participation. Since then, the Advisory Committee of the Framework Convention for the Protection of National Minorities of the Council of Europe developed its *Commentary on the Effective Participation of Persons Belonging to National Minorities in Cultural, Social and Economic Life and in Public Affairs (2008)*. Most recently, the High Commissioner’s *Ljubljana Guidelines on Integration of Diverse Societies*

(2012) (“Ljubljana Guidelines”) have emphasized the importance of comprehensive integration policies, *including* effective participation.

Perhaps the clearest examples of participation in public life are participation in the political process, and participation in the administration of the State. This is necessary at both the local and the central levels of government and the civil service. The *Lund Recommendations* articulate the breadth of measures available to promote *effective* participation, including in the parliament as well as the electoral process by which parliamentarians are elected. The High Commissioner, in coordination with ODIHR and the OSCE Missions, works to promote the effective participation of minorities in the full spectrum of public life, through adherence to OSCE human dimension commitments and other international standards.

ODIHR’s *Guidelines for Reviewing a Legal Framework for Elections (2013)* emphasize the importance of considering special electoral rules of voting arrangements for minorities, which includes the possibility of reserved seats as a temporary measure. The ODIHR Handbook on *Observing and Promoting the Participation of National Minorities in the Electoral Process (2014)* further elaborates on available tools to *observe and promote the participation of national minorities in the electoral process*

States should strive for adequate representation of minorities in public administration, including in delivery of public services, though this does not imply adherence to a mathematical formula of strict proportionality. As the *Ljubljana Guidelines* explains, without a visible and meaningful participation of members of their group in the provision of services, such as judiciary, law-enforcement bodies, social welfare and healthcare institutions, and educational institutions, minorities are potentially excluded from effective participation in essential institutions of the State. Barriers to effective participation of minorities in public administration can be many, including political, linguistic, educational or geographical.

Participating States experience different hurdles in ensuring effective participation of national minorities in public life according to their different contexts. In particular, more efforts are needed to ensure genuine and effective participation of Roma in public and political life in the OSCE region. Some states have found that participatory mechanisms such as national minority councils, advisory bodies or other arrangements can achieve results in promoting the effective representation and participation of national minorities in public affairs.

Questions that could be addressed:

- What experience can participating States share where a policy to promote the rights of national minorities in relation to effective participation in electoral processes on national and local levels? Which policies have achieved an improvement in their representation in the elected bodies?
- What are examples of effective measures, including specific mechanisms, to enhance effective participation by persons belonging to national minorities?
- What is the experience of participating States on keeping statistics in relation to effective participation in public administration?
- Which activities have been successfully implemented to overcome a barrier on effective minority representation in the delivery of essential public services? Given the inevitable resource limitations, have any barriers proved insurmountable?

- What experience can participating States share in relation to taking measures to promote greater access to employment opportunities by national minorities in economically deprived areas?
- How can the OSCE, its institutions and field missions better assist the participating States in implementing commitments related to effective participation by persons belonging to national minorities?

**TUESDAY, 30 SEPTEMBER 2014**

**WORKING SESSION 12**

**10 a.m. – 1 p.m.**

**Tolerance and non-discrimination II, including prevention and responses to hate crimes, aggressive nationalism and chauvinism, and Roma and Sinti issues including the implementation of the OSCE Action Plan on Improving the Situation of Roma and Sinti**

### **Prevention and responses to hate crimes**

Since 1991, participating States have repeatedly expressed their concern about crimes motivated by prejudice, hostility or hatred agreeing on a comprehensive set of commitments to address them. This was further reaffirmed in 2009 when the OSCE Ministerial Council adopted a decision dedicated to achieving a comprehensive approach to understanding and addressing hate crimes, recognizing that for effective prevention and response, actions must be taken that inter alia strengthen legislation, collect reliable data, build the capacity of criminal justice system actors and assist civil society. Participating States were called on considering drawing on resources developed by ODIHR in relevant areas. In line with its mandate, ODIHR has been collecting information on hate motivated crimes and incidents and responses to this phenomenon since 2008 and has made this information accessible on its website [www.hatecrime.osce.org](http://www.hatecrime.osce.org). ODIHR's website reveals that gaps in reported official data on hate crime covering 2009-2013 are substantial, underlining systematic under-reporting and under-recording of this phenomenon across the region. At the same time, reports by civil society, by international organizations, OSCE Field Operations and by the media confirm that hate-motivated incidents are still a matter of concern.

