The OSCE Human Dimension Implementation Meeting (HDIM) is Europe’s largest annual conference addressing human rights-related issues of common concern. Every year, the HDIM brings together more than 1,000 representatives of governments of OSCE participating States, OSCE Partners for Co-operation, OSCE executive structures, international organizations and representatives of the civil society to discuss the implementation of the OSCE human dimension commitments.

In 2019, the OSCE Human Dimension Implementation Meeting is organized for the 23rd time. Back in 1992, the Helsinki Document mandated the OSCE’s Office for Democratic Institutions and Human Rights (ODIHR), as the main institution for the OSCE’s human dimension of security, to organize a meeting to review the implementation of human dimension commitments adopted by all OSCE participating States and to look at ways to enhance compliance with those 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, which reviewed the implementation of these commitments in a different format respectively).

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 are to review human dimension commitments and to foster their implementation. Sessions of the HDIM are devoted to forward-looking discussions with a view to refining and further developing OSCE commitments. Meeting participants may also evaluate and put forward recommendations concerning the procedures and mechanisms for monitoring implementation of human dimension commitments.

The meeting in Warsaw will provide a forum to discuss a wide range of commitments, including this year’s three specifically selected topics: (1) Roma and Sinti, (2) Hate Crime and (3) Safety of Journalists.

This annotated agenda is intended to provide participants with guidelines to prepare for active and constructive participation in the meeting’s working sessions. 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.
In accordance with PC.DEC/476, the 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. Prominent international personalities in the field of the human dimension may also be invited to address the opening Plenary Session.

Digital technologies play an increasingly central role in expanding global communications and the possibilities for people everywhere and at any time to impart, access and share information and ideas. Last year, the OSCE participating States acknowledged that journalism and technology are evolving and that this contributes to the public debate (MC.DEC/3/18). Digital technologies have significantly contributed to fulfilling the vision of Article 19 of the Universal Declaration of Human Rights, whereby “Everyone has the right to […] seek, receive and impart information and ideas through any media and regardless of frontiers”. Participating States also agreed to ensure that the internet remains an open and public forum for free expression and free opinion (MC.DEC/12/04). Earlier this year, the Representative on Freedom of the Media, together with the United Nations Special Rapporteur on Freedom of Opinion and Expression, the Organization of American States Special Rapporteur on Freedom of Expression and the African Commission on Human and Peoples’ Rights Special Rapporteur on Freedom of Expression and Access to Information, issued their twentieth Joint Declaration which focuses on challenges to freedom of expression in the next decade, and includes recommendations on building and maintaining a free, open and secure Internet. The Declaration calls on States to, among other things, “recognize the right to access and use the Internet as a human right as an essential condition for the exercise of the right to freedom of expression”, as well as “refrain from imposing Internet or telecommunications network disruptions and shutdowns” and to “respect and reinforce the principle of network neutrality”. This session will also discuss the role and responsibilities of large tech companies engaged in shaping and arbitrating the online information space, and their profound impact on human rights online, particularly the rights to freedom of opinion and expression.

Questions that could be addressed:
- What is the current state of online freedom of expression and media pluralism in the OSCE region and how can the OSCE help ensure that the same rights that people have offline are also protected online, in particular freedom of opinion, expression, and access to information?
● How can participating States improve their efforts to strengthen freedom of expression and information pluralism, while addressing the challenges of so-called harmful content online, such as hate speech or the dissemination of dis/misinformation, and while countering emerging security threats in the online sphere, including counter-terrorism, violent extremism, and other illegal content?

● How do we ensure that participating States uphold their positive obligations while increasing the responsibility of private actors to moderate online content and guaranteeing that private actors take a human-rights based approach to developing technology that curates and/or moderates online content shaping freedom of opinion and expression?

TUESDAY, 17 SEPTEMBER 2019

WORKING SESSION 2 10. a.m.–1 p.m.

Fundamental freedoms (continued), including address by the OSCE representative on Freedom of the Media:
– Freedom of expression, free media and information

In accordance with his mandate, the OSCE Representative on Freedom of the Media will report to the Human Dimension Implementation Meeting on the status and implementation of OSCE principles and commitments in respect of freedom of expression, freedom of the media and freedom of information in OSCE participating States. The session will focus on the current situation of media freedom and freedom of expression across the OSCE region, raising attention to the main threats to freedom of expression and freedom of the media. The meeting will also discuss ways to increase safety of journalists, including by identifying better and quicker ways to implement the related OSCE commitments that the participating States adopted between 1975 and today. The Representative on Freedom of the Media is mandated to observe media developments in the OSCE participating States and to advocate and promote full compliance with related commitments.

During this session, the Representative will address serious problems caused by, inter alia, obstruction of media activities and unfavourable working conditions for journalists. Continued efforts to raise attention to the dire state of media freedom and to the responsibilities of participating States remain timely and much needed. The Representative will discuss the ongoing threats to the safety of journalists and others disseminating information in the public interest, including assassinations, and the persistent impunity for such attacks, both of which undermine media freedom and independence. The OSCE Representative will outline the threats and intimidation to attacks, arson, and physical violence including murder, he has intervened on in the past twelve months – most of them have been on the safety of journalists. This includes also the distinct risks and threats, especially online, faced by female journalists in relation to their work. During the session, the OSCE Representative will reaffirm safety of journalists as number one priority, to be the first concern for participating States when it comes to media freedom.
The session will provide an important forum for interventions on pertinent media freedom issues by participating States, international organizations, human rights and media NGOs, media lawyers and journalists from the entire OSCE region.

Questions that could be addressed:

- What is the current state of freedom of expression and media freedom in the OSCE area?
- What is the role of governments, intergovernmental organizations, non-governmental organizations and journalists’ associations in supporting safety of journalists as well as pluralism and independence of the media?
- What is the role of civil society in media freedom advocacy? How can their role be strengthened?

