

OSCE – Mediterranean Partner Countries’ Civil Society Conference Ahead of the 2011 Vilnius Ministerial Council

Electoral Good Practice, Political Participation, Justice and Legal Reform

Vilnius, Lithuania, 4–5 December 2011



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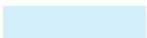

OSCE Office for Democratic Institutions and Human Rights (ODIHR)
Ulica Miodowa 10
00-251 Warsaw
Poland
www.osce.org/odihr

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List of acronyms used in the report

| | |
|--------------|---|
| CEDAW | United Nations Convention on the Elimination of All Forms of Discrimination against Women |
| CiO | OSCE Chairperson-in-Office |
| CSO | Civil Society Organization |
| EMB | Electoral Management Body |
| ENEMO | European Network of Election Monitoring Organizations |
| MENA | Middle East and North Africa region |
| NGO | Non-governmental organization |
| ODIHR | Office for Democratic Institutions and Human Rights of the Organization for Security and Co-operation in Europe |
| OSCE | Organization for Security and Co-operation in Europe |
| PVT | Parallel Vote Tabulation |

Executive Summary

The OSCE Office for Democratic Institutions and Human Rights (ODIHR) and the Lithuanian Chairmanship of the OSCE organized an OSCE – Mediterranean Partner Countries' Civil Society Conference in Vilnius on 4 and 5 December 2011, ahead of the OSCE Vilnius Ministerial Council. The Conference brought together nearly 80 civil society representatives from all OSCE Mediterranean Partners for Co-operation, and a number of OSCE participating States, to discuss the challenges of democratic transition, learn about OSCE tools and commitments, share good practices and examples, build partnerships and networks, and develop recommendations for the OSCE participating States, its institutions, as well as its Mediterranean Partners for Co-operation.

Through three Working Groups, focusing respectively on electoral good practice, political participation (including gender), as well as justice and legal reform, participants discussed the challenges of transition. Additionally, a special side event focused on tolerance and non-discrimination. Throughout all three Working Groups, participants in the Conference noted that democratic transition cannot be taken for granted, and emphasized the importance of civil society's role in advancing reform efforts, assuring compliance of legal and policy frameworks with international standards and good practice, ensuring the transparency and integrity of political, electoral and judicial processes, and building awareness and greater participation among citizens. With regard to elections, participants underlined that it is the legal obligation of the governments to protect domestic election observers and implement laws in line with international commitments to anchor this protection.

Participants also underscored the risk of minorities and other under-represented groups, including women and youth, being excluded, sidelined, or even exposed to increased harassment and discrimination during moments of transition, and called for intensified action, by civil society, to ensure inclusion and tolerance.

They emphatically underlined the importance of international support for civil society (through, *inter alia*, capacity building, training and expertise provision), as well as a favourable political and regulatory environment for the work of civil society groups – which, they regretted, are not always present in some countries. Cross-national partnerships among civil

society organizations were also identified and encouraged, in particular through the example of existing OSCE region and some OSCE-Mediterranean as well as global partnerships.

In their recommendations, the participants developed a common vision of future partnership and co-operation, calling for increased and formalized mechanisms of engagement by OSCE participating States with Mediterranean Partners for Co-operation, including through support programmes, expertise, and training. The participants recognized and raised concerns about a number of challenges in democratic transitions, including in the field of elections, equal participation in public life, legal reform, and ensuring gender equality and women's rights as well as tolerance for minorities. They called for a more active role for civil society in tackling these challenges but also called upon OSCE participating States and Mediterranean Partners for Co-operation to promote conducive and secure environments for civil society organizations to work effectively.

Introduction

A special OSCE – Mediterranean Partner Countries' Civil Society Conference was organized by the Lithuanian OSCE Chairmanship and the Office for Democratic Institutions and Human Rights (ODIHR) ahead of the 2011 OSCE Vilnius Ministerial Council, on 4 and 5 December 2011. The Conference brought together 79 civil society representatives (34 women and 45 men), of which 49 were from the Mediterranean Partners for Co-operation and 30 from OSCE participating States.¹ The main focus of the Conference was to promote an exchange of good practices and experiences among civil society groups in the Mediterranean Partners for Co-operation with civil society groups in the OSCE region.

In particular, the Conference provided an opportunity for civil society representatives to address the challenges of electoral good practice, political participation (particularly of women and youth), and judicial and legal reform, in the context of sustainable democratization, while generating recommendations to OSCE participating States ahead of the Vilnius OSCE Ministerial Council. The conference thereby allowed the OSCE and its institutions to gain greater awareness of the needs of civil society in the Mediterranean Partners for Co-operation, to better shape possible future support programmes. Through three thematic Working Groups (on electoral good practice and lessons learned; political participation (including gender); and justice and legal reform), as well as a special side event on tolerance and non-discrimination, participants considered a number of issues of particular relevance in the context of political transition. In doing this, participants looked at the emerging democratic processes in the Middle East and North Africa and the challenge of ensuring the continued engagement of civil society, as well as women and youth.

The event was funded by voluntary extra-budgetary contributions from OSCE participating States.

¹ The OSCE maintains special relations with 12 countries, which are known as Partners for Co-operation. Six of them are in the Mediterranean region: Algeria, Egypt, Israel, Jordan, Morocco, and Tunisia. For more information see <http://www.osce.org/who/84>

The following key topics were addressed by the conference participants:

- The importance of electoral good practice in the broader context of democratic governance;
- The impact of OSCE commitments and international standards for democratic elections as well as international good practice;
- How election observation can lead to greater transparency and deter electoral malpractice including possible fraud;
- The contribution of civil society to ensuring that governments are representative, responsible, and accountable;
- Forms of citizen input into political life, particularly through political parties, politically-active civil society organizations, parliaments, and other representative bodies;
- How policy research institutions, think tanks, and women's organizations can affect and increase the number and role of women in political processes;
- The role of civil society actors in advocating judicial and legal reform by exchanging experience and practices;
- The uses of trial monitoring as a tool to assess justice sector reforms in countries that undergo political transition;
- How civil society actors can promote judicial independence;
- How civil society can participate in the law-making process, and in particular, the importance of transparent public consultations with civil society for promoting the reform of legislation on freedom of assembly, freedom of association, political parties, and the judiciary;
- The importance of civil society capacity building and civil society engagement with the wider population to build support for reforms;
- The importance of police reform and training as part of building respect for the rule of law.

Summary of Proceedings²

² After the opening plenary session of the Conference, discussions took place in three parallel Working Groups. The following report is prepared on the basis of notes taken by ODIHR staff and presentations of the Rapporteurs, who summarized the Working Group discussions at the closing plenary session. These reports cannot exhaustively convey the details of the Working Group discussions but rather aim to identify their common salient points. The recommendations from Working Groups were not formally adopted by the Conference participants and do not necessarily reflect the views of any individual participant, organization, OSCE participating State or Partner for Co-operation.



Opening speech: Ahref Aouadi, the founder of the Tunisian non-governmental organization, I-Watch, addresses the opening of the OSCE-Mediterranean Partner Countries' Conference for Civil Society, Vilnius, Lithuania, 4 December 2011. (OSCE/Velimir Alic)



Opening session

The opening speakers focused on the importance of the Conference for encouraging international co-operation among civil society groups, building new networks, and fostering partnerships in OSCE participating States and OSCE Mediterranean Partners for Co-operation.

Mr. Evaldas Ignatavicius, Deputy Minister of Foreign Affairs of Lithuania, on behalf of the OSCE Chairperson-in-Office stressed the importance of the OSCE's comprehensive approach to security and its regular dialogue and co-operation with its Mediterranean Partners for Co-operation. Moreover, the political changes in some countries of the Middle East and North Africa during the course of 2011 have shown the importance of civil society as a driver of political change and reform. Support for democratic transition processes in OSCE participating States has been one of the OSCE's core activities and strengths.

Mr. Douglas Wake, First Deputy Director of ODIHR, highlighted the importance of civil society to the OSCE and the role of ODIHR in promoting democratic electoral practices, implementing projects aimed at meaningful multi-party democracy, providing expertise and practical support to democratic institutions to strengthen the rule of law, and encouraging the development of tolerance and inclusive societies. He stressed that the conference would address the challenges of democratization in the areas of electoral good practice, political participation (particularly of women and youth), and judicial and legal reform. He highlighted a number of continuing challenges in political transitions in both the OSCE region as well as in the Mediterranean Partners for Co-operation, including the challenge of maintaining youth, women and civil society engagement, building upon the reform momentum to improve legal and electoral frameworks, promoting tolerance, and increasing respect for the rule of law.

Mr. Achref Aouadi (Tunisia), the founder of I-Watch, a Tunisian NGO active in election observation, focused on the difficulties and challenges of democratic transition such as the simultaneous handling of elections by national authorities and implementing transitional justice. By emphasizing that Tunisia was the first country in the region which embraced democratic transition and held genuine elections, he also cautioned that it will be a lengthy process for all engaged. He noted that civil society in the OSCE Mediterranean Partners for

Co-operation can learn important lessons from previous experiences in other OSCE post-transition countries and through opportunities such as the OSCE Mediterranean Partner Countries' Civil Society Conference.

Ms. Sonja Lokar (Slovenia), Executive Director of the Central and Eastern European Network for Gender Issues, offered some reflections on the pitfalls that transitions can entail, using the perspective of the women's rights movement, noting that in the context of the transitions in Central and Eastern Europe, women's rights became in some cases a "non-issue". Many prior achievements in the area of women's participation were taken for granted but in fact regression occurred. Gradually, however active coalition-building with broader civil society, as well as international support, helped women's groups to advance their agenda after their initial setback. Looking to the Mediterranean region, Lokar saw similarities as well as difference with changes that occurred in Central and Eastern Europe – women had clearly played a large role in the 2011 protests but paradoxically were often excluded from subsequent political reform processes. She ended on a note of warning, pointing out that the "window of opportunity" for women's rights can open and shut very quickly.

