



Supplementary Human Dimension Meeting

on The Functioning of Democratic Institutions in Times of Crisis

**16-17 May 2022
(Vienna)**

ANNOTATED AGENDA

BACKGROUND

OSCE participating States have over the years recognized the importance of democratic institutions (including Copenhagen 1990, Moscow 1991), with specific references to the role of independent media and a pluralistic civil society as essential building blocks of any democracy.

The OSCE, and its comprehensive approach to security, was established at a time of global transformation, with challenges to peace and security. The Russian Federation's military attack in Ukraine is one of the most severe and urgent crisis in the OSCE region, creating unprecedented challenges to the effective functioning of democratic institutions, violating OSCE principles and commitments. The upholding of commitments pertaining to the principles of democracy, rule of law and human rights face serious challenges. OSCE participating States have and continue to grapple with the consequences of the global COVID-19 pandemic, including its impact on the stability and functioning of democratic institutions and the implementation of human dimension commitments.

Despite the pressures placed on societies in different crisis situations, human rights and democratic principles must guide the response to these challenges by participating States. Based on its human dimension commitments, the OSCE, and particularly its autonomous institutions, strive to promote conditions throughout the OSCE region in which all can fully enjoy their human rights and fundamental freedoms under the protection of effective democratic institutions, due judicial process and the rule of law (Maastricht 2003). States have also recognized an obligation to respect each other's sovereignty, freedom and political independence (Helsinki 1975).

Participating States have emphasized that states of emergency must not be used to subvert the democratic constitutional order, nor aim at the destruction of internationally recognized human rights and fundamental freedoms (Moscow 1991). Due democratic process, including separation of powers, as well as political pluralism and the independence of civil society and the media, must continue to be respected and protected. This is particularly important to mitigate the impacts of crises on women and men, vulnerable and marginalized groups and individuals, including by ensuring their right to access information and to equally participate in decision-making.

Participating States have emphasized the role of the OSCE and its autonomous institutions and other executive structures in this regard, including by tasking ODIHR to continue, as well as to increase efforts, to promote and assist in building democratic institutions of participating States, *inter alia* by helping to strengthen local and central government, parliamentary structures and civil society.

The Supplementary Human Dimension meeting (SHDM) will examine how the functioning of democratic institutions contributes to the protection and promotion of human dimension commitments in times of crisis. In doing so, the SHDM will provide a platform for an exchange of views among OSCE participating States, OSCE autonomous institutions and other executive structures and a variety of international organizations, national human rights institutions, civil society, media and other stakeholders on the identification of good practices in strengthening democratic institutions to ensure their preservation, resilience and active role during crisis periods.

The SHDM will also focus on identifying concrete areas of assistance to OSCE participating States in this regard. Discussions are expected to result in recommendations for participating States, OSCE executive structures and other relevant institutions to better assist OSCE participating States in upholding and implementing existing human dimension commitments, as well as explore areas where new commitments could be agreed upon.

Day 1

13.00 – 14.00

OPENING SESSION

Opening remarks
Introductory addresses
Technical information

14.00 – 16.00

SESSION I: Role of national and local institutions as guardians of democracy in times of crisis

OSCE participating States recognize that vigorous democracy depends on the existence as an integral part of national life of democratic values and practices as well as an extensive range of democratic institutions (Copenhagen 1990).

The functioning of effective democratic institutions at national and local levels is essential to prevent crises and, if they occur, to shape and implement democratic responses to them. Democratic institutions, such as parliaments and local governments, need to guarantee the continued representation of all voices in society in decision-making and the inclusive and transparent adoption of legislative and policy measures, through representatives who were freely chosen during genuine democratic elections (Copenhagen 1990, Moscow 1991). Inclusive representation at national and local level and cooperation between different levels of institutions are crucial in ensuring that crisis responses are contextualized and coordinated, respect human rights, and address the needs of marginalized and underrepresented groups.

National parliaments play a particularly crucial role in shaping responses to crises. Participating States have committed to ensure that the normal functioning of the legislative bodies is guaranteed to the highest possible extent during a state of public emergency; that a decision to

impose a state of public emergency should be subject to approval in the shortest possible time or to control by the legislature; and to provide in law for control over regulations related to the state of public emergency and their implementation (Moscow 1991). In a crisis, national parliaments must be able to continue to make decisions, to guarantee the representation of all voices in society, to exercise effective oversight of governments, and to ensure the inclusive and transparent adoption of legislative measures.