WORKING SESSION 3
Democratic institutions, including:
- Democracy at the national, regional and local levels
- Democratic elections

Democratic Elections

OSCE participating States have committed themselves to upholding key principles of democratic elections as an essential element underpinning genuine democracy. They explicitly recognized the significance of democratic elections and gave ODIHR a mandate to support them in implementing their election-related commitments by undertaking election observation and assisting in the follow-up to electoral assessments and recommendations. At the 1999 Istanbul Summit, participating States committed themselves to “follow up promptly the ODIHR’s election assessment and recommendations” and recognized “the assistance the ODIHR can provide to participating State[s] in developing and implementing electoral legislation.”

ODIHR’s election observation activities contribute to tangible improvements in electoral processes across the OSCE region. On the basis of OSCE commitments and other international obligations and standards, ODIHR observation missions make recommendations for improving the elections, and ODIHR actively engages with the OSCE participating States between the elections to support their follow-up efforts. Over the last several years, improvements include strengthened legal frameworks, greater attention to the inclusion of women in the elections, increased participation and protection of the rights of persons with disabilities, and deeper understanding of the advantages and risks associated with new technologies in the elections. Progress is, however, uneven. Particular issues of concern remain, such as limitations placed on suffrage rights, challenges to freedom of expression and media environment, lack of confidence in and impartiality of election administration bodies, and shrinking space for citizen election observers. Additionally, the importance of commitments related to the free conduct of electoral campaigns remains particularly salient, especially given the growing use of the Internet (and social media) for informing and reaching out to voters.
Election observation is a valuable and widely-recognized tool for peer review amongst the OSCE participating States. It is clear, however, that election observation is not an end in itself. The value of assessments and recommendations is contingent upon the will of the OSCE participating States to take them into account when reforming the electoral processes.

Democracy at the national, regional and local levels

In the 1990 Copenhagen Document, participating States committed to the protection of fundamental freedoms, human rights and the rule of law and nurturing and developing democratic institutions at all levels – national, local and regional. They also stated that vigorous democracy depends on the existence of an extensive range of democratic institutions, values and practices being an integral part of national life. Subsequently, the participating States mandated ODIHR to promote and assist in building democratic institutions at the request of States, helping to strengthen local and central government and parliamentary structures.

Across the OSCE region, attempts to substantially alter the balance of democratic powers are clearly visible today. Resting on a growing public distrust in democratic institutions, these attempts tend to enhance the executive. A robust monitoring of the executive by the parliament is an indicator of good governance, ensuring a healthy balance of powers while holding the executive accountable for its actions. While legislatures in numerous OSCE participating States retain their important oversight roles, it should be stressed that pluralism in the institution of parliament, is an implied yet fundamental component of OSCE commitments.1

The existence of legal and factual conditions for the peaceful expression of a political opposition inside and outside the parliament remains an essential component of a well-functioning democracy. In this respect, the nurturing of a pluralistic public participation is fundamental, as emphasized in the Helsinki Document of 2008, which recognizes that “human rights are best respected in democratic societies, where decisions are taken with maximum transparency and broad participation.”

This session will provide an opportunity for participating States to take stock of progress in the implementation of OSCE commitments on democratic institutions and political pluralism and to review electoral practices and efforts of the OSCE participating States to follow-up on ODIHR electoral assessments and recommendations in compliance with OSCE commitments, international obligations and standards.

Questions that could be addressed:

- What particular challenges have participating States faced in meeting their commitments to conduct democratic elections including, particularly related to ensuring a free campaign environment and especially given the growing use of the Internet?
- How can the OSCE participating States inform each other best about their efforts to follow-up on ODIHR’s assessments and recommendations?
- What are the key challenges OSCE participating States face in ensuring independent and well-functioning democratic institutions and political pluralism, including with a view to strengthen accountability and transparency at all government levels?

In spite of the continued attention to the challenges faced by media freedom and freedom of expression by several participating States, the circumstances under which journalists report have not improved, and in several instances they have continued to deteriorate. Journalists and other media actors have continued to face violent attacks, and too many of them have lost their lives for their work; impunity of perpetrators and masterminds of attacks against journalists has remained widespread.

On 12 December 2018, OSCE participating States reached consensus in adopting the landmark Ministerial Council Decision Nr.3/18 on Safety of Journalists, confirming that urgent action is needed to improve their safety. In particular, the Decision calls on states to “condemn publicly and unequivocally all attacks and violence against journalists such as killing, torture, enforced disappearance, arbitrary arrest, arbitrary detention and arbitrary expulsion, intimidation, harassment and threats of all forms”, as well as “urge the immediate and unconditional release of all journalists”.

This session will focus on the main threats to freedom of expression and freedom of the media. It will also discuss ways to increase safety of journalists by, among other things, focusing on the OSCE Ministerial Council Decision Nr.3/18 on Safety of Journalists, and more effective implementation of OSCE commitments in the field of freedom of expression and freedom of the media that the participating States have adopted since the Helsinki Final Act. The specific obstacles to freedom of expression caused by the online abuse of female journalists will be placed into the larger framework of the importance of ensuring a plurality of voices. The threat posed by this gender-based violence to media plurality and, therefore to freedom of the media and democracy as such, will be mainstreamed in the discussions of this session.