The aim of this session is to review the implementation of OSCE commitments related to achieving a comprehensive approach to understanding, responding to and preventing hate crimes in the OSCE area, and preventing aggressive nationalism, racism and chauvinism. Challenges, good practices and lessons learned will be shared.

### **Aggressive nationalism and chauvinism**

In 1990, OSCE participating States have recognized that manifestations of intolerance and discrimination targeting individuals and communities represent a threat to social cohesion and can lead to broader conflicts. In 1993, they noted with concern the growing manifestations of aggressive nationalism as well as racism and chauvinism. Subsequent OSCE Ministerial Council decisions, adopted in 2003 and 2007, reiterated this concern and reaffirmed the commitment to promote tolerance and combat discrimination. Calls for continued efforts by political representatives, including parliamentarians, to strongly reject and condemn manifestations of racism, as well as violent manifestations of extremism associated with aggressive nationalism and neo-Nazism, while continuing to respect freedom of expression, were also highlighted in 2007.

Questions that could be addressed:

- How are participating States ensuring implementation of OSCE Ministerial Decision No. 9/09 on Hate Crime and other related commitments, including those on preventing aggressive nationalism, racism and chauvinism?
- What progress has been made by participating States on strengthening and implementing a comprehensive approach to understanding and responding to hate crime, including improving legislation and data-collection mechanisms and identifying and implementing good practices? What are the barriers that 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? What initiatives have been designed to address them effectively and efficiently and how can ODIHR's tools further support OSCE participating States in their efforts?
- How can ODIHR and other OSCE institutions, including the Personal Representatives of the Chairperson-in-Office on tolerance and non-discrimination issues, better support OSCE participating States in implementing their commitments?
- What capacity building measures have been undertaken by participating States with law enforcement authorities to identify, collect, investigate and prosecute hate crimes?
- How can authorities actively engage with civil society organizations to combat hate crimes and other manifestations of intolerance, whilst recognizing the important role played by civil society to foster pluralism and diversity?
- How can the political representatives and other leaders counter racist, xenophobic and discriminatory public discourse? Are there good practices to share of combating intolerance and discrimination by speaking out against hate crimes and intolerance?

**Roma and Sinti issues**

The 2003 Action Plan on Improving the Situation of Roma and Sinti adopted by the OSCE participating States (Maastricht MC Decision 03/2003) remains the fundamental policy document related to Roma and Sinti adopted within the framework of the OSCE. The Action Plan defines the key areas to be addressed by the participating States, in particular combating racism and discrimination, ensuring equal access and opportunities in education, employment, housing and health services, enhancing public and political participation and protecting their fundamental rights in crisis and post- crisis situation.

Last year, the OSCE marked the 10th anniversary of the adoption of the Action Plan with reviewing its implementation at the third Supplementary Human Dimension Meeting. On this occasion, the ODIHR launched its second Status Report on the implementation of the Action Plan assessing progress made by the OSCE participating States in meeting their commitments and giving a general overview on the situation of Roma and Sinti and developments since 2008.

The findings of the Status Report demonstrate that integration strategies or policy measures for Roma and Sinti inclusion have become a standard in many participating States, however, few satisfactory results were achieved to close the gap between Roma and Sinti and the mainstream society. Persisting challenges remain in all areas of the Action Plan, sometimes exacerbated by the global economic crisis. In this context the disturbing number

of hate crimes against Roma and Sinti, reports of police ill-treatment and the extremist anti-Roma rhetoric in public have been dominant negative trends. Civil society reports indicate a disturbing number of incidents of hate crimes against Roma and Sinti, while official data submitted by participating States for ODIHR's 2013 Status Report and successive ODIHR annual hate crime reports suggest significant under reporting by victims and confirm that many participating States do not register or disaggregate hate crimes based on bias against Roma and Sinti people.

