

***Working Session 1: Fundamental freedoms I, including: Freedom of expression, free media and information***

Rapporteur: Boštjan Širnik, Minister Counsellor, Permanent Representation of Slovenia to the OSCE

**No. of statements: 44**

Delegations: 9

Civil Society: 28

OSCE Institutions: 1

Other: 6

**Rights of Reply: 15**

The introducer, Ms Amy Brouillette, Research Director at Ranking Digital Rights, presented the project “Ranking Digital Rights”, which produces “Corporate Accountability Index” to rank digital platforms and telecommunications companies on how transparent are their policies and practices affecting freedom of expression and privacy. They use methodology that sets benchmarks for how these companies respect abovementioned fundamental human rights. She explained that there is growing consensus among policy makers, the public, as well as tech companies about the importance of protecting privacy as a fundamental human right. There are also challenges, as new technologies, i.e. algorithms and automated decision-making systems, pose new risks to on-line expression and privacy in unprecedented ways, especially with regard to mass surveillance, censorship and privacy violations.

She also emphasized that the Internet used to be considered as a platform for enabling freedom of expression, but today the issue is how to protect people, using this platform, from hate speech, disinformation and other content that incite to violence and manipulate public opinion. The governments, civil society and companies have to collectively address the complex challenge of how to regulate content and information flows on-line and to strike balance between protecting fundamental right to freedom of expression and information, while also protecting from types of speech that violates other rights, such as non-discrimination. The answer to this will determine what kind of Internet we will end up with.

As the most pressing issue she identified the lack of transparency by digital platforms about how they curate, shape and censor on-line content and information. Tech companies have relatively unchecked power to control and shape what people will access and read on-line. Another major question with regard to the lack of transparency is the relationship between governments and companies about how on-line content is censored or Internet access otherwise is restricted. Lack of transparency leaves Internet users vulnerable to unaccountable censorship, to restrictions of content or access, as well as to mass and targeted surveillance. They have the right to know about this, so that they can make informed decisions about if and how to use a particular service or platform and to be able to hold authorities or private companies accountable for human rights abuses.

Ms Brouillette recommended that governments should commit to conduct human rights due diligence, so that laws that may affect freedom of expression should be subject to human rights impact assessments. They should also prioritize transparency, by disclosing the volume, nature and purpose of all government requests made to companies affecting freedom of expression, such as demands to censor or block content. People must also have the right to adequate and effective remedy when their freedom of expression rights is violated. On the other hand,

governments should engage and work proactively, also in collaboration with civil society and private sector, to establish a positive roadmap for Internet governance that would advance Internet that supports and sustains human rights.

In the discussion many participating States stressed that freedom of expression is essential for democracy, serves as enabler to other human rights and is the cornerstone of the OSCE comprehensive concept of security. They also expressed concerns about restrictions to online freedom of expression and practice of unduly blocking news sources. It was reiterated that everyone should recognize the right to access and use of the Internet as a human right and to respect and reinforce the principle of network neutrality adding that any restrictions must be in line with international law. Some added that ensuring full and equal access to non-discriminatory Internet services should be an utmost priority for all and also called for the full respect for freedom of expression in line with Article 19 of the Universal Declaration of Human Rights.

They also underlined that when the freedom of expression is under attack, the whole society suffers, adding that the use of law to intimidate journalists is probably the most rapid form that leads to censorship and self-censorship. The need to implement Ministerial Council decision on safety of journalists was expressed as crucial. There were concerns raised that the media is being used by some states to spread propaganda in order to undermine democratic processes. Some participating States explained that Internet blocking policies and measures are only used if laws are broken and only in cases related to propaganda, terrorism and pornography. It was also highlighted that the exercise of the right of freedom of expression comes with duties and responsibilities, adding that the State can impose certain restrictions. One delegation reiterated the fact that free expression is no threat to freely elected governments.

Representatives of civil society referred to cases where citizens are prevented from receiving information, as well as that Internet is often closed to stop the spreading of fake news. In connection to this it was highlighted that in the fight against fake news we should not put freedom of expression in danger. Some underlined fact checking needs to increase, as well as encouraging media literacy and in a long run support critical thinking.

Others informed that in some countries there were prison sentences imposed for liking and sharing the content on-line. In some countries there is criminal liability for defamation, where also slander is considered as spreading false information that would undermine someone's reputation. The view was expressed that censorship on social networks exists regardless of country and language, adding that social media platforms used to be free from censorship but that practice has changed. It was added that in some countries, on-line censorship measures are exercised through the regulator. Some criticized that their representatives were not able to cover news conferences and also to attend high level media freedom conferences.

There were cases of journalists mentioned who are imprisoned for their criticism on social media. Concerns were expressed about prosecution of journalists and aggressive rhetoric about their work. It was also emphasized that threats and intimidations of journalists are frequent even in countries based on the rule of law.

Some stressed that this criminalization is done by using the so-called anti-extremist laws. On the other hand it was recalled that already in the past there was protection of freedom of expression and that same laws can be applied today in the new environment.

**Recommendations** made by participants during this session include (non-exhaustive list):

**Recommendations to the Participating States:**

- Participating States should fully respect their international human rights obligations and commitments on freedom of expression and media freedom, in particular to refrain from any restrictions on freedom of expression, which are not in line with international law and international standards.
- Should also create and ensure a safe, open, free and enabling environment for independent and pluralistic media online.
- Engage constructively with the Representative on Freedom of the Media and make use of his expertise and recommendations.
- Respect the mandate and autonomy of the Representative and provide him with the necessary resources to fulfil the mandate.
- Develop strategies that would eliminate harassment against female journalists.
- Exert pressure on those participating States that do not respect human rights commitments.
- Repeal powers given to the regulator.
- Review the legislation that regulates mass media.
- Establish an efficient monitoring based on fact checking to single out and help those journalists who are under threat.

***Working Session 2: Fundamental freedoms (continued), including address by the OSCE representative on Freedom of the Media:  
– Freedom of expression, free media and information***

Rapporteur: Rikke Høyer Hughes, Permanent Mission of Denmark to the OSCE

**No. of statements: 50**

Delegations: 15

Civil Society: 23

International Organizations: 3

Media: 9

**Rights of reply: 14**

In the opening address, the OSCE Representative on Freedom of the Media, Mr. Harlem Désir, stressed the positive role of journalists and the free media, as the cornerstone of democratic processes. It was therefore concerning that attacks against journalists are rising in the OSCE region. There was a need to combat impunity for crimes against journalists and for political leaders to publicly condemn such attacks. A problem of specific concern was attacks against female journalists online, and it was noted that online threats often translate into real life attacks. Mr. Désir also noted that many issues were at stake, including the right of citizens to be informed and the role of free media in democracy. He also added that combatting terrorism should never be used as an excuse to limit freedom of expression.

In the following interventions, a large number of participants highlighted that some of the greatest threats to freedom of expression and media freedom were intimidation and attacks against journalists. They also highlighted the importance of creating and maintaining a safe and enabling environment for journalists to carry out their work without undue interference. This was considered as a prerequisite for democracies to flourish. A high number of participants also commended the efforts of the OSCE Representative on Freedom of the Media, including his role in improving media freedom, identifying threats and calling on participating States to address them.

A number of participants shared best national practices and initiatives, including reforms of national media and defamation laws, the improvement of legal institutions, the establishment groups to monitor the safety of journalists, many of which had been supported by the OSCE Representative on Freedom of the Media.

A number of participating States raised concerns about the continued harassment of journalists and violation of their rights, in particular female journalists, across the OSCE region. In some cases, this also included the use of  censorship and anti-extremism laws, intended to make media less free.

Several participants also raised the issue of disinformation and 'fake news' as a tool to undermine democratic societies, and as a result the increased tendency to restrict online content and communication and brand journalists as 'foreign agents'. In this context, it was even more important to ensure a pluralistic media environment and room for investigative journalism. Several participants also underlined that increased media literacy could help allow people to better identify and counter disinformation. One participant also raised concerns regarding the increasing number of media outlets that were used to spread 'fake news' from fake online accounts for political objectives. Another participant added that 'fake news' could challenge local stability and values.

Some media representative raised concerns that lawmakers and law enforcement are increasingly confusing journalism with activism, accusing foreign press in particular of meddling in politics and of posing a threat to national security.

One participant also raised the issue of access to media in your own language, which was not always possible in the OSCE region.

Another participant stressed the need for training of journalists to live up to international standards, including concerning tolerance and non-discrimination, journalistic neutrality and accountability.

A regional organisation highlighted the relationship between the free flow of information and democracy, and that a growing number of citizens were concerned about the authenticity of information in the digital age. They also stressed the need for higher accountability and transparency from media intermediaries. Another participant emphasized that increased professionalism, transparency and fact-checking efforts can contribute to re-establishing trust among audiences. One participant also raised awareness about the role of social networks in the media landscape. The rise of social networks provided both new opportunities, but also undesirable situations, which could lead to violation of human rights.

One participant also reminded States about the role of media in covering national minorities, whereby the media can offer all groups in society an opportunity to shape their own identities and explore different perspectives. In this regard, the media also had certain responsibilities.

A civil society representative also addressed the issue of a definition of journalists, that this could include a wide range of actors. Another civil society participant also encouraged all participants to pay more attention to positive journalism and the opinions of women.

**Recommendations** made by participants during this session include (non-exhaustive list):  
**Recommendations to the OSCE participating States**

- Fully respect OSCE commitments on freedom of expression and media freedom.
- Bring all attacks against journalists to an end.
- Protect all journalists, regardless of their opinions and where they come from.
- Drop all charges against journalists and media workers who are imprisoned for peacefully expressing their view.
- End impunity for crimes committed against journalists.
- Conduct proper investigations into intimidation and attacks against journalists by state authorities.
- Create a safe and enabling environment for journalists to carry out their work without undue interference.
- Make use of the OSCE Representative on Freedom of the Media, respect its mandate and work, and provide the necessary resources.
- Refrain from interference and censorship, and ensure an environment for inclusive media in a digital context.
- Raise awareness of disinformation.
- Strengthen social resilience towards disinformation
- Strengthen media literacy.
- Address structures in society that make people vulnerable to disinformation.
- Ensure that any closures of media outlets or restrictions comply with any rights to freedom of expression and take place in front of an independent court.

- Ensure that any restrictions on freedom of the media are defined precisely and clearly in law.
- Refrain from jamming of radio channels and ensure the freedom to broadcast across borders, in accordance with the Helsinki Document.
- Refrain from using family members to put pressure on independent journalists.
- Consider joining the new media freedom coalition by signing the global pledge.
- Develop national action plans that address media freedom and protects journalists.
- Provide local media with various mechanisms for assistance and ensuring free flow of information.

**OSCE Institutions, executive structures and field operations should:**

- The OSCE and Representative on Freedom of the Media should redouble efforts and ensure good Internet governance and examine ways for states to build resilience against disinformation.
- To continue to offer assistance in encouraging participating States' media freedom efforts, including review of procedural efforts, to ensure journalists can do their work and the right to truth.
- To look into websites that illegally broadcast false information about individuals.

### **Report from the Working Session 3 “Democratic institutions”**

**Rapporteur:** Anna Pogwizd, Permanent Mission of Poland to the OSCE

**No. of statements: 51**

Delegations: 16

Civil Society: 31

International Organizations: 3

NHRI: 1

**Rights of reply: 13**

Working Session 3 focused on taking stock of progress in the implementation of the OSCE commitments on democratic institutions and political pluralism at the national, regional and local level, as well as on reviewing the electoral practices and efforts of the participating States to follow-up on ODIHR electoral assessments and recommendations in accordance with the OSCE commitments and international standards.

The session was opened by Ambassador Urszula Gacek, a former Member of the Polish Senate, Member of the European Parliament and a diplomat, who headed a number of ODIHR Election Observation Missions (EOMs). Ambassador Gacek, referring to ODIHR's work in the field of election observation in the context of effective and credible monitoring mechanisms, stressed the importance of following up on ODIHR's recommendations. She also addressed the topic of women participation in politics, stressing that more needs to be done to ensure their equal participation in political and public life. Speaking on the topic of Internet and social media, she referred to its positive role in facilitating the contact between the public and the political platforms, but also warned of possible misuse, ie. through targeted dissemination of false information and manipulation of the public opinion, also in the context of state-sponsored activities.

The majority of interventions focused on democratic elections and ODIHR's election observation work. A number of delegations thanked ODIHR for the Election Observation Missions conducted in their respective countries and shared good practices in following up on ODIHR's electoral recommendations. They also reiterated their full support to ODIHR's mandate and autonomy, as well as its internationally recognized election observation methodology.

A number of interventions addressed the shortcomings related to transparent governance on the national, regional and local level throughout the OSCE region, stressing the importance of accountability and involvement of women, youth, and persons belonging inter alia to national, ethnic, and religious minorities, as well as persons with disabilities.

Instances of violation of fundamental freedoms such freedom of assembly and association and freedom of expression in the OSCE region in the context of electoral proceedings have also been raised. Some speakers named certain irregularities observed in elections that were recently conducted across the OSCE region, while also expressing concerns with regard to upcoming elections scheduled in the OSCE region, urging the respective participating States to uphold their OSCE commitments and international obligations.