Questions that could be addressed:

- How can participating States better ensure that journalists and other media actors can work freely and under safe working conditions, ensuring the effective implementation of the Ministerial Council Decision on Safety of Journalists, including ending impunity of masterminds and perpetrators of crimes committed against journalists?
- What is the role of governments, intergovernmental organizations, civil society and media organizations in supporting safety of journalists and what can be done to foster effective co-operation among them?
- What specific measures would be needed to better address the distinct threats female journalists face in relation to their work?
WORKING SESSION 5  3–6 p.m.
Specifically selected topic: Safety of journalists

Safety of journalists also refers to legal safety – the ability to report without fear of legal repercussions, the foremost of which is imprisonment for journalistic work. From blocking of websites to surveillance and forced disclosure of confidential sources, security is too often used for sweeping restrictions on freedom of the online media. The OSCE Representative on Freedom of the Media recommends that restrictions on media freedom which rely on notions such as “national security”, “fight against terrorism”, “extremism” or “incitement to hatred” be defined in a clear, predictable and narrow manner and be subject to judicial oversight, so as to limit the discretion of officials when applying those rules. To respect the relevant OSCE standards the restrictions are to be provided by law, serve legitimate interests recognized under international law, and be necessary and proportionate to protect those interests. Inherently vague notions, such as “information security” and “cultural security”, should be avoided as a basis for restricting freedom of expression. From blocking of websites to surveillance and forced disclosure of confidential sources, security is too often used for sweeping restrictions on freedom of the online media. The fight against terrorism, violent extremism and hate speech is not compatible with the jailing of journalists who have nothing to do with such criminal activities. On the contrary, it is more necessary than ever to demonstrate today that the participating States can combat these evils without renouncing our core values. As such, this session will examine ways in which legislation and laws can preserve freedom of expression and journalism whilst also contributing to safeguarding national security.

Questions that could be addressed:

● What are the best practices for promoting laws and policies that protect freedom of the media and contribute to strong national security?

● What kinds of constraints do the media face during times of war, armed conflict, terrorism, or national emergency? What are the dangers of too much or too little “prior constraint” of publication?

● What are the best practices to take into account public interests when restrictions are imposed on media freedom aimed to promote tolerance, truthfulness and/or counter radicalization and fight terrorism and violent “hate speech” while keeping political speech?

THURSDAY, 19 SEPTEMBER 2019

WORKING SESSION 6  10 a.m.–1 p.m.
Fundamental freedoms (continued), including:
– Freedom of peaceful assembly and association

The rights to freedoms of peaceful assembly and association are crucial for effective public participation and to the functioning of vibrant, pluralistic and participatory democracies. They are instrumental in enabling the full and effective exercise of other civil, political, economic, social and cultural rights. A robust body of international and regional standards
and OSCE commitments governs these rights (especially the 1990 Copenhagen Document; 1990 Charter of Paris), providing a strong case for the recognition that the right of persons to associate and peacefully assemble is intrinsic to the democratic societies that OSCE participating States have committed to build. OSCE participating States have also reaffirmed the right of individuals to know and act upon their rights and duties and the need to protect human rights defenders (Helsinki Final Act, Budapest 1994). The 3rd edition of the Joint Guidelines of Freedom of Assembly has recently been adopted and will offer further guidance to states, alongside existing tools such as the ODIHR Guidelines on the Protection of Human Rights Defenders.

However, worrying patterns, including serious violations of the rights to freedom of peaceful assembly and of association, continue to narrow the civic space across the OSCE region. For example, overly broad legislation and policies aimed at countering terrorism and “extremism” are sometimes used to target and restrict dissenting and critical voices. Some states have introduced legal reforms or other measures leading to the criminalization of legitimate human rights work. Indiscriminate and excessive force is used to counter or repress some peaceful protests, and states do not consistently facilitate independent monitoring of human rights compliant facilitation of peaceful assemblies. Human rights defenders, in particular those representing or working with marginalized groups in society, face harassment and attacks, both online and offline, by both state and non-state actors. Digital technology represents an opportunity in the hands of people looking to come together to advance democracy, human rights, peace and development, but also presents a range of new risks and threats, such as surveillance of civil society, online smear campaigns and restrictions on use of social media to convene peaceful assemblies.

This session will aim to demonstrate how the establishment of a culture of dialogue between states, civil society and individuals, including those from marginalized or under-represented groups, and the full implementation of the rights to freedom of peaceful assembly and association, fosters relationships built on mutual trust and serves to achieve democracy, human rights and security.

Questions that could be addressed:

- What good practices exist for participating States to ensure the exercise of the rights of freedom of peaceful assembly and association and address the capacity building needs of law-makers, the police, administrative authorities, and the judiciary in this regard?
- What positive measures can be taken to overcome specific challenges that confront certain persons or groups that are marginalized or discriminated against in the exercise of their rights to freedom of peaceful assembly and of association?
- What kind of support for human rights defenders, and civil society more broadly, can help to ensure a safe and enabling environment for the full and effective exercise of the rights to freedoms of peaceful assembly and association, both online and offline?
The relationship between freedom of thought, conscience, religion or belief and the need to provide security has come into sharp focus as OSCE participating States seek to address potential challenges of managing diversity of religions and beliefs, and to address security threats such as those posed by violent extremism and radicalization that lead to terrorism. While OSCE participating States have adopted different strategies to ensure that their security measures are fully compliant with their international obligations and commitments pertaining to freedom of religion or belief, in some cases laws, security policies and practices have placed freedom of religion or belief under significant pressure. Such measures, especially those that are very broad or applied arbitrarily, are often enacted in the name of “national”, “state” or “public” security, or in the interests of preserving or maintaining “peaceful coexistence”, “social stability” or “social harmony”. Experience shows that such limitations can worsen rather than improve security.

Much of the contemporary discourse on freedom of religion or belief and security calls for a balance between these values or suggests that at least some aspects of this freedom must be sacrificed to achieve security. This discourse contradicts the OSCE’s comprehensive approach to security, which does not frame freedom of religion or belief and security as competing rights, but recognizes them as complementary, interdependent and mutually reinforcing objectives. The Kyiv Ministerial Decision 3/13, for example, emphasized “the link between security and full respect for the freedom of thought, conscience, religion or belief”. This link heightens awareness of freedom of religion or belief’s contribution to positive indicators of societal well-being, including economic development, democracy and good governance, and to building structures of mutual respect and understanding among peoples of different religions and beliefs.

This session will explore why full respect for freedom of religion or belief is at the core of the OSCE’s comprehensive concept of security. It will discuss how freedom of religion or belief can provide the normative basis and a minimum rule for the peaceful coexistence and cooperation of people belonging to different religions and beliefs, including non-believers. The session will examine how disproportionate restrictions on the universal right to freedom of religion or belief threaten the stability and security of countries as well as of the wider region; it will also discuss the benefits to society from full compliance with OSCE commitments and international standards in the area of freedom of religion or belief.