The OSCE has long recognized that Roma and Sinti are particular targets of racial and ethnic hatred as well as the need to promote their integration in democratic society (Copenhagen Document, 1990). The Action Plan on Roma and Sinti devotes an entire chapter on combating racism and discrimination against Roma and Sinti and provides a framework to address violence against them. Concerned by the continued racism, discrimination and violent manifestations of intolerance against Roma and Sinti, in 2009 the OSCE participating States committed themselves to step up their efforts in promoting tolerance and combating prejudices against Roma and Sinti people as well as to unequivocally and publicly condemn any violence targeting Roma and Sinti, and to take all necessary measures to ensure access to effective remedies (MC Decision 8/09). In 2013, the OSCE participating States extended the normative body commitments in this area. They underlined the need to address racist and bias-motivated violence against Roma and Sinti and acknowledged the particular vulnerability of women and girls to violence and harassment. Moreover, they recognized the need to build the capacity of law enforcement authorities to identify, record, investigate and prosecute hate crimes against Roma and Sinti (MC Decision 4/13).

Questions that could be addressed:

- How do participating States enhance the effectiveness of national and local strategies and action plans aimed at Roma and Sinti integration to make progress in closing the gap between Roma and Sinti and mainstream society?
- What measures/initiatives are implemented by participating States to promote tolerance and combat the negative trend in society scapegoating Roma in the public discourse with anti-Roma rhetoric or violence against them?
- How did participating States follow-up on the MC Decision 4/2013 to address racist and bias-motivated violence against Roma and Sinti and the particular vulnerable situation of Roma women and girls to harassment and violence?
- What progress has been made by participating States to strengthen their legislation and policy measures in order to address discrimination and hate-motivated crime against Roma and Sinti, including data-collection mechanisms?
- What capacity building measures have been undertaken by the OSCE participating States for law enforcement authorities to identify, collect investigate and prosecute hate crimes against Roma and Sinti?
- How do participating States and relevant national institutions promote trust and understanding between the police and Roma and Sinti communities and promote good practices in this area?
- How do participating States promote inclusive dialogue within society in order to raise awareness of the role that intolerance and discrimination against Roma and Sinti can play in threatening social cohesion, stability and security?

- How can the OSCE executive structures, including its institutions and field missions further assist the OSCE participating States in fulfilling their commitment to improve the Situation of Roma and Sinti?

**WORKING SESSION 13**

**3 p.m.–6 p.m.**

**Tolerance and non-discrimination II (continued), including combating racism, xenophobia and discrimination, also focusing on intolerance on religious grounds**

OSCE participating States have identified that racism, xenophobia, anti-Semitism, intolerance and discrimination against Muslims, Christians and members of other religions present threats to stability in the OSCE region. They have repeatedly emphasized that manifestations of discrimination and intolerance may give rise to conflict and violence on a wider scale. Since the 2003 Vienna Conferences on Anti-Semitism and on Racism, Xenophobia and Discrimination, OSCE participating States have re-affirmed their commitments to combat intolerance and discrimination.

Manifestations of racism, xenophobia and discrimination continue to fuel divisions and challenge promotion of democratic values and respect for human rights. Racist and xenophobic discourse in public life, with populist parties and movements mobilizing against refugees, migrants and asylum-seekers as well as Jews, Muslims, Christians and members of other religions present an additional concern for security of these communities. In particular, places of worship, cemeteries and community centres of religious communities continue to be targeted through bias-motivated attacks endangering their security and creating the atmosphere of mistrust and fear. This was emphasized at the meetings on the security of Jewish and Muslim communities held in Berlin in 2013 and Vienna 2014. Participants of these events underlined the necessity to collect reliable data on these incidents and co-operation between authorities and affected communities.

OSCE participating States have agreed to collect reliable data on anti-Semitic crime (Permanent Council Decision No. 607). OSCE participating States have also committed to combat discrimination and violence against Muslims and to collect reliable information on hate crimes targeting Muslims. However, manifestations of intolerance targeting, in particular, Muslim women wearing the veil continue to be a cause of concern. Disproportionate security measures applied in some participating States undermine trust in public authorities and criminal justice system and lead to the under-reporting of hate crimes by the affected communities. Ministerial Council Decisions have also recognized the need to counter discrimination and intolerance against Christians and members of other religions, despite the fact that underreported hate crimes targeting Christians and members of other religions have been noted throughout the OSCE region.