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

- Take all appropriate measures to increase participation of persons belonging to under-represented groups in decision making and political life, in particular, a stronger emphasis should be placed on the involvement of women, youth, and persons belonging inter alia to national, ethnic, and religious minorities, as well as persons with disabilities;
- Enhance transparency, accountability and inclusiveness of elections, encourage political pluralism and make sure that the voters are given a genuine democratic choice;
- Ensure adequate conditions for the development of effective local democracy;
- Further engage in promoting genuine dialogue with civil society, including in international fora, and refrain from imposing unnecessary limitations on activities of the civil society organizations. They should also enhance efforts to protect human rights defenders from any persecution or infringements on their human rights;
- Actively support freedom of the media, which constitute a prerequisite for credible, inclusive and transparent democratic processes;
- Have closer cooperation with ODHIR Election Observation Missions (EOMs), i.e. through extending early and unrestricted invitations, which enable ODIHR to conduct a Needs Assessment Mission in a timely manner, as well as through engaging on follow-up activities, especially by implementing ODIHR recommendations and submitting voluntary reports to the OSCE Human Dimension Committee;
- Make sure that ODIHR has sufficient resources to conduct its activities, as well as to continue seconding observers or contributing to the ODIHR's Observation Sustainability Fund;
- Study and implement in practice the ODIHR Guidelines on Promoting the Political participation of persons with disabilities;
- Consider a Ministerial Council Decision on political participation of persons with disabilities;
- Encouraged to further develop cooperation with the OSCE Parliamentary Assembly in the overall OSCE's work in the field of election observation.
- A Working Session specifically focused on the rights of persons with disabilities should be held within HDIM.

### **Recommendations to ODIHR**

- Take into account the seriousness of foreign actors' efforts to undermine democracy and the ways in which we can collectively address such foreign interference in democratic processes, and to work closely with the office of the Representative on Freedom of the Media in this regard;
- Take into account technological threats as they emerge, and engage in developing a compendium of best practices to counteract such threats;
- Continue to seek additional opportunities wherever possible to support civic space and democratic institutions, ensuring the broadest participation of NGOs and other civil society representation from across the OSCE in all events they organize;



#### ***Working Session 4: (specifically selected topic) Safety of journalists***

Rapporteur: Manon Philippet, Permanent Representation of Belgium to the OSCE

**No. of statements: 43**

**Delegations: 13**

**International organisation: 1**

**Civil Society and media representatives: 29**

**Rights of Reply: 17**

Working Session 4 was the first of two sessions on the specifically selected topic “Safety of journalists”. The annotated agenda highlighted that on 12 December 2018, OSCE participating States reached consensus in adopting the landmark Ministerial Council Decision Nr.3/18 on Safety of Journalists (hereinafter, “MC Decision Nr.3/18”), confirming that urgent action is needed to improve their safety. Working session 4 relate to physical safety of journalists.

In her opening words, the **Moderator, Ms. Kristin Olson** (Principle Adviser, OSCE Office of the RFoM) referred to the advice of Mr. Lech Wałęsa (keynote speaker of the opening session): “*build on the values that you can agree upon*”. Ms. Olson stressed that safety of journalist is a shared value on which participating States agreed through MC Decision Nr.3/18.

Subsequently, the **Introducer, Mr. Tarlach McGonagle**, Extraordinary professor of Media Law & Information Society, Leiden University, emphasised the democratic purpose of journalism, as well as the fact that the efforts for preservation of journalists safety should continue until threats and violence have stopped.

He presented the existing international and European instruments relating to safety of journalists, which include the Council of Europe’s Committee of Ministers’ Recommendation CM/Rec(2016)4. This Recommendation provides detailed guidance, organized around four pillars: (i) prevention, (ii) protection, (iii) prosecution, and (iv) promotion of information. He stressed the merits of the “Platform to promote the protection of journalism and safety of journalists”. This alert-based system hosted by the Council of Europe and run by 14 Partner Organisations allows warning threats to media freedom across the 47 Member States of the Council of Europe.

This set of standards has been fortified in recent years by two milestone documents produced by the OSCE:

- The MC Decision Nr.3/18, which calls for the implementation of OSCE commitments and requires bringing laws, policies and practices in line with them. It also addresses the issue of impunity. While most of the substantive provisions included in the MC Decision Nr.3/18 are covered by existing instruments, the MC decision contains a number of novelties, sometimes in the level of details in which it goes. These include: the call for release of arbitrarily detained journalists and for actions regarding victims of enforced disappearance, the emphasis on data collection, the call to refrain from arbitrary or unlawful interference with journalists’ use of encryption and anonymity technologies or the list of different types of attacks and violence contained in para. 3.

- The Tallinn Guidelines on National Minorities and the Media in Digital Age, which seek to foster robust, public debate and recommend that States put in place and implement “effective systems of legal and practical protection to guarantee the safety and security of everyone wishing to participate in public debate”. With their focus on the digital age, the Tallinn Guidelines remind us that public debate today is shaped by a range of actors: journalists, and other media actors such as citizen journalists, NGOs, academics, bloggers, whistleblowers, fact-checkers, or ordinary individuals.

Finally, Mr. Tarlach McGonagle outlined that the overlap between the efforts of the OSCE and the Council of Europe could lead to further synergies.

In the subsequent discussions among the delegations of OSCE participating States and other HDIM participants, interventions highlighted on the one hand, the importance of safety of journalists, the need for effective protection, as well as recent advancements within participating States. On the other hand, participants outlined the current challenges.

Many delegations from participating States expressed concern about existing threats to the safety of journalists in the OSCE region. In turn, a number of Civil Society actors focused on concrete issues in various OSCE participating States, where journalists remain subject *i.a.* to arbitrary detention, to politically motivated trials, to intimidation offline and online or to other active attempt to undermine their integrity. Various speakers paid attention to the context and environment in which such threats occurred, to the importance of journalists' safety in conflict areas, as well as to the fact that abuses often come from actors in position of power. Some also stressed the importance of judicial independence in ensuring safety of journalists and freedom of the media.

In concluding the session, the members of the panel outlined that the individual cases mentioned contribute to creating a pattern and that it is importance to look for the possible constructive measures that can be implemented in addressing such pattern. The need to avoid normalization of abusive statements and intimidating behaviors and the danger of indifference were also outlined.

### **Recommendations made during this session include (non-exhaustive list):**

#### **Recommendations to the Participating States:**

- to fully respect their international obligations and commitments on freedom of expression and media freedom;
- to work actively to fully implement MC Decision Nr.3/18 on Safety of Journalists;
- to take active steps to prevent and respond to violence and harassment against journalists ensuring that all those responsible are brought to justice, paying special attention to gender-based violence online and offline;
- to engage constructively with the RFoM and make use of his expertise and recommendations;
- to respect the mandate and autonomy of the RFoM and provide him with the necessary resources to fulfill the mandate;
- to take immediate actions to protect journalists and media worker, both off and online and to provide tangible support to those being targeted or at risk;
- to fight impunity, which is important to prevent any possible future threat or attack;

- to actively work on initiatives launched at the Global Media Freedom Conference in July 2019 in relation to five areas, which include (i) signing the global pledge to safeguard media freedom and protect journalists, (ii) participating in the soon-to-be-launched Freedom Coalition during the UN high level week in New York, (iii) providing financial support to the media freedom fund administrated by UNESCO, (iv) implementing national action plans on the safety of journalists, supported by the OSCE and RFoM and through the international taskforce led by UNESCO and, (v) making use of the support by the UK special envoy on legal protection of journalists (independent panel of legal experts to help countries improving the legal framework);
- to make use of the Council of Europe guiding tools on the protection of journalists on prevention, protection, prosecution and awareness-raising;
- to show greater responsiveness to alerts on the Platform to promote the protection of journalism and safety of journalists hosted by the Council of Europe;
- to continue to support NGOs and Human Rights bodies active in the field of safety of journalists;
- to take into account the importance of judicial independence in ensuring safety of journalists and freedom of the media;
- to monitor violations and gather verified data;
- to acknowledge the important role of police when combatting violence against journalists and to provide trainings in the area of journalists' safety (i) to the police (especially in relation to larger scale events), (ii) to judges and prosecutors, as well as (iii) to media representatives themselves (about how to behave in difficult situations).

#### **Recommendations to the OSCE executive structures**

- to the OSCE, ODIHR, and the RFoM to work with Participating States to develop concrete measures, including through legislation, law enforcement practices, and other means in order to facilitate full implementation of the MC Decision Nr.3/18;
- to the RFoM to take all possible actions to promote the MC Decision Nr.3/18 and to reaffirm the importance of all participating States implementing these commitments and to continue to draw attention to those participating States who fail to uphold these commitments;
- to the RFoM to focus on better protection measures for journalists given the increase in prosecution of journalists under pretext of national security.

## **Working Session 5: (specifically selected topic) Safety of Journalists**

**Rapporteur:** Catalina Bolma-Dupont, Counsellor, Delegation of the European Union to the International Organisations in Vienna

**No. of statements:** Delegations 9 (with one speaking on behalf of 33 pS and another delegation on behalf of 16 pS) Civil Society: 16; Media: 1; Union of Journalists: 3; Rights of Reply: 10

Working Session 5 was the second to address the specifically selected topic of safety of journalists. To facilitate the discussions, the annotated agenda invited participants to focus on aspects related to legal safety. As indicated in the annotated agenda, many times security concerns are used as pretext to curtail freedom of expression and media freedom, through, inter alia, blocking of websites, surveillance, or forced disclosure of confidential sources. The speakers in this session were invited to consider also in which way legislation can preserve freedom of expression and journalism while also contributing to safeguarding national security.

Nani Jansen, Director, Digital Freedom Fund, introduced the topic to the HDIM participants. The introducer addressed three ways in which the legal environment can threaten the media: by weaponising civil litigation, criminalising journalism, and eroding legal protections for journalism. Defamation, privacy, data protection and other laws can be weaponised by bringing claims against the press, which has a number of detrimental effects: time consuming and resource intensive, self-censorship, and harming journalist's reputation. Freelance journalists or bloggers are more at risks, as they do not have the support of a media outlet. In addition, criminal charges as result of defamation or national security legislation may lead to pre-trial detention, imprisonment, possible criminal record and further impact on reputation. In criminal cases, preparations of the defense could be even more difficult. The introducer sees an erosion of the legal protection of journalists through proliferation of anti-terrorism legislation that compel journalists reporting on national security to disclose their sources, block surveillance laws or through laws with a general application that can have a negative impact on journalism without explicit safeguards for the media contained in them, or that leave the definition of such protections to individual States.

In the subsequent discussion, the OSCE commitments regarding freedom of expression, media freedom and safety of journalists (in particular the Ministerial Council Decision 3/18 on Safety of Journalists) were recalled by a large number of participating States, and the need for their implementation was underlined many times. Also, the participants in HDIM session were reminded that restrictions to the right to freedom of expression must be in line with international standards - provided by law, necessary and proportionate.

The growing number of attacks against journalists was deplored by many speakers, including the trend to use intimidation and different forms of violence against journalists as means to silence them and opposition voices. Many deplored the impunity for crimes committed against journalists. Statistics show that in 90% of cases, the perpetrators go unpunished, which perpetuates the cycle of violence. Reference to individual cases of killed, attacked or imprisoned journalists were made, as well as calls for immediate release of all the imprisoned journalists. Cases of journalists subject to police brutality, unlawful detention or home searches were mentioned. Also, the worrying situation of media freedom in certain participating States was deplored together with a call for upholding the international obligations and OSCE commitments in this area.

A large number of participating States expressed concerned about the abuse of notions of anti-extremism and anti-terrorism, resulting in excessive legislation against terrorism that serves to criminalize journalists in some participating States. Some speakers also referred to the existence of defamation laws which are also used as a tool to silence journalists. As asked by the moderator, the introducer called for decriminalization of defamation, as being not a necessary measure. In introducer's view, civil remedies are sufficient and represent the proportionate measure, striking the balance between freedom of expression, right to privacy and to defend

one's reputation. One participating State underlined the need to safeguard the independence of judiciary and thus the correct application of legislation and its implication on the safety of journalists.

A large number of participating States highlighted the growing concern in the use of disinformation and propaganda, both in terms of the threat they pose, but also the responses that are used by governments, for instance censorship measures. One civil society representative referenced the existence of "troll factories" and deplored the use of such practice. A large number of participating States indicated that the antidote to disinformation should be safeguarding the freedom of expression, a free and independent media, as well as strengthening media literacy and critical thinking.

Branding the media as "fake" undermines journalism as such and is yet another aspect of concern. Several speakers called upon political leaders and public authorities to refrain from intimidating or condoning violence against journalists.

Some reminded that journalists in conflict situations are considered civilians and are subject to protection as such.

The specific risks faced by women journalists and other media actors, particularly in digital contexts, were underlined by many speakers, as stated also in the MC Decision 3/18. Reference to the documentary *A Dark Place* was made as an illustration of the intimidation, threats, abuses, and violence faced by women journalists online. On a different note, one participating State indicated that all journalists should enjoy equal rights irrespective of their gender. A civil society organisation approached the issue of journalists coming from a minority and reporting on minority issues and the need to ensure their protection.

Some participating States reported on the changes in the national legislation, for instance one participating State offers compensation to journalists who had become disabled or died while practicing their profession. Also, one participating State informed about the training courses it organises for journalists working in crisis situations.