Mr. Yuri Dzhibladze (Russia), Director of the Center for Development and Human Rights, explained and introduced the OSCE Ministerial Conference Parallel Civil Society Forum taking place in Vilnius at the same time, representing the Organizing Committee of this Forum. This was an event, he explained, organized by a coalition of NGOs from throughout the OSCE region, bringing together some 70 NGOs to discuss challenges facing the OSCE and the OSCE region and to develop recommendations. He noted the importance of civil society to the functioning of the OSCE, and in particular the way in which they add vibrant debate to OSCE meetings, but noted that NGOs continued to face challenges in their operation. The Parallel Civil Society Forum would therefore be focusing on the environment for NGOs but also relations between NGOs and the OSCE. He welcomed the initiative of the OSCE Mediterranean Partners' Civil Society Conference and hoped that strong synergies could be developed between civil society groups from the OSCE region and the Mediterranean Partners for Co-operation.



Work Session 1: (L-r) Rast'o Kužel, Executive Director of Slovakian non-governmental organization, Memo 98; Sherif Abdel Azim of the Egyptian Association for Community Participation Enhancement and Armin Rabitsch, ODIHR Senior Election Adviser, moderate the working session on good electoral practice at the OSCE-Mediterranean Partner Countries' Conference for Civil Society, Vilnius, Lithuania, 4 December 2011. (OSCE/Shiv Sharma)

Working Group I: Electoral Good Practice and Lessons Learned

Working Group I participants³

| | Algeria | Egypt | Israel | Jordan | Morocco | Tunisia | Mediterranean region | OSCE region | Total |
|----------------|---------|-------|--------|--------|---------|---------|----------------------|-------------|-------|
| Participants | 3 | 3 | 2 | 1 | 5 | 4 | 18 | 7 | 25 |
| Of which women | 0 | 1 | 1 | 1 | 1 | 2 | 6 | 1 | 7 |

In Working Group I, participants were encouraged to elaborate on their experiences and advise on what has worked best in their countries to improve electoral processes. The sharing of good practice in the different stages of the electoral cycle aimed to encourage discussion about the role, challenges and possible tasks of civil society organizations (CSOs) across the two regions with a possibility of greater co-operation and exchange of know-how. The discussion was moderated by Mr. Sherif Abdel Azim (Egypt), of the Egyptian Association for Community Participation Enhancement (EACPE), and Mr. Rast'o Kužel, (Slovakia), from Memo 98.

The two co-moderators, who had already circulated background information to participants a week ahead of the conference, outlined in more detail the aim and modus operandi of this Working Group. The purpose of the Working Group was presented as threefold: first, promoting exchange of experiences and good practices among civil society organizations in the area of election observation; second, increasing the awareness among Mediterranean Partner for Co-operation civil society representatives of existing international and OSCE standards, as well as tools and practices developed by the OSCE in the area of democratic elections; third,

³ This chart reflects the original composition of the Working Group. Actual numbers may have varied during the course of the Conference, if participants switched Working Groups

generating recommendations to OSCE participating States meeting in the Vilnius Ministerial Council on possible future OSCE engagement with the Mediterranean Partners for Co-operation.

During the first session, civil society participants briefly introduced themselves and presented their expectations for the conference. ODIHR presented an overview of its election observation methodology as well as international and regional commitments and standards relevant for election observation in the OSCE area. ODIHR also provided a summary of the most problematic electoral aspects observed during ODIHR observation missions in OSCE participating States.

Participants engaged in substantive discussion on the following topics:

- a) Accountability and efficiency of election management bodies (EMBs);
- b) International and national standards for elections, and CSOs' contribution in building an effective legal framework for elections;
- c) Voter education as a basis for democratic advancement;
- d) Necessity of transparent campaign finance during elections;
- e) Participation of women in electoral processes;
- f) Access of national minorities and vulnerable groups;
- g) Role of media during elections;
- h) Domestic observation methodology and challenges;
- i) Partnership of CSOs, within Partner for Co-operation countries as well as between CSOs from Partner for Co-operation countries and OSCE participating States;
- j) Relation between CSOs from Partner for Co-operation countries and ODIHR.

1) Accountability and efficiency of EMBs

Participants stressed the need for accountable, well-trained EMBs. Mediterranean Partner for Co-operation participants raised the issue of biased or inefficient state election commissions and emphasized the importance that higher level EMBs should be independent and not politically appointed. One participant stressed the fact that good or bad elections very much depended on political will and noted further that aware citizens are the best safeguard for the electoral process.

2) International and national standards for elections, and civil society organizations' contribution to building an effective legal framework for elections

Participants highlighted the need to emphasize the supremacy of international standards and commitments and to respect the principles of international instruments when drafting, reviewing, and amending national legislation.

Participants agreed that CSOs should be consulted when election laws are being drafted. Positive examples in this respect from Morocco, the former Yugoslav Republic of Macedonia and Georgia were shared. Participants further noted the challenge of balancing two differ-

ent roles at the same time: being a watchdog may be difficult to reconcile with inclusion as a stakeholder in the drafting process. The advisory role of ODIHR in the process of drafting and amending legislation was acknowledged and emphasized as good practice.

3) Voter education as a basis for democratic advancement

Mediterranean Partner for Co-operation participants highlighted the need for voter education to educate voters in the core values of democracy and that their rights should not be manipulated. For example, the average citizen does not fully understand the role and function of parliament. Participants raised their concern that instead of focusing on ideologies or policies promoted by political platforms, religion and tribalism have been instrumentalized by some during election campaigns and influence voters.

One participant gave the best practice example of public screening of movies in Egypt to educate people about the dangers of violence, intolerance and hatred during election campaigning. Some participants considered that Friday prayers could be used for voter education but it needed to be ensured that no campaigning takes place.

Language and how it influences campaigns was highlighted as another issue. While Arabic is the official language in many Mediterranean Partners for Co-operation for voter education, in normal life voters use dialects and many people are illiterate in the official Arabic language. Complex ballot papers which often are not fully understood by voters and result in high numbers of invalid votes were cited as a negative example for the failure of adequate voter education.

One participant from the OSCE region gave the positive example that CSO activities should be centred on citizens, arguing that this is the only way CSOs can gain credibility. An example was given of the “MOST” CSO engaged in voter education in the former Yugoslav Republic of Macedonia, having reached up to 27,000 first-time voters. MOST’s programme was so successful that the government introduced mandatory voter education in its civic education curriculum.

4) Necessity of transparent campaign finance during elections

Participants agreed that financial resources of political parties should be declared in a transparent and public manner and that CSOs could also look into the funding of political parties. Oversight and enforcement should be undertaken by institutions that are respected and considered to be models of integrity. Examples from OSCE participating States were given which showed that transparency of campaign financing faces challenges like corruption and money laundering.

5) Participation of women in electoral processes

There was broad agreement among participants that women should play a greater role in politics and election administration and that there is need to educate both female and male voters

about women in politics. The quota system as a possible remedy to overcome discrimination was discussed, but participants had different views on its efficiency. During the Tunisian elections media apparently broadcast skewed campaign coverage, featuring male candidates more frequently, despite the fact that half of the candidates were women.

6) Access of national minorities and vulnerable groups

One problem identified by Mediterranean Partner for Co-operation participants was the right of effective political participation of national minorities, with the Berbers in Morocco given as one example. Participants shared the information that official registration of ethnicity-based parties had been rejected and that such parties are prohibited by authorities. A participant requested that ODIHR also address the suffrage rights of emigrants and prisoners.

7) Role of media during elections

Media bias, particularly with regard to state-controlled media, was assessed as a major problem across the two regions. Participants agreed that there is great need to work with media, in building capacity and training journalists before elections.

Some participants argued that some international media had skewed their coverage in favour of specific parties. Moreover, Mediterranean Partner for Co-operation participants criticized that in some countries state-controlled media promote the idea that domestic observers are spies, supporting foreign interests.

Participants raised as another challenge the financial and technical limitations in media monitoring. While such media monitoring projects have been developed, especially in Tunisia, there is a need for external support to make such initiatives sustainable beyond the period surrounding election day. The ongoing partnerships between Memo 98 and several Mediterranean Partners for Co-operation CSOs on media monitoring were cited as a positive example.

8) Domestic observation methodology and challenges

CSOs from Partner for Co-operation states face a number of challenges such as resistance from the state authorities against domestic election observation. Furthermore, conflicting reports from partisan observer organizations are used by governments for their own legitimization, and at times observers are biased and violate their organizational code of conduct.

In reaction to these challenges, CSOs use different good practices. If observers are perceived as biased they are excluded from observation and their data is not used. CSOs further focus on training of trainers in co-ordination with international organizations. Usually CSOs pay transport and communication, but, for example, I-Watch from Tunisia shared the practice that all of its observers are volunteers, with the risk of losing trained observers to other observer organizations but with the advantage of retaining really committed observers.

From the methodological point of view, CSOs use different methods:

- Covering all polling stations, often in co-ordination with other organizations or under an umbrella organization, sometimes requiring thousands of observers;
- Using statistical criteria for a sample-based deployment plan with less but more qualified observers, with the possibility of using parallel vote tabulation (PVT);
- A mix of both, and additionally deploying observers to areas identified as problematic.

Several participants shared their experience with PVT as a possibility to check the accuracy of results published by the EMBs. Challenges exist regarding the technical facilities but more so in recruiting committed unbiased observers to receive genuine and reliable data.

Participants discussed best practices and also considered it useful if, after an election, the various stakeholders, political parties and observers meet with the EMB to discuss their observation's findings and recommendations. It was also considered as good practice that CSOs publish information about foreign funding they receive.