Questions that could be addressed:

- How does freedom of religion or belief facilitate peace and security?
- What principles and examples of good practice are there that can assist OSCE participating States in their efforts to frame gender-sensitive legislation, policies and practices to advance freedom of religion or belief for all and ensure security?
- What are the different needs of men and women in the enjoyment of freedom of religion or belief, and how do restrictions on freedom of religion or belief imposed in the name of security affect men and women differently?
WORKING SESSION 8 10 a.m.–1 p.m.

Tolerance and non-discrimination I, including:
- Equal opportunity for women and men
- Implementation of the OSCE Action Plan for the Promotion of Gender Equality
- Violence against women

As the OSCE Action Plan for the Promotion of Gender Equality marks its 15th anniversary, women continue to face a plethora of barriers and limitations to their enjoyment of human rights.

Women’s Participation in Political and Public Life

While progress has been made, women remain under-represented in politics across the OSCE region. Even though the OSCE MC Decision 7/09 urges participating States 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,” currently women form an average of 26.7 per cent of members of parliament in national legislatures of the OSCE participating States. Caring responsibilities, unequal access to finance and a persistent pay gap, stereotypes and violence against women in politics, lack of confidence and opportunity to experience formal politics, and male-dominated political structures all impede women’s abilities to enter, stay and lead in political and public life. These challenges are even more crippling to women from traditionally under-represented groups.

ODIHR’s gender audits of political parties demonstrate that candidacy selection procedures in political parties across the OSCE region remain largely non-transparent to the detriment of aspiring women candidates. Parliaments are increasingly aware of the need to integrate gender equality and diversity aspects in their institutions, both in terms of the representative, legislative and oversight functions, and in terms of their role as public employers. Gender-sensitive legislation, for example, shall ensure that laws work and deliver for women and men, boys and girls, in all their diversity.

Violence against women

Gender inequality is a root cause of sexual and gender-based violence (SGBV) which takes a variety of forms. Sexual harassment in the world of work as well as different forms of violence against women carried out through digital technologies take place within this continuum. MC Decision No.4/18 renewed the call to ensure access to justice, effective investigation, prosecution of perpetrators, as well as adequate protection, rehabilitation and reintegration support for victims of all forms of violence against women and girls. The

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3 Inter-Parliamentary Union, Women in National Parliaments, data as of 1 January 2019. Available at: http://archive.ipu.org/wmn-e/classif.htm
4 ODIHR, Handbook on Promoting Women’s Participation in Political Parties, Warsaw, 2014, Available at: https://www.osce.org/odihr/120877
decision tasked relevant OSCE executive structures to assist participating States in improving their legal and policy frameworks and in implementing measures for preventing and combating all forms of violence against women and girls. The need to combat violence against women, including sexual violence in conflict, has been reinforced in other documents highlighting also multilateral collaboration and the critical linkages of OSCE commitments to those of Women, Peace and Security.6

The 2019 OSCE-led survey on the well-being of women in South-Eastern and Eastern Europe revealed that 70 per cent of women, or an estimated 16 million, have experienced some form of sexual harassment, stalking, intimate partner violence or non-partner violence (including psychological, physical or sexual violence) since the age of 15. The survey also identified worrisome trends regarding the silence surrounding violence, victim blaming and increased vulnerability when partners have fought in armed conflict.

This session will provide an opportunity for participating States to take stock of progress in the implementation of OSCE commitments on gender equality, explore challenges and good practices related to equality of opportunity and outcomes for women and men to participate and lead on equal footing in various spheres of life. The session will also make recommendations on further efforts needed to achieve gender equality and to prevent all forms of violence against women in the OSCE region.

Questions that could be addressed:

- What challenges do OSCE participating States experience in achieving gender equality and what can be done to overcome them?
- What measures are effective in promoting equal participation of women and men in political and public life, including the security sector, and how can institutional commitment and change be best achieved?
- Which legal, policy and practical measures are effective in preventing and combating violence against women in peace times, including sexual harassment and online violence, and in crisis situations, including conflict-related sexual and gender-based violence?

WORKING SESSION 9  3–6 p.m.

Humanitarian issues and other commitments, including:
- Combating trafficking in human beings
- Refugees and displaced persons
- Persons at risk of displacement

Addressing the protection needs of refugees and displaced persons, persons at risk of displacement as well as combatting all forms of trafficking in human beings is an interconnected issue in the OSCE. Commitments made over the last two decades demonstrate a comprehensive human rights-based and victim-centred approach across all three OSCE

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6 MC Decision 14/07 on Preventing and Combatting Violence Against Women makes explicit reference to regional and international initiatives to combat violence against women in conflict. In April 2019, the UN Security Council approved Resolution 2467 on sexual violence in conflict, reaffirming the need to move from a culture of impunity into one of accountability. The Sustainable Development Goals also lay out the commitment to gender equality and to eradicate violence against women.

The world is facing its largest global displacement crisis since World War II, with approximately 70 million people displaced due to conflict, persecution or desperate living conditions in their home countries. OSCE participating States are experiencing mixed flows of refugees, migrants and asylum seekers crossing their borders, including those who are in clear need of international protection, generating a significant pressure on their migration and asylum systems.

Trafficking in human beings is a risk to all persons—women, men, girls and boys—in mixed migratory flows. However, within these mixed flows, gender specific protection challenges arise. Women and girls represent 72 per cent of detected victims, and girls represent almost 77 per cent of detected children who are trafficked. Women and girls together represent 94 per cent of detected victims who are trafficked for sexual exploitation. Despite many participating States reporting improved access to justice for migrant women, irregular migration status and the threat of imprisonment and/or deportation continue to exacerbate the vulnerability of migrant women and girls to different forms of gender-based violence. Reports indicate that women and girls trafficked for forced labour are also highly vulnerable to sexual violence and commercial sexual exploitation. Governments cannot effectively combat trafficking in human beings without fully recognizing the acute vulnerabilities and specific needs of women and girls, especially within migration flows.