Many speakers emphasized that the role of civil society is unquestionable when it comes to defending democracy and safety of journalists. One participating State highlighted that the associations/unions of journalists are and should continue to be involved in drafting the legislation pertaining to their profession.

Many approached the definition of journalist. One participating State and several speakers from civil society argued that bloggers and citizen journalists should not be put on an equal footing with professional journalists. They expressed the belief that the status of a journalist should not be conferred to those who have nothing to do with the media. A civil society representative offered as an example the existence of a certain threshold of followers above which a social media user is considered a journalist and thus subject to all the legal provisions applying to a journalist. In reply, a large number of participating States emphasized that journalism is a function shared by a wide range of actors and therefore protection of journalists should not be limited to those formally recognised as journalists, but should cover others, including community media workers and citizen journalists and others who may be using new media as a means of reaching their audiences. A call to the OSCE RFoM to assist participating States in clarifying the notion of journalist was made by a Union of Journalists.

The work of the OSCE Representative on Freedom of the Media in the area of disinformation and propaganda was welcome by a large number of participating States. Also, the work on safety of female journalists online, while calling on the Representative to continue focusing on this issue. Many speakers referred to individual cases and thanked the RFoM for his prompt intervention.

The recommendations made by participants during this session include (non-exhaustive list):

*Recommendations to participating States:*

- fully respect the international obligations and commitments on freedom of expression and media freedom, in particular refrain from unduly and disproportionately restricting freedom of expression, online and offline, under the guise of national security concerns such as fighting extremism or terrorism;
- devote special attention to the phenomenon of disinformation campaigns;
- respect the freedom of expression and refrain from propaganda for wars of aggression;
- engage constructively with the Representative on Freedom of the Media and make use of his expertise and recommendations, also when adopting new legislation;
- seek also the assistance of ODIHR when adopting new legislation;
- respect the mandate and autonomy of the Representative and provide him with the necessary resources to fulfil the mandate;
- investigate and prosecute all attacks committed against journalists;
- establishment of an oversight mechanism.

*Recommendations to RFoM:*

- set up a fund to support journalists, as many do not have the means for legal representation in court;
- assist participating States clarifying the definition of journalist;

*Recommendations to journalists:*

- embrace the new technologies.

***Working Session 6: Fundamental freedoms (continued), including:  
- Freedom of peaceful assembly and association***

Rapporteur: Sorcha Casey Ó Siochrú, Attaché, Permanent Mission of Ireland to the OSCE

**No. of statements: 62**

Delegations: 12

Civil Society: 34

NHRIs: 1

**Rights of reply: 16**

Opening the session, the moderator, Ms. Jennifer Croft, Deputy Head of the Human Rights Department, ODIHR, highlighted how a culture of dialogue between States, civil society organisations (CSOs) and individuals, alongside the full implementation of the rights to freedom of peaceful assembly and association, foster relationships based on mutual trust and strengthen democracy, human rights and security.

The introducer, independent lawyer Ms. Diana-Olivia Hatneanu, focused her remarks on worrying trends in the OSCE region relating to the freedom of peaceful assembly and association. Ms. Hatneanu noted that the civil society space is narrowing in the OSCE region, leaving less space for civil scrutiny and accountability as well as structured dialogue between authorities and civil society. With regards the freedom of peaceful assembly, she recalled a number of recent cases where authorities have resorted to excessive use of force to counter or repress peaceful protests, resulting in detentions and injuries. Ms. Hatneanu emphasised the importance of immediate, effective and thorough investigations to identify and hold accountable those responsible for excessive use of force, with the public kept informed of the investigations' progress. While the obligation to investigate is clearly established in article 2 and 3 of the European Convention on Human Rights, this obligation is rarely fully observed by States.

Ms. Hatneanu noted that harassment of participants in peaceful assemblies is of particular concern where minorities and vulnerable groups are involved. In this regard she expressed concern about harassment at sexual minorities' public assemblies which continues to occur in some participating States, and urged national authorities to act with additional precaution where minorities are concerned. Ms. Hatneanu reminded participants that while requirements to notify authorities in advance of public gatherings can be legitimate, technologies such as social media provide the means for more spontaneous organisation that is sometimes at odds with requirements; and that this should be taken into account when deciding to disperse an assembly for failure to notify authorities. She stressed that sanctions should only be applied for violent behaviour and always in a proportionate manner.

With regards the freedom of association, Ms. Hatneanu drew the attention of participants to the concerning trend of over-regulation of NGO activity in some participating States. This often takes the form of overly burdensome reporting requirements and strict regulations regarding activities and funding. Moreover, in some cases NGOs have been labelled as 'foreign agents' or 'recipients of foreign funding' and subjected to public smear campaigns and even physical harassment. Ms. Hatneanu stressed that where financial reporting is required for legitimate aims, it should be based on a thorough needs assessment and the proper infrastructure should be in place to make compliance feasible for NGOs. No excessive administrative burdens should be put on NGO's and sanctions for non-compliance should be proportionate; NGOs should only be disbanded by authorities in exceptional circumstances and a right of appeal must be provided both administratively and before a court of law. Ms. Hatneanu noted that reporting requirements should be friendlier towards NGOs, which are often run on a voluntary basis, than commercial entities, taking into account the public interest of civil society work. In turn, NGOs

should demonstrate transparency regarding their funding and activities, harnessing the opportunities presented by new technologies to achieve this.

Finally, the introducer expressed her concern about the trend of criminalisation of legitimate civil society work in the OSCE area. CSOs risk criminal prosecution in some participating States for defending the rights of refugees, asylum seekers and migrants. Ms. Hatneanu called on participating States to amend legislative provisions criminalising legitimate assistance to refugees, migrants and asylum seekers and to stop such prosecutions against civil society groups.

In concluding, Ms. Hatneanu invited participants to further the discussion in the session beyond the basic requirement to refrain from actions against legitimate civil society work or against legitimate protests, and exchange ideas on how to take action to promote good cooperation, public communication and transparency and counteract threats in the civil society space.

The discussion focussed mainly on recent and ongoing violations of the right to peaceful assembly and association in the OSCE area. Recommendations were presented to the participating States as well as ODIHR on how to expand the space for civil society in our societies and support the exercise of freedom of assembly and association rights. Several participants highlighted the essential role of freedom of assembly, association and expression to the democratic development of our societies and the need to protect them both online and offline.

Many delegations and civil society participants expressed concern at the occurrence of large-scale detentions in some participating States, both pre-emptively to discourage assemblies and during or after demonstrations. Concerns were also raised about reported interrogations, excessive use of force, disproportionate criminal charges, and harassment and intimidation against peaceful protesters, human rights defenders and environmentalists. The increased risks faced by women working in these spheres was acknowledged. Some participants referred to a conflict between international obligations relating to freedom of assembly and association and national standards, with new legislation being introduced in some participating States that increases the powers of authorities to ban or disband assemblies and restrict civil society activity.

With regards freedom of association, many interventions referred to the shrinking space for civil society in the OSCE area. Challenges facing civil society actors include excessive administrative burdens, undue restrictions on registration, difficulty in obtaining funding and public discrediting or labelling as 'foreign agents' or 'undesirable'. Some participants expressed concern at the abuse of anti-terrorism and security related legislation to restrict peaceful civil society activity. While it was acknowledged that the freedom of peaceful assembly and association can be restricted to protect national security and public safety, restrictions should be the exception not the rule. Some participants raised concerns about a rise in neo-Nazism and extremist organisations in the OSCE region.

**Recommendations** made by participants during this session include (non-exhaustive list):

**Recommendations to the OSCE participating States:**

- Protect freedom of peaceful assembly and association in the OSCE area and denounce undue restrictions of these freedoms including those imposed through legislation.
- Fulfil all OSCE commitments relating to freedom of assembly and association, including in the digital sphere.
- Recognise the benefits to society of the freedom of peaceful assembly and association and actively engage with ODIHR, including by supporting their work to monitor assemblies.



- Denounce violations of OSCE principles relating to the freedom of peaceful assembly and association and condemn the repression of peaceful protests by State authorities.
- Avoid using security concerns as justification for restricting peaceful assembly where restrictions are not prescribed by law and consistent with international standards.
- Provide protections to participants of LGBTQ public assemblies such as 'pride' events and end impunity for the perpetrators of attacks on participants.
- Recognise the specific risks that human rights defenders face, particularly women human rights defenders, and ensure that no one is targeted for their work defending human rights.
- Share best practices with other participating States relating to law enforcement's role in facilitating the exercise of peaceful assembly.
- Avoid pre-emptive detentions and excessive use of force at peaceful assemblies.
- Make use of tools such as the ODIHR/Venice Commission guidelines on the Freedom of Peaceful Assembly, Freedom of Association and the ODIHR guidelines on the Protection of Human Rights Defenders.
- Allow civil society to cooperate with other civil society actors within their country and abroad, as well as with foreign governments and international organisations.
- Permit CSOs and individuals associated with them to seek, receive, manage, and administer financial support from domestic, foreign and international entities without undue restrictions and requirements.
- Limit the use of legislation designed to restrict civil society activity and the criminalisation of peaceful assembly and association.
- Review existing laws and update or overturn them where they place undue restriction on the exercise of peaceful assembly or association.
- Respect dissenting views and ensure the rights of civil society to participate in political and public debate.

**Recommendations to the ODIHR:**

- Assist participating States to address issues of non-compliance with commitments relating to the freedom of peaceful assembly and association.
- Increase training of law enforcement to keep the peace and implement appropriate de-escalation measures where required.
- Provide support to media covering public assemblies.
- Act urgently to protect human rights and environmental defenders.
- Observe the implementation of freedom of assembly and association commitments also in situations of foreign occupation.
- Support the exercise of freedom of assembly through public awareness raising of freedom of assembly rights.

## **Working Session 7: Fundamental Freedoms, including: freedom of thought, conscience, religion or belief**

### **Number of statements: 50**

Delegations: 13

Civil Society: 36

NHRI: 1

### **Rights of reply: 6**

Rapporteur: Tamara Ognjanović, Second Secretary, Permanent Mission of the Republic of Serbia to the OSCE and other International Organizations in Vienna

Working Session 7 was dedicated to the issues of freedom of thought, conscience, religion and belief and offered the opportunity for participating States and representatives of civil society to share their views on the complex relationship between freedom of religion or belief and security. Participants brought positive examples of security measures introduced by participating States that are fully compliant with their international obligations and commitments pertaining to freedom of religion or belief, but also negative examples of diverse limitations of these freedoms and recommendations for improvement.

The introducer, Mr. Ahmed Shaheed, former UN Special Rapporteur on FoRB and former Foreign Minister of the Maldives, affirmed that violations of freedom of religion or belief and religious intolerance and discrimination pose threats to security at all levels of analysis, be they personal, societal, regional or indeed international. He also touched upon the question of impact of common misconceptions associated with the right to freedom of religion or belief, the nature of the State's relationship with religion and emerging technologies on the violation of freedom of religion or belief, and thus undermining the common security. He underlined the obligation of state to promote societal inclusion and participation and to guarantee the respect the right of all individuals to freedom of religion or belief, in peace and without discrimination. He also stressed the importance of respect of other rights linked to freedom of religion or belief such as the freedom of expression, movement, association and peaceful assembly, as well as the urgency of facilitating understandings and practices that recognize the synergies and symbiosis between freedom of religion and belief and security.

In the subsequent discussions, many speakers referred to the existing OSCE principles and commitments in the area of freedom of religion or belief, as well as the need their full implementation. While some speakers acknowledged positive developments, most interventions noted serious violations of principles and commitments in the FoRB area and expressed deep concern about the raise of religious intolerance within the OSCE region. The need to further strengthen OSCE commitments, especially related to the protection of Christians, Muslims and representatives of other religions, was also mentioned.

Some participants expressed their support for the work of ODIHR and its advisory Panel on freedom of religion and belief. Some speakers also welcomed the co-operation between ODIHR and Venice Commission and particularly their jointly prepared Guidelines on legal personality on religious freedom, as a benchmark document at the disposal of those involved in drafting and implementing the relevant legislation. The importance of dialogue between the OSCE participating States and their respective religious communities was also mentioned. Some speakers also stressed the important role of education in combatting prejudice, discrimination against representatives of religious communities and religious intolerance in general.

Some participants pointed out that anti-extremism and counter-terrorism legislation was being used in certain parts of the OSCE area as a pretext to proscribe the activities of certain religious communities. Several interventions referred to concrete examples of attacks, prosecutions, imprisonments or enforced disappearances of representatives of minority religious communities. Some interventions called upon states to return confiscated property and to abstain from interfering in internal governance of religious organizations.

There were also contributions that advocated the State's neutrality and respect towards someone's right to believe or not to believe and freedom to change from one particular religious faith to another without fear of personal threat. The one's right to practice freely one's religion, including through wearing particular forms of faith apparel, was also mentioned. The recent States' attempts to restrict by law the wearing of such apparel, and in particular the hijab, were esteemed by some participants as a discrimination of the freedom of religion or belief.