9) Partnership of CSOs, among Mediterranean Partners for Co-operation as well as between CSOs from Mediterranean Partners for Co-operation and OSCE participating States

Participants stressed that networking among observer organizations is not only based on solidarity, but also on technical co-operation and assistance. ENEMO, with 23 member organizations from 19 countries, was presented as a positive example for CSO's co-operation in election observation.

The secretary-general of ENEMO raised the problem of a domestic observer organization in one OSCE participating State – where its director had been arrested and its computers confiscated - as an example of challenges faced by observer organizations. Participants also cited the 140-member organization Global Network of Domestic Election Monitors (GNDEM), which has been promoting the Declaration of Global Principles for Non-partisan Election Observation and Monitoring by Citizen Organizations.

10) Relations between CSOs from Mediterranean Partners for Co-operation and ODIHR

Several participants requested that the ODIHR become more involved in supporting the Mediterranean Partners for Co-operation CSOs in the area of election observation. While ODIHR recalled that ODIHR's mandate primarily covers the 56 participating States, it stands ready to share its experience, expertise and methodology from its 250-plus observed elections with CSOs from Mediterranean Partners for Co-operation. While training in election observation methodology could be one aspect, as recently tested in Budva (Montenegro), ODIHR also has valuable expertise in reviewing electoral legislation and providing advice on questions of new voting technologies. Participants highlighted that the recommendations coming from this Working Group should be followed up.

Recommendations of Working Group I

We, the representatives of civil society from OSCE participating States and the OSCE's Mediterranean Partners for Co-operation have met in Vilnius, Lithuania, on 4-5 December 2011 to share experiences and lessons learned from civil society engagement in democratic transition, and to develop our vision of future partnership and co-operations.

We believe that transparency, accountability and credibility are the most important cornerstones of democratic elections. Our work in terms of scrutiny of, and support to, electoral processes ensures electoral integrity and promotes accountability in government and among political contestants. We stress the importance of advocacy efforts and the establishment of international, regional and domestic networks of civil society groups coming from OSCE participating States and the OSCE's Mediterranean Partners for Co-operation, for mutual solidarity and support, but also to exchange ideas and learn from each other.

Non-partisan election observation exercises the right of association that is central to the functioning of non-governmental organizations and civil society at large. It is the legal and moral obligation of our governments to protect domestic observers and implement laws to anchor this protection.

It is indeed regrettable that we continue to face immense challenges to our work in some countries, such as systematic intimidation and harassment of our activists, problems with receiving appropriate credentials for election observation in a sufficient period of time prior to elections. Some of us are constantly denied effective access to all stages of the electoral process and domestic legal provisions do not ensure that our rights are completely unhindered and unrestricted. It is the obligation of our governments to protect us.

Noting the changes that have taken place in many Mediterranean states recently, we observe with concern that consolidation of democracy in both our regions remains far from assured, and that civil society groups in particular will need to maintain a leading role in ensuring that transition processes move forward towards greater participation, equality, justice, rule of law, democracy and respect for human rights and fundamental freedoms.

We offer the following conclusions and recommendations of our deliberations at the Conference to the OSCE participating States and the OSCE Mediterranean Partners for Co-operation for consideration:

- *Recognizing the role of the OSCE ODIHR as the principal institution observing elections in the OSCE region, we call on OSCE participating States to provide for greater involvement of the ODIHR in the Mediterranean OSCE Partners for Co-operation countries. This involvement should include a range of support programmes, such as providing expertise, consultancy, trainings, and other activities aimed at increasing the capacity of civil society organizations observing elections.*

- *More efforts should be taken to harmonize all aspects of electoral process with international commitments and standards for democratic elections. We thus call on our governments to respect their obligations and commitments under international human rights law.*
- *The ethnic, cultural, linguistic and religious minorities should be protected and persons belonging to national minorities should be equally guaranteed fundamental human rights and freedoms, freely express, consolidate and develop identity without any discrimination and in full equality before the law.*
- *Women's equal participation in politics, as well as full respect for women's rights and gender equality, are critical to the proper functioning of society at all levels.*
- *Media bias, particularly with regard to state-controlled media, in favour of certain candidates is a violation of international standards and best practices which continues to be apparent in some OSCE participating States as well as Mediterranean Partners for Co-operation countries. More efforts should be taken to tackle this issue including trainings for journalists on electoral coverage and trainings of civil society organizations in media monitoring, to promote the freedom of expression.*
- *Other challenges to electoral processes in both regions include pressure on the electorate to vote in a specific manner; use of state administrative resources by incumbents; election administrations whose composition is not sufficiently inclusive to ensure confidence; perpetuation of a culture of impunity by failing to hold individuals accountable for election-law violations; the lack of sufficient will to rectify identified shortcomings, and the uneven playing field for contestants.*



Work Session 2: Participants at a working session on raising political participation, including the engagement of women and the youth, during the OSCE-Mediterranean Partner Countries' Conference for Civil Society, Vilnius, Lithuania, 4 December 2011. (OSCE/Shiv Sharma)

Working Group II: Political Participation (including Gender)

Working Group II participants⁴

| | Algeria | Egypt | Israel | Jordan | Libya (observers) | Morocco | Tunisia | Mediterranean region | OSCE region | Total |
|----------------|---------|-------|--------|--------|----------------------|---------|---------|-------------------------|-------------|-----------|
| Participants | 1 | 7 | 3 | 2 | 2 | 2 | 2 | 19 | 10 | 29 |
| Of which women | 1 | 4 | 0 | 1 | 2 | 1 | 2 | 11 | 7 | 18 |

Working Group II focused on activities that aim to increase the participation of citizens – in particular civil society, women, and youth – in the democratic process, in order to enrich democratic life. In particular, participants considered how civil society can ensure that governments are representative, responsive, and accountable. The discussion was moderated by Mr. Shareef Ghoneim, of the Egyptian NGO Support Centre and Mr. Sergejus Muravjovas, of Transparency International Lithuania.

During the first session, participants briefly introduced their organizations and exchanged views on the situation of democratic transition in each of their respective countries, as well as the projects they are involved in. ODIHR briefly presented its democratic governance programme, focusing on its support to increase political participation, including the role civil society can play in this regard. Special attention was paid to ODIHR efforts to promote women’s meaningful participation in political and public life. ODIHR tools and publications were presented and their applicability to Mediterranean Partners for Co-operation discussed. Participants engaged in substantive discussion on the following topics:

⁴ This chart reflects the original composition of the Working Group. Actual numbers may have varied during the course of the Conference, if participants switched Working Groups

- a) Sustaining women's political participation during the period of democratic transition;
- b) The political engagement of youth;
- c) Channeling civil society contributions to policy debates, whilst maintaining its independence;
- d) New forms of political participation including social media;
- e) Creating inclusive, transparent and accountable political parties.

1) Political Participation of Women, Minorities and Vulnerable Groups

Participants noted that the equal right of women and men to participate in political life and the decision-making process, and the application of that right, are a measure of democratic progress. To this end, the importance of legal and voluntary measures for increasing women's political representation was discussed. Several participants emphasized that quotas should be understood as *temporary* special measures, and should be applied hand-in-hand with extensive awareness-raising and capacity development initiatives.

However, participants also stressed that women's full and meaningful political participation depends on the existence of a legal framework that safeguards women's human rights in all spheres of political, economic, social, cultural and public life. A "holistic approach" involves expanding opportunities for men's and women's engagement in socio-economic development, as a means of addressing poverty, one of the roots of political exclusion.

Second, participants noted that a comprehensive approach requires that governments lift national reservations to international human rights treaties, such as the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), and apply recommendations emerging from the Beijing Platform, particularly related to the establishment of national mechanisms for the promotion of gender equality.

Furthermore, participants stressed that inclusive democracy requires attention to the rights of the minority to participate in public life. Democratic and human rights safeguards are needed to ensure that the rights of minorities are respected in political and public processes. In Mediterranean Partners for Co-operation, it was noted, special attention should be paid not only to protecting the rights of women and girls, but also religious minorities.

As "gatekeepers" of democracy, political parties exercise a great deal of influence over who enjoys access to political power. Therefore, participants noted that greater attention should be paid to strengthening the internal democracy of political parties, to ensure equal opportunities for women and men, as well as minorities. This applies to processes and procedures for candidate nomination, distribution of party resources, recruitment and promotion.

Several participants pointed out that many OSCE participating States as well as Mediterranean Partners for Co-operation do not have strong political party systems. Where political party systems are weak or non-existent, vigilance is required to ensure the rights of women, minorities, youth and other vulnerable groups are respected. Likewise, where political

parties reflect religious ideologies, international and national actors play a role in supporting the emergence of secular parties, to encourage political pluralism.

2) Political Engagement of Youth

Participants observed that democratic transitions also open a unique “window of opportunity” for the political mobilization of young men and women. However, this engagement can quickly dissipate if youth involvement is not properly utilized during the transition of political institutions and systems. In particular, the deterioration of education systems not only leads to socio-economic poverty but also limits opportunities for youth civic and political engagement.

Participants concluded that the massive mobilization of youth in a number of countries needs to be supported through civic education and followed up by capacity-building programs aimed at developing leadership, advocacy and analytical skills. Participants also agreed that social and online media can create new forms and methods of political engagement, particularly among youth, and can greatly develop their leadership potential as emerging leaders.

3) Linking Civil Society and Political Society

Participants emphasized the essential role civil society plays in establishing a sustainable democratic environment, ensuring active, independent and accountable public grassroots engagement in social and political affairs. Civil society facilitates the creation of a democratic culture of effective joint action, participation and good governance. To fully achieve the potential of civil society participants observed the need to further empower civil society organizations and activists in their dialogue with citizens – both men and women, other civil society organizations, public and private sector representatives, governments and other political actors. Participants noted that civil society also includes professional associations and syndicates, trade unions, the media, and academia.

