



**HUMAN DIMENSION IMPLEMENTATION MEETING**  
**11-22 September 2017**  
**Warsaw, Poland**

**ANNOTATED AGENDA**

**BACKGROUND**

The OSCE Human Dimension Implementation Meeting (HDIM) is Europe's largest regional conference addressing human rights-related issues of common concern. Every year, the HDIM brings together more than 1000 representatives of governments of OSCE participating States, OSCE Partners for Co-operation, OSCE executive structures, international organizations and representatives of the civil society to discuss the implementation of the OSCE human dimension commitments.

In 2017, the OSCE Human Dimension Implementation Meeting is organized for 21<sup>st</sup> time. It was back in 1992 when the Helsinki Document mandated the OSCE's Office for Democratic Institutions and Human Rights (ODIHR), as the main institution for the OSCE's human dimension of security, to organize a meeting to review the implementation of human dimension commitments adopted by all OSCE participating States and to look at ways to enhance compliance with those commitments. Since 1998, the HDIM has taken place annually for a two-week period in Warsaw (except for 1999 and 2010, due to the Istanbul and Astana Summits, which reviewed the implementation of these commitments in a different format respectively).

Based on Permanent Council Decision No. 476 of 23 May 2002, on the modalities for OSCE Meetings on Human Dimension Issues, the objectives of the Human Dimension Implementation Meeting are to review human dimension commitments and to foster their implementation. Meeting participants may also evaluate and put forward recommendations concerning the procedures and mechanisms for monitoring implementation of human dimension commitments. Sessions of the HDIM are also devoted to forward-looking discussions with a view to refining and further developing OSCE commitments.

The agenda for the 2017 Human Dimension Implementation Meeting was adopted on 20 July 2017 by the Permanent Council's Decision 1265. The meeting in Warsaw will provide a forum to discuss a wide range of commitments, including this year's three specifically selected topics.

1. Ensuring equal enjoyment of rights and equal participation in political and public life;
2. Tolerance and non-discrimination;
3. Economic, social and cultural rights as an answer to rising inequalities.

This annotated agenda is intended to provide participants with guidelines to prepare for active and constructive participation in the meeting's working sessions.

Information on the modalities for conducting discussions at the HDIM is provided in the meeting manual and online at [http://www.osce.org/odihr/hdim\\_2017](http://www.osce.org/odihr/hdim_2017). Consolidated summaries of previous meetings, including recommendations from participants, are available at <http://www.osce.org/odihr/44078>.

The HDIM factsheet can be accessed at <http://www.osce.org/odihr/20680>.

## MONDAY, 11 SEPTEMBER 2017

### OPENING PLENARY SESSION

10 a.m.–1 p.m.

In accordance with PC.DEC/476, the opening Plenary Session will, as a rule, be addressed by the Chairperson-in-Office, a high representative of the host country, the Director of the ODIHR, the HCNM and the RFOM. The President of the OSCE Parliamentary Assembly will be invited to address this Plenary Session. Prominent international personalities in the field of the human dimension may also be invited to address the opening Plenary Session.

### WORKING SESSION 1:

3–6 p.m.

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

In accordance with his mandate, the OSCE Representative on Freedom of the Media will report to the Meeting on the status of the implementation of OSCE principles and commitments in respect of freedom of expression and freedom of the media in the participating States.

The session will focus on the current situation of media freedom and freedom of expression across the OSCE region, raising attention to the main threats to freedom of expression and freedom of the media. The meeting will also discuss ways to increase safety of journalists, including by identifying better and quicker ways to implement the related OSCE commitments that the participating States adopted between 1975 and today.

The introducer of the session, the Representative on Freedom of the Media is mandated to observe media developments in the OSCE participating States and to advocate and promote full compliance with related commitments. The attention to the topic of the session is also promoted by other OSCE structures such as the OSCE Secretariat, OSCE field offices, as well as the Office for Democratic Institutions and Human Rights and the High Commissioner on National Minorities, as well as being a priority for the Austrian Chairmanship.

This year, similarly to previous years, the OSCE Chairmanship, a role fulfilled this year by Austria, has kept the protection of freedom of expression and media freedom high on the agenda of the organization. On 27 February, the Chairmanship held a high-level conference in Vienna on media freedom in the Western Balkans, concluding with a set of recommendations on the need to ensure safety of journalists and promote media ethics in order to better protect media freedom.