Oversight functions conducted by national parliaments are especially important when states of emergency result in greater powers shifting towards the executive. In the case of parliaments, this can result in the curtailment of legislative functions and limitations on their ability to exercise oversight. Public consultations and impact assessments may be forsaken when legislation is adopted through accelerated law-making procedures. Lessons learned from the COVID-19 pandemic underscored these risks while also providing selected examples of good practices adopted by parliaments to address some of these challenges, including through the use of technology. In some crisis contexts, parliaments have initiated inquiries or fact-finding missions to examine governments' crisis response, conducted their own monitoring, scrutinized emergency legislation, and proactively solicited input from citizens.

OSCE participating States have repeatedly affirmed the right of citizens to decide on their internal political affairs through representatives who were freely chosen during genuine elections, and to preserve the role of democratic institutions and processes (Copenhagen 1990). This also implies an obligation to preserve the integrity of democratically elected local authorities, which, among other essential functions, are well positioned in a crisis to understand the issues faced by local communities, to respond to immediate and practical needs and to help to facilitate access to information of public interest.

The Russian Federation's military attack in Ukraine poses particular obstacles to the effective functioning of democratic institutions, including security or public safety considerations as well as it creates an existential threat to national and local institutions.

The session will look into the effects that crises can have on the functioning of national and local institutions in OSCE participating States and reflect on challenges, experiences and promising practices of national and local democratic institutions in conducting their core functions. The session will have a special focus on the core functions of every parliament: oversight, legislative, and representative. It will also provide an opportunity to discuss recommendations in relation to effective functioning of democratic institutions in times of crises and conflicts.

Questions for discussion:

- How can parliaments and local governments assess and adapt their key functions in times of crises?
- How can participating States, civil society and the international community help harness the potential of national and local institutions to contribute to crisis prevention and response?
- How can participating States ensure inclusive representation of needs and participation of underrepresented groups, including women, youth and persons with disabilities, in parliamentary or local government decision-making in times of crises?

Day 2

10.30 – 12.30

SESSION II: Importance of freedom of association in the OSCE region

The right of individuals to form, join and participate effectively in associations is an essential element of any well-functioning, pluralistic and participatory democracy and of an effective system of checks and balances in peacetime, but, even more so, in times of crisis or conflict. This right also underpins the full and effective exercise of a broad range of other civil, political, economic, social and cultural rights. A significant body of international and regional standards and OSCE commitments governs the right to freedom of association, free from discrimination (especially Copenhagen 1990, Paris 1990); participating States also emphasized the importance of protection of human rights defenders (Budapest 1994). OSCE participating States further acknowledged the key role of women's organizations and civil society in general in conflict prevention, conflict resolution, and post-conflict rehabilitation (MC Decision 14/05 and MC Decision 3/11).

In the past years, however, freedom of association is increasingly curtailed in some OSCE participating States, hindering associations' work with restrictive regulations, such as legal and administrative barriers impeding access to domestic and foreign funds, stringent reporting and financial disclosure obligations, at times forcing them to close or discontinue their activities. This is coupled with attempts to stigmatize and discredit civil society organizations (CSOs) and their representatives, and even to target them with judicial harassment, arrest, imprisonment and physical attacks. Such restrictions on freedom of association undermine the functioning of CSOs, limiting a space for a dialogue, preventing them from effectively contributing to crisis prevention and response, for example, by helping to inform or participate in framing inclusive policies and legislative responses, disseminating information, providing support and services to those in need, and participating in formal and informal conflict resolution mechanisms.

When the right to freedom of association is fully respected, protected and facilitated during peacetime, this also enables CSOs to act efficiently in times of crisis. Crises or conflicts both exacerbate existing challenges for the exercise of freedom of association and give rise to new ones. Restrictions on freedom of expression, peaceful assembly and access to information imposed in response to crises or conflicts can undermine the watchdog function of CSOs. Human rights defenders and other civil society representatives may face immediate threats to their safety, liberty and security as well as additional stigmatization, intimidation and persecution for being critical of state actions in such a context. Crises and conflicts often constrain the conduct of associations' regular activities and provision of services and tend to intensify pre-existing inequalities and discrimination, disproportionately affecting certain people or groups.