Participants stressed that think tanks can serve as a critical link between civil society and political society, stimulating public participation by enlarging the space for citizen involvement in policymaking. Think tanks also provide a firm foundation for evidence-based research and analysis in support of political (constitutional and legislative) reform as well as national policy debates. Participants highlighted the critical importance of evidence-based research for any area of political engagement and strategic development of civil society, including the participation of women, youth and minorities in public life.

Some participants noted that well-intentioned one-off initiatives to encourage political mobilization rarely establish mechanisms to ensure sustainable approaches for the exchange of ideas and practices. “Platforms for dialogue” between all spheres of civil and political society are needed to effectively monitor political progress and change. Think tanks can provide such platforms for dialogue, linking grassroots civil society to political actors and policymakers.

As civil society develops into organized sectors, the question of accountability becomes ever more important. Accountability of organized civil society to its constituents should be exercised by civil society itself – through organized assemblies, executive boards, and through constituents themselves – rather than the state.

4) Social and Online Media

Participants discussed new forms of political activism which are taking shape in many OSCE participating States and OSCE Mediterranean Partner countries, especially in terms of mobilization through social media. The group observed that social and online media provide an innovative forum for channeling political activism. However, to meaningfully influence political processes, political activism supported by social media must be sustained beyond the duration of democratic transitions. In other words, a transition must be made from “online” or “virtual” activism to activism “on the ground”. For this to occur, mechanisms are needed to directly link online activist to policymakers. It was also noted that while access and exposure to social and online media is expanding on a daily basis, many sectors of society are still excluded, especially among the poor, among women and minorities, and in rural areas.

Recommendations of Working Group II

The participants of Working Group II recommended:

Political Participation of Women, Minorities and Vulnerable Groups

1. *The development of innovative tools to mobilize women as political actors, using social media to build awareness of women’s political rights, women’s parliaments to support the articulation of women’s needs and interests, and socio-economic development as a platform for women’s political empowerment;*
2. *The establishment of sustainable platforms for dialogue linking grassroots women’s organizations and political actors, focusing on continuous civic education for both women and men, as citizens, voters and political actors;*
3. *That think tanks act as intermediaries between civil society and political actors, and engage legal and policy experts with gender equality expertise, to fully assess the impact of electoral and political legislation on women as political actors.*

Political Engagement of Youth

4. *That the OSCE should support youth programs addressing social and political issues, including but not limited to free and fair elections, gender equality, and anti-corruption.*
5. *The establishment of programs to foster a democratic gender culture among youth.*
6. *The establishment of youth fora, such as youth parliaments, international exchange programs, and leadership and capacity-building trainings, to allow youth*

to exchange ideas, co-operate and learn from each other to channel their needs into concrete policies and actions.

7. *That OSCE participating States encourage their Mediterranean Partners for Co-operation to establish transparent and effective dialogue with youth representatives and taking into account the needs of youth.*
8. *Establishing platforms for dialogue and Co-operation between various stakeholders in each target country and between peers in Mediterranean Partners for Co-operation and OSCE participating States;*

Linking Civil Society and Political Society

9. *Supporting civil society actors to assume a more active role in guiding civil society actions;*
10. *Creating mechanisms for the empowerment of oppressed and disadvantaged groups, including minorities, in respective countries;*
11. *Promoting linkages between democracy development and any international donor support;*
12. *Encouraging Mediterranean Partners for Co-operation to further invest in promotion of democracy in their respective countries;*
13. *Using the momentum of social and political change to seek sustainable models to channel dialogue as well as link activists and policymakers from both our regions;*
14. *Creating thematic platforms for expert and activist dialogue between OSCE and Mediterranean Partners, and that think tanks should support and facilitate the development of such platforms;*

Social and Online Media

15. *That the OSCE acknowledge and support bloggers/online activists whose human rights are violated and that their harassment be countered at international fora and bilateral meetings, in an effort to generate international pressure;*
16. *That OSCE participating states foster an open and secure access to Internet and seek technological solutions for countering Internet censorship;*
17. *That OSCE encourage Internet access, literacy and education and create a platform to bring online democracy activists from both regions together;*
18. *Utilizing social and online media to discuss and advocate for political and gender equality reforms, and to connect online activists to policymakers.*



Work Session 3: Participants at a working session on justice and legal reform during the OSCE-Mediterranean Partner Countries' Conference for Civil Society, Vilnius, Lithuania, 4 December 2011. (OSCE/Velimir Alic)

Working Group III: Justice and Legal Reform

Working Group III participants⁵

| | Algeria | Egypt | Israel | Jordan | Morocco | Tunisia | Mediterranean region | OSCE region | Total |
|----------------|---------|-------|--------|--------|---------|---------|----------------------|-------------|-------|
| Participants | 2 | 2 | 2 | 1 | 1 | 4 | 12 | 13 | 25 |
| Of which women | 1 | 1 | 2 | 0 | 0 | 1 | 5 | 4 | 9 |

Working Group III focused on judicial and legal reform processes and methodologies and tools that civil society actors can use to advocate reform. The Working Group's aim was also to discuss the importance of freedom of peaceful assembly, trial monitoring as a tool to assess justice sector reforms in countries that undergo political transition, and the importance of transparent public consultations with civil society in legal and constitutional reform processes. The discussion was moderated by Mr. Amine Ghali from the Al Kawakibi Democracy Transition Center (Tunisia) and Mr. Neil Jarman from the Institute for Conflict Research (UK).

The discussions identified the main issues related to the functioning of the judiciary in both the OSCE area and the OSCE Mediterranean Partners for Co-operation. Participants also discussed democratic principles that should be taken into account when reforming legislation in their countries.

The first session focused mostly on introductions of representatives and the projects that their respective CSOs were working on, which ranged from general rule of law topics such as fair trial and elections monitoring, freedom of assembly, and independence of the judiciary to more specific issues such as discrimination based on ethnic, religious, gender/sexual and

⁵ This chart reflects the original composition of the Working Group. Actual numbers may have varied during the course of the Conference

other grounds, as well as freedom of the media. Following that, discussions covered ODIHR's role and tools (especially in the field of rule of law and legal reform) and how ODIHR could in future engage the Mediterranean Partners for Co-operation, bearing in mind the often fundamental differences between these states and the states of the OSCE region.

Furthermore, participants debated how CSOs could encourage their governments to be more active in the field of human rights protection, given that many countries were going through constitutional reform and that international instruments, e.g. the International Covenant on Civil and Political Rights, were applicable in both OSCE participating States and all OSCE Mediterranean Partners for Co-operation.

Participants engaged in substantive discussion on the following topics:

- a) Enhancing the Impact of NGOs;
- b) Legal Reform and the Role of NGOs;
- c) Challenges Involving the Judiciary

1) Enhancing the Impact of NGOs

Participants from OSCE Mediterranean Partners for Co-operation highlighted the oppressive environment that some of them were working in, where they operate under a constant threat of being harassed and shut down. They perceived the lack of state financing as an additional factor contributing to an environment which was not conducive to the operation of CSOs and which prevented them from increasing their engagement in the promotion of human rights and freedoms. The basis for this was restrictive legislation related to non-governmental associations. Many NGOs described widespread corruption as one problematic issue, as well as public attacks on them by political opposition parties, religious groups, and government-controlled media and trade unions. It was noted that certain mechanisms to address these issues existed in parts of Europe, most notably the Council of Europe's "protect the protector" programme. Ideas that came up in this context included the creation of associations of lawyers for democracy, advocacy coalitions or something similar to the Council of Europe's Venice Commission especially set-up by and for Mediterranean Partners for Co-operation. Certain countries could cooperate to fund a constitutional reform centre in the Arab world.

2) Legal Reform and the Role of NGOs

During discussions, it was stressed that in many OSCE Mediterranean Partners for Co-operation as well as in the OSCE region, the issue of gender equality continued to be consistently ignored, despite it being laid down in relevant international human rights instruments – women were not present in public institutions, e.g. the judiciary, and were often harassed by public authorities. In some instances, there was widespread and overt discrimination against parts of the population at all societal levels. Legal reforms were called for, which should focus on abolishing legislation enabling discrimination based on e.g. religion (including the right to change one's religion), gender, and sexual issues, and on proper responses to hate crimes. Minority rights and the equality of minorities within state institutions need to be recognized and reflected in relevant legislation. At the same time, legal reforms should be undertaken

through an inclusive approach, meaning that minorities and all other relevant stakeholders should be involved.

Capacity building needs to be conducted in public administration, including the judiciary. Such measures should include human rights training, and there should be a greater focus on ensuring that the human rights principles enshrined in international legal instruments are transposed into domestic law and properly implemented.

In this context, it was noted that CSOs should also focus on gaining legitimacy in the eyes of the public by being pro-active, while at the same time conducting proper research into issues and creating networks, both with the government and other organizations. They should engage with the wider population and develop education and awareness-raising activities. Various methods should be used to keep up with changing practices. Representatives of NGOs and other parts of civil society (e.g. journalists, trade unions, lawyers, schools, universities, political parties) should undergo training and other capacity-building measures so that they are aware of relevant human rights standards, and thus can in turn raise awareness and make use of effective advocacy tools. CSOs from OSCE participating States and OSCE Mediterranean Partners for Co-operation should co-operate to this end.