OSCE participating States have also stressed the equality of all before the law and the need to guarantee legal protection to all persons against any discrimination on any ground (Copenhagen Document 1990). Despite that intolerance and discrimination continue to affect individuals throughout the OSCE region. In particular, lesbian, gay and transgender individuals remain vulnerable targets of such acts.

Acknowledging the importance of a “common approach” to address manifestations of intolerance and the significance of understanding the “uniqueness of the manifestations and historical background of each form”, OSCE participating States have agreed to undertake a number of steps to prevent and address manifestations of intolerance and discrimination and to promote mutual respect and understanding.

At the Brussels Ministerial Council, they recognized the need for “effective partnerships and strengthened dialogue and co-operation between civil society and State authorities in the sphere of promoting mutual respect and understanding, equal opportunities and inclusion of all within society and combating intolerance”, including by establishing consultative mechanisms. At the time, participating States also committed to “encouraging the development of comprehensive domestic education policies and strategies as well as through increased awareness-raising measures that (...) aim to prevent intolerance and discrimination” and “promote remembrance and education about the tragedy of the Holocaust.” In 2005, participating States agreed to develop methods and curricula to address racism, anti-Semitism, prejudice against Muslims, Christians and members of other religions.

The aim of this session is to review the implementation of OSCE commitments related to 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. The session will review progress as well as challenges, good practices and lessons learned made in addressing different manifestations of intolerance.

Questions that could be addressed:

- How are participating States ensuring the implementation of OSCE Ministerial Decision No. 10/2007, No. 13/2006 and No. 10/2005 on Tolerance and Non-Discrimination as well as other related commitments established by Ministerial and Permanent Council decisions between 2003 and 2007?
- What progress have participating States made in establishing specialized bodies and in developing and implementing national strategies and action plans in the field of tolerance and non-discrimination? What are some of the good practices that can be shared?
- What educational policies, practices, strategies and awareness-raising programmes have been developed and implemented by participating States to counter intolerance and discrimination, promote mutual respect and understanding and raise awareness about different biases and their respective historical background and specificity?
- How can political representatives and other leaders counter discriminatory and biased public discourse, including stereotypes about refugees, migrants, asylum-seekers, Christians, Jews, Muslims and members of other religions? Are there good practices to share of combating intolerance and discrimination by speaking out against manifestations of intolerance to condemn the stigmatization and scapegoating of vulnerable groups?
- What can be done to build effective channels of consultation and communication with civil society and vulnerable minority communities to build trust and work towards addressing under reporting at both the local and the national level?
- What measures can be undertaken to better understand how different manifestations of intolerance affect men and women differently?

- What is the role of interreligious and inter-community dialogue in addressing tolerance and non-discrimination and what can governments do to encourage and facilitate it?
- 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?

**WEDNESDAY, 1 OCTOBER 2014**

**WORKING SESSION 14**

**10 a.m.–1 p.m.**

**Fundamental freedoms II, including freedom of thought, conscience, religion or belief**

### **Freedom of thought, conscience, religion or belief**

The OSCE participating States committed to guarantee the exercise of freedom of religion or belief as early as in 1975, by undertaking to abide by Principle VII of the 1975 Helsinki Final Act, which spells out the obligation to “recognize and respect 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.” The Vienna Concluding Document took this commitment to the next step, further detailing it to require that OSCE participating States “grant upon their request to communities of believers, practicing or prepared to practice their faith within the constitutional framework of their States, recognition of the status provided for them in their respective countries” (Vienna 1989, para. 16.3). In a number of Ministerial Council decisions (Maastricht 4/03, Sofia 12/04, Ljubljana 10/05, Brussels 13/06, Madrid 10/07, Kyiv 3/13), participating States have committed to place high priority on ensuring respect for freedom of religion or belief and emphasized the intrinsic connection between this freedom, on the one hand, and the promotion of tolerance and non-discrimination, on the other.

However, across the OSCE space, individuals continue to face restrictions of their right to change, adopt, renounce or manifest a religion or a belief. Likewise, religious and belief communities are often met with undue restrictions in their access to legal personality, in particular in the form of unreasonably burdensome registration requirements. A number of participating States in recent years have sought to curtail the exercise of freedom of religion or belief in favor of placing a greater emphasis on national security, which in many instances has resulted in undue state interference with the activities of religious and belief communities and their unequal treatment without objective and reasonable grounds.