Continued efforts to raise attention to the dire state of media freedom and to the responsibilities of governments remain timely and much needed: in most areas of the OSCE, the circumstances under which journalists work have not improved in the last years, and in several instances they have continued to deteriorate. Journalists continue to face violent attacks for their work. This year, five journalists in the OSCE region lost their lives. Impunity of perpetrators and masterminds of attacks against journalists has remained widespread. In the last twelve months there have been hundreds of criminal investigations launched against journalists and around

150 detained for long periods without indictment. All of this constitutes a previously unseen level of intimidation by authorities on dissenting or critical voices. At the same time issues such as implementation of restrictive laws by the authorities, as well as the continued spread of propaganda for war and hatred, disinformation and fake news have persisted.

The session on freedom of the media this year will tackle, among others, the following topics: the current situation of freedom of expression, freedom of the media and media pluralism in the OSCE region; the role of the authorities in ensuring safe and free working conditions for journalists; the continued need to fight propaganda for war and hatred, fake news and hate speech; and a discussion on existing good practices to protect journalists and strengthen freedom of expression and media freedom.

Besides welcoming the representatives of participating States, the session will provide an important forum for interventions by other international organizations, human rights and media NGOs, media lawyers and journalists from the entire OSCE region.

Questions that could be addressed:

- What is the current state of freedom of expression and media freedom in the OSCE region?
- What is the role of governments, intergovernmental organizations, non-governmental organizations and journalists' associations in supporting safety of journalists as well as pluralism and independence of the media?
- How can participating States better ensure that the media can work freely and independently, and under safe working conditions?
- What is required by the authorities in order to become more effective in ending impunity of masterminds and perpetrators of crimes committed against journalists?
- What measures exist to deal with propaganda for war and hatred, and what should the authorities do to implement them in a way that also strengthens the right to free speech?
- How can participating States improve their efforts to strengthen media pluralism as well as media and digital literacy in order to combat hate speech and the dissemination of fake news, disinformation and propaganda?
- What is the role of civil society and journalists in advancing media freedom, as well as quality journalism?

**TUESDAY, 12 SEPTEMBER 2017**

**WORKING SESSION 2**

**10 a.m. – 1 p.m.**

**Fundamental freedoms I (continued), including:**

- **Freedom of peaceful assembly and association**
- **National human rights institutions and the role of civil society in the protection of human rights**

**Freedom of peaceful assembly and association**

The rights to freedoms of peaceful assembly and of association are fundamental elements of any vibrant, pluralistic and participatory democracy and underpin the exercise of other civil and political rights. These rights are expressly recognized in major international human rights

instruments<sup>1</sup> and OSCE human dimension commitments. In the 1990 Copenhagen Document, the OSCE participating States specifically committed “*to ensure that individuals are permitted to exercise the right to association, including the right to form, join and participate effectively in non-governmental organizations which seek the promotion and protection of human rights and fundamental freedoms*”. OSCE participating States also reaffirmed that “*everyone will have the right of peaceful assembly and demonstration. Any restrictions which may be placed on the exercise of these rights will be prescribed by law and consistent with international standards.*”

While OSCE commitments on these rights continue to attest to the fact that participating States generally agree on their importance, opinions differ as to when restrictions to these rights are justifiable. There is a renewed trend in the OSCE region of curtailing the freedoms of peaceful assembly and association. Justifications used for such restrictions include the fight against terrorism and extremism, the need to enhance transparency and combat corruption or the necessity to protect the morals of the population, by virtue of restrictive legislation and practices. Demonstrations are banned or dissolved (at times violently); selected associations and NGOs are subjected to onerous administrative procedures and requirements, or dissolved under the pretext of public order or national security considerations or due to minor breaches of legislation. Certain legislative amendments introduce new obligations, controls and/or limitations on NGOs receiving funding, particularly foreign funding. Associations and their members, but also participants in peaceful assemblies, face threats, attacks, judicial harassment and sometimes even criminal liability with respect to their actions, despite having engaged in objectively legitimate activities. Legislation initially intended to counter terrorism and extremism is used to target dissenting and critical voices. In some participating States independent monitoring of public assemblies is not facilitated and the observers become targets of arrests. In a number of States, laws and practices tend to discriminate against and exclude certain groups from exercising or seeking to exercise their rights to freedom of peaceful assembly and association.

