

2024 Warsaw Human Dimension Conference

Introduction

Since 1992, the OSCE participating States have committed to hold an annual Human Dimension Implementation Meeting to assess progress and persisting gaps in the implementation of OSCE commitments in the human dimension of security. Despite having agreed to adopt relevant procedural decisions by set deadlines concerning the modalities of the meeting, consensus could not be reached in 2024, for the third year in a row.

It is against this backdrop, and in line with the practice of previous Chairs, that the 2024 Maltese Chairpersonship will organize a two-week human dimension conference, with the support of ODIHR. The Warsaw Human Dimension Conference (WHDC) will provide a forum to exchange views on current developments and challenges concerning human rights and fundamental freedoms in the OSCE region. The WHDC will be open for participation by OSCE participating States, civil society, international organizations, national human rights institutions, OSCE structures and field operations. They will be invited to engage in interactive discussions on the level of implementation of OSCE human dimension commitments.

Respect for human rights and fundamental freedoms lies at the core of peace and security, recognizing the inherent dignity and equality of all human beings. Today, 75 years after the adoption of the Universal Declaration of Human Rights, these universal principles are under immense pressure, linked to continued backsliding on democratic principles and the rule of law, new security threats and growing authoritarian tendencies across the OSCE region.

Russia's war of aggression against Ukraine has further exacerbated these challenges, underlining the need to step up our collective efforts to foster respect for human rights and fundamental freedoms, adherence to OSCE principles and commitments as well as accountability for breaches of international law. It is a timely occasion to discuss ways forward in addressing these worrying developments.

In the OSCE region, civil society and human rights defenders are facing growing restrictions and a shrinking space for their invaluable work. Critical voices and independent media are increasingly silenced. Hate speech has reached alarming levels in many OSCE participating States, particularly targeting vulnerable groups. Violence against women and girls remains a challenge in all OSCE participating States, severely hindering their full and meaningful participation in all spheres of life.

The Conference provides an opportunity to address a wide range of OSCE human dimension commitments in ten thematic plenary sessions. This will include topics such as humanitarian issues, democratic institutions, fundamental freedoms, the rule of law, tolerance and non-discrimination, and gender equality. In addition, conference participants are encouraged to organize thematic side events, for which dedicated time slots and rooms will be provided.

Tuesday, 1 October 2024

10:00 – 13:00 Plenary Session 1: Humanitarian Issues I, including:

- International Human Rights Law and International Humanitarian Law
- Humanitarian challenges, including in the context of armed conflict

During times of war, human rights must be upheld and protections afforded by international humanitarian law (IHL) and international human rights law (IHRL) always respected. OSCE States have committed to upholding IHL and their obligations under relevant international instruments, including the Geneva Conventions and their additional protocols. States have pledged to “respect and ensure respect for general international humanitarian law”¹. Additionally, OSCE States have emphasized that individuals who are responsible for violations of IHL will be held personally accountable².

It is clear however, that armed conflict is a significant driver of human rights violations due to an increase in violence, the breakdown of law and order, and because institutions required to protect human rights cannot fulfil their function. Furthermore, armed conflicts, particularly the Russian Federation’s war of aggression against Ukraine, has resulted in a host of IHL violations, such as the deliberate targeting of civilians and civilian infrastructure, as well as frequent reports of killings, torture, sexual violence, and attacks against vulnerable groups.

We are witnessing that conflicts are often the lead cause of forced displacement, where individuals are uprooted from their homes and exposed to further risks. Additionally, essential services like healthcare, education, and food supply are disrupted, exacerbating the suffering of affected populations. A lack of accountability contributes to widespread and severe human rights abuses.

Ensuring accountability for war crimes and other violations of IHL and IHRL requires that States’ domestic adjudication of these cases adheres to fundamental principles of IHRL, such as upholding the principles required for a fair trial, including access to an effective defence.

This session will focus on the role of international organisations in upholding IHRL and IHL in situations of armed conflict, with reference to recent events. It will additionally explore States’ obligations related to accountability mechanisms for violations of IHL and IHRL during conflict. Participants will be encouraged to consider the measures States can take to fulfil their IHL and IHRL obligations. Participants are also invited to share ideas for how international organisations, such as the OSCE, can contribute to ensuring respect for IHRL and IHL, and accountability for grave violations, including war crimes.