Recommendations made by participants during this session include (non-exhaustive list):

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

- Implement fully and in good faith OSCE commitments and international standards on freedom of religion or belief;
- Facilitate groups, associations and communities built upon religious and/or non-religious beliefs to peacefully operate and publicly manifest their beliefs, and respect their autonomy;
- Foster respect of religious and cultural diversity internally and within the OSCE area through education and awareness raising;
- Revise the practices prohibiting dietary restriction which does not allow Muslims or Jews to exercise their religious practises in consultation with religious communities and ODIHR;
- Respect the rights of those individuals who wish to change their religion or belief, hold no belief or hold non-traditional beliefs;
- Monitor and analyze in concrete terms violations of everyone's FoRB and interlinked freedoms of expression, assembly and association – including using an inclusive gender perspective;
- Mainstream freedom of religion or belief work within a human rights for all perspective, stressing implementation of all fundamental freedoms, including to be free from torture;
- Engage members of religious or belief communities and other relevant non-state actors in consultations prior adopting laws and policies affecting the functioning of their organizations/communities;
- Fight against violations of freedom of religion or belief in an inclusive manner, whereby avoiding any discrimination in favor of or to the detriment of a particular religion or belief;
- Combat intolerance, discrimination and hate crimes especially related to context of religion or belief;
- Hold accountable all those responsible for acts of violence based on religion or belief;
- Put an end to the prosecution of members of religious communities, objectively investigate human rights violations and establish measures of social protection of those that have been victims of violent acts;
- Challenge the misuse of concepts such as “anti-terrorism”, “extremism”, “religious tolerance”, and “dialogue” to disguise human dimension commitment violations;
- Raise the issue of prosecution, discrimination and violence based on religion or belief at international forums and bilateral dialogues;

- Work closely with OSCE institutions to benefit from their expertise,
- Implement legal opinions and reviews provided by the Venice Commission and ODIHR's Panel of Experts on Freedom of Religion or Belief;
- Establish fair and clear rules and procedures which does not infringe upon OSCE commitments and international human rights standards as outlines in the OSCE/ ODIHR guidelines on the legal personality of religious or belief communities;
- Re-consider asylum claims of members of some religious communities and their deportation;
- Implement the 2014 Basel Ministerial decision with regard to elaboration of specific ministerial declaration aimed at protecting Christians and Muslims and members of other religions;

**Recommendations to the OSCE institutions, executive structures and field operations:**

- Continue developing projects that aim to promote tolerance and non-discrimination;
- Develop recommendations for participating States with regard to non-selective approach to human rights;
- Address the issue of freedom of religion or belief, including its connection to the issue of tolerance and non-discrimination, in the framework of its wider work on the fight against all forms of intolerance and discrimination;
- Support the process of dialogue between States and religious organisations in order to foster freedom of religion or belief;
- Provide independent experts to advise governments on promoting such dialogue;
- Carry out analysis on conformity of existing and intended legislation of participating States with their commitments;
- Expand training on ODIHR's 2015 Guidelines on the legal personality of religious or belief communities in order to assist participating States in overturning the opaque state registration procedures found in many parts of the OSCE;
- Plan rooms for prayers during HDIM.

## **Working Session 8: Tolerance and non-discrimination I, including:**

- Equal opportunity for women and men
- Implementation of the OSCE Action Plan for Promotion of Gender Equality
- Violence Against women

Rapporteur: Mr. Jürgen Heissel, Deputy Head of Mission for the Human Dimension, Permanent Representation of Austria to the OSCE

### **No. of statements: 50**

Delegations: 22

Civil Society: 24

International Organization: 1

NHRI: 1

Other: 2

### **Rights of reply: 13**

Working Session 8 focused on the remaining barriers and limitations to women's enjoyment of human rights against the background of the 15<sup>th</sup> anniversary of the OSCE Action Plan for the Promotion of Gender Equality. Participants in the working session were invited to identify measures for the effective promotion of equal participation of women and men in political and public life, including in the security sector. Furthermore emphasis was put on the identification of legal, practical and policy measures for preventing and combating violence against women in peace times, including sexual harassment and online violence, and in crisis situations, including conflict-related sexual and gender-based violence.

In his introduction the moderator, Dr. Marcin Walecki, highlighted inter alia that the average of women members of national parliaments across the OSCE region currently stands at 26,7% and that the 2018 OSCE led survey on the well-being of women in South-Eastern and Eastern Europe has revealed that 70 per cent of women, or an estimated 16 million, have experienced some form of harassment and violence.

The introducer, Ms. Elvira Suralbadieva, Member of Parliament of Kyrgyzstan highlighted that OSCE participating states need to increase efforts to ensure that their democratic institutions and politics are inclusive of women and men, young and old, minority and majority, and people in all their diversity. She stressed that women's rights are human rights and it was not possible to live in a world where women and men are exposed to violence at home, in the streets or in parliaments. She urged participating States to step up their efforts to prevent and prosecute all forms of violence against women, to provide adequate protection to victims and to ensure that these processes included also the perceptions and needs of the most vulnerable members of society.

Several participating States underlined the importance of gender equality in achieving sustainable peace and security and stressed that the advancement of gender equality was key to tackling poverty and to achieving the Sustainable Development Goals (SDGs). In this context, some speakers called for increased efforts to tackle the gender pay gap and inequality at the work place. The important role of the OSCE Gender Action plan and its implementation was repeatedly confirmed, while expressing support for the work of the OSCE Gender Section and the OSCE/ODIHR in mainstreaming gender across the OSCE region.

Many participating States spoke about the advances within their own domestic situation, including adoption of national legislation, ratification or signature of the Istanbul Convention gave updates on their respective National Action Plans including on Women, Peace, Security. Others reported on increased participation of women in politics and public life. In some participating States, the Istanbul Convention was reported to recently have entered into force.

Several participating States welcomed the adoption of Ministerial Council Decision 4/18 on Preventing and Combatting Violence against Women while some speakers underlined the need to also tackle conflict related sexual violence (CRSV) and focus on the particular effects armed conflicts have on women.

Repeated reference was made to the central role of the Istanbul Convention together with a call to all remaining participating States for accession. One international organisation referred to a recently adopted recommendation to stop sexism, which includes the first ever internationally agreed definition.

In terms of practical measures to combat violence against women, one participating State highlighted the need for preventive action, the debunking of stereotypes and the fight against social disadvantages and poverty another participating State stressed the importance of collaboration among social workers, police, prosecutor's office and other relevant bodies to prevent domestic violence. One speaker further stressed the important role of civil society and called for their provision with adequate funding.

Also Ministerial Council Decision 3/18 was referenced by some speakers, while emphasizing the need to fight intimidation and harassment female journalists encounter online and offline.

Several speakers spoke on the specific situations of women in several participating States. Amongst other issues reference was made to lists of banned jobs for women limiting their participation in the economy, the of lack specific laws on sexual harassment at the workplace or prevailing harmful practices, including forced and early marriage.

In exercising their right of reply, participating States responded to specific criticisms directed at them and expressed gratitude for the recommendations offered.

**Recommendations** made by participants during this session include (non-exhaustive list):

Recommendations for the OSCE participating States:

- Continue efforts towards the achievement of gender equality
- Adopt an OSCE-wide Action Plan on Women, Peace and Security
- Enable women to operate safely in the online space and ensure their protection against digital technology threats.
- Step up efforts against online harassment against women.
- Reaffirm commitment to the Istanbul Convention and to gender equality.
- Join the "Biarritz Partnership" established within the G7 framework.
- Advance efforts within the OSCE to use an adequate and clear language regarding "Gender Equality" that complies with the common, ordinary and generally accepted understandings of the expression.
- Improve intelligence on female genital mutilation (FGM) among the population, in order to identify effectively girls at risk. Further improve requirements on reporting female genital mutilation (FGM) by doctors and other medical practitioners, and social workers

- Improve the education on female genital mutilation (FGM) in schools and assist teachers to better understand the problem and its negative impact. Increase resources available to police and prosecutors, to ensure that female genital mutilation (FGM) is seen as a crime which is taken seriously by the authorities and will result in prosecutions where appropriate.
- Eliminate discriminatory norms from national legislation, as well as, where applicable regulations restricting women's access to free choice of employment
- Adopt anti-discrimination laws prohibiting all forms of discrimination and establish effective legal mechanisms for protection
- Step up efforts to eliminate the gender pay gap
- Adequately fund civil society organisations working on the fight against violence against women and sexual harassment
- Clearly condemn honour related crimes and ensure their full investigation while protecting the victims.

Recommendations for OSCE institutions and field operations:

- Continue efforts towards the achievement of gender equality
- OSCE structures, including ODIHR should continue to work with democratic institutions on the advancement of women in political and public life for the benefit of democracy and security
- OSCE should use gender markers in all projects, to effectively mainstream gender concerns.
- Pay attention that discussions also include the upholding of women's social and economic rights
- Ensure that OSCE's work related to equality between women and men avoids duplication of the work of other international organizations
- Tackle sexual harassment within the OSCE.
- Assist participating States in conducting inclusive gender based analysis and assess the sensitivity of the legislations.

Improve communication between field operations and executive structures for the implementation of Gender Action Plans to prevent sexual harassment in public life and work place.

**Working Session 9:** Humanitarian issues and other commitments, including combating trafficking in human beings, refugees, and displaced persons, persons at risk of displacement

**Rapporteur:** Lucie Léauté, intern at the Permanent Representation of France to the OSCE in Vienna

No. of statements: 50

Delegations: 14

Civil society: 34

OSCE institutions: 0

International organizations: 1

NHRI: 1

Rights of reply: 13

This session examined the implementation of the OSCE commitments regarding the fight against trafficking in human beings, especially within vulnerable populations like refugees and displaced persons, as well as humanitarian considerations of persons at risk of displacement.

Moderator Valiant Richey, OSCE Coordinator for Combating Trafficking in Human Beings, explained that the session would prioritize identifying vulnerabilities from migration. He highlighted that vulnerable groups require special protection and invited the participants to recommend actions that could be taken by the participating States in order to improve the situation.

Mrs. Dalia Leinarte, former Chair of the UN Committee on Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), introduced the session and explained that among the migrants, many have been victim of trafficking, especially the ones coming from conflict zones in Africa and the Middle East. Hotspots, for example in Greece or Italy, remained overcrowded and living conditions were difficult, and there was no investigation on whether the migrants were possible victims of human trafficking although it would be needed. She reminded that the UNHCR released an alarming report on this topic last December, especially on horrors faced by refugees in Libya. She also regretted the « fragmentation » between the different organisations in combating this crime (in particular regarding people in prostitution) and recommended a monitoring mechanism, such as the CEDAW Committee.

Several participants from the civil society described the situation of human trafficking and Internal Displaced Persons in their countries, as well as the urgent need to improve their situation. Some of them highlighted the alarming situation of children in human trafficking, as they were the most vulnerable group. Some good practices were shared: one NGO explained that it opened a hotline to combat human trafficking, as well as shelters and provided support for reintegration. Many noted the terrible conditions of IDPs in several Central Asian countries, as well as in Ukraine and called for action, such as the reestablishment of their civil rights. Some delegations shared their support for OSCE work, their willingness to solve this issue as well as their recommendations.

**Recommendations** made by participants during this session include (non-exhaustive list):

**Recommendations to the OSCE participating States:**

- Collaborate in early warning on conflict prevention and resolution.



- Review the procedures assessing the credibility of religious conversion as well as the religious knowledge tests.
- Develop a specific strategy to protect members from religious minorities who are refugees from religiously motivated violence coming from other refugees.
- Unify investigative action and legal mechanisms for searching for missing children.
- Ensure that OSCE executive structures have the necessary funding and staff to comply with the tasks given to these structures in recent MC decisions on anti-trafficking efforts.
- Include people in prostitution into anti-trafficking policies.
- Develop « Regional Housing Programmes » as a viable solution for current problems.
- Promote tolerance and non-discrimination: this includes efforts aiming at reporting and combating hate speech and crimes against migrants and refugees in close cooperation with ODIHR.
- Eradicate discrimination against the refugees and reinstate the rights of the displaced people.
- Adopt a victim-centered approach.
- Facilitate humanitarian access to conflict zones.
- Develop robust bilateral agreements between the participating States to combat human trafficking.
- Equip border officials with tools to recognize trafficking cases.
- Create special social services for the victims of human trafficking.
- Train migration officers on vulnerabilities.
- Follow the UNHCR guidelines.
- Combat human trafficking through the supply chains.

**Recommendations to the ODIHR:**

- Continue its engagement with civil society, including religious organizations, in advancing a broad and multi-stakeholder effort aimed at preventing and combating trafficking in human beings and providing assistance to victims.
- Develop a practical methodology aiming at assisting participating States with the implementation of their commitments.

**Working Session 10: Rule of law I, including:**

- Independence of the judiciary**
- Democratic law-making**
- Ensuring equal enjoyment of rights and equal participation in political and public life**

Rapporteur: Leonard Reil, Senior Policy Advisor, Global Affairs Canada

**No. of Statements: 54**

Delegations: 10

Civil Society: 43

International Organizations: 1

**Rights of Reply: 11**

Working session 10 was devoted to issues related to the independence of the judiciary, democratic law-making, and ensuring equal enjoyment of rights and equal participation in political and public life.

The session was introduced by Ms. Nino Lomjaria, Public Defender (Ombudsperson) of Georgia.