Rather than restrict such important human rights and freedoms, laws and practice should, in principle, have the purpose of facilitating the exercise of the rights to freedoms of peaceful assembly and association. Peaceful protests often play an important role in expressing public concerns and reducing the risk that conflicts escalate into violence, and often spur dialogue with authorities in the future. The same applies regarding associations and their founders/members pursuing objectives or conducting activities that are not always congruent with the opinions and beliefs of the majority or run counter to them. The approach that authorities take when regulating peaceful assemblies and associations is a litmus test for their overall respect of human rights and democratic values.

## **National human rights institutions and the role of civil society in the protection of human rights**

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<sup>1</sup> See e.g. the Universal Declaration of Human Rights, Article 20 (freedom of peaceful assembly and association); International Covenant on Civil and Political Rights, Article 21 (freedom of assembly) and Article 22 (freedom of association); the European Convention on Human Rights and Fundamental Freedoms, Article 11 (freedom of assembly and association), the American Convention on Human Rights, Article 15 (right of assembly) and Article 16 (freedom of association), the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, adopted unanimously by the United Nations General Assembly (A/RES/53/144), Article 5.

The link between the realization of human rights and ensuring peace and stability is at the core of the OSCE concept of security. In 1994 the OSCE participating States recognized the vital role of human rights defenders in the protection of human rights.<sup>2</sup>

The work of human rights defenders channels public discussions and raises important issues pertaining to rights and other issues of public interest. The realization of civil and political rights strengthens democracy, while the realization of social and cultural rights ensures that societies are fairer and more cohesive. In conflict and state of emergency settings freedom of expression, association and assembly are even more needed to ensure the respect of human rights. In these circumstances, human rights defenders have an important role to play as facilitators of conflict reduction and resolution through the gathering and dissemination of non-partisan information.

It is through the work of human rights defenders, whether quality human rights monitoring or advocacy efforts, that State authorities obtain a clearer and more realistic picture of how citizens are able to exercise the rights and fundamental freedoms enshrined in international treaties and national legal framework. This clear and realistic assessment allows State institutions to review and assess how laws, policies and practices are perceived by citizens, and whether further improvement and reform is needed to achieve a greater degree of prosperity and social cohesion.

In spite of their important contribution, human rights defenders are often subjected to smear campaigns, intimidation, harassment, as well as criminalization and arrest. In some States, the freedoms of assembly, association and expression, as well as the freedom of thought, conscience, religion or belief are sacrificed in the name of security concerns.

Since the primary responsibility for the protection of human rights defenders lays with Governments, as set out in the UN Declaration on Human Rights Defenders<sup>3</sup>, national and international protections mechanisms, proportionate to the level of threat faced by human rights defenders on account of their activities to defend human rights and equality under the law, need to be adopted.

This need also underscores the necessity for National Human Rights Institutions (NHRIs) to increase their co-operation with human rights defenders and civil society in order to fulfil their mandate and protect and promote human rights. The OSCE participating States acknowledge that NHRIs are an essential part of the national human rights infrastructure and pledged in Copenhagen in 1990 to “... *facilitate the establishment and strengthening of independent national institutions in the area of human rights and the rule of law...*”. In recent years ODIHR has also seen worrying trends. In polarized societies, the mandate and message of NHRIs are under growing pressure. The work of NHRIs is being limited by, among other things, political interference and lack of adequate funding, impacting on their independence, credibility and ability to address the challenges outlined above.

This session will provide participants an opportunity to reflect on the implementation of OSCE commitments on upholding the freedoms of peaceful assembly and association, and commitments related to the situation of human rights defenders and the role of national human rights institutions by highlighting good practices and lessons learned. Based on challenges

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<sup>2</sup> *Helsinki 1975*: “The participating States recognize the universal significance of human rights and fundamental freedoms [...]. They confirm the right of the individual to know and act upon his rights and duties in this field. [...] They confirm that [...] organizations and persons have a relevant and positive role to play in contributing toward the achievement of these aims of their cooperation.” See also, Copenhagen Document, 1990; Budapest Document, 1994.

<sup>3</sup> <http://www.ohchr.org/Documents/Issues/Defenders/Declaration/declaration.pdf>

identified, this session will also provide the opportunity to participants to discuss the way forward to address the challenges and how ODIHR can assist participating States in this regard.