¹ Budapest 1994

² Helsinki 1992

15:00 – 18:00 Plenary Session 2: Democratic institutions, including:

- Democracy at the national, regional, and local levels
- Democratic elections

OSCE participating States have committed to holding genuine democratic elections at regular intervals, in a conducive environment with fully functioning democratic institutions and inclusive decision-making processes. For an election to meet international standards and OSCE commitments it must be organized transparently, and all candidates as well as voters must have equal opportunity for participation. This includes ensuring that laws and oversight procedures and bodies provide equal campaign opportunities on- and offline, without undue advantage that can be afforded by incumbency and with sufficient opportunity for voters to make informed choices. This often requires special efforts to ensure equality of opportunity for women and men to run for office and take part in elections. Furthermore, it is to be guaranteed that persons with disabilities, minorities and other underrepresented groups can fully participate in the process as voters and candidates.

While there has been progress in the OSCE region furthering democratic achievements, many participating States continue to face new and persisting challenges. The effectiveness of legal frameworks governing elections and the functioning of political parties is challenged by last minute amendments and a lack of meaningful consultation with all stakeholders, particularly civil society. OSCE participating States have recognized that “human rights are best respected in democratic societies, where decisions are taken with maximum transparency and broad participation”³.

OSCE participating States also recognized the importance of election observation in the 1990 Copenhagen document, committing to invite ODIHR to observe and, in line with national legislation, opening elections to observation by citizen organizations. In the OSCE region this commitment is not consistently upheld, with several States not guaranteeing observer rights in law and some States not ensuring access for observers in practice. In other States we witness a shrinking space for civil society, including election observers, with increased instances of violence or harassment.

In a year when a record number of voters in the OSCE region are taking to the polls to elect their democratic representatives, it is a particularly timely opportunity for participating States to take stock of progress in the implementation of OSCE commitments on democratic institutions and participatory democratic processes, including elections.

The session aims to focus on the challenges participating States face in meeting their commitments for democratic elections, ensuring genuinely equal opportunities for candidates and voters and removing barriers to full participation. The session will also address the question of how to ensure that key decision-making processes are participatory, without undue restrictions on political expression. Session participants will share ideas and experiences on best practices for engaging civil society and marginalized groups in public and

³ Helsinki 2008

political life, including in the development of election and political party related legislation. The session will discuss the efforts participating States are making to further open their elections and other democratic processes to both international and citizen observation.

Wednesday, 2 October

10:00 – 13:00 Plenary Session 3: Fundamental Freedoms I, including:

- Freedom of opinion and expression, media freedom
- Human rights defenders
- Safety of journalists

Over the past decade, the right to freedom of expression, including the right to hold opinions and to receive and impart information and ideas of all kinds, has been increasingly curtailed in many parts of the OSCE region, be it through introduction of new legislation or politically motivated silencing of activists, human rights defenders (HRDs), and critical journalists. Journalists and HRDs are increasingly the targets of physical attacks, legal harassment, and online smear campaigns aimed at challenging their credibility in the public arena. An increasing number of them have been seeking safety outside of their home countries. At the same time, news media organizations have struggled to develop sustainable business models that make them resilient against undue interference in their editorial independence.

OSCE participating States have recognized the importance of human rights in a series of commitments, including freedom of expression, media freedom, and, in Budapest in 1994, emphasized the need for protection of HRDs. They have committed to a comprehensive concept of security, acknowledging that respect for and protection of human rights and media freedom are an intrinsic part of security, rather than a value to be balanced against it.

Despite these commitments, States have continued to enact laws, policies and regulations that infringe upon the legitimate and important work of HRDs and civil society. Attempts to justify these restrictions are often focused on the need to protect sovereignty, national security, to counter terrorism, increase transparency or combat misinformation. Yet they weaken existing safeguards and human rights protections, and restrict the freedom of opinion and expression. Resorting to such laws may lead to stigmatization, marginalization, and isolation, and to further targeting of HRDs, including journalists.