This session will look into the exercise of the right to freedom of association in times of peace, but also in times of crisis or conflict. It will address the challenges that associations face in crisis or conflict settings, also reflecting on pre-existing conditions, such as restrictive regulations and practices hampering their work. Recognizing that civil society is a key partner for peace and security, the session will also emphasize the role CSOs can have as essential partners in responding to a crisis/conflict, for example in addressing human rights challenges, contributing to conflict resolution mechanisms and post-conflict rehabilitation, also highlighting the significant role of women and women's organizations.

Questions for discussion:

- How can participating States promote and protect civil society space and ensure a safe and enabling environment for associations, civil society representatives and human rights defenders at all times, especially in times of crisis or conflict? What are the main trends and challenges in this respect?
- What are good practices in terms of states facilitating effective and inclusive involvement of civil society in governments' emergency responses or in conflict resolution mechanisms and in harnessing the unique contributions that associations, in particular civil society organizations, are able to offer during times of crisis or conflict?
- What can the international community, including the OSCE and ODIHR, do to contribute to the improvement of respect, protection and fulfilment of the right to freedom of association in times of crisis/conflict?

14.30 – 16.30

SESSION III: Times of crisis: why we need more media freedom, not less

Independent, free and pluralistic media are an indispensable part of democratic societies. It is rightly considered as one of the key institutions in any democracy. In many OSCE commitments, including in the 1991 Document of the Moscow Meeting of the Conference on the Human Dimension of the CSCE, participating States reaffirmed that independent media are essential to a free and open society and accountable systems of government. They also agreed that free media are of particular importance in safeguarding human rights and fundamental freedoms.

Although these commitments have been reasserted by all 57 participating States with the adoption of the Ministerial Council Decision 3/18 on the Safety of Journalists, there is an unprecedented regress in media freedom and a severe clamp down on independent reporting across the entire OSCE region. In addition, there are rising instances of anti-media rhetoric by politicians and other public figures, fuelling a growing distrust against media by the larger public.

While access to reliable information and quality media is important at all times, it becomes even more vital in times of crisis and growing uncertainty. More than ever, professional journalism is relied on to provide fact-based information and unbiased reporting on evolving crisis situations, as witnessed throughout the COVID-19 pandemic or as is currently the case with the war in Ukraine.

In other words, to maintain safety and strive for comprehensive security in times of crisis, we need more media freedom, not less. Although international humanitarian law clearly prescribes that journalists, media professionals and associated personnel working in areas of armed conflict shall be considered civilians and shall be protected as such, in the current war in Ukraine, the death toll and attacks against media workers are growing, as well as the destruction of media infrastructure. All of this poses enormous challenges to the safety of journalists reporting from the frontlines.

In order to underline the essential role that quality journalism and media freedom play in times of crisis, this working session will include a testimonial of a journalist reporting on the war in

Ukraine. He/she will be invited to provide a first-hand account of the risks and challenges faced by media workers and reporters working from the war zone.

The working session will further discuss in more detail why and how censorship, state-control, restrictive laws to counter “fake news”, media capture and internet shutdowns are detrimental to media freedom, while looking for ways to address these negative developments. Moreover, it will explore why journalistic ethics and media self-regulation play a crucial role for quality media. The session will also underline the importance of media pluralism and diversity, including in times of crises, showing how a vibrant media landscape and favourable conditions for independent reporting are an important foundation of our democracies, contributing to more security.

Questions for discussion:

- What does media freedom mean in times of crisis, and why is it more important than ever? What kind of conditions need to be in place to provide for a robust and diverse independent media landscape that can prevail during crisis?
- What are the main challenges that affect media freedom in times of crisis and how to address these negative developments?
- Why is quality journalism, journalistic ethics and independent self-regulation so crucial to media freedom, especially in times of crises?

16.30 – 17.30

CLOSING SESSION

Rapports from the working sessions

Comments from the floor

Closing remarks

17.30

Closing of the meeting

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