Questions that could be addressed:

- How can the full enjoyment of the rights to freedoms of peaceful assembly and association be more effectively facilitated by participating States, including by ensuring the right to an effective remedy and accountability for undue State interferences? What are some good practices?
- How can participating States create an enabling environment for independent monitoring of the enjoyment of the freedoms of peaceful assembly and association and facilitate the work of monitors?
- What can be done to foster effective co-operation and dialogue between civil society and participating States? What good practices are available both in terms of legislative and regulatory frameworks and implementation practices?
- What are the main positive trends and challenges of the implementation of OSCE commitments and other international obligations on the protection of human rights defenders?
- What are the good practices related to interactions and co-operation between State authorities and human rights defenders?
- How can NHRIs engage effectively with civil society organizations and human rights defenders to promote and protect human rights?

**WORKING SESSION 3**

**3–6 p.m.**

**Democratic institutions, including:**

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

**Democracy at the national, regional and local levels**

In the 1990 Charter of Paris, OSCE participating States committed “*to build, consolidate and strengthen democracy as the only system of government of our nations*”. Bringing governance closer to the citizen – at the lowest possible level, through decentralization and “subsidiarity” – has been recognized as a key element in fostering democracy. An increased political participation of under-represented groups (women<sup>4</sup>, youth<sup>5</sup>, persons with disabilities<sup>6</sup> and minorities<sup>7</sup>) in political life also leads to a more inclusive and democratic society. In the 1991 Moscow Document, OSCE participating States “*again reaffirm that pluralism is important in regard to political organizations*”.

OSCE participating States recognize that democracy at all levels of government is predicated on political pluralism and a multi-party system. The 1990 Copenhagen Document also stressed the importance of a separation between the state and political parties, as well as “*the right of individuals and groups to establish, in full freedom, their own political parties or other political organizations*”. One of the OSCE’s objectives is to support participating States in creating a regulatory environment in which political parties can effectively perform their essential democratic functions.

<sup>4</sup> Athens Decision 7/09

<sup>5</sup> Maastricht, 2003

<sup>6</sup> Moscow 1991

<sup>7</sup> Copenhagen 1990; Geneva 1991

Transparency and accountability of political parties are crucial for public trust and legitimacy. During the last decade trust among the general public towards democratic institutions appears to be on the decline. Breaches of public trust by politicians and public office holders are a persistent challenge to the legitimacy of democratic institutions and processes across the OSCE region. This trend represents a concrete risk for any democratic and economic system, and threatens the weakening of political decision-making processes. In connection, public corruption still represents a real problem in the OSCE region.

Good governance, particularly in national representative bodies such as parliaments, is fundamental to the healthy functioning of democracy. Public accountability and the political credibility of parliaments are cornerstones of a representative democracy. In this regard, a worrying trend can be identified across the OSCE region which is attempting to substantially alter the balance of democratic powers, to ultimately favor the establishment of a stronger executive power. Often feeding on the growing distrust in democratic institutions, the promise for a stronger executive poses nonetheless a series of threats to democratic systems of OSCE participating States. At the same time, a stronger executive power seems to be accompanied by a dangerous tendency towards legislative nationalism, with cases and attempts in recent times in the OSCE region to introduce laws which risk contravening international standards.

### **Democratic elections**

OSCE participating States have committed themselves to upholding key principles of democratic elections as an essential element underpinning genuine democracy. The significance of democratic elections is explicitly recognized in OSCE commitments, in particular the 1990 OSCE Copenhagen Document and all other OSCE commitments reaffirmed in the 2010 Astana Commemorative Declaration, and other international obligations and standards for democratic elections and through ODIHR's mandate to support OSCE participating States to implement their election-related commitments by undertaking election observation.

ODIHR's well-established and comprehensive election observation reveals a range of practices in electoral processes across the OSCE region. Positive aspects include strengthened legal frameworks, greater attention to the issue of inclusion, and increased awareness of the importance of facilitating electoral participation of persons with disabilities. These are offset by a number of remaining challenges with the implementation of election-related commitments. Particular concern continues in relation to limitations placed on suffrage rights, the freedom of expression and the media environment, a lack of confidence in and impartiality of election administration bodies, and a shrinking space for election observers, both citizen and international.