This session will highlight the issue of gender specific challenges within the mixed-migration context and their interlinkages with vulnerability to trafficking in human beings. The session will also discuss strategies adopted by participating States to improve their national asylum and reception conditions to increase identification of and provide gendered and tailored assistance to survivors of trafficking in human beings. The session will also discuss strategies adopted by participating States to improve their national asylum and reception conditions to increase identification of and provide gendered and tailored assistance to survivors of trafficking in human beings. The session will also provide opportunities to discuss the situation of refugees and displaced persons in the OSCE area and the situation of those at risk of displacement, including measures that participating States can take to protect, respect and promote the rights of these individuals, including in conflict areas.

Questions that could be addressed:
- In the current mixed migration context, which includes situations of internal displacement, how can participating States better detect, identify, protect and assist vulnerable groups, including women and girls, to decrease risks of gender-based violence and trafficking in human beings and provide assistance to identified victims?
- What actions can be undertaken by participating states, OSCE institutions and other relevant actors to foster a positive narrative regarding refugees, asylum seekers and migrants?

What effective solutions have been adopted to prevent human trafficking, especially of women and girls rooted in inclusion of impactful strategies to counteract demand, as proposed in MC.DEC 6/17 and 6/18?

Ensuring equal participation in public life and the process of law-making, as well as the inclusiveness of democratic institutions, especially the judiciary and parliaments, is essential to engendering public trust and credibility in democratic institutions.

OSCE commitments acknowledge the need for additional efforts to promote the participation of women, youth, persons with disabilities, and minorities in public life, including in the judiciary. Historically, significant groups in society, particularly persons with disabilities, have not been seen as active community members capable of contributing fully and equally. The inclusion of specific groups in decision-making processes allows them to represent their own interests and more effectively exercise other rights and is thus necessary for ensuring the equal rights of all members of society and for enhancing public trust in institutions.

The independence of the judiciary is also essential to engendering public trust in democratic institutions and to the credibility of the justice system. For this reason, participating States have declared that the ability of judges to adjudicate free from interference is essential in safeguarding human rights (Copenhagen 1990) and have committed to ensuring that judicial independence is guaranteed through law and respected in practice (Moscow 1991). However, finding and maintaining a balance between judicial independence and accountability of judges has been an ongoing challenge for all OSCE participating States.

Establishing such systems is a complex undertaking that requires an inclusive and transparent law-making process. Laws not only need to comply with human rights and rule of law standards, they also must effectively tackle increasingly complex challenges. This cannot be achieved without the participation of all those primarily concerned, including under-represented groups throughout the entire process. OSCE participating States have committed themselves to adopting legislation “as the result of an open process reflecting the will of the people” (Moscow 1991) and “with maximum transparency and broad participation” (Helsinki 2008). By conducting inclusive and meaningful public consultations, as well as impact assessments and gender analysis, legislatures are able to gather views from representatives of...
various groups, on matters to be regulated. Such a participatory approach to the adoption of laws leads to greater democratic legitimacy and nourishes confidence in institutions.

This session aims at highlighting the requirements for effective, efficient, broad and equal participation in political and public life, including in the process of law-making, and the subsequent interpretation of laws by the judiciary. Furthermore, the session can emphasize the impact of hastily introduced legislative reforms on the rule of law and on public trust in institutions when they fail to ensure broad and inclusive participation.

Questions that could be addressed:

- What systems of checks and balances have participating States put in place in order to ensure the independence of the judiciary, and adequate separation of the judiciary from other sources of state power?
- What measures shall OSCE participating States take in order to streamline effective and inclusive participatory processes, to facilitate equitable access to such processes and ultimately to build a culture of participation? What can be considered good practices in this regard?
- What measures and initiatives can OSCE participating States implement to promote equal participation of under-represented groups?

WORKING SESSION 11  
3-6 p.m.

Rule of law II, including:
- Prevention of torture
- Exchange of views on the question of abolition of capital punishment
- Protection of human rights and fighting terrorism

Prevention of torture

OSCE participating States recognize “that torture is a most serious crime and affirm that freedom from torture and other forms of cruel, inhuman or degrading treatment or punishment is a non-derogable right, which protects the inherent dignity and integrity of the human person” (Athens 2009). They have called to eradicate torture and other forms of ill-treatment and to fight impunity for such acts (Vienna 1989, Copenhagen 1990, Paris 1990, Moscow 1991, Budapest 1994, Istanbul 1999, Ljubljana 2005). To accept torture and other forms of ill-treatment means to accept a system of fear, intimidation and repression that has no place in a democratic society based on fundamental rights and the rule of law. Effective prevention of torture means to put in place formal safeguards, which, if implemented, reduce the risk of torture and ill-treatment. Promoting a zero-tolerance policy on torture is equally important. OSCE participating States must ensure that this translates into a safe and conducive environment to report cases of torture and misconduct for professionals of the security sector, survivors, medical staff, lawyers and human rights defenders. Impunity for perpetrators must cease and the commitment to take effective measures to eradicate torture must be reinforced and translated into reality across the OSCE region.

Protection of human rights and fighting terrorism
Terrorism, violent extremism and radicalization leading to terrorism (VERLT) raise multidimensional challenges and require multidimensional responses. That the protection of human rights and countering terrorism are mutually reinforcing objectives is at the very center of the OSCE’s comprehensive concept of security (e.g. PC Decision 1063 of 7 December 2012; Basel 2014; Belgrade 2015 and Hamburg 2016) and is recognized in the UN Global Counter-Terrorism Strategy. Nevertheless, countering terrorism is in practice often seen as a “hard” security topic overriding “soft” human rights considerations. However, ensuring respect for human rights and the rule of law is a precondition for both the legitimacy and the effectiveness of States’ counter-terrorism efforts. According to a recent UN report (A/HRC/40/52, 1 March 2019), between 2001 and 2018, at least 140 Governments adopted counter-terrorism legislation. New and multiple legislative and administrative measures are defended by reference to new or perceived threats, or simply to comply with new international requirements. Domestic laws have been used to grant additional state powers and to allow for exceptional measures to become the norm, thus undermining international human rights standards. Therefore, it is essential to consider the human dimension of counter-terrorism measures, including the principle of non-discrimination, the protection of freedom of expression and the right to privacy, freedom of religion or belief and other human rights and fundamental freedoms; the protection of human rights for civil society and human rights defenders; and the disproportionate use of force, the use of torture, and other forms of ill-treatment, secret, prolonged and arbitrary detention.