The need for skilled journalists and quality journalism is growing as societies are faced with an overwhelming abundance of information about significant events, increasing the risk of misinformation and hasty judgments. Disinformation, amplified by social media and big tech platforms that prioritize profit over human rights, has created an information landscape where fact-based news in the public interest is scarce and often difficult to find. Many state actors and other players exploit these weaknesses to restrict media freedom and control the media message, which is also detrimental to democracy and public trust.

All of this represents a concerning deviation from participating States' commitments in this area, including MC Decision 3/18 on Safety of Journalists. Participating States' failure to create

the conditions for journalists to work safely and without fear of retaliation, for news media to operate independently without undue interference, and for the establishment of a healthy information landscape, represents a direct threat to security in the OSCE region.

This session will explore meaningful actions that participating States should take to reverse this trend and to uphold the OSCE's commitments on media freedom and the safety of journalists. It will also discuss some of the key challenges, as well as good practices to advance the enjoyment of human rights and ensure the protection of HRDs.

15:00 – 18:00 Plenary Session 4: Humanitarian Issues II, including:

- Freedom of movement
- Trafficking in human beings
- Refugees and displaced persons

Guaranteeing freedom of movement, addressing the protection needs of refugees and displaced persons, and combatting all forms of trafficking in human beings are interconnected issues in the OSCE region. War and armed conflict cause massive displacement of people, underscoring the need for participating States to provide protection for people fleeing war or persecution. This is brought into focus by the Russian Federation's war of aggression against Ukraine, where millions of Ukrainians have fled their homes to seek refuge in the Eastern parts of the country or abroad. Displacement exacerbates the risk of breaches of human rights due to societal inequalities, particularly affecting women, children, the elderly, persons with disabilities, or minority communities.

Participating States must respond to the increased movement of people while ensuring the dignified treatment of all individuals crossing borders, in line with national legal frameworks, OSCE commitments⁴, and international law. They are also committed to facilitating freedom of movement and human contact across borders⁵. Respecting and protecting the human rights of refugees, displaced persons, and trafficking victims requires partnerships with civil society organizations, which often serve as first responders.

International cooperation is vital to managing the increased movement of people and support durable solutions for displaced populations.⁶ Participating States have reaffirmed their commitment to respect the right to seek asylum, access to international protection and to facilitate voluntary returns with dignity and safety⁷. The primary responsibility for the safe return of internally displaced persons lies with the respective participating State, with OSCE support⁸.

Women and girls fleeing war and armed conflict face an increased risk of becoming victims of human trafficking. Addressing these risks requires proactive measures from both the

⁴ Ljubljana 2005

⁵ Helsinki 1975, Vienna 1989

⁶ Helsinki 1992

⁷ Istanbul 1999

⁸ Lisbon 1996

international community and participating States to ensure their safety, security, and support. Respecting women's dignity and promoting the best interests of the child is key in the process.

This thematic plenary session will focus on a systemic approach to addressing vulnerabilities, ensuring dignified treatment at international borders, and alleviating humanitarian situations faced by displaced populations. It will highlight progress by participating States in implementing human rights-compliant practices, combating trafficking, and ensuring freedom of movement. The session will emphasize the role of civil society and survivor organizations in addressing challenges, sharing lessons learnt, opportunities for improvement, as well as potential positive new practices to build on.

Thursday, 3 October

10:00 – 13:00 Plenary Session 5: Rule of Law I, including:

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

Torture and other cruel, inhumane, or degrading treatment or punishment are absolutely prohibited under international law. OSCE participating States have repeatedly recalled that no exceptional circumstances can justify torture⁹. Yet, torture and other forms of ill treatment are still widely practiced across the OSCE region.

Impunity incentivises acts of torture and other ill-treatment. To eradicate its continued use, participating States must ensure that all allegations of such acts are promptly, effectively, thoroughly and impartially investigated and that victims have access to effective remedies without fear of intimidation or reprisals. The vulnerability to torture and other ill-treatment is particularly high among persons deprived of their liberty. Therefore, effective human rights safeguards for all persons deprived of liberty are essential and need to consider, the specific risks and needs of women and girls. In addition, independent oversight by national preventive mechanisms and civil society are key in insuring effective torture prevention. According to a growing international consensus, the death penalty is the ultimate cruel, inhumane and degrading punishment and collective efforts should be made towards its abolition.