OSCE participating States increasingly recognize that election observation is not an end in itself. Its inherent benefit is only realized to the degree that ODIHR's assessments and recommendations to improve the conduct of an electoral process are given sufficient consideration and effectively addressed. At the 1999 Istanbul Summit, participating States committed to *"follow up promptly the ODIHR's election assessment and recommendations"* and recognized *"the assistance the ODIHR can provide to participating State[s] in developing and implementing electoral legislation"*. This commitment has since been reiterated by participating States, providing ODIHR with the opportunity to respond to requests for post-election dialogue, including presentations and discussions of recommendations, expert consultations and legal reviews of election-related legislation.

This session will provide an opportunity for participating States to take stock of progress in the implementation of OSCE commitments on democratic governance, political participation and

political pluralism. It will also offer an opportunity to review electoral practices in OSCE participating States in compliance with OSCE commitments and international obligations and standards and the implementation of ODIHR's recommendations as part of the follow-up process with participating States.

Questions that could be addressed:

- How can legislation and regulations on political parties enhance political pluralism and participation? How can legislative bodies be better safeguarded in the effort to strengthen the democratic balance of power?
- How can think tanks and civil society support democratic processes, and increase the accountability and transparency in public affairs? How can participating States support such civil society political activism?
- How can the OSCE and particularly its institutions and field operations support participating States in ensuring greater political pluralism and participation?
- What are some of the examples of established and evolving good electoral practice concerning suffrage rights, specifically with regard to facilitation of electoral participation of disadvantaged groups, such as persons with disabilities?
- What particular challenges do participating States face in meeting their commitments related to ensuring a free campaign environment? How can they be overcome?
- What are the challenges to ensuring full compliance with OSCE commitments concerning citizen and international election observation?
- What can be done to further enhance the effectiveness of follow-up by OSCE participating States to ODIHR's assessments and recommendations?

**WEDNESDAY, 13 SEPTEMBER 2017**

**WORKING SESSION 4**

**10 a.m.–1 p.m.**

**Specifically selected topic: Ensuring equal enjoyment of rights and equal participation in political and public life**

The full participation in political and public life of all groups in society remains a necessary value and condition for any pluralistic and inclusive democratic system. As agreed in the Maastricht Declaration 2003, OSCE participating States strive “*to promote conditions throughout its region in which all can fully enjoy their human rights and fundamental freedoms*”, including “*secure environments and institutions for peaceful debate and expression of interests by all individuals and groups of society*”.

Equal participation in political and public life is intrinsically linked to the rights to freedom of association, peaceful assembly, opinion and expression. Furthermore, the rights to education and access to information are among the essential prerequisites for full, effective and equal participation in political and public life. The necessity for equal and vibrant forms of participation appears even more important at a time when frustration and low levels of trust in political institutions and their representatives appear to have created a growing gap between governments and the people they represent.

In order to face these challenges and strive to rebuild confidence in democratic structures and processes, it is important to recognize the fundamental changes and new ways in which people engage, create communities of interest and express opinions, redefining the relationship between the individual and the State in the twenty-first century.



To achieve this goal, OSCE participating States should encourage the creation of links between old participation mechanisms and the new spaces and forms of engagement in political and public life which are emerging across the OSCE region. In this regard, the recognition of technology, when accessible to all, as an enabler to allow for more equal participation and civic engagement needs to play an important role alongside traditional forms of engagement.

OSCE participating States should also create an enabling environment for the exercise of other rights, including the rights to freedoms of association and peaceful assembly, of expression and access to information, in the spirit of the 1989 Vienna and 1990 Copenhagen Documents, to facilitate pluralistic debates fostering inclusive and effective participation in political and public affairs.

Democratic governance both requires and relies on meaningful and inclusive democratic participation and respect for fundamental freedoms and human rights, without discrimination. This session will provide an opportunity for participating States to assess the implementation of OSCE commitments on equal enjoyment of human rights and fundamental freedoms, in particular the right to participation in political and public life, with the understanding that greater equality ultimately leads to a more inclusive and secure society.

Questions that could be addressed:

- How can OSCE participating States ensure equal participation in political and public life through the respect for and full exercise of the rights to freedoms of association, peaceful assembly, opinion and expression, including the rights to education and access to information?
- How is the notion of participation in political and public life changing in the twenty-first century, and what implications does this pose for democratic societies?
- What role can new technologies have in ensuring a more equal participation in political and public life by excluded and marginalized groups in our societies, such as Roma and Sinti, or persons with disabilities?

**WORKING SESSION 5**

**3-6 p.m.**

**Specifically selected topic: Ensuring equal enjoyment of rights and