The OSCE Ministerial Council has encouraged participating States to seek the assistance of ODIHR and its Advisory Panel on Freedom of Religion or Belief in improving their implementation of relevant commitments (MC Decision 4/03, Maastricht). In this respect, the work of ODIHR and its Advisory Panel on the development of the Guidelines on the Legal Personality of Religious or Belief Communities also adopted by the Venice Commission of the Council of Europe, is to be highlighted.

This session will review the implementation by participating States of their commitments related to freedom of religion or belief, and discuss the specific challenges as well as good practices in this regard.

#### Questions that could be addressed:

- What are the key challenges encountered by participating States in the implementation of the commitments to ensure and promote freedom of thought, conscience, religion or belief? What good practices are available in this regard?

- What measures can be undertaken to further support participating States in implementing their commitments on freedom of religion or belief? How can ODIHR, the OSCE institutions and its field missions assist participating States in this regard?
- What specific legislative action can be taken to ensure non-discriminatory access to legal personality of religious and belief communities? How can ODIHR and other OSCE institutions better assist participating States in ensuring better legislative compliance in this area with OSCE commitments and other relevant international standards?
- What can be done to ensure more efficient cooperation between the OSCE institutions and field operations, as well as between the OSCE and other international actors, in promoting the implementation of commitments in the area of freedom of religion or belief?

**WORKING SESSION 15**

**3–6 p.m.**

**Fundamental freedoms II (continued), including freedom of movement**

### **Freedom of movement**

OSCE participating States use the term “freedom of movement” to describe a wide range of topics that concern not only the right of everyone to leave any country and the right of legal residents to freely move within the territory of a state but also the entry into and exit from the territory of states by non-citizens of OSCE participating States.

In Vienna in 1989, OSCE participating States pledged to guarantee the universal right to freedom of movement, which comprises the right of everyone to leave any country and the right of legal residents to freely move within the territory of a state. Many OSCE participating States maintain systems of obligatory residency registration for their citizens as a means to collect information to deliver basic services to citizens. Burdensome residency registration criteria may pose undue obstacles to certain population categories which consequently not only limits their right to freedom of movement but also other civil and political rights. Where such obstacles exist, possible solutions include the modernization of population registration systems, to facilitate the free choice of residence.

The promotion of human contacts between citizens of participating States is also an important component of the OSCE freedom of movement commitments. These commitments have been affirmed in numerous OSCE documents (Helsinki 1975, Madrid 1983, Vienna 1989, Copenhagen 1990, Paris 1990, Moscow 1991, Budapest 1994, Ljubljana 2005). Given the increased mobility of the global population, the progress participating States continue to make in facilitating cross-border mobility, achieved through bilateral and multilateral agreements, has had the positive effect of strengthening personal and professional ties, enhanced cooperation as well as increased understanding and trust among OSCE participating States.

ODIHR’s *Baseline Study on Cross-Border Mobility in the OSCE Region*, demonstrates how visa requirements affect the movement of people across borders in the OSCE region, and highlights the importance of visa facilitation and liberalization dialogues for the promotion

of freer cross-border travel, including recommendations to facilitate visa issuance for legitimate travellers until the full liberalization of visa requirements. This session will provide an opportunity to review progress in the implementation of freedom of movement commitments and to assess the current situation and challenges within the OSCE region.

Questions that could be addressed:

- How has the commitment of OSCE participating States to “facilitate wider travel by their citizens for personal or professional reasons” (Helsinki, 1975) been implemented? Have they gradually simplified and administered flexibly the procedures for exit and entry from and into other States? Have fees for visas and official travel documents been gradually lowered?
- Do participating States fully guarantee the right to freedom of movement to their nationals and foreigners legally residing on their territory? What problems are participating States experiencing in the implementation of the framework for the protection of this right?
- Do existing residency registration frameworks in OSCE States provide sufficient safeguards for the protection of freedom of movement and choice of place of residence?
- How can a balance be found between national security concerns, risks related to irregular immigration and the promotion of liberalized cross-border travel? What mechanisms can participating States use to facilitate legitimate cross-border travel?
- How can participating States ensure unhindered movement across borders and within their territory of persons representing OSCE structures, other intergovernmental bodies, and national or international non-governmental organizations as well as individuals engaged in monitoring the implementation of human dimension commitments or in providing assistance to enhance their implementation?