Legitimate and effective counter-terrorism efforts must be based on respect for human rights and the rule of law. In accordance with international human rights standards and the OSCE's comprehensive concept of security, countering terrorism cannot be effective without protecting human rights. OSCE participating States have consistently reaffirmed this and committed to fully comply with their international human rights, refugee and humanitarian law obligations while combating terrorism¹⁰.

⁹ Copenhagen 1990, Budapest 1994, Athens 2009, Tirana 2020

¹⁰ Bucharest 2001, PC DEC 1063/2012, Hamburg 2016

However, countering terrorism is in practice still prioritized over human rights protection. Established human rights protections are often eroded when tightening counter-terrorism laws and policy frameworks. A disproportionate or even exclusive focus on religious or ethnic minorities in countering terrorism while preventing violent extremism and radicalization leading to terrorism (VERLT) reinforces stereotypes and discrimination. The profound direct and indirect impact of counter-terrorism laws and policies on civic space is exacerbated in several OSCE participating States by labelling human rights defenders and dissenters as ‘terrorists’ or ‘extremists’, to obstruct their important and legitimate work and punish them for exercising their rights.

This session will assess the progress made by OSCE participating States in ensuring greater accountability for torture and other ill-treatment including addressing its root causes and institutional incentives. Secondly, it will also focus on how to restore respect for human rights as an imperative in state and multilateral efforts to prevent and counter terrorism and VERLT, not only in words but also in practice.

Friday, 4 October

10:00 – 13:00 Plenary Session 6: Rule of Law II, including:

- Independence of the judiciary
- Democratic law-making
- Right to a fair trial

Destabilizing conflicts, emergencies and persistent violations of human rights and fundamental freedoms threaten the security of the OSCE region and challenge the sound functioning of democratic institutions. It is key that participating States continue to advance the rule of law by ensuring that judicial independence is both guaranteed in law and respected in practice¹¹. By agreeing to these commitments, OSCE participating States have acknowledged that the rule of law should be based on respect for internationally recognized human rights, including the right to a fair trial¹².

Across the OSCE region, the rule of law continues to deteriorate. The independence of judges and prosecutors remains susceptible to political pressure and attacks threatening the separation of powers. To strengthen the independence of the judiciary and increase public trust in courts, the processes relating to the selection, appointment, transfer, and discipline of judges should be fair and transparent, without undue political interference.

Several OSCE participating States continue to face multiple challenges in guaranteeing respect for the right to a fair trial both in legislation and in judicial practice. An inclusive and transparent law-making process can reinforce democracy and build confidence in the rule of law. Through democratic law-making processes, legislation can advance the principles of judicial independence and accountability as well as the right to a fair trial. Civil society remains

¹¹ Moscow 1991

¹² Ljubljana 2005

essential in advancing the rule of law by amplifying the voice of the public, by ensuring that citizens enjoy their rights, and by monitoring the integrity of judicial and legislative processes.

OSCE participating States have committed to adopting legislation through an open process reflecting the will of the people,¹³ to ensure secure environments and institutions for peaceful debate and expression of interests by all individuals and groups in society¹⁴. This must include full, equal and meaningful participation of women as well as gender-mainstreaming in these processes. The participation of everyone concerned must be guaranteed throughout the entire process, including under-represented groups, such as national minorities or persons with disabilities.

The session will focus on good practices in the work of state institutions in promoting and protecting judicial independence and respect for the right to a fair trial. Participants will share experiences and ideas on civil society's work on strengthening the rule of law in the face of new and ongoing threats to the independence of the judiciary and the right to a fair trial. Additionally, it will explore how to adapt and change law-making procedures and practices to increase public trust in democratic institutions and promote openness, transparency, inclusiveness and accountability.