Exchange of views on the question of abolition of capital punishment

In its General Comment no. 36 (30 October 2018) on article 6 of the International Covenant on Civil and Political Rights, the United Nations Human Rights Committee states that “The death penalty cannot be reconciled with full respect for the right to life, and abolition of the death penalty is both desirable and necessary for the enhancement of human dignity and progressive development of human rights.” Despite the global trend towards the abolition of capital punishment and the fact that the majority of OSCE participating States recognise this as a cruel, inhuman and degrading punishment, debates continue about the possible reinstatement of the death penalty, including in the OSCE region. Participating States have committed to keep the question of eliminating capital punishment under consideration (Copenhagen 1990). To continue to facilitate the exchange of information on developments relevant to the status of the death penalty and its abolition in the OSCE area, ODIHR has published “The Death Penalty in the OSCE area – Background Paper 2019.”

This session will provide an opportunity for participating States to reflect on future steps OSCE participating States and civil society can take to eradicate torture from our landscape and provide for security, physical and mental integrity for all, women and men, girls and boys, while countering terrorism. It will also serve as a platform to analyse the situation of the death penalty in the OSCE region.

Questions that could be addressed:

- What are the main reasons for the persistence of torture and cruel, inhuman or degrading treatment or punishment in the OSCE region and how can a collective response in the fight against torture, including to address the issue of impunity, move forward?
- How do OSCE participating States comply with their obligations to counter terrorism and protect human rights, including ensuring accountability for human rights violations and addressing VERLT in a human rights compliant manner?
What measures are states, which retain the death penalty, taking towards its abolition and how can OSCE participating States that have abolished the death penalty prevent its resurgence?

**TUESDAY, 24 SEPTEMBER 2019**

<table>
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<tr>
<th>WORKING SESSION 12</th>
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<td>Tolerance and non-discrimination II, including address by the OSCE High Commissioner on National Minorities:</td>
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<td>– Rights of persons belonging to national minorities</td>
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The Copenhagen Document (1990) affirms that “participating States will respect the right of persons belonging to national minorities to effective participation in public affairs, including participation in the affairs relating to the protection and promotion of the identity of such minorities.” The HCNM Lund Recommendations on the Effective Participation of National Minorities in Public Life (1999) elaborate advice to OSCE participating States on how this might be achieved.

Since these instruments were developed, participating States have given greater recognition to the role of youth, in maintaining peace and security. The Ministerial Council has adopted several declarations on the role of youth. The participation of national minorities, including youth, should be central to all OSCE efforts. Recognizing the different roles and potentials of youth in our societies, and strengthening their meaningful participation, including political participation, and across the three OSCE dimensions, remains a prerequisite for respecting rights as well as addressing today’s challenges.

OSCE participating States should strengthen the role that persons belonging to national minorities can play in preventing conflicts and sustaining peace. In this regard, the talent that youth in particular have for bridge-building should better be harnessed. Building the skills sets and capacities of national minorities, including youth and women, is an investment in resilient societies.

This session will focus on exploring obstacles members of national minorities, including youth, face in engaging with democratic institutions. It will shine a light on successes. Practical examples can be shared where participating States have provided support to minority youth, to allow for effective social, political and economic participation.


**Questions that could be addressed:**
- What obstacles do members of national minorities, including youth, face in their social, political and economic activities that prevent them from effective participation in public life?
What are the positive examples of effective practice to support minority, including youth, effective social, political and economic participation?

What could be done to enhance the participation of members of national minorities, including youth and women in public life?

WORKING SESSION 13
3-6 p.m.

Tolerance and non-discrimination II (continued), including:
- Combating racism, xenophobia, and discrimination
- Combating anti-Semitism and discrimination against Christians, Muslims and members of other religions

OSCE participating States committed themselves to respect human rights and fundamental freedoms for all without distinction as to race, sex, language or religion (Helsinki 1975). This was further confirmed by subsequent commitments and documents where they committed to ensuring human rights and fundamental freedoms to everyone within their territory and subject to their jurisdiction, without distinction of any kind such as “race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status” (Vienna 1989). They have declared on several occasions that among those 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, all persons are equal before the law and are entitled without any discrimination to the equal protection of the law. (Copenhagen 1990).

In Ljubljana participating States reaffirmed these commitments reminding that the OSCE should continue to raise awareness and develop measures to counter prejudice, intolerance and discrimination while respecting human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief, for all without distinction as to inter alia race, colour, sex, language, religion or belief, political or other opinion, national or social origin, property, birth or other status (Ljubljana 2005).

Being alarmed at any rise of political parties, movements and groups advocating violence, and being concerned, at violent manifestations of extremism associated with racism, xenophobia, anti-Semitism, intolerance against Muslims, Christians and members of other religions or aggressive nationalism and neo-Nazism, the participating States in Brussels additionally acknowledged that the promotion of a culture of mutual respect, understanding and equality and the pursuit of equal opportunities for effective participation in democratic societies requires a systematic, comprehensive and long-term approach (Brussels 2006). They also reaffirmed the need for determination by the participating States in combating all acts and manifestations of hate, including hate crimes, recognizing that the efforts required to address them often involve a common approach, while at the same time recognizing the uniqueness of the manifestations and historical background of each form (Brussels 2006).