Ms. Lomjaria spoke concerning the importance of judicial independence. She stated that it was crucial for rule of law and ensuring the protection of all human rights. She said that judicial independence was the first priority of the public defender's office in Georgia. Recognizing the support Georgia has received through cooperation with the OSCE and ODIHR, she noted that while Georgia has been successful at establishing the external independence of the judiciary, it was still lacking in internal independence. She noted that influential judges still had too great of an ability to control policy and the promotion and discipline of other judges, including judicial reforms, such as the transition to life-time appointments for Supreme Court justices. She highlighted the assistance of ODHIR during the drafting of the law, noting the quick, high quality opinion review related to the appointment process and compliance with international standards. She felt the final draft was much improved and Georgia requested monitoring of the appointment of the justices. She noted that due process in the appointment of judges was necessary to ensure the right of fair trial, and that this fairness and transparency was a key aspect of judicial independence.

Ms. Lomjaria also spoke on the topic of democratic law making and equality of participation. She stated that there is a continued risk of some groups not being involved properly in the political process, including women, ethnic and national minorities, people with disabilities, and others. She gave the example of her native Georgia, which she argued continues to experience the underrepresentation of women in their parliament, and noted that while there is near equality number of men and women serving as judges, the ranks of senior judges continues to be overrepresented by men.

Ms. Lomjaria concluded by noting the increase of hate speech within some election contexts, including xenophobic, homophobic, and anti-immigrant rhetoric, and said that public defenders should call on public officials to refrain from such behaviours.

Several speakers from civil society expressed concern over what they saw as the decline in judicial independence in many parts of the OSCE region. Many also said that there was a need for

judicial reforms in many participating States, including a need for greater transparency and accountability in the administration of justice. The importance of the public prosecutor office in the judicial system was also noted, and concerns were raised regarding the safety of both lawyers and judges.

Another concern that was raised by some participants was the separation of powers between the judicial, legislative, and executive branches of government. Related to this was a number of interventions expressing concerns that the judiciary in many participating States was being undermined by criticisms by media and, in some cases, other branches of government. A number of participating States intervened to express concern with the treatment of prisoners in some participating States, along with allegations of impunity for government officials accused of human rights violations.

The importance of equality before the law was raised by both participating States and civil society organizations. Some civil society organizations raised in particular the importance of national and ethnic minorities enjoying equality of judicial access and treatment. Others made reference to the need to ensure equality of women and men within the judicial system.

A number of participating States expressed support for ODHIR monitoring activities and field operations, while some civil society organizations noted the important role played by the OSCE in creating high standards for judicial independence.

---

Recommendations made by participants during this session include (non-exhaustive list):

#### Recommendations to the OSCE participating States

1. Ensure full respect for judicial independence
2. Respect the separation of powers and preserve judicial independence
3. Request support in efforts to strengthen rule of law and democratic practice
4. Develop policies promoting non-discrimination, gender equality, and women' empowerment
5. Foster increased interactions between government civil service and civil society organizations
6. Use UN guidelines for participation in public affairs in development of laws and policies
7. Consider steps to achieve gender balance in the judiciary
8. Guarantee human rights for all, including non-citizens and stateless people
9. Enact necessary legislations to implement resolutions of UN and other international institutions
10. Ensure that judiciary, including public prosecutorial system, have policies to protect the rights of national minorities
11. Support the International Day of the Lawyer in Danger
12. Comply with all OSCE commitments
13. Free all political prisoners
14. Stop attacks on the judiciary and other actions undercutting its standing
15. Expand the use of juries in trials

## Recommendations to the ODIHR

1. Closely monitor decline in judicial independence in participating States
2. Follow-up on implementation of recommendations
3. Provide support to participating States efforts to strengthen rule of law and democratic practise
4. Assist in promotion of non-discrimination, gender equality, and women' empowerment
5. Provide recommendations to participating State on the judiciary and national minorities

**Working Session 11: Rule of Law II, including:**

- Prevention of torture
- Exchange of views on the question of abolition of capital punishment
- Protection of human rights and fighting terrorism

*Rapporteur: Mr. Eurico de Matos, Permanent Representation of Portugal to the OSCE*

**No. of statements: 50**

**Delegations: 7**

**Civil Society: 40**

**National Human Rights Institutions: 2**

**Other: 1**

**Rights of Reply: 12**

Working session 11 was devoted to issues related to the prevention of torture, the abolition of the capital punishment and the protection of human rights while combating terrorism.

The session was introduced by Ms. Marie Struthers, Regional Director for Eastern Europe and Central Asia, Amnesty International.

Ms. Struthers' intervention was focused on the protection of human rights while fighting terrorism. She recalled State obligation to protect people and victims of violent attacks, but warned against the increasing violation of human rights in the OSCE region in the name of national security, even outside the framework of the state of emergency. As there is no universally agreed definitions of terrorism and extremism, broad and vague counter-terrorism and VERLT laws are shrinking the space of civil society. The use of torture, the curtailing of the freedoms of expression (on and offline), movement and association and the violation of the principles of nonrefoulement and non-discrimination were pointed out as negative trends.

Ms. Struthers also raised the human rights problems related to the return of foreign fighters, advocating for fair trials and the abolishment of the death penalty, as well as consular assistance. The particular situation of women and children in the context of the foreign fighters was highlighted.

Finally, Ms. Struthers supported the incorporation of the human rights perspective in the OSCE work against terrorism by regularly partnering with human rights NGO's and experts.

Several interventions recalled the absolute prohibition of torture. Many speakers stated the need to continue the fight against torture and other forms of cruel, inhuman or degrading treatment or punishment, including enforced disappearances, since these practices still exist in the OSCE area. In this regard, references to specific cases and the systemic use of those practice in some participating States were made by several delegations and representatives of civil society. Interventions also emphasized the need to cease impunity. The specific situation as regards torture in areas of conflict was raised in some interventions. The targeting of lawyers working on torture cases was also highlighted.

The issue of death penalty was mentioned in several interventions and one group of participating States called for a global moratorium as a step towards abolition of the capital punishment, referring its cruel, inhuman and degrading nature, making any miscarriage of justice irreversible and fatal. One participating state, while expressing respect for those asking for the abolition the death penalty, stated that capital punishment was not prohibited under international law.

While the need to work on the fight against terrorism was not contested, the incorporation of a human rights approach, including in the framework of international cooperation, was deemed essential. Several interventions pointed towards the use of anti-terrorism and anti-extremism laws against certain groups such as civil society, in some participating States, and specific cases were mentioned. The need to address the issue of foreign terrorist fighters and their families was also voiced.

**Recommendations** made by participants during this session include (non-exhaustive list):

**Recommendations to the OSCE participating States:**

- Implement OSCE commitments and other international documents, such as the UN Nelson Mandela Rules;
- Cease torture and other ill treatments, such as enforced disappearances, and bring those responsible to justice, ending impunity.
- Support and protect victims of torture and as well as lawyers working on such cases and in cases of persons prosecuted for terrorism and extremism.
- Make use of ODIHR's expertise in torture prevention and the recommendations of the international conference "Effective Multilateralism in the Fight Against Torture".
- Reaffirm the commitment of participating States in the fight against torture at the Ministerial Conference in December.
- Join the Group of Friends of the Convention against Torture Initiative and give strong consideration to ratifying all international conventions and protocols on torture and ill-treatment, the abolition of the death penalty and the prevention of enforced disappearances.
- Introduce a moratorium on executions as a first step towards full abolition.
- Support World Day against the Death Penalty.
- Review counter-terrorism laws and reverse all measures that do not meet OSCE commitments.
- Address the particular situation of foreign terrorist fighters and their families, including to do their utmost to ensure that death penalty is not carried out.

**Recommendations to the OSCE institutions, executive structures and field operations:**

- ODIHR should continue its work on combatting torture and other ill treatments.

Working Session 12: Tolerance and non-discrimination II, including:

- Address by the OSCE High Commissioner on National Minorities:
- Rights of persons belonging to national minorities

Rapporteur: Daria Mosina, Third Secretary, Permanent Mission of the Russian Federation to the OSCE in Vienna

No. of Statements: 50

Delegations: 10

Civil Society: 38

Other: 2

Rights of Reply: 15

The Working Session 12, opened by Mr. William Romans, Senior Legal Advisor, Office of the OSCE High Commissioner on National Minorities (HCNM), focused on obstacles, which the members of national minorities, including youth, face in engaging with democratic institutions. The topics touched upon during the session included positive practices and challenges in designing and implementing integration strategies that ensure non-discrimination and protection of the rights of persons belonging to national minorities. The issue of statelessness and minority groups' relationships with kin states has also been addressed.

The session was introduced by Dr. Petra Roter from the University of Ljubljana.

Dr. Roter stated that the issue of effective minority participation is essential for managing diversity, cohesion of societies, peace and stability within the states and in the whole region. Three aspects were discussed, which, according to Dr. Roter, are important to achieve this goal: the very issue of effective participation, the importance of intracommunity diversity and some practical steps applicable to the minority youth. The introducer underlined the importance of broader involvement of civil society, provision of minority participation in broader areas of culture and socio-economic affairs, access to quality education for all and employment opportunities to achieve the goal of effective participation of minorities.

Many speakers stressed that the protection of human rights, including the rights of persons belonging to national minorities, is crucial for maintaining regional peace and stability. Some delegations highlighted their national experience and endeavours in this regard. One delegation referred to the issue of mass statelessness and violations of linguistic and educational rights of persons belonging to national minorities in participating States. Another delegation stressed that national minorities should not be objectified in inter-state relations. Some delegations expressed their full support for the Office, mandate and autonomy of the HCNM and welcomed the focus on effective implementation of legal frameworks on the rights of persons belonging to national minorities, in line with international standards and commitments and also his engagement with regard to language and education issues, access to media, etc.

A number of delegations and CSOs representatives referred to systemic restrictions on language and education rights of persons belonging to national minorities in several participating States, as well as to policies sanctioning discrimination, including in political life and employment. Several participants also talked about the rise of Nazism and Neo-Nazism in a number of OSCE participating states. CSOs representatives spoke of the serious violations of human rights of persons belonging to national and ethnic minorities.

Recommendations made by participants during this session include (non-exhaustive list):

Recommendations to the OSCE participating States:

- Persons belonging to national minorities should be able to exercise fully and effectively their human rights and fundamental freedoms without discrimination and in full equality before the law.
- Meet the commitment made by all OSCE participating States, without exception, to fully cooperate with the High Commissioner in order to enable the High Commissioner to fulfil its mandate.
- Make full use of the rich body of advice, thematic guidelines, including in the light of the upcoming 20<sup>th</sup> anniversary of the «HCNM Lund recommendations on the effective participation of national minorities in public life.
- A framework for education that provides capacity for youth and to foster spaces for communities that celebrate diversity needs to be ensured.
- Support the annual resolution of the UN General Assembly on combating glorification of Nazism.
- The right to education in one's native language needs to be recognized.
- Take the concerns of their citizens seriously, even when roughly worded. Participating States' governments should focus on protecting the interests of their own citizens and ensure the effective upholding of national laws.
- Withdraw all discriminatory legislation and policies and introduce anti- discrimination legislation and effective policies to promote tolerance and non- discrimination.

Recommendations to the ODIHR:

- Continue close cooperation with HCNM, including exchange of views on how to enhance the existing cooperation, for instance, with regard to Roma and Sinti



***Working Session 13: Tolerance and non-discrimination II, including:***

- ***Combating racism, xenophobia, and discrimination***
- ***Combating anti-Semitism and intolerance and discrimination against Christians, Muslims and members of other religions***

Rapporteur: Mr. Magnar Aaberg, Adviser, Permanent Delegation of Norway to the OSCE

**No. of statements: 59**

Delegations: 13

Civil Society: 40

International Organisations: 1

National Human Rights Institutions: 1

Other: 4

**Right of Reply: 16**

The second plenary session on tolerance and non-discrimination was dedicated to reviewing the implementation of OSCE commitments related to combating racism, xenophobia and discrimination, as well as combating anti-Semitism and intolerance and discrimination against Christians, Muslims and members of other religions.

The first of four introducers in this session, Imam Yahya Pallavicini, President of COREIS, warned that universal values are under attack in the OSCE region. Discriminatory action based on identity, cultural origin or religious affiliation are on the rise in many European states and threatens to undermine human rights and fundamental freedoms. The justifying narrative of the discriminatory attitudes are often centred around the influx of migrants and refugees, international security against terrorism, and the condition of women. Pallavacini underlined the importance of integration projects on democratic citizenship and religious freedom as well as programs to prevent radicalisation, as key elements to foster inclusive societies.

Rabbi Andrew Baker, Personal Representative of the OSCE Chairperson-in-Office on Combatting Anti-Semitism, highlighted trends and events that illustrated both the presence of anti-Semitism in the OSCE region as well as the difficulties in combatting anti-Semitism. Anti-Semitism are not only present in the society, but also making its way into the platforms of political parties. While voicing his disappointment with the decision to bring the ODIHR project Words into Action to a close, Baker underlined that the OSCE has long been in the forefront of the fight against anti-Semitism.

The third introducer was Professor Ingeborg Gabriel, the Personal Representative of the OSCE Chairperson-in-Office on Combating Racism, Xenophobia and Discrimination, also focusing on Intolerance and Discrimination against Christians and Members of Other Religions. The number of violations of the rights of Christians are growing rapidly in the OSCE region, most notably in countries with weak human rights standards and in socially polarised countries. In order to combat the surge in intolerance, Gabriel suggested to increase religious literacy, include religious actors into civil society activities, and to combat multidimensional discrimination. Ethical education, inter-ethnic and inter-communal dialogue, as well as a human rights-compliant judicial framework for integration, are also important remedies.