Monday, 7 October

10:00 – 13:00 Plenary Session 7: Fundamental Freedoms II, including:

- National human rights institutions
- Freedom of assembly and association
- Freedom of religion or belief

OSCE participating States have recognised the important contribution of human rights to comprehensive security in a series of commitments. OSCE participating States have also recognised the fundamental role of national human rights institutions (NHRIs) in ensuring respect and protection of human rights and committed to supporting and strengthening them in the OSCE region. As security-related challenges change over time, it is crucial for states to ensure that measures to increase security do not unduly limit people's ability to freely exercise their human rights, as well as how rights promotion can help to meet security needs.

NHRIs play an important role in this context, being independent state bodies responsible for the protection and promotion of human rights, including fundamental freedoms, at the domestic level. When measures unduly restricting human rights are introduced, NHRIs are uniquely placed to respond through such means as litigation, complaint handling, awareness-raising efforts, issuing recommendations and opinions, challenging law and policies and monitoring and reporting.

OSCE commitments repeatedly emphasise the importance of full respect for freedom of thought, conscience, religion, or belief (FoRB). According to the International Covenant on

¹³ Copenhagen 1990, Moscow 1991

¹⁴ Maastricht 2003

Civil and Political Rights (ICCPR), states must uphold their FoRB obligations also in times of a state of emergency. As such, States should interfere as little as possible to limit an individual's manifestation of a religion or belief and to only do so as a last resort. Restricting FoRB unduly on grounds of national security causes individuals and communities undue suffering and undermines comprehensive security. Responses to security challenges that respect, protect, and facilitate FoRB, conversely, contribute to building greater levels of trust, respect across religious or belief boundaries, and resilience within States.

OSCE commitments also reaffirm participating States' duty to respect the right to freedom of peaceful assembly and emphasise that any restrictions imposed must be prescribed by law and be consistent with international standards¹⁵. While national security is a legitimate ground for restricting the right to freedom of peaceful assembly, it should not be used in a way which is inconsistent with the States' human rights obligations. That also includes restrictions on the right to freedom of expression during public assemblies, which can increasingly be witnessed across the OSCE region.

This plenary session looks to address how States can best respond to security challenges in ways that promote human rights, and thereby build greater levels of comprehensive security across the OSCE. The session will also discuss the unique role of national human rights institutions, what can be done to support their work and strengthen their ability to effectively fulfil their mandates.

Tuesday, 8 October

10:00 – 13:00 Plenary Session 8: Tolerance and non-discrimination I, including:

- Addressing racism, xenophobia, discrimination, and intolerance

In several Ministerial Council Decisions, OSCE participating States have recognized that tolerance and non-discrimination are critical in promoting human rights and democratic values and in ensuring comprehensive security¹⁶. However, despite progress made in implementing these commitments, manifestations of intolerance and discrimination, including hate crime, persist across the OSCE region with a notable gendered dimension to these problems.

Participating States, in co-operation with civil society and other relevant stakeholders, must continue to take comprehensive measures to address racism, xenophobia, and other forms of discrimination and intolerance. Civil society organizations play a vital role in this process, as they are well placed to monitor and report bias-motivated incidents, provide assistance and support to victims, and contribute to broad-based, societal efforts to foster and sustain environments of mutual respect and understanding. OSCE commitments are unequivocal in recognizing the need for co-operation between state authorities and civil society in these matters¹⁷.

¹⁵ Copenhagen 1990, Helsinki 2008

¹⁶ *Inter alia* Porto 2002, Maastricht 2003, Sofia 2004, Ljubljana 2005, Brussels 2006, Madrid 2007, Athens 2009.

¹⁷ Maastricht 2003, Ljubljana 2005, Brussels 2006, Madrid 2007.

The aim of this plenary session is to discuss the progress participating States have made towards implementing their commitments pertaining to tolerance and non-discrimination with a specific focus on challenges, lessons learned, and opportunities considering the current geopolitical environment, including the ongoing impact of the Russian Federation's war of aggression against Ukraine, and other conflicts outside of the OSCE region. Participants are invited to make recommendations on how governments, civil society organizations and other relevant stakeholders can address intolerance, discrimination and hatred in the most effective and efficient manner.