Questions that could be addressed:
- How are OSCE participating States ensuring the implementation of the OSCE commitments on tolerance and non-discrimination with regard to combating racism, xenophobia, and discrimination, anti-Semitism, intolerance and discrimination against Christians, Muslims and members of other religions?
• How are issues of complex discrimination and hate stemming from diverse systems of oppression and positioning of different communities and groups in their societies, including the different ways men and women are affected, applied and understood by the participating States and non-state actors?
• How can IGOs and their institutions use good practices to play a more crucial role as international exchange fora and potential bridge builders between the participating States, non-state actors and other diverse stakeholders and groups?

**WEDNESDAY, 25 SEPTEMBER 2019**

**WORKING SESSION 14**  
10 a.m.–1 p.m.  
Specifically selected topic: Hate Crime

The participating States’ compliance with the commitments to address hate crimes and the respective role of intergovernmental organizations

Under international law, the responsibility to address hate crimes lies primarily with States. However, multilateral regional and global actors play an indispensable role in supporting states in meeting their international obligations through different means. In 2003, the OSCE Ministerial Council committed to intensify the OSCE’s co-operation with relevant international organizations such as the United Nations, the Council of Europe and the European Union (Maastricht 2003). Further efforts were to be made by the OSCE to take into account the experience and expertise of other relevant international and regional organizations in this field in order to avoid duplication (Madrid 2007). However, the OSCE participating States have also been called, as the primary duty holders, to ensure co-operation at the international level, including with relevant international bodies (Athens 2009).

With more than 15 years of monitoring hate crimes in the OSCE region, ODIHR has developed a globally unique insight into how OSCE participating States comply with their hate crime commitments. From ODIHR’s annual reporting on hate crime, as well as the capacity-building work in the OSCE region, it is clear that problems persist. However, States have made fundamental progress in awareness and acknowledgement of the issue of hate crime. Numerous good practices and positive developments in law enforcement and criminal justice bodies’ responses to hate crimes have been recorded. ODIHR has also worked closely with other international actors, including other OSCE entities (HCNM, RFoM, field operations), Council of Europe’s ECRI, and the UN (UNHCR, UNODC, OHCHR) who have addressed the issue of hate crimes through complementary angles.

This session will elaborate on how OSCE participating States comply with their hate crime commitments vis-à-vis the OSCE and the international community in general, and how OSCE and other inter-governmental stakeholders uphold their role in collaborating closely and effectively to address hate crime.

**Questions that could be addressed:**
• How do OSCE participating States comply with their commitments under the OSCE Ministerial Decision 9/09 and other decisions related to preventing and responding to hate crimes and discrimination in general?
In particular, how are OSCE participating States ensuring co-operation in addressing hate crimes at the international multilateral level?

How do the OSCE and other relevant inter-governmental organizations uphold their role to support States, in a collaborative manner and without duplication, in complying with their commitments to address hate crime and what are the ways forward to strengthen the existing collaboration?

WORKING SESSION 15  3–6 p.m.
Specifically selected topic: Hate Crime

A comprehensive approach to addressing hate crimes: the complementary roles of civil society and participating States

In numerous Ministerial Council Decisions, OSCE participating States have committed to establishing and intensifying co-operation with civil society to promote tolerance and non-discrimination (Maastricht 4/03; Ljubljana 10/05; Ljubljana 11/05; Brussels 13/06; Athens 9/09). These Decisions acknowledge that civil society organizations (CSOs) have the potential to play an essential role in combating intolerance and discrimination and promoting mutual respect and understanding, including through hate crime data collection and the provision of victim support (Brussels 13/06; Maastricht 4/03). While participating States have undertaken efforts to fulfil these commitments, significant work is required to develop, expand, and sustain these vital relationships. Specifically, participating States can facilitate the capacity development of CSOs to contribute in monitoring and reporting hate motivated incidents and to assist victims of hate crimes; encourage CSO’s activities through effective partnerships and strengthened dialogue and co-operation; establish local, regional or national consultation mechanisms; and exchange information and best practices (Brussels 13/06).

This session seeks to explore the complementary relationship between participating States and CSOs in preventing, monitoring and reporting hate-motivated incidents and assisting victims of hate crime. Particular attention will be paid to examining how participating States and CSOs can inclusively, meaningfully, and systematically support one another in this shared effort.

Questions that could be addressed:

- How can CSOs complement participating States’ commitments to combat intolerance and discrimination by monitoring and reporting hate crimes?
- How can participating States meaningfully support CSOs in the sphere of promoting mutual respect and understanding, equal opportunities and inclusion of all within society?
- How can participating States and CSOs ensure that their relationship with one another is grounded in the promotion of respect for the inherent dignity of all human beings, including but not limited to gender mainstreaming efforts?
Roma and Sinti participation in public and political life

The OSCE Action Plan chapter VI focuses on enhancing the participation of Roma and Sinti in public and political life. The Ministerial Council Decision No. 6/08 encouraged the participating States to promote the effective participation of Roma and Sinti in public and political life while the Ministerial Decision 4/13 acknowledged the need to enhance participation in policy-making process as key to prevent marginalization and exclusion.

In 2018, ODIHR published the “Third Status Report: For Roma, with Roma - Implementation of the OSCE Action Plan on Roma and Sinti”, Chapter VI - Enhancing participation in public and political life” (Third Status Report). The report assessed progress made by participating States in implementing their commitments regarding participation of Roma and Sinti, mapped challenges and obstacles precluding Roma and Sinti’s meaningful participation, and outlined a number of priority areas and recommendations for follow up action.

The report highlighted the growing anti-Roma rhetoric and populist political discourse. Anti-Roma racism and scapegoating in many places remains a prominent tactic for mobilizing constituencies driven by hate, resentment and prejudice. As for political participation, the report concluded that Roma and Sinti continue to be significantly under-represented in political life.

Roma issues are largely seen as marginal in politics and therefore their interests are most of the time absent from the political parties’ platforms and agendas.

Much more efforts are needed by participating States to ensure that Roma and Sinti are equal and effective partners in policy-making processes and in the implementation of all measures concerning them.