## **Human rights education**

Human rights education (HRE) is a relatively new field of human rights work, yet it has been recognized as one of the key ways to promote human rights in societies. It is about creating a learning environment to pass specific skills, knowledge and values and empower learners to act for their own human rights and the rights of others.

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 on human rights and fundamental freedoms. In practice, this means that human rights education should be made available to people of all ages and all groups of society, and states should actively encourage the introduction of human rights education in all educational institutions – in kindergartens, schools, universities, professional training centres, etc. States should also facilitate the work of NGOs, which undertake to develop human rights education initiatives in formal and non-formal educational spheres.

ODIHR has been actively promoting the objectives and approaches of the UN World Programme for HRE which is a universal framework for HRE. With its recent Guidelines on human rights education for secondary schools, human rights activists, for law enforcement officials and for health workers, ODIHR is advancing the implementation of the World Programme in the OSCE area, offering its expertise to participating States. The session will

provide an opportunity to discuss the current challenges and opportunities that exist with regard to setting up effective human rights education programmes.

Questions that could be addressed:

- What good practices in HRE exist in formal and non-formal educational settings in participating States and why can they be considered good practices?
- What challenges exist in HRE and how are these addressed?
- How can state institutions and non-governmental organizations cooperate effectively in the area of HRE?
- What practical steps could be taken to ensure strategic thinking about HRE and training in participating States?
- What steps have the OSCE participating States taken to implement the two phases of the on-going World Programme for Human Rights Education and how can ODIHR and other OSCE institutions support these efforts?

## THURSDAY, 2 OCTOBER 2014

**WORKING SESSION 16**

**10 a.m.–1 p.m.**

**Specifically selected topic: Rights of migrants**

Working Sessions 16 and 17 will discuss the current implementation of OSCE commitments focused on the rights of migrants. The morning session will focus on **migrant workers, the integration of regular migrants** as well as **the treatment of citizens of other participating States** and the afternoon session on **the situation of refugees and internally displaced persons**.

The aim of the Working Sessions to provide a forum for participants to address a wide range of issues related to the rights of migrants, including the protection of fundamental rights and freedoms in line with international human rights conventions ratified by OSCE participating States in general including mainstreaming of gender aspects into labor migration policies, measures to combat discrimination, intolerance and xenophobia towards migrants and their families and other issues. Special attention will be paid to measures the OSCE participating States have taken to further the integration of migrants into their societies, as well as to the protection of rights of refugees and internally displaced persons and the treatment of citizens of other participating States in line with the relevant OSCE commitments.

### **Migrant workers, the integration of regular migrants**

The decision to migrate and the choice of destination may be influenced by numerous factors such as a person's socio-economic situation, natural disasters in a migrant's country of origin, military conflict, or by requirements of policies and legislation of the potential host participating State. As a result of different migratory patterns, there are significant differences in the geographical distribution of migrant populations among OSCE participating States. As a whole, the OSCE region remains one of the most attractive immigration destinations in the world for migrants from participating States and other countries, with the total number of migrants in the OSCE region rising and reaching a figure of approximately 134 million people in 2013 (International Migration Report 2013). Migrants in the OSCE region make up more than half of the world's migrant population (231.5 million).

Over half of all international migrants are women. Migrant women of working age make up more than half of the total migrant population in some OSCE participating States. Migration trends in the OSCE region demonstrate a need for OSCE participating States to pay particular attention to including gender aspects in national labor migration policies, taking into account specific needs of both male and female migrants.

Migrant workers and their family members face a wide range of challenges in the OSCE region which are crucial for the full exercise of their rights and their integration in host participating States. These challenges include discrimination and xenophobia, accessing national labour markets, education, the healthcare system, housing, fulfilling long-term residence and family reunification conditions and participating in public life, as well as

applying for the acquisition of nationality, and accessing legal remedies for the protection of their rights.

OSCE participating States recognized some of the above-mentioned challenges as early as the adoption of the Final Act of the Conference on Security and Co-operation in Europe (Helsinki 1975). Since then they acknowledged that migrant integration could be addressed by strengthening legislation aimed to protect migrant rights as well as national strategies and programmes (Madrid 2007). OSCE participating States concluded that successful migrant integration policies that include the respect for cultural and religious diversity and the promotion and protection of human rights and fundamental freedoms are a factor in promoting stability and cohesion within host societies (Ljubljana 2005).