Wednesday, 9 October

10:00 – 13:00 Plenary Session 9: Tolerance and non-discrimination II, including:

- Rights of persons belonging to national minorities
- Roma and Sinti issues

The OSCE participating States have committed to intensify efforts to combat racial and ethnic hatred, xenophobia, and discrimination against all individuals, including those belonging to national minorities, migrants, and refugees, as well as Roma and Sinti¹⁸. More broadly, the OSCE continues to strengthen the role that all members of minority communities, including women and youth, can play in preventing conflicts and sustaining peace, in particular by increasing their participation in public life. In this regard, young peoples' opportunities for bridge-building can play a key role.

Recognizing this nexus, the OSCE High Commissioner on National Minorities, in his newest set of recommendations, focuses on the social and economic participation of national minorities. The document encourages participating States to enhance the capacities of national minorities, including women and youth, to strengthen their socio-economic participation in society. Additionally, the intersection of climate change, conflict prevention, and national minorities is becoming increasingly evident. Therefore, integrating climate resilience into conflict prevention strategies is essential to protect these communities and promote sustainable peace.

In relation to Roma and Sinti issues, in 2023 ODIHR published its 4th Status Report: Implementation of the Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area, assessing the progress made and the challenges and trends that have surfaced or intensified during the past five years. The report highlighted ongoing standardized policies on Roma in the OSCE region. However, despite progress, disparities persist related to anti-Roma racism and discrimination, precluding Roma and Sinti, particularly women and youth, from exercising their human rights. It impacts their approach to seeking effective remedy and redress, their active and effective participation in public and political life, as well as their access to public services.

Forcibly displaced Roma from Ukraine often face prejudice and discriminatory behaviours in their attempt to secure shelter, protection, humanitarian aid, employment, and services made available to other refugees and internally displaced persons. Roma women are

¹⁸ Copenhagen 1990

particularly suffering from manifestations of intersectional discrimination, exploitation and human trafficking. Across the OSCE area, Roma and Sinti women continue to be the subject of intersectional forms of discrimination, racism, violence, harassment, and greater efforts and effective measures should be made to meet their needs.

The purpose of this session is to take stock and review challenges relating to the access to rights of persons belonging to national minorities, as well as issues pertaining to the Roma and Sinti communities. Furthermore, it will create space to share existing good practices and assess implementation of OSCE commitments on these topics.

Thursday, 10 October

10:00 – 13:00 Plenary Session 10: Tolerance and non-discrimination III, including:

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

OSCE participating States have committed to ensure the protection of the rights of women and recognized gender equality as “a fundamental aspect of a just and democratic society based on the rule of law”¹⁹. This year, as we mark the 20th anniversary of the OSCE Action Plan for the Promotion of Gender Equality²⁰, progress towards gender equality can be observed in various fields, especially in those participating States that have made a long-term commitment and allocated resources to gender equality. For example, many States have adopted stronger legal and policy frameworks on preventing violence against women, have committed to gender equality through national action plans, and have increased the representation of women in political and public life.

Despite these advances, overall progress on gender equality is incremental and the full protection of the rights of women and girls remains unattained as a goal for the OSCE region. Women represent on average 30% of members of parliaments in the OSCE region and continue to be underrepresented in decision-making roles across the private and public sector. Furthermore, violence against women in all its forms persists while violence against women in the public sphere, especially targeting women politicians, human rights defenders, journalists and activists, is a growing problem threatening equal participation, democratic representation and silencing women’s voices. In recent years, increasing backsliding on the rights of women is jeopardising hard-fought gains on gender equality.

Complementing other planned activities in this important anniversary year and reflecting the importance of mainstreaming gender, this session will provide a platform for participants to reflect on persisting and newly emerging challenges to gender equality. Participants will be able to share experiences and lessons learned on how all of society, including men, can be more effectively involved in progressing the full, equal and meaningful participation of

¹⁹ Moscow 1991.

²⁰ Sofia 2004.

women and girls including in the prevention of violence against women and domestic violence. While many efforts have been undertaken to adopt legislation and public policy related to various forms of violence against women and domestic violence in numerous OSCE participating States, the question remains why these legislative measures have not yielded better results in terms of reducing violence against women and girls. In addition, the session will provide the opportunity to critically assess the role of the State and of civil society in providing assistance and support to women and girls survivors of violence.