As the final introducer, Ambassador Mehmet Paçacı, Personal Representative of the OSCE Chairperson-in-Office on Combating Intolerance and Discrimination against Muslims, pointed to an increase in cases of discrimination, intolerance, and hate crime against Muslims in the OSCE region, and against Muslim women especially. Acts of violence are furthermore often under-reported. Paçacı stressed the need for governmental institutions and the civil society to monitor and record incidents of intolerance, discrimination, and hate crime against religious groups. Such data are important in the effort of taking effective action in combating intolerance and discrimination.

Many participating States and representatives from the civil society noted that the freedom of religion or belief is under threat in the OSCE region. Many also expressed concern about the increase in discrimination and hate speech, as well as attacks on and harassment of various religious and other minorities. Such incidents continue to be under-reported, perpetrators often go unpunished and many cases remain undisclosed. Some speakers also expressed concern about public officials condoning anti-Semitism and other acts of discrimination, intolerance, and racism. Furthermore, some stressed the need to address the spreading of hate speech, anti-Semitism, and other xenophobic views online as well as in traditional media outlets.

Many speakers underlined the need to step up the efforts to combatting all forms of intolerance, racism, xenophobia, and discrimination, and that all efforts must be in accordance with human rights, fundamental freedoms, and the rule of law. Participating States were urged not to take a selective and fragmented approach and warned against limiting the freedom of religion or belief in the fight against violent extremism and terror or through other measures relating to security. Regarding the exercise of religion or belief, it was stressed by several that places of worship must be respected.

Some participating States, but also civil society, shared information on national practices in taking action against anti-Semitism, racism, xenophobia, intolerance, and discrimination in the OSCE region. Among other things, the efforts included better education, training of public officials, combating online hate, improved consideration of needs of ethnic groups, increased inter-religious dialogue, and strengthened co-operation with international organisations, civil society, and the private sector.

A few speakers noted that several types of discrimination and intolerance are interlinked. Some also drew attention to the need to address multidimensional discrimination, such as for instance people belonging to or identifying as a part of a religious, ethnic, or the LGBTI community.

Several participating States and representatives from the civil society underlined the value of ODIHR's projects and training programmes. The Words into Action-project was mentioned especially as a highly valuable contribution to combatting anti-Semitism. It was furthermore noted with regret that the project was coming to a close.

Hope for adopting a working definition based on the model of the International Holocaust Remembrance Alliance was expressed.

**Recommendations** made by participants during this session include (non-exhaustive list):

**Recommendations to the OSCE participating States:**

- Ensure that each individual can enjoy, without distinction, human rights and fundamental freedoms, and have effective remedies available in case of discrimination or other violations of his or her rights and freedoms
- Ensure an inclusive approach to combating racism, xenophobia, intolerance, and discrimination, based on the principles of universality, indivisibility, and the primacy of human rights, as inscribed in the 1948 Universal Declaration on Human Rights.
- Co-operate actively with the ODIHR and fully support its activities in the fight against racism, xenophobia, intolerance, and discrimination
- Support and strengthen civil society and its contribution to preventing and combating racism, xenophobia, intolerance, and discrimination
- To systematically condemn hate speech and encourage reporting of hate crimes
- Ensure that OSCE activities in the fight against intolerance and discrimination reaffirm cohesion on the basis of common values and principles, including the freedom, equality, and dignity of all without exception
- Foster inclusive approaches in society, beyond reactively responding to hate and discrimination
- To implement the tasks outlined during the Ministerial meeting in Basel 2014 on elaborating recommendations in the fight against discrimination against Christians and Muslims
- To work with ODIHR to provide Holocaust education, anti-bias training, and other capacity-building measures against intolerance.
- Continue the support to ODIHR's tolerance and non-discrimination unit and its programs to combat anti-Semitism
- To increase efforts to support greater awareness of the dangers of hate speech and expressions of xenophobia, racism, and intolerance.
- To closely monitor intolerance, discrimination and prejudice based on religion or belief
- Eliminate laws and policies that discriminate against persons based on their sexual orientation, gender identity or expression, sex characteristics, and to prevent acts of violence targeting LGBTI persons
- Foster dialogue between the government and different religious groups in order to raise awareness and understanding
- Take action to address discrimination of non-believers and of minority religions
- Cease to persecute people of religions who adhere to their faith via clothing
- Adopt a working definition of anti-Semitism

**Recommendations to the OSCE institutions, executive structures, and field operations:**

- Work with participating States to collect comprehensive data, monitor, analyse, and report violations of freedom of religion or belief
- Remind the participating States of their responsibility to act on their commitments
- ODIHR should continue its work to uproot racism, discrimination, and exclusion of all kinds, through innovative, holistic, and preventive approaches that advance inclusion and respect for diversity
- ODIHR to continue to focus its work on anti-Semitism, even as ODIHR expands its efforts against other forms of hatred.
- ODIHR should take efforts to mainstream a youth perspective in their work to combat all forms of racism, xenophobia, and discrimination

### ***Working Session 14: Specifically Selected Topic, Hate Crimes***

Rapporteur: Brian Breuhaus, Second Secretary, United States Delegation to the OSCE.

#### **No. of statements: 43**

Delegations: 12

Civil Society: 27

Other: 4

#### **Rights of reply: 17**

Working session 14 was the first of two specifically selected sessions on hate crimes. Maria Theresa Verdugo Moreno, Special Prosecutor for Hate Crimes in Málaga, Spain, introduced the session. The idea that all human beings are equal and that hate crimes attack the dignity and equality of all people was a key part of the discussion. Ms. Verdugo Moreno pointed out that the fight against hate crimes is a common concern for all, but states have the primary responsibility of enforcement. One of the most important ways to make that happen is training. Without proper training, officials will not have the tools to know what to do to stop hate crimes, even if good laws are passed. She also emphasized the importance of combatting racial profiling. Another key factor is the involvement of civil service. To eradicate hate crimes, international and local organizations must make the state aware of its obligations, or justice will never be achieved. She emphasized that everyone must make the state aware of the work they do to stop hate crimes, or their work could be lost. In closing, she noted that if we do not tackle hate crimes, a bridge will be lost.

In the following interventions, a large number of participating States stressed the importance of combatting hate crimes, calling such crimes an attack on both the victim, and human kind as a whole. The challenges we face include the underreporting of such attacks, and the rapid growth of hate crimes on the Internet, which can provide a cloak of invisibility to the perpetrators. Although the value of human rights is enshrined in the European convention on human rights, several interventions said members of the European Union have fallen short of their commitments. Several state interventions also noted that Anti-Semitic crimes have increased in OSCE participating States in recent years, as well as incidents against the Roma and Muslims. Another intervention expressed concern about attacks on migrants and a rise in xenophobic incidents. Several interventions decried laws that do not allow minority languages to be spoken freely. Two interventions from civil society organizations argued that laws against hate crimes should be abolished altogether, but several states disagreed strongly, saying the citizens must be protected.

A human rights activist, described being kicked by random women and taunted about the color of her skin and emphasized the importance of being inclusive to all when decisions are made.

Recommendations made by participants during this session include (non-exhaustive list):

#### **Recommendations to the OSCE participating States**

- Cooperate on the annual report on hate crimes
- Teach the importance of diversity and tolerance
- Work together to fight rising trends of hate crimes, explore new areas of cooperation
- Fight against increasing neo-Naziism
- Protect the rights of minority ethnic groups

- Avoid any hate crime legislation not based on OSCE principles
- Hold politicians accountable for hateful and discriminatory language
- Create more international mobility programs, allowing young people to experience other cultures and prevent radicalization
- Take a victim-centered approach to new hate crimes legislation
- Give minority rights training to public servants and teachers
- Develop hate crime training for police officers
- Pay attention to the rights of people who speak minority languages
- Support NGOs working with young disadvantaged people

#### **Recommendations to the OSCE/ODIHR:**

- Review hate crime legislation to test its effectiveness
- Conduct a voluntary review of ways to partner with civil society to improve reporting of hate crimes
- Examine commitments to hate crime legislation
- Address issue of neo-Naziism in OSCE countries
- Pay attention to individuals disseminating hatred and false information and prevent them from registering for OSCE events.
- Compile international laws on hate crimes by OSCE members
- Report to States the work they are doing in a constructive way

## Session № 15

Session topic: Hate crime. A comprehensive approach to addressing hate crimes: the roles of civil society and participating States

Rapporteur: Arne Brandsma, Political Adviser Human Dimension, Permanent Representation of the Kingdom of the Netherlands to the OSCE.

No. of statements: 34

Delegations: 7

Civil Society: 25

International Organisations: 2

Rights of Reply: 12

Moderator: Ms. Cristina Finch, Head, Tolerance and Non-Discrimination Department, ODIHR

The introducer, Ms. Draginja Nadaždin, Director, Amnesty International Poland, emphasized that under international human rights law, states have an obligation to ensure that their agents and institutions do not discriminate against members of minority or vulnerable groups. She stressed that states have an obligation to protect everyone in their jurisdiction from acts of discrimination by individuals or groups. This duty to protect also applies to hate crimes. In order to fulfil these obligations, authorities should put in place mechanisms to prevent, investigate, punish and provide redress for the harm caused by hate crimes. This should govern all police actions and be used when dealing with members of groups experiencing discrimination.

Different definitions of hate crime used in the OSCE region leads to the situation that crimes might not be seen as hate crimes in all OSCE countries. This leads to problems when trying to compare official statistics between countries. Lack of knowledge of what is or is not a hate crime leads to shortcomings in response to hate crime cases, which can lead to lack of trust of other victims and therefore they can refrain from reporting the hate crime.

The introducer recommended that governments would adopt legislation on hate crimes which includes an open ended but also comprehensive list of discriminatory motives, and that sentencing duly takes into account existing sufficient evidence of discriminatory motives. She warned against an increasingly hostile climate for minority groups, mentioning political rhetoric in some countries, which scapegoated refugees and migrants, and linking such rhetoric to subsequent action and policies. The introducer deplored abusive practices, which could amount to cruel, inhumane and degrading treatment in a certain country against refugees and migrants stating it pointed to a potentially systematic and deliberate policy to dissuade new arrivals, and called for a stop to such practices. She mentioned, in relation to specific countries, hateful anti-LGBT+ rhetoric in connection to attacks against a pride march, or the criminalization of homelessness. The introducer ended by using the example of pride marches to explain the importance of such marches. By supporting these events, authorities can show that they are committed to equality and human rights and aiming to prevent hate crimes.

In total 34 statements were presented, no reference is made to statements which were not in line with the topic of the session.

Some speakers were worried about a perceived rise in nationalism and neo-Nazism in the OSCE region and glorification of the Nazis in certain countries. Others were worried about the Christians being targets of hate crime across the OSCE region. As main targets, participants mentioned places of worship, cemeteries and other religious properties.

A participating State stated that there appears to be a worrying trend, indicating that hate ideologies are becoming increasingly prevalent, fueling bias-motivated hate crimes and other violence by white supremacists, neo-Nazis, and others. It noted great concern by the increase in hate-motivated violence towards political figures, citing several examples of hate incidents in the OSCE area, as well as instances of politicians who were murdered for their pro-migrant/refugee stances. Specific support was expressed to the OSCE programme *Building a Comprehensive Criminal Justice Response to Hate Crime, Turning Words into Action*, and other ODIHR projects which build the capacity of participating States to implement their tolerance and security commitments.

A civil society representative noted a strong tendency of the implementation of tolerance and non-discrimination leading to curtailing freedom of expression, with the exercise of prior restraint or self-censorship.

In a number of interventions, reference was made to the importance of data collection. A participating State commended NGOs for the role they play in complementing the role of governments by making it possible to report to an NGO rather than the police. Furthermore the awareness raising by NGOs by providing online courses and workshops to teach about multiculturalism and human rights was highlighted.

Some speakers indicated that specific states used religion or far right ideology to fuel hate against groups or countries within the OSCE area, and called upon the international community to condemn those activities.

In her closing remarks, Ms. Draginja Nadaždin highlighted that hate crimes do not only affect one person, as they are a crime against a group. She noted that there's a great need for education on hate crimes. Education should not only address state officials and NGOs, but also the media as it is very important to know how to report about hate crime and inform society about it. Regarding the subject of underreporting, she encouraged States to report to different international fora about hate crimes, including the ODIHR platform about the problem of hate crimes in their own countries and the readiness and actions they are taking to fight hate crimes. She added that the work done by civil society organizations is crucial in order to understand the scale and nature of the problem. She concluded her closing remarks by calling upon all political leaders to refrain from hate messages as they have a strong impact on society.

**Recommendations** made by participants during this session include (non-exhaustive list):

**Recommendations to the OSCE participating States:**

- To report to different international fora, including to the ODIHR platform about the problem of hate crimes in their own countries and the readiness and actions they are taking to fight hate crimes.
- Undertake an inventory of the “racism, xenophobia and discrimination” narratives.
- Must implement OSCE standards, and support NGO activities to combat hate crimes.
- A group of participating States to kick-start the Moscow mechanism in relation to a specific country.
- Reaffirm the Principle 16 (b) of the OSCE Vienna Concluding Document stressing the need to “foster a climate of mutual tolerance and respect between believers of different communities as well as between believers and non-believers”.
- Make fostering respect between believers of different communities and non-believers their priority.
- Use disaggregated data when compiling hate crime data, recognizing the critical importance of disaggregated data to an effective approach to countering hate crime.
- Make use of both police-reported hate crime data as well as non-governmental information, acknowledging that not all hate crimes are reported to police, and that civil society has a key role to play in combating hate crimes.