The implementation of such measures should enable migrants' participation in the life of the society of the participating States (Moscow 1991) and in integration processes (Budapest 1994). In this regard participating States recognized the need to create conditions for the familiarization of lawfully residing migrants with the languages and social life of their host States (Helsinki 1992).

OSCE structures in support to OSCE participating States have jointly developed a number of capacity building tools in co-operation with the International Organization for Migration (IOM) and the International Labour Organization (ILO), such as the Training Modules on Labour Migration Management – Trainer's Manual, the Guide on Gender-Sensitive Labour Migration Policies, the Gender and Labour Migration Trainer's Manual, and the Handbook on Establishing Effective Labour Migration Policies in Countries of Origin and Destination.

For the last few years the global economic crisis has detrimentally impacted on many national migration policies in the OSCE region. Thus participants may also wish to consider how austerity and other relevant measures taken by OSCE participating States have impacted on the rights of migrant workers and the efficiency of national migrant integration policies insofar as this issue could be discussed in the context of the human dimension and the implementation of relevant OSCE commitments.

#### Questions that could be addressed:

- How can participating States effectively promote equality of opportunity in respect to working conditions, education, social security and health services, housing and access to trade unions for lawfully residing and working migrant workers?
- What policy measures and tools can ensure the access of migrants to administrative and judicial procedures for the protection of their rights in host OSCE participating States?
- Do OSCE participating States actively seek to incorporate gender aspects into their national migration policies? What kind of good practices have been developed by participating States in this regard?
- How do OSCE participating States address the issues of discrimination, intolerance and xenophobia towards migrants and their families in their policies and legislation?
- What kind of legal, policy planning and practical support measures do hosting OSCE participating States use to ensure the integration of lawfully residing migrants in their societies?
- What are the good practices developed by participating States to involve civil society actors, including organisations, which represent migrants, in the planning,

development, implementation, monitoring and evaluation of government national action plans on migrant integration ?

### **Treatment of citizens of other participating States**

OSCE participating States agreed that free movement and contacts among their citizens are crucial for the maintenance and development of free societies and flourishing cultures (Paris 1991).

They undertook to ensure the dignified treatment of these citizens during their travel, entry and residence in other participating States in line with OSCE commitments, relevant international and national legal frameworks.

In particular, OSCE participating States agreed to simplify the free movement of citizens of other participating States by removing all legal and other restrictions with respect to travel within their territories for their own citizens and foreigners, and with respect to residence for those entitled to permanent residence, except for those restrictions which may be necessary and which are defined in line with their national legislation, consistent with OSCE commitments and international human rights obligations. Such restrictions should be kept to a minimum (Moscow 1991).

#### Questions that could be addressed:

- How have OSCE commitments on the treatment of citizens of other OSCE participating States been translated into national policy and legal frameworks of participating States?
- What are the most common restrictions imposed by OSCE participating States on travel and residence of citizens of other participating States within their territories? Do such restrictions allow citizens of other OSCE participating States lawfully on their territory to move freely and establish residence in line with OSCE commitments?
- How can the OSCE, its institutions and field missions further assist the OSCE participating States in promoting migrant integration, including the respect for cultural diversity and the promotion and protection of fundamental rights and freedoms?

**WORKING SESSION 17**

**3–6 p.m.**

**Specifically selected topic: Rights of migrants (continued)**

### **Refugees and displaced persons**

There were approximately 10,497,980 refugees, 928,230 asylum seekers and 17,670,370 IDPs in the world in 2013. 612,700 people applied for asylum in 44 industrialized countries in North America, Europe, East Asia and the Pacific, which is the highest total of asylum seekers in the world for any year since 2001 (UNHCR Global Trends 2013).

The year 2013 also saw an unprecedented number of more than 596,000 asylum applications submitted in the OSCE region. One OSCE participating State became the world's largest single recipient of new asylum applications with eight out of ten main destination countries for asylum-seekers in the world being OSCE participating States. In total in 2013 the OSCE region hosted more than 2.2 million refugees and approximately 1.18 million IDPs. Thus issues of asylum, refugee protection and addressing internal displacement challenges remain serious security, humanitarian and human rights challenges in the OSCE region.