3) Challenges Involving the Judiciary

In terms of the judiciary, participants from the OSCE Mediterranean Partners for Co-operation as well as from OSCE participating States raised concerns about the lack of knowledge of human rights principles and general legal matters, and the independence of judges. In particular, it was debated how to replace judges that had served under previous undemocratic regimes after transition, without interrupting the work of courts. Specifically, when vetting judges it was considered important to properly differentiate the level of involvement with previous regimes, and to focus on rehabilitation and conciliation rather than punishment. At the same time it was noted that appropriate and intense training of newly appointed judges and their adequate remuneration could expedite and foster the replacement of judges vetted out of the judiciary.

Often, judges were viewed as the extended arm of certain government regimes and were accused of violating people's rights themselves. It appeared that in certain Mediterranean Partners for Co-operation there is little trust in the judiciary, which is often seen as inefficient and corrupt. People try to avoid going to court and often take justice into their own hands. CSO staff involved in trial monitoring is often threatened. Independent monitors were called for - possibly from, or trained by ODIHR. Generally, participants repeatedly called for an independent and impartial judiciary enjoying the trust of the people.

It was noted that most judges themselves are aware of their lack of independence. At times, in certain OSCE Mediterranean Partners for Co-operation, judges and their decisions are not respected by the police. To avoid such situations in the future, police reform was considered indispensable, which should include police training to help build understanding of, and respect for, the rule of law. It was also reported that some judges who had acted "too indepen-

dently” faced the risk of being dismissed without justification. This was seen as the overall problem of systems where judges are appointed by the Ministry of Justice, and where different executive bodies had a say in such appointment. Widespread nepotism and corruption (*wasta*, in Arabic) were the cause and result of such practices. In this context, it was noted that monitoring commissions to oversee trials and the conduct of judges would not work, as they would also be appointed by government. At the same time, a proper and democratic process of appointing judges should be institutionalized and judges and police should be trained to make them more aware of applicable human rights standards. NGOs should be permitted to operate properly, also in the field of trial monitoring.

Recommendations of Working Group III

The Participants of Working Group III:

General:

1. *Called on the Chairperson-in-Office to make the following recommendations public, and to distribute and advocate for them to OSCE participating States and Mediterranean partners for Co-operation;*
2. *Encouraged OSCE participating States and Mediterranean Partners for Co-operation to develop further and formalize mechanisms for bilateral and multilateral engagement based on a genuine assessment of needs and priorities;*
3. *Encouraged OSCE participating States and Mediterranean Partners for Co-operation to create a conducive and secure environment for political interaction for civil society organizations to work effectively on promoting and protecting human rights;*
4. *Encouraged the OSCE participating States and Mediterranean Partners for Co-operation to promote gender equality, women’s rights and the rights of all minorities at all levels of society;*

Support to justice and legal reform:

5. *Called on ODIHR to support the process of constitutional and legal reform in the OSCE Mediterranean Partners for Co-operation countries;*
6. *Encouraged OSCE participating States and Mediterranean Partners for Co-operation countries to base legal reforms on a participatory, inclusive and transparent approach;*
7. *Encouraged OSCE participating States and Mediterranean Partners for Co-operation countries to base legislative frameworks on respect for minority rights including religious and cultural rights, non discrimination, women’s rights and gender equality;*
8. *Called on ODIHR to create a platform to promote an independent judiciary through the dissemination of existing documents, recommendations and related*

training events and to encourage the integration of professional legal communities including existing associations of lawyers;

Capacity building for state institutions:

9. *Recommended that ODIHR support capacity building activities on international human rights standards, including translation into Arabic of key ODIHR publications and delivery of roundtables, seminars and other events for the exchange of good practices;*
10. *Called on ODIHR to organize discussions and training to promote international human rights standards within law enforcement bodies;*

Capacity building to civil society (NGOs, lawyers, trade unions, media, schools, universities and political parties):

11. *Called on ODIHR to provide trainings on international human rights standards, including on trial monitoring;*
12. *Called on ODIHR to facilitate the development of networks between representatives of civil society from the OSCE and the Mediterranean regions, including the exchange of good practices.*



Side Event: Tolerance and Non-Discrimination in Democratic Transition

The Side Event on “Tolerance and Non-Discrimination in Democratic Transitions” was held in Vilnius on 5 December 2011 in the framework of the OSCE Mediterranean Partner Countries’ Conference for Civil Society. 45 participants attended. Mr. Ebrahim Abushindi, of the Arab Jewish Community Center (Israel), moderated the discussion.

The Side Event provided a forum to discuss risks of inter-religious, inter-ethnic or inter-cultural animosities evolving into patterns of discrimination and of violence in times of transition. Participants from OSCE Mediterranean Partners for Co-operation and the OSCE region exchanged their experiences and good practices in preventing and responding to acts of bias-motivated violence, and promoting mutual respect and understanding, particularly towards minorities.

Douglas Wake, First Deputy Director of the ODIHR, used his opening remarks to stress the importance of addressing intolerance and discrimination both from a moral and practical perspective as they can evolve into tensions and violence. OSCE participating States have committed themselves to fight intolerance and discrimination. The ODIHR has been tasked in the last decade to work specifically on tolerance and non-discrimination issues, including anti-Semitism and discrimination and intolerance against Muslims, Christians and other groups. Three Personal Representatives of the OSCE Chairperson-in-Office address issues in these areas across the OSCE region. The focus of the ODIHR’s activities has been on education, data collection on hate crimes and law enforcement.

Dildora Khamidova, Executive Director of the Center for Multicultural and Multilingual Education, Kyrgyzstan described the fragile situation of Uzbeks, the largest ethnic minority in her country. A violent conflict broke out in southern Kyrgyzstan in June 2010, resulting in between 300 to 1000 casualties, several thousand wounded people, severe sexual violence against female members of minorities and hundreds of thousands internally displaced persons. The government has responded to concerns of the Uzbek minority with favorable educational opportunities for minorities and multicultural education programs and published the official document “Draft Concept for Ethnic Policy and Consolidation of

Society in Kyrgyzstan” in March 2011, supported by the OSCE High Commissioner on National Minorities, the OSCE Centre in Bishkek and the office of the United Nations High Commissioner for Human Rights. However, pledges from the government to increase the representation of ethnic minorities have not been implemented so far, Ms. Khamidova said. She stressed that governmental efforts are needed to prevent further destabilization of the region and violence against minorities. She recommended increasing representation of ethnic minorities at all levels of government and law enforcement agencies; to ensure that minority rights are protected under jurisdiction; to investigate the events of June 2010, and to advance multilingual education programs.

Abdellah Benhssi, President of Center South, Vice President of DIALOGUS and founding member of the association Jewish-Berber Friendship, spoke about new chances and challenges of NGOs as a result of the transition in the Middle East and North Africa to work towards democratization of society. He mentioned the demand of Christians in Egypt for more rights and fairness and the exclusion of the Amazigh minority in Libya from the political process and to some extent in Morocco. He noted that religion is misused in some countries to legitimize intolerance. However, positive developments and examples fighting intolerance and discrimination can also be found. The new Moroccan constitution includes minority rights and Center South and other NGOs were consulted in the process. His organization collects data on discrimination in Morocco which will be presented to the minister. He added that a particular challenge lies in the fact that the political changes are initiated by ordinary citizens who do not necessarily share the same educational level and constructive ideas of participation of all ethnic and religious groups of society. Mr. Benhssi stressed that education and training on tolerance and non-discrimination are of particular importance. NGOs and governments from the OSCE region can be helpful in condemning bias and hatred against minorities and to encourage voices for tolerance, mutual respect and non-discrimination for religious, ethnic and cultural minorities.

Participants stressed the importance of regional and grass-root level activities against discrimination and education for tolerance in times of raising political influence of groups that propagate intolerance against religious and cultural minorities. The example of Jordan, where issues of discrimination are often addressed within municipalities, was discussed. It was pointed out that the fight for Berber minority rights and gender equality in Morocco is a grass-root movement. Participants called for investigations into the history of oppression of Berbers by Arabs and the acknowledgement of about 900 000 Jews who had to leave Arab and Muslim countries until the early 1970s.

The Moroccan government has started to acknowledge Berber rights; the constitution now recognizes the Berber language. Examples from the OSCE region show that statements by governments on minority issues can have a significant positive or negative influence on discrimination and hate crimes against minorities.

The Personal Representative of the OSCE Chairperson-in-Office on Combating Racism, Xenophobia and Discrimination reported on the OSCE’s efforts in 2011 to fight anti-Semitism and intolerance and hate crimes against Muslims and Christians and other groups in the OSCE

region. He stressed the importance of protection of places of worship and cemeteries as they are central to religious communities and the integration of minorities as equal citizens.

Participants suggested that experiences in the OSCE region to protect minorities by law might be useful in drafting new legislation in Mediterranean Partner countries. The moderator concluded that experiences across the OSCE and Mediterranean regions show that civil society actors and their input are crucial in advancing tolerance and combating discrimination in society.



Handover: Sherif Abdel Azim from the Egyptian Association for Community Participation Enhancement presents the final recommendations of the OSCE- Mediterranean Partner Countries' Conference for Civil Society to Audronius Ažubalis, Lithuanian Minister for Foreign Affairs and OSCE Chairperson-in-Office, Vilnius, Lithuania, 5 December 2011. (OSCE/Shiv Sharma)

Closing Session

In his concluding remarks, **Mr. Achref Aoudi**, the founder of I-Watch (Tunisia) delivered a speech about the important role of civil society and specifically about each individual citizen to hold their governments accountable in the fight for human rights and democracy. He emphasized the importance of the Civil Society Conference's recommendations to the OSCE 2011 Ministerial Council and urged organizations in the Mediterranean region to join their efforts as watchdogs while retaining their status as unbiased and independent, while at the same time reaching out to their counterparts in the OSCE region. He underlined that while the OSCE's and the ODIHR's engagement in the region would be welcome, change would have to come from the grassroots. Furthermore, he reiterated that the three topics of the conference, electoral good practice, political participation (particularly of women and youth), and judicial and legal reform should be approached simultaneously; elections make less sense without the participation of civil society or without the existence of the rule of law and justice.