The session will review progress and good practices, as well as continuing challenges and lessons learned in the implementation of commitments related to the public and political participation of Roma and Sinti. It will also provide a forum for discussion and follow-up on the priority areas and recommendations of the Third Status Report.

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8 OSCE Action Plan, Chapter VI, Enhancing participation in public and political life. Paragraphs 87-106 provide specific recommendations to participating States and OSCE institutions and structures, respectively.


10 OSCE Ministerial Council, Decision No. 4/13, “Enhancing OSCE efforts to implement the Action Plan on Improving the Situation of Roma within the OSCE Area, with a particular focus on Roma and Sinti women, youth and children”, Kyiv, 6 December 2013, <http://www.osce.org/mc/109340>.
Questions that could be addressed:
- What specific steps have OSCE participating States recently undertaken in order to address the challenges faced by Roma and Sinti, including women and youth, and enhance their participation in public and political life?
- What mechanisms, policies, programs are in place, or can be established, to ensure adequate representation and to enhance the public and political participation of Roma and Sinti, including women and youth?
- How do participating States ensure meaningful participation of Roma and Sinti, including of women and youth, in the public life and policy-making processes, implementation and evaluation?

**WORKING SESSION 17**
3–6 p.m.
Specifically selected topic: Roma and Sinti

**Housing and Living conditions, particularly relating to the situation of forced eviction and segregation of Roma and Sinti**

The housing situation for the majority of Roma and Sinti in many participating States continues to be characterised by a lack of secure tenure, a lack of access to basic infrastructure, discrimination in access to social-housing schemes, residential segregation and hazardous conditions that pose a risk to human health. Roma and Sinti are especially vulnerable to forced evictions and discriminated in accessing housing.

The 2003 OSCE Action Plan on Improving the Situation of Roma and Sinti recommends that participating States clarify property rights, regularize illegal settlements where people have been living, de facto, for decades, and involve Roma and Sinti people in the design of housing policies, as well as in construction, rehabilitation and maintenance of public housing projects meant to benefit them, while ensuring that these housing projects do not foster ethnic and racial segregation. At the same time, the Action Plan provides that participating States should adopt and implement effective anti-discrimination legislation to combat racial and ethnic discrimination in all fields, including access to housing, citizenship and residence.

Progress and impact in addressing the housing needs of Roma and Sinti is limited, while negative trends appear on rise.¹¹ There is a Europe-wide pattern of forced evictions and destruction of informal settlements, without provision of safeguards or alternative measures as required under international human rights law. Such safeguards include genuine prior consultation of all concerned individuals to identify feasible alternatives to eviction, provision of adequate housing, compensation for all losses, legal remedies and legal aid.

The dire conditions many Roma and Sinti families live in, whether in urban ghetto-like or rural areas and informal settlements, are characterized by a state of deprivation and lack of access to services and infrastructure. In many such environments Roma, among them women and children, are exposed to hazardous conditions. They face difficulties with obtaining

¹¹ “The situation of Roma and Travellers in the context of rising extremism, xenophobia and the refugee crisis in Europe”, Council of Europe, Congress of Local and Regional Authorities, CPL31(2016)03final, 20 October 2016, [https://rm.coe.int/1680718bfd](https://rm.coe.int/1680718bfd) (Especially paragraphs 50, 52-57, 61-67)
personal documents and residence permits due to lacking ownership papers, which generates multi-fold problems in accessing other public services such as healthcare, education and employment.

**Questions that could be addressed:**

- What specific steps have OSCE participating States undertaken in order to put in place and implement mechanisms and institutional procedures to clarify property rights and regularize informal settlements?
- What impact have existing mechanisms, policies and housing-related programs generated, and the extent to which Roma and Sinti were meaningfully involved in their design and implementation, while ensuring that they do not foster ethnic and/or racial segregation?
- What monitoring mechanisms are in place, and what policy and procedural provisions exist, or could be established, in order to prevent forced eviction and pushing out of Roma and Sinti to the fringes of society?

**FRIDAY, 27 SEPTEMBER 2019**

**WORKING SESSION 18  10 a.m.-1 p.m.**

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

The OSCE affirmed the link between security and sustainable development in the Helsinki Final Act in 1975. The Organization’s comprehensive approach to lasting peace and security rests on the recognition that conflicts may arise not only from political and military threats but also from economic and environmental challenges and violations of human rights. The OSCE comprehensive concept of security makes a strong link between OSCE human dimension commitments and the sustainable development goals (SDGs), reaffirming that no sustainable development is possible without peaceful, just and inclusive societies and pluralistic democratic institutions. The OSCE supports the 57 OSCE participating States in the implementation of their human dimension commitments, which are intrinsically linked to the SDGs, in particular on the quality of education (SDG no.4), gender equality (SDG no.5) and peace, justice and strong institutions (SDG no.16). The meaningful implementation of the OSCE human dimension commitments and the SDGs both require a regional approach, comprehensive dialogue and strong partnerships (SDG no.17) supporting their implementation.

Through its projects and activities, OSCE has been drawing attention to specific human dimension policy issues and creating a space for a focused dialogue, which can be followed up by concrete assistance to facilitate change and impact on reforms, thus contributing to reaching the SDGs. The aim of this session 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, and to discuss linkages between OSCE human dimension commitments and SDGs. The session will explore the role of OSCE project work in facilitating policy changes through targeted programmes, projects and expertise across the OSCE region. Participating States, international organizations and civil society, including beneficiaries of OSCE projects and assistance, are invited to comment on the presentations and to present their own project priorities.
Questions that could be addressed:
- How OSCE projects and human dimension commitments contribute to reaching the SDGs?
- How can the OSCE most effectively assist participating States in implementing their human dimension commitments and promote linkages with SDGs in facilitating policy change?
- How can OSCE institutions’ and field operations’ mandates and programming be used most effectively in promoting synergies between human dimension commitments and SDGs?

CLOSING REINFORCED PLENARY SESSION 10 a.m.-1 p.m.

(reinforced by the participation of human rights directors, OSCE ambassadors and heads of OSCE institutions):
- Any other business
- Closing of the meeting