**Recommendations to the OSCE institutions, executive structures and field operations:**

- OSCE institutions, in particular ODIHR, should streamline its activities on genocide, remembrance and education, including human rights education for prevention of hate crimes.
- At the level of ODIHR there could be some recommendations drawn up for participating states, on the participating of NGOs in drafting new laws and other measures that are taken to reduce hate crimes.
- For ODIHR, HCNM and the SMM to ensure close monitoring and reporting of human rights situation in regions of conflict, namely cases of hate crimes on religious grounds, to help restore the respect for fundamental rights and freedoms in those regions.
- Combat Christianophobia and to make sure that the concept of secularity is not used as a pretext to discriminate against religious believers.
- Demand that participating States cease to persecute persons on the basis of their nationality.
- Not allow actors that spread hate, to use the OSCE as a platform for spreading their ideas and to stop them from committing any further crimes.



## **Rapporteur report**

### **Working Session 16: Roma and Sinti**

Number of statements: 33

Delegations: 13

NHRI: 1

Civil Society: 18

Other: 1

Rights of Reply: 8

This session focused on the Roma and Sinti participation in public and political life and was introduced by Ms. Zemfira Kondur, Council of Europe office in Ukraine, and Dr Iulius Rostas, Visiting Professor, Central European University.

Ms Kondur outlined the situation of Roma persons in the OSCE region. She stated Roma were absent from local and national political decision-making. Roma communities were adversely affected in relation to healthcare, education, employment and housing. This had an impact on Roma political participation and Roma-led social change. Roma persons also faced discrimination and racism, and Roma women were doubly discriminated against. Ms Kondur noted that the OSCE ODIHR Roma and Sinti Action plan had tasked participating States to improve Roma women's participation in public and political life. However, according to the Third Status Report on implementation of the Action Plan, in many participating States there were no institutional policies and programmes in place to promote active participation of Roma persons. Ms Kondur highlighted the work of the Council of Europe, including the Council of Europe Roma Political Schools, and other programmes.

Dr Rostas noted that Roma and Sinti were considered the largest minority group in Europe, but remained underrepresented in political debates. While there had been some improvements, many factors remained which affected political participation of Roma and Sinti persons. This included in electoral systems, with obstacles to registering parties, and high thresholds for entering national parliaments. However, there were also problems for Roma persons registering to vote due to lack of identification, inaccurate voter registries, lack of voter education, illiteracy among Roma, vote buying, family voting and other legal and administrative impediments.

When not addressed by authorities, these issues sent a political message that Roma votes did not matter and that Roma communities were a less significant political mass. Dr Rostas also noted hate speech against Roma during political campaigns, creating an intimidating atmosphere for Roma both as candidates and voters. He concluded that further commitments were not required, what was really lacking was the political will of participating States to respect and fulfil their commitments towards Roma and Sinti persons.

In the following interventions, participating States drew attention to steps taken in their countries to address under-representation of Roma and Sinti persons. This included work on data collection and socio-economic mapping in order to build better responses. A number of participating States referred to education policies, including early-years interventions, addressing drop-out rates and support to university students, noting how parents were key in recognising the benefits of education. National housing and health policies were also raised by a number of participating States. Some participating States mentioned their appointment of officials, such as government commissioners or representatives to support initiatives on Roma and Sinti persons, or the establishment of working groups or committees, both at the national and local level. One participating State drew attention to the need to understand history and the

suffering of Roma and Sinti persons, stressing the link between a poor understanding of history and current levels of discrimination.

One participating State drew attention to violent attacks on Roma persons in the OSCE region, calling for the perpetrators to be held to account. Another participating State highlighted the threat of trafficking and of hate crimes faced by Roma and Sinti persons. They also highlighted programmes in their country to support Roma and Sinti children through education, including programmes in the Romani language, and work on a unified alphabet and spelling. The State's government took into consideration the cultural model of Roma and had a programme of inter-cultural communication between the wider community and Roma and Sinti.

Civil society representatives stressed some of the issues affecting Roma and Sinti persons, such as lack of personal documents, housing issues and a lack of representation and participation in political life. Roma persons often faced multiple forms of discrimination, especially Roma women. Violence against women and domestic violence against Roma women was also raised by civil society. Civil society representatives raised concerns over anti-Gypsyism, which prevented inclusion, particularly when it comes from politicians. Civil society participants raised issues of negative perception of Roma and Sinti persons in the media and called for the media to be held accountable for perpetuating negative stereotypes. One civil society representative noted that funding should extend beyond cultural issues such as Roma music and dance. Paid positions for Roma and Sinti persons to share their lived experiences would support public and political participation of Roma and Sinti. Another civil society representative noted negative implications around a lowered school leaving age and encouraged stipends to help keep children in school, and support to university students. Another issue was addressing the residency period required for allowing people to vote, noting it disproportionately affected Roma persons. Illiteracy, poverty and a lack of employment was raised by civil society as a cause of manipulation of Roma during election campaigns. Concerns over access to candidate lists for Roma persons, including women, was highlighted more than once, as well as barriers to establishing political parties (another civil society representative argued that Roma persons should join established political parties, rather than seek to establish new ones). Economic empowerment was raised as a means to allow Roma and Sinti persons to take control of their lives. Roma persons should be employed on more than just Roma-related projects. While Roma participation had been acknowledged by states, Roma leadership remained to be addressed.

## **Recommendations**

To participating States:

- Take measures to combat any form of violence motivated by racism or xenophobia and ensure a vigorous, effective and independent investigation of racially motivated acts, as well as equal access to effective remedies (judicial, administrative, conciliation and mediation procedures). Hate-motivated attacks and violence against Roma and Sinti individuals must be immediately and fully investigated and responsible persons held accountable.
- Make use of the ODIHR's role in conflict prevention and identification of areas of early intervention, and draw on the expertise of the OSCE High Commissioner on National Minorities in this regard.
- Take actions in order to increase the confidence of Roma and Sinti persons about reporting incidents of discriminatory treatment, hate motivated attacks and the trust that the competent authorities treat these complaints in a serious manner and follow-up on them.
- Design and promote policies and programs meant to build trust among police and Roma and Sinti individuals. We encourage the use by pS of the valuable expertise and assistance of the CPRSI in this field.

- Taking into account that anti-Gypsyism remains an important barrier to Roma inclusion, strongly encourage participating States to promote rights awareness campaigns about historical discrimination and segregation.
- Ensure a more effective Roma participation in policy making at all levels and involvement in the design, implementation and monitoring of policies for Roma, thus strengthening Roma voice and the ownership of the processes.
- Strengthen their cooperation with the CPRSI, take advantage of its expertise and actively promote the human rights and fundamental freedoms of Roma and Sinti individuals across the OSCE region.
- Accurately address the specific disadvantages faced by Roma women, children and youth and other vulnerable Roma and Sinti individuals (persons with disabilities, elderly persons etc.). Roma women's issues should be systematically mainstreamed in all relevant policies designed for the Roma persons.
- Counter populist discourse and stop rhetoric that target the Roma and Sinti persons for political purposes. Promote cohesive and inclusive societies for all individuals.
- Put greater emphasis on actions in the areas of education and employment, promote the training of mediators and training-of-trainers and useful tools to strengthen community based approaches and human rights.
- Ensure greater access to quality and non-segregated education at all levels. In this regard, intensify efforts for access to personal documents, civil registration and identity documents.
- Encourage participating States to take effective measures to ensure respect of fundamental rights, in particular improving access to employment, healthcare and housing.
- Pay particular attention to Roma and Sinti migrants, refugees and IDPs and ensure that they are treated in accordance with the relevant international norms and standards of protection, without any discrimination. Coordinated actions with other international relevant actors are important in order to avoid overlapping and for better responses.
- Ensure a periodical review mechanism of strategies, policies and measures related to Roma and Sinti, in consultation with Roma and Sinti persons, for a better adjustment to the situation on the ground.
- Continue and enhance cooperation among international organizations with regard to improving the situation of Roma and Sinti.
- Continue activities of the OSCE field operations with regard to improving the situation of Roma and Sinti.
- Whenever possible recruit Roma and Sinti persons to OSCE electoral monitoring missions.
- Develop regional initiatives for the political education of Roma persons.
- Denounce and eliminate racist violence and all forms of anti-Gypsyism and anti-ziganism.
- End forced evictions of Roma without alternative accommodation provision
- Denounce and sanction populism and stereotyping of Roma and Sinti
- To follow the Council of Europe and European Union to recognise anti-Gypsyism as a specific form of racism, which constitutes the root cause of the exclusion of Roma and Sinti and a key barrier to their political participation.
- To adopt a Ministerial Council decision that strengthens the mandate of ODIHR to monitor and combat anti-Gypsyism and to enhance the political participation of Roma and Sinti as key priorities for an effective implementation of the OSCE Action Plan for Improving the Situation of Roma and Sinti.
- To monitor anti-Gypsyism as part of the OSCE election observation missions.
- To establish national Truth and Reconciliation Commission, or Expert Commissions on anti-Gypsyism in order to analyse the long-lasting, structural barriers to the equal public and political participation of Roma and Sinti, and in order to develop counter-strategies
- To sanction t as well as antisemitism with all available legal and political tools.
- To react at the national and political level when human rights violations are committed against the Roma community.
- Include Roma persons in public and political life as a strategic goal in national plans, including via specific measures and legal provisions.

- Reserve candidate and political seats for representatives of minority communities, including Roma and Sinti persons.
- Grant quotas for electoral places for Roma and Sinti persons.
- Provide information on long-term support to Roma, especially women and youth, also at the local and national level.
- Provide more funded programmes for education of Roma and Sinti youth, especially in the context of the move for Roma and Sinti youth to become political leaders
- Take action to counteract negative media presentation of Roma and Sinti through policy interventions.
- Provide more training for Roma and Sinti youth in journalism and film, and funding for Roma and Sinti owned media platforms.
- Educate elected officials on Roma and Sinti issues, including on the issue of anti-Gypsyism.
- Recruit Roma and Sinti persons to paid positions as educators for political leaders.
- To recognise the genocide of Roma and Sinti persons and fully participate in the Holocaust Memorial day in January.
- To ensure that Roma and Sinti persons are included in broadcast regulators and councils.
- Measure Roma leadership and participation, using quantitative and qualitative measures.
- Increase the visibility of Roma and Sinti citizens in the electoral census process.
- Monitor the inclusion of Roma and Sinti persons in electoral lists.
- Provide political education for Roma and Sinti persons so that they understand their rights as voters and candidates
- Empower women and girls from underrepresented groups in political and public life, in order to allow them to take decision-making roles.

To the OSCE Parliamentary Assembly, members of Parliament of the Participating States

- To endorse and respect the revised Charter of European Political Parties for a Non-racist Society
- To establish a Parliamentary Coalition for Combating anti-Gypsyism in order to confront anti-Gypsyism by condemning prejudice, discrimination, hate speech and hate crimes in the public discourse, in particular by refraining from and condemning stigmatization of Roma and Sinti during electoral campaigns
- To strengthen diverse leadership by engaging in dialogue and networks between political parties and Roma civil society; also by reaching out Roma to be politically active and to become members and candidates of political parties.

To ODIHR

- Involve Roma persons and Roma issues in all aspects of work, not just in the Contact Point for Roma and Sinti Issues (CPRSI).
- Involve more Roma persons in election observation work.
- Help young Roma persons via mentoring programmes for political engagement.
- Empower the CPRSI

To civil society

- Roma politicians, when elected, should work nationally to represent the country, not just concerns of the Roma community

### ***Working Session 17: Specifically selected topic: Roma and Sinti***

Rapporteur: Olga Rakic, Political Advisor Permanent Mission of Switzerland to the OSCE

**No. of statements: 16**

Delegations: 2

Civil Society: 13

International Organizations: 1

**Rights of Reply: 7**

Working Session 17 focused on '*housing and living conditions, particularly relating to the situation of forced eviction and segregation of Roma and Sinti*'. This session offered the opportunity for participating States and representatives of civil society to reflect on the progress made and the challenges ahead in the implementation of the 2003 OSCE Action Plan on Improving the Situation of Roma and Sinti. The discussion focused especially on the questions what steps OSCE participating States have undertaken in order to put in place and implement mechanisms and institutional procedures to clarify property rights and regularize informal settlements and what policy and procedural provisions exist, or could be established, in order to prevent forced eviction and driving Roma and Sinti to the fringes of society. The participating States and representatives of civil society shared their views on the current situation, brought concrete examples oftentimes from personal experiences, and best practices as well as made recommendations for improvement.

The first introducer Ms. Daniela Mihaylova, Lawyer, Equal Opportunities Initiative Association in Bulgaria, stressed that the housing situation of Roma and Sinti in Europe continues to be disturbing, regardless of the policy measures and strategic programs. There is a pattern of forced evictions without due process and prior consultation with the families concerned as well as without provision of adequate alternative housing. Ms. Mihaylova noted that this is in violation of participating States' international human rights obligations, increases the vulnerability of Roma and Sinti communities and prevents their social inclusion. In addition there are cases in which evictions and demolitions are used as collective sanction against the whole community. Demolition orders were often executed before even giving the people the chance to challenge the lawfulness of the orders in due court procedure. While States have undertaken steps to address the situation, there is still a lack of secured funding designated to support local authorities' activities, including for the planning of social housing.