"It is really strange to say this, but when I was listening to each one of you during the two past days, I had the impression that you all live in Tunisia. I had the impression that I was born in Ukraine, and brought up in Russia and lived in Serbia: believe me our challenges are almost the same." – Achref Aoudi, I-Watch, (Tunisia), Closing Remarks

Mr. Douglas Wake, First Deputy Director of ODIHR, congratulated participants for the high quality and depth of discussions during the conference, their enthusiastic engagement, and the excellent working atmosphere that had been created among participants. He thanked the OSCE Chairmanship for their logistical, financial and substantive support to the organization of the conference. He recalled that civil society had played a crucial role in advancing and consolidating the transitions towards democracy in a number of OSCE countries and hoped that civil society could play a similar role in Mediterranean Partner countries.

Mr. Wake associated himself with the keynote speaker in observing that similar concerns and challenges confront both OSCE participating States and the Mediterranean Partners for Cooperation, particularly in respect to such issues as implementation of international human rights commitments and the promotion of gender equality. He also underlined the impor-

tance of NGOs in the OSCE's institutions and processes, stressing that their ideas, engagement and recommendations assist the organization in helping participating States to live up to their commitments. He underlined the importance of the recommendations developed by the participants in the Vilnius conference, explaining that they would be shared with the Chairmanship, but also all delegations to the Vilnius Ministerial Council meeting, and that they would help guide the OSCE's future engagement with the Mediterranean Partners for Co-operation.

Annexes

Annotated Agenda

**OSCE – Mediterranean Partner Countries’ Civil Society Conference
Ahead of the 2011 Vilnius Ministerial Council
Electoral Good Practice, Political Participation, Justice and Legal Reform
Vilnius, Lithuania, 4–5 December 2011**

I. OVERVIEW

The Civil Society Conference for Mediterranean Partners, on the eve of the Ministerial Council in Vilnius on 4-5 December, organized by the OSCE Chairmanship and OSCE/ODIHR will bring together civil society representatives from OSCE Mediterranean Partner for Co-operation countries with civil society representatives from OSCE participating States. The event will build on the OSCE’s mandate and experience of encouraging international co-operation among civil society groups, to encourage new links and partnerships between civil society representatives in OSCE states and in the Mediterranean partner States, at a time of rapid change and transition in this region.

The OSCE has developed a strong track record in facilitating international contacts among civil society groups on issues regarding the human dimension of security. In this, it has been guided by the commitment expressed in Par. 26 of the Copenhagen Document of 1990, in which participating States agreed to “encourage, facilitate, and where appropriate, support practical endeavours and the sharing of information, ideas, and expertise among themselves and by direct contacts and co-operation between individuals, groups and organizations” in a variety of areas concerning democratic institutions, human rights and the rule of law. The OSCE and ODIHR’s projects and programmes focused on strengthening civil society, as well as the annual human dimension meetings, in which civil society fully participate, are just two examples of how the OSCE has put this commitment into practice.

The political changes in some countries of the Middle East and North Africa (MENA) during the course of 2011 have shown the importance of civil society as a driver of political change and reform. As a number of states engage in difficult reform processes, the challenge for MENA civil society will be to maintain and increase their contribution to political and public life, and to keep up the pace of reform. Through its links with several MENA countries as

OSCE Mediterranean Partners for Co-operation, the OSCE is in an ideal position to step up its support for and engagement in this region, and can serve as a platform to develop a valuable exchange of experiences among civil society groups from the OSCE region and those in the Mediterranean Partner for Co-operation states. Furthermore, the central role played by civil society in OSCE structures and processes, gives the organization a unique level of access to civil society groups. Civil society groups from Central and Eastern Europe as well as Central Asia in particular may offer valuable lessons and recommendations from their experiences of recent democratic transitions in their own societies.

Three areas in particular stand out as being of particular relevance in the context of political transition, and where the future evolution of the countries' political systems is at stake. Firstly, analysts of the situation have noted the challenge of ensuring the continued engagement of civil society, women and youth – three groups that played a particularly prominent role in the events of 2011 – in the emerging democratic processes of the MENA countries, amid fears that these groups are being excluded in the reform process. Secondly, channeling the reform momentum into genuinely improved and democratic electoral legal frameworks and practices will also require sustained attention from civil society to monitor the process. Thirdly, justice and legal reform is a broad area where civil society – through advocacy for legal and judicial reform – can significantly affect and increase the quality and pace of change.

In all three areas, the OSCE/ODIHR has the capacity and experience to facilitate substantive and relevant discussions among key civil society actors from both the OSCE and the Mediterranean Partner countries. The format for such an event builds on the tradition of civil society fora ahead of major OSCE meetings, with the aim to foster the engagement of civil society and increase exchanges with participating States.

II. AIMS

The conference will aim to:

- Promote an exchange of good practices and experiences among civil society groups in the Mediterranean Partners for Co-operation countries with civil society groups in the OSCE region. These exchanges would address the challenges of sustainable democratization and reform in the area of electoral administration frameworks, political participation (particularly of women and youth), and judicial and legal reform;
- Generate recommendations from civil society to OSCE participating States meeting in the Vilnius Ministerial Council on possible future OSCE engagement with the Mediterranean Partner for Co-operation countries, in particular as relates to civil society;
- Permit the OSCE and its institutions to gain a greater awareness of the needs of civil society in the Mediterranean Partner for Co-operation countries, in order to better shape possible future support programmes;
- Increase awareness among Mediterranean Partner for Co-operation civil society representatives of existing international and OSCE standards, institutions and programmes, as well as tools and practices developed by the OSCE in the area of democratic elections, political participation, fair trials and access to justice, and transparent and effective law-making that results in better regulation.

III. CONFERENCE LOGISTICS

The Conference will be held on 4-5 December 2011, in Vilnius, Lithuania.

Civil Society Fair: Participants may set up promotional materials for the lunchtime Civil Society Fair from 17:00-19:00 on Saturday 3 December, and on Sunday 4 December from 8:00-9:00 as well as during the lunch breaks themselves.

IV. WORK PLAN

Saturday, 3 December 2011

19:00 – 21:00 Opening Buffet Dinner
Crowne Plaza Hotel

Sunday, 4 December 2011

8:00 – 9:30 Registration of participants

9:30 – 10:00 Introduction and Opening Remarks

*Evaldas Ignatavicius, on behalf of the Chairperson-in-Office of the OSCE,
Deputy Minister of Foreign Affairs of Lithuania*
Douglas Wake, Deputy Director OSCE/ODIHR
Keynote Speaker: Achref Aouadi (Tunisia) – Founder, I-Watch
*Keynote Speaker: Sonja Lokar (Slovenia), Executive Director of the Central
and Eastern Europe Network for Gender Issues*
*Yuri Dzhibladze (Russia), Organizing Committee, OSCE Ministerial Confer-
ence Parallel Civil Society Forum*

10:00 – 11:00 Session I (Break out into Working Groups)

Working Group I:
'Electoral good practice and lessons
learned'

Working Group II:
'Political participation (including
gender)'

Working Group III:
'Justice and Legal Reform'

– *Information on OSCE commitments and ODIHR experiences*
– *OSCE civil society experiences*

11:15 – 11:30 Coffee Break

11:30 – 12:30 Session I (Continued – in Working Groups)

Working Group I:
'Electoral good practice and lessons
learned'

Working Group II:
'Political participation (including
gender)'

Working Group III:
'Justice and Legal Reform'

– *Experiences of civil society in Mediterranean Partner for Co-operation countries*

12:30 – 14:00 Buffet Lunch and Civil Society Fair**14:00 – 15:30 Session II (In Working Groups)**

| | | |
|---|---|--|
| Working Group I: 'Electoral good practice and lessons learned' | Working Group II: 'Political participation (including gender)' | Working Group III: 'Justice and Legal Reform' |
|---|---|--|

- Discussion of civil society needs and challenges in Mediterranean Partner for Co-operation states
 - Discussion of how ODIHR/OSCE can increase engagement with civil society in Mediterranean Partner for Co-operation countries
-

15:30 – 15:45 Coffee Break**15:45 – 17:00 Session II (Continued)**

| | | |
|---|---|--|
| Working Group I: 'Electoral good practice and lessons learned' | Working Group II: 'Political participation (including gender)' | Working Group III: 'Justice and Legal Reform' |
|---|---|--|

- Discussion and preparation of recommendations
-

18:00 – 21:00 Reception Chairmanship in Office – Restaurant “Horizontas”, Top Floor, Hotel Crown Plaza

Monday 5 December 2011

9:00 – 10:30 Special Side Event: Tolerance and Non-Discrimination in Democratic Transition

10:30-11:00 Coffee break

11:00 – 13:15 Session III (In Working Groups)

| | | |
|---|---|--|
| Working Group I: 'Electoral good practice and lessons learned' | Working Group II: 'Political participation (including gender)' | Working Group III: 'Justice and Legal Reform' |
|---|---|--|

- Wrap up from previous day's discussions, led by co-moderators
 - Final preparations for presentation of recommendations in the Closing Session
-

13:15 – 13:30 Coffee Break**13:30 – 14:30 Session IV (Closing Session)**

Co-moderators present recommendations developed by each Working Group

Closing Speakers:

Douglas Wake, Deputy Director, OSCE/ODIHR

Achref Aouadi (Tunisia) – Founder, I-Watch

14:30 – 16:00 Buffet Lunch and Civil Society Fair

19:00 Reception – Mayor of Vilnius – City Hall, Didzioji 31 (Old Town)

V. ORGANIZATION: DETAILED DESCRIPTION

After the Introduction and Opening Remarks, participants will break out into three thematic Working Groups, which will meet in parallel. The Working Groups will have the following themes:

- *Working Group I: ‘Electoral Good Practice and Lessons Learned’*
- *Working Group II: ‘Political Participation’*
- *Working Group III: ‘Justice and Legal Reform’*

In addition, a **Special Side Event on “Tolerance and Non-Discrimination in Democratic Transition” for interested participants** will be held on Monday 5 December from 9:00 to 10:30.