Many refugees face restrictions in the enjoyment of their economic and social rights, such as the right to education, employment and to access relevant social security system in their host OSCE participating States. Other fundamental rights such as freedom of movement, access to justice and the right to family life are also often restricted for refugees. As well, many internally displaced persons (IDPs) and stateless persons still cannot fully enjoy their fundamental rights due to the absence of effective protection and durable solutions. In the OSCE region many IDPs have been in protracted situations decades after the emergency of the conflicts which caused their displacement. Living in such circumstances imposes particular hardship on vulnerable groups of the internally displaced such as women, children, the disabled, the elderly or other persons with special needs.

Over the years OSCE participating States reaffirmed their commitment to respect the universal human right to seek asylum and to ensure the international protection of refugees as set out in the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol. Participating States agreed as well to facilitate the voluntary return of refugees and IDPs in dignity and safety (Istanbul 1999).

They also undertook to support efforts to ensure the protection of and assistance to refugees and IDPs with the aim of finding durable solutions (Helsinki 1992). In this regard the participating States acknowledged that the UN Guiding Principles on Internal Displacement form a useful framework for the work of the OSCE and the endeavours of participating States in dealing with internal displacement (Maastricht 2003).

The OSCE participating States are primarily responsible for the safety, welfare and human rights of IDPs and refugees. The OSCE, in particular many OSCE Field Operations continue, in co-operation with UNHCR and other relevant partners, to build capacity and provide essential assistance to national authorities and civil society actors in their efforts to find solutions to the situation of IDPs and refugees in conflict and post-conflict areas across the OSCE region. In this regard the expertise and lessons learned from the Sarajevo process initiated by four OSCE participating States in South Eastern Europe with the support of the OSCE, UNHCR, EU, and the ICRC to resolve the refugee situation serves as a good practice model.

In February 2014, OSCE and UNHCR jointly published the "Protection Checklist – Addressing Displacement and Protection of Displaced Communities and Affected Communities along the Conflict Cycle: a Collaborative Approach". The Checklist was developed in close consultation with the United Nations Special Rapporteur on the Human Rights of Internally Displaced Persons and the International Committee of the Red Cross (ICRC). This Checklist is provided for OSCE field staff and participating States, as well as other OSCE actors who work on displacement issues or who might be confronted with protection challenges arising from conflict situations. It is intended to be a practical

reference tool that clearly identifies the actions that OSCE field operations can and should take in a given situation, within their mandates. The OSCE also co-operates with the United Nations Special Rapporteur on the Human Rights of Internally Displaced Persons through the conduct of individual visits to OSCE participating States and discussions in the OSCE Human Dimension Committee to assess the situation of IDPs in the OSCE region.

Questions that could be addressed:

- How are participating States implementing their commitments concerning refugees and IDPs? How can OSCE institutions, field operations and other executive structures best assist participating States in this area?
- What are the legal and institutional frameworks and/or good practices developed by participating States to effectively assist refugees and IDPs, including providing opportunities for their voluntary return, resettlement, rehabilitation, reintegration or repatriation?
- What are good practices of OSCE participating States to involve civil society actors in the process of providing assistance to refugees and IDPs? Do national legislation and/or established administrative practices of participating States impose an obligation on government authorities to consult refugees and IDPs and to ensure their participation in development of solutions for their situation?

## FRIDAY, 3 OCTOBER 2014

**WORKING SESSION 18**  
**Discussion of human dimension activities**  
**(with special emphasis on project work)**

**10 a.m.–1 p.m.**

**CLOSING REINFORCED PLENARY SESSION**

### **Working session 18: Discussion of human dimension activities (with special emphasis on project work)**

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 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 short 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 in particular will be encouraged to present their project activities and lessons learned from these 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:

- What are successful examples of OSCE interventions, programmes, and projects from the past year? 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 can the interplay between OSCE institutions' and field operations' mandates and programming be used most effectively?
- How can the OSCE be most effective in assisting participating States in implementing their human dimension commitments?

### **Closing plenary session reinforced by the participation of human rights directors, OSCE ambassadors and heads of OSCE institutions**

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 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 reports from 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 Basel in December 2014.

Any other business

Closing of the meeting