The second introducer, Ms. Enikő Vincze, Professor of sociology at Babes-Bolyai University and political activist for housing justice in Cluj-Napoca, Romania stressed that the number of homeless people is continually growing. In the majority of countries, the residential property prices and private rents continue to rise, while the purchasing power of the population stagnates or decreases. Many Roma and Sinti have to live in informal settlements without basic infrastructure, and impoverished Roma continue to be subjected to residential segregation and forced evictions. General political economy processes resulting in different types of housing deprivations are intersected with institutional racism and dispossession, like forced eviction, homelessness, living in inadequate and insecure homes, or being forced into housing arrangements in toxic environments harshly disconnected from the rest of the localities, are disproportionately affecting impoverished Roma. As a solution to the current housing crisis, Ms.

Vincze proposed the creation of a substantial public and non-profit housing stock under social control, alongside with stopping the accumulation of houses in the hands of investment funds and real estate developers. Only such politics would be able to insure housing as a universal human right and to turn the fulfillment of the housing needs of low-income people into a high priority.

In the subsequent discussion, while some interventions referenced best practice both participating States and civil society underlined that more must be done. Some civil society representatives raised concerns over a number of States' actions and agreed, that the practice of forced evictions had to be stopped and that alternative housing possibilities should be in place. Therefore the majority of interventions called on strong laws prohibiting forced evictions. A large number of civil society speakers stressed that the settlements must be legalized and owned by the people living there, furthermore a large number raised concerns over segregated housing and the general poor living condition of Roma and Sinti. The lack of infrastructure, including proper heating, access to water, sanitation makes it impossible for families and children to concentrate on employment, education and in general on the participation in social and political life. Some interventions stressed the paradox, that Roma and Sinti communities cannot afford adequate housing and at the same time are not eligible for social housing. The need of political will was underlined many times.

Some speakers mentioned the importance of giving Roma and Sinti a voice and therefore with regards to housing to give Roma and Sinti communities the full right to participate and effectively influence the planning, implementation, evaluation and follow-up of the measures that aim at improving their situation. Empowerment was in some interventions identified as an important first step, especially empowerment of Roma women, who are often more disadvantaged and at risk of exclusion and marginalization than Roma men or than women in the general population. During the discussion, the OSCE/ODIHR Contact Point on Roma and Sinti was oftentimes praised for its valuable work.

**Recommendations** made by participants during this session include (non-exhaustive list):  
**Recommendations to the OSCE participating States:**

- Adoption of legislative measures, allowing for the legalization of soundly constructed buildings for residential use, which constitute only homes, including: Detailed mapping of the areas with building constructions in Roma neighborhoods and identification of stable ones.

- Raising the capacity of local authorities to take measures to raise funds for the regulation of neighborhoods with concentrated Roma and Sinti population which should take into consideration existing construction as far as possible.

- Designation of public land for residential use, which the families will be able to purchase, and provision of support for the families with respect to the construction of buildings in accordance with construction rules and norms.

- Taking measures to construct social housing for families that do not have the resources to purchase land and/or a home and to settle them in.
- Taking measures to incorporate into national legislations the international legal framework for protection of citizens in cases of compulsory demolitions and/or evictions from homes.
- Monitoring assessment of the progress of implementation of the NRISs' priority of improving housing conditions.
- Planning the period after 2020 taking into account the monitoring assessment and lessons learned, with specific measures on improving the housing conditions of Roma and Sinti.
- Adoption of measures to enforce the decisions of the European Court of Human Rights concerning the protection of citizens of Roma ethnic origin in cases of threats to remove their sole residences.
- The problems of the insecure and deprived housing conditions of the Roma should be solved in the context of a broader policy change in the domain of housing. This requires the accountability of the states regarding the assurance of housing as a universal human right by means of public and non-profit housing. Moreover, this required change should also impose the implementation of affirmative measures on behalf of the most deprived social categories, among them Roma. The latter has to include: the legal prohibition of forced evictions, i.e. of the evictions that leave people without adequate alternative housing, and of compulsory social measures that accompany the legalization of informal settlements in order to safeguard those who might be affected negatively by the latter.
- Housing justice should not be placed solely on human rights matters, anti-discrimination legislation, and social policies, because it is also dependent on economic and fiscal policies. Therefore, housing justice requires changes in all policy domains in an interconnected manner. On the one hand, housing justice for all requires ending market fundamentalism that results in the super-commodification, privatization and financialization of housing. On the other hand, housing justice requires eradicating institutional racism, which maintains unevenness in the access to adequate housing on the detriment of marginalized and stigmatized people, among them the Roma.
- Development of an effective Roma policy to combat discrimination. It should be comprehensive and consist of three tracks: 1) To improve socio-economic status, including housing, education and health 2) to promote non-discrimination and full legal rights of the Roma 3) the Roma should have full right to participate and effectively influence the planning, implementation, evaluation and follow-up of the measures that aim at improving their situation.
- Combat anti-Gypsyism and work together with Roma and Sinti communities to promote the Rights of the Roma.
- To support the work of the ODIHR Contact Point on Roma and Sinti as well as the OSCE Office of the High Commissioner on National Minorities and other OSCE autonomous institutions and their strong and independent mandates.
- Develop empowerment programs focusing on emancipation of the minority especially in the aspects of education and self-representation.

- Resolve the issue of Roma homes ownership and land on which they are found, by finding constructive and durable solutions.
  - Develop specialized training for administrative workers for their greater professional cooperation and efficiency in providing services to citizens in the field of housing.
  - States need to provide policy alteration and intervention on custody of children by Roma and Sinti families living in distinctive communities and/or sites. This includes ensuring that Roma and Sinti living is not considered 'mentally damaging' to children in cases of law and custody of Roma and Sinti children.
  - States need to provide more intervention on companies refusing service to Roma and Sinti communities locally, and consider this when allocating sites and areas for Roma and Sinti communities.
  - States require policy intervention on forced assimilation of Roma and Sinti communities through responses to roadside encampments and forced evictions from historical Roma and Sinti sites and communities.
  - Establish, monitor and enforce policies which prohibit the use of housing funding to create or maintain ethnically segregated accommodation such as camps or shelters.
  - Fund projects providing for integrated housing settings and inclusion paths which ensure family are not separated.
  - Empower Roma to take control of their own housing fate; involve members of affected communities in the planning and implementation of all actions to address their housing situation from the earliest stages.
  - Immediately cease the practice of forcibly evicting Roma without undertaking any of the measures required by international human rights law to provide socially inclusive alternatives.
  - Resolve urgent issues of land ownership arising from the transition to a market economy and decentralized governance.
  - Immediately cease illegal forced evictions of Roma; and ensure that evictions are a means of last resort which are carried out in accordance with both national and international obligations, including provision of alternative accommodation.
  - Ensure that social or alternative housing offered to Roma meets acceptable standards for human habitation.
  - Adopt law explicitly recognizing the human right to water and sanitation and ensure access for all to safe drinking water and sanitation; and adopt policies and allocate budgets for connecting Roma settlements to public drinking water and sewage systems.
  - Stop targeting socially excluded Romani communities with higher policing; and establish a fully independent autonomous institution, that will be responsible for the investigation of complaints of alleged ill-treatment treatment by police officers as well as all complaints with a possible racial motive.



- The media should report on forced evictions.
- Prohibit eviction by law.
- Support Roma families that face challenges on documentation in order to be able to profit from social housing and further programs.

**Recommendations to the OSCE/ODIHR:**

- OSCE should promote the idea that there is a need to change housing politics at different scales in order to guarantee housing rights and justice for the Roma: from the local, through the national, to transnational level.

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

Rapporteur: Christine Harper, Permanent Mission of the United States to the OSCE

**No of statements: 12 (including Rights of Reply)**

**Delegations: 4**

**Civil Society: 2**

**OSCE Institutions: 2**

**International Organizations: 1**

**Rights of reply: 3**

The session was opened by Kateryna Ryabiko, Project Co-ordinator at the Office for Democratic Institutions and Human Rights (ODIHR), who introduced the speakers, including a recent UNDP Senior Adviser; the First Deputy Director of ODIHR; and a representative from the Office of the OSCE Representative on Freedom of the Media (RFoM).

The three presentations focused on the United Nations Sustainable Development Goals (SDGs) and how the work of the OSCE, and its autonomous institutions and field operations,—both within and among participating States, contributes to the achievement of the SDGs. They highlighted specific OSCE projects and how they further both the SDGs and the implementation of OSCE commitments, specifically in the Human Dimension.

Adam Rogers, Strategic Communications Advisor, former UNDP Senior Advisor for the Bureau for Policy and Programme Support (BPPS) Development Impact Group, stated that the SDGs will only be realized through strong global partnerships and cooperation, by supporting national plans to achieve all the targets, while encouraging greater collaboration among the UN agencies, funds and programmes, the EU, the regional banks and important organizations like the OSCE. Improved collaboration and coordination will require better and more open communication on important and often taboo topics like human rights.

Katarzyna Gardapkhadze, First Deputy Director from ODIHR explained that the SDGs represent a spotlight on the world's most challenging problems, a moral and ethical compass for the world as to what action is needed, and a call for coordinated and collective action between and among individual states, civil society, international organizations, and all relevant stakeholders. She formulated four desired strategic outcomes that ODIHR work on: 1) democratic institutions that are based on human rights and the rule of law, participatory and representative, accountable and trusted; 2) civil society that is able to advance democracy and human rights; 3) societies that are equal, inclusive, resilient and free of all forms of discrimination and marginalization and, as a horizontal outcome, 4) equal human rights for women. She further gave examples of ODIHR projects that directly contribute to the SDGs.

A [video](#) was then shown from the Office of the Project Coordinator in Ukraine, showcasing a project on "Safeguarding Human Rights Through Courts." The video showed the efforts to empower civic activists with skills and knowledge that would enable them to provide professional and in-depth assessment of whether human rights are well-defended in courtrooms. The project is linked with SDG 16 (Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels).

Deniz Yazici, an Adviser in the Office of the Representative on Freedom of media (RFoM), highlighted the work of her office in contributing to SDG 16 on access to information, and the

implication of this right for all areas of individuals' lives, from holding government officials accountable to allowing for citizenry that can make informed decisions. She stated that this right allows for other rights and SDGs to be achieved. She gave specific examples of the RFoM's work to ensure access to information, including by helping participating States craft appropriate laws, promoting information sharing, and training journalists and others in best practices. She closed by recognizing the work of the RFoM in regards to the safety of journalists and the right of society to obtain pluralistic sources of information. Finally, she emphasized that new technologies have changed how we consume information, and that it is necessary for individuals to be educated on how to discern true information from misinformation.

Most delegations which took the floor expressed their strong support for the work of ODIHR, RfoM, HCNM and the field operations, stressing that their work is integral to underpinning democracy, rule of law and fundamental freedoms. ODIHR's election monitoring work was also endorsed by most delegations, although ODIHR was criticized for geographical imbalances in regards elections, and also thematic imbalances in the work of OSCE's executive structures writ large. A point was made that in countries of conflict, the OSCE should be allowed to operate in the entire territory. The OSCE Project Co-ordinator in Ukraine discussed that office's work on gender equality, highlighting effort on preventing both gender-based and domestic violence; judicial reform; and legal education. The OSCE Programme Office in Bishkek highlighted its work assisting Kyrgyzstan in implementing its Human Dimension commitments, specifically in the area of gender equality and election observation. An international organization stressed that its work contributed to the SDGs and offered to work more closely with the OSCE in this area.

In view of one civil society organization, ODIHR should monitor a specific participating State more closely in relation to the implementation of its commitments.

**Recommendations made by participants during this session include (non-exhaustive list):**

Recommendations to the OSCE participating States:

- Meeting the conditions for the timely adoption of the OSCE Unified Budget is essential to facilitate the executive structures and field offices in delivering on their mandates, including in the human dimension.

-OSCE pSs should regularly consult with the offices of the executive structures to avail of the wealth of expertise carried within those structures

-OSCE pS should take advantage of the services offered by OSCE Executive Structures in enhancing the implementation of commitments, including by facilitating visits and monitoring missions by the autonomous Institutions.

Recommendations to the OSCE institutions, executive structures and field operations:

-The Executive structures should continue to co-ordinate closely with one another to maximize synergies to avoid duplication.

-The Executive structures should also continue to develop close cooperation with civil society when designing projects and activities to ensure increased participation of civil society in the implementation phase.

-The Executive structures should continue to improve the monitoring and evaluation of their projects, from conception through to completion, including by prioritizing the use of key performance indicators and implementing results-based management best practice.

-ODIHR should carry out human rights monitoring, including in in areas of occupation.

-HCNM should identify short term triggers of inter-ethnic tension and long-term structural concerns throughout the OSCE areas.

-RFOM should continue to monitor the media situation, including in areas of occupation.

-OSCE Field Missions should focus on areas where they have expertise and which correspond to their mandates, avoiding duplication of efforts with other international organizations, focusing on the needs and priorities of the relevant government priorities.