For detailed descriptions of the **Working Groups**, please see section VI below.

The Working Groups will meet in parallel. Participants will be asked to stay within **one** thematic Working Group throughout **Sessions I-III** of the conference. In these Working Groups, they will have the opportunity to raise issues, identify trends, present good practices, and exchange information. To be effective, the organizers will aim to limit participation in each Working Group at 25 participants.

Each Working Group will be co-moderated by two civil society groups, one from the OSCE region, and one from a Mediterranean Partner for Co-operation country. Co-moderators will lead discussions, take note of conclusions and take the lead in preparing draft recommendations. These recommendations will then be submitted for discussion and agreement within the Working Group in Session III on 5 December.

In **Session I**, each Working Group will start with an introduction by ODIHR or an ODIHR-associated expert, covering the essential elements of the OSCE institutional framework, as well as its commitments and programmes in the thematic area under discussion. Following that, civil society groups from the OSCE area and from Mediterranean Partner States will present their experiences to the Working Group. Moving into **Session II**, participants will be encouraged to discuss the opportunities and challenges in their countries and regions. Civil society groups will be able to discuss how they can contribute to meaningful reform in their fields. The recommendations for the plenary session on 5 December should be considered in Session II as well.

During Session III, all participants will meet again in their Working Groups to wrap up discussions from the previous day and to discuss the recommendations which the co-moderators will present to Session IV.

In **Session IV**, all participants will reconvene in a plenary format, and will hear the conclusions and recommendations of each **Working Group**, as presented by the co-moderators. Following this, during Session IV, participants will hear closing remarks and reflections from the selected key note speakers.

During the lunch hours on both days of the conference, participants are encouraged to take part in the **Civil Society Fair**, at which organizations may set up stalls and distribute materials from their organizations, and participants can informally meet and learn about each others' work and initiatives. Preparations for the Civil Society Fair will take place during the registration period. In addition, the conference will include special evening **receptions** for the participants to meet OSCE participating States delegates in Vilnius for the Ministerial.

VI. WORKING GROUP DESCRIPTIONS

Working Group 1: 'Electoral good practice and lessons learned'

Drawing upon its observation experience within the OSCE region, OSCE/ODIHR developed a series of handbooks that could be useful for domestic observer groups in Mediterranean Partners for Co-operation. During the first part of the session, participants will learn about ODIHR's experience. This will include brief overviews of:

1. The importance of good electoral practice in the broader context of democratic governance,
2. OSCE commitments and international standards for democratic elections as well as international good practice, and
3. How observation can lead to greater transparency and deter electoral malpractice including possible fraud.

ODIHR will also briefly introduce its electoral law review experience, leading to an interactive discussion on possible interventions to improve electoral practices in the Mediterranean Partners for Co-operation. Participants from OSCE participating States and the Mediterranean Partners for Co-operation are encouraged to elaborate on their experiences and advise on what has worked best in their countries to improve electoral processes. Participants could further discuss recommendations for the way forward including, for example, how best to exchange information and to learn from each others' experiences in the future.

Working Group 2: 'Political participation (including gender)'

This session will focus on activities that aim to increase the participation of citizens – in particular civil society, women, and youth – in the democratic process, in order to enrich democratic life. In particular, participants will consider how civil society can ensure that governments are representative, responsive, and accountable.

The development of multi-party landscapes and political pluralism requires that citizens are able to have input into political life, particularly through political parties, politically-active civil society organizations, parliaments, and other representative bodies. Special emphasis

will be placed on strengthening the capacity of civil society to promote women's participation in political and public life. The session will also recall the OSCE commitments and the OSCE/ODIHR's work in this area. OSCE/ODIHR tools and materials will be presented and featured, including the study *Gender Equality in Elected Office: A Six-Step Action Plan*. The session will serve to exchange and present experiences, discuss strategies and initiatives taken by civil society across the OSCE region that have proven successful in promoting reform of democratic institutions and political participation. Increasing the number and role of women in political processes through policy research institutions, think tanks, and women's organizations will be discussed in particular. A discussion on how good practices from the OSCE region can be relevant for the Mediterranean context will follow and may serve as the basis for recommendations by participants to policy makers.

Working Group 3: 'Justice and Legal Reform'

This session will consider judicial and legal reform processes by introducing them to OSCE/ODIHR tools such as the OSCE/ODIHR-Venice Commission *Guidelines on Freedom of Peaceful Assembly* and the *Guidelines on Political Party Regulation*, the legal database www.legislationline.org, and activities in the area of trial monitoring, judicial independence, and legal reform. The session will focus on methodologies and tools civil society actors from the Mediterranean Partners for Co-operation could use to advocate for judicial and legal reform, and include an exchange of experience and good practices from within the OSCE region. The Session will also discuss the importance of guaranteeing freedom of peaceful assembly, as well as tools for monitoring freedom of assembly.

Trial monitoring as a tool to assess justice sector reforms in countries that undergo political transition will be presented based on the OSCE/ODIHR methodology developed with OSCE Field Operations and by way of an expert presentation. The session will also focus on the role civil society actors can play in promoting judicial independence, based on the *Kyiv Recommendations on Judicial Independence*. Based on case studies within the OSCE region, a discussion on their relevance for the Mediterranean Partners for Co-operation will be held.

A discussion on the importance of transparent public consultations with civil society in legal and constitutional reform processes will follow, with a focus on reform of legislation on freedom of assembly, freedom of association, political parties, and the judiciary. The session will explore potential tools for civil society to participate in the law-making process and form the basis for an exchange of experience and best practice between civil society from the OSCE region and Mediterranean Partners for Co-operation.

Recommendations presented to the Chairperson-in-Office of the Organization for Security and Co-operation in Europe

Mediterranean Partner Countries' Civil Society Conference Vilnius, Lithuania, 4-5 December 2011 Conference Conclusions and Recommendations

We, the representatives of civil society from OSCE participating States and the OSCE Mediterranean Partners for Co-operation met in Vilnius, Lithuania, on 4-5 December 2011 to share experiences and lessons learned from civil society engagement in democratic transition, and to develop our vision of future partnership and co-operation.

We believe that transparency, accountability and integrity are important cornerstones of democracy. We stress the importance of advocacy efforts and the establishment of international, regional and domestic networks of civil society groups of OSCE participating States and the OSCE Mediterranean Partners for Co-operation, for mutual solidarity and support, and to exchange ideas and learn from each other.

Noting the changes that have taken place in many Mediterranean states recently, we observe with concern that consolidation of democracy in both our regions remains far from assured, and that civil society groups in particular will need to maintain a leading role in ensuring that transition processes move forward towards greater participation, equality, justice, rule of law, democracy and respect for human rights and fundamental freedoms.

We offer the following recommendations from our deliberations to the OSCE participating States and the OSCE Mediterranean Partners for Co-operation for consideration. We:

1. Call on the Chairperson-in-Office to make the following recommendations public, to distribute and to promote them to OSCE participating States and OSCE Mediterranean Partners for Cooperation.
2. Call on OSCE participating States to provide for greater involvement with the OSCE Mediterranean Partners for Co-operation. This should include a range of support programmes, such as providing expertise, trainings, and other activities aimed at

- increasing the capacity of civil society organizations, including those observing elections, and working on issues of gender equality, youth and minorities.
3. Encourage OSCE participating States and OSCE Mediterranean Partners for Co-operation to promote gender equality, women's rights and the rights of all minorities and young people, including religious, linguistic and cultural minorities, to participate at all levels of society.
 4. Recognise that non-partisan election observation is an expression of the right of freedom of association and is central to transparency and democracy. More efforts should be taken to harmonize all aspects of the electoral process with international commitments and standards for democratic elections. We thus call on our governments to respect their obligations and commitments under international human rights law.
 5. Acknowledge that other challenges to electoral processes in both regions include pressure on the electorate to vote in a specific manner; the use of state administrative resources by incumbents; election administrations whose composition is not sufficiently inclusive to ensure confidence; the perpetuation of a culture of impunity by failing to hold individuals accountable for election-law violations; media bias, the lack of sufficient will to rectify identified shortcomings, and an uneven playing field for contestants.
 6. Support the establishment of sustainable dialogue linking grassroots women's organizations and political actors, focusing on continuous civic education for both women and men, as citizens, voters and political actors.
 7. Support civil society actors to assume a more active role in guiding civil society action and to create mechanisms for empowerment of oppressed and disadvantaged groups, including minorities in OSCE Mediterranean Partners for Co-operation.
 8. Recommend that OSCE participating States foster open and secure access to the Internet, seek technological solutions for countering Internet censorship, and support the use of social and online media to advocate for political and gender equality reform.
 9. Recommend that OSCE participating States support youth programmes addressing social and political issues, including the establishment of youth fora, such as youth parliaments, international exchange programs, and leadership and capacity-building training, to allow youth to exchange ideas, co-operate and learn from each other to channel their needs into concrete policies and actions.
 10. Encourage OSCE participating States and Mediterranean Partners for Cooperation to create a conducive and secure environment for political interaction for civil society organizations to work effectively on promoting and protecting human rights.
 11. Encourage OSCE participating States and Mediterranean Partners for Cooperation to base legal reforms on a participatory, inclusive and transparent approach and to base legislative frameworks on respect for minority rights including religious and cultural rights, non discrimination, women's rights and gender equality.
 12. Call on ODIHR to support the process of constitutional and legal reform and create a platform to promote an independent judiciary through the translation and dissemination of existing documents, recommendations and related training events and to

encourage the integration of professional legal communities including existing associations of lawyers.

13. Call on ODIHR to support capacity building activities and the creation of networks, as well as help promote international human rights standards, e.g. by organizing discussions and training within state institutions and civil society.

Final list of participants

**OSCE – Mediterranean Partner Countries’ Civil Society Conference
ahead of the 2011 Vilnius Ministerial Council
Electoral Good Practice, Political Participation,
Justice and Legal Reform
Vilnius, Lithuania, 4–5 December 2011**

| | | | | |
|-----|-------------------|---------------------|--|---------------------------------------|
| Mr. | Abdelah | Benhssi | Centre de sud pour le développement et dialogue et citoyenneté | Morocco |
| Mr. | Abou el Ouyoun | Nasser Ibrahim | Human Rights Association for Community Developoment in Assuit | Egypt |
| Mr. | Abushindi | Ebrahim | Arab Jewish Community Center | Israel |
| Mr. | Agaj | Gazmend | Society for Democratic Culture | Albania |
| Mr. | Aissa | Rahmoun | Ligue Algerienne pour la Defense des Droits de l’Homme | Algeria |
| Mr. | Aleksov | Darko | MOST Citizen’s association | former Yugoslav Republic of Macedonia |
| Ms. | Aly | Shaima | Kenana NGO for human rights and women development | Egypt |
| Mr. | Aouadi | Achref | I WATCH | Tunisia |
| Ms. | Arnous | Namees | Bokra for Media Production, Media Studies and Human Rights | Egypt |
| Ms. | Asmaa | Abuserie Sayed Awis | El-Mahrousa Center for Socioeconomic Development | Egypt |
| Mr. | Baker | Rabbi Andrew | Personal Representative | CiO |
| Mr. | Baktygulov | Sheradil | Institute for Public Policy | Kyrgyzstan |
| Mr. | Be’eri-Sulitzeanu | Amnon | The Abraham Fund Initiatives | Israel |
| Ms. | Belouahri | Houria | Association de Solidarité et de lutte contre la pauvreté et l’exclusion (Elghaith) | Algeria |
| Ms. | Belyaeva | Nina | Interlegal Foundation | Russia |

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|-----|--|-----------------------|--|----------------|
| Mr. | Boms | Nir | Cyber Dissidents | Israel |
| Mr. | Cohen | Udi | Citizens Accord Forum | Israel |
| Ms. | El-Khalfioui | Bouchra | Association Rif des Droits Humains | Morocco |
| Ms. | Entesar Mohamed Elsaid Sayed Sayed | Saed | Cairo Centre for Development | Egypt |
| Mr. | Erdogan | Erkin | Social Change | Turkey |
| Mr. | Filiz | Veysel | COJEP International | France |
| Mr. | Fusfeld | Eric | B'nai B'rith | Israel |
| Mr. | Gamel | Barakat | Arab Organization for Democracy and Human Rights Democracy | Egypt |
| Mr. | Genckaya | Omer Faruk | TESAV (Economic and Social Research Foundation of Turkey), | Turkey |
| Mr. | Ghali | Amine | Al Kawakibi Democracy Transition Center | Tunisia |
| Mr. | Ghoneim | Shareef | Egyptian NGO Support Center | Egypt |
| Mr. | Golosceapov | Evghenii | Resource Centre for Human Rights NGOs in Moldova | Moldova |
| Mr. | Golubovic | Dragan | European Centre for Not-for-Profit-Law | Hungary |
| Ms. | Guizani | Mouna | CEMI | Tunisia |
| Ms. | Hasratyan | Jemma | Association of Women with University Education | Armenia |
| Ms. | Hillel | Maayan | Arab Jewish Community Center | Israel |
| Mr. | Hussainy | Mohammed | Identity Center for Human Development | Jordan |
| Mr. | Ibrahim | Hany Ibrahim Fahmy | Resources for Development Center (RDC) | Egypt |
| Mr. | Izerrouken | Smail | Association de Solidarité et de lutte contre la pauvreté et l'exclusion (Elghaith) | Algeria |
| Ms. | Jagniatinsky | Liana | World Jewish Diplomatic Corps | Israel |
| Mr. | Jarahh | Sammer | Arab World Centre for democratic Development and Human Rights | Jordan |
| Mr. | Jarman | Neil | Institute for Conflict Research | United Kingdom |
| Mr. | Kabak | Dmitry | Frank Position, NGO | Kyrgyzstan |
| Mr. | Kamel | Said | Association des Populations des Montagnes du Monde – Section Maroc (APMM-Maroc) | Morocco |
| Mr. | Karim | Natouri | Ligue Algérienne pour la Défense des Droits de l'Homme LADDH | Algeria |
| Ms. | Katro | Jeta | Women in Development | Albania |
| Ms. | Kazoka | Iveta | Centre for Public Policy, Providus | Latvia |
| Mr. | Keyes | David | Cyber Dissidents | Israel |

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|-----|-------------------------|------------------|--|---------------|
| Ms. | Khadija | Bentaleb | Forum Civil Démocratique Marocain (FCDM) | Morocco |
| Ms. | Khamidova | Dildora | Centre for Multicultural and Multilingual Education | Kyrgyzstan |
| Ms. | Kheddar | Cherifa | Diazairouna | Algeria |
| Ms. | Kilani | Sa eda | Arab Archives Institute for Human Rights Research | Jordan |
| Mr. | Kuzel | Rasto | Memo98 | Slovakia |
| Mr. | Labib | Anis | ATED Association Tunisienne pour l'Eveil Démocratique: Réseau Mourakiboune | Tunisia |
| Mr. | Lahlou | Mehdi | Parti Socialiste Unifie | Morocco |
| Mr. | Lisovskyi | Mr. Iurii | OPORA | Ukraine |
| Ms. | Lokar | Sonja | CEE Network for Gender Issues | Slovenia |
| Ms. | Lomjaria | Nino | ISFED | Georgia |
| Mr. | Mansour Mohammad Miqdad | Asem | Adaleh Centre for Human Rights | Jordan |
| Mr. | Marozau | Pavel | Valgevene Uus Tee | Belarus |
| Ms. | Mazur | Magda | School of Young Leaders | Poland |
| Ms | Michard | Berenice | Groupe arabe d'observation des medias (AWG-MM) | Tunisia |
| Ms. | Mohamed Issa Mohamed | Marwa | Sahwa Association to support of the opportunities and equal rights of self for persons with disabilities | Egypt |
| Ms. | Mostafa | Amira | Arab World Center for Democratic Development & Human Rights (UnHd) | Jordan |
| Mr. | Mouha | Mohamed | Organisation Dialogus | Morocco |
| Mr. | Mouseddad | Abdallah | Tissu Associatif pour l'Observation des élections | Morocco |
| Ms. | Muelhi | Emna | I WATCH | Tunisia |
| Mr. | Muravjovas | Sergejus | Transparency International | Lithuania |
| Mr. | Nabil Soliman | Amer Abdulkareem | Mideast Youth | Egypt |
| Mr. | Nacamuli | Alec | International Nebi Daniel Association | France |
| Mr. | Oehring | Otmar | Mission | Germany |
| Mr. | Ostaf | Serghei | Resource Center for Human Rights CREDO | Moldova |
| Ms. | Oumayma | Achour | I WATCH | Tunisia |
| Ms. | Popkhadze | Ekaterine | Georgian Young Lawyers Association | Georgia |
| Mr. | Postica | Alexandru | Promolex | Moldova |
| Mr | Potocki | Rodger | NED | United States |
| Ms. | Ramla | Ben Farhat | ATDD Association Tunisienne de Droit du Développement | Tunisia |
| Ms. | Rayan | Ghsoon | Citizens Accord Forum | Israel |

| | | | | |
|-----|-------------|------------|--|----------------------|
| Mr. | Rejeb | Sofien | Federation arabe des journalistes | Tunisia |
| Ms. | Roshdy | Salma | El Sadat Association for Social Development & Welfare | Egypt |
| Mr. | Sayh | Abdrahman | Centre de sud pour le developpement, dialogue et citoyennete | Morocco |
| Mr. | Sbouy | Hamza | I WATCH | Tunisia |
| Mr. | Sherif | Abdel Azim | The Egyptian Association for Community Participation Enhancement (EACPE) | Egypt |
| Ms. | Stoller | Kim Robin | International Institute for Education and Research on Antisemitism | Germany |
| Ms. | Squarcia | Cinzia | Arci Cultura e Sviluppo | Italy |
| Ms. | Talabany | Suhad | Identity Center for Human Development | Jordan |
| Mr. | Tekeli | Cihan | Anne Frank House | Netherlands |
| Mr. | Tlemcani | Rachid | Study Group on Elections and Civil Society, University of Algiers | Algeria |
| Mr. | Trestan | Robert | Anti-Defamation League (Washington office) | United States |
| Mr. | Trifunovic | Aleksandar | Jefferson Institute | Bosnia & Herzegovina |
| Mr. | Zlatko | Vujovic | CEMI | Montenegro |
| Mr. | Yves Fedida | Selim | International Nebi Daniel Association | France |
| Ms | Yergaliev | Nazgul | Legal Policy Research Centre – LPRC | Kazakhstan |
| Mr. | Zesli | Abdessalam | National HR Council, Organisation Marocaine Des Droits Humains (OMDH) | Morocco |

OBSERVERS

| | | | | |
|-----|-------|----------|--|-------|
| Dr. | Amal | Obeidi | | Libya |
| Dr. | Lamia | Abusedra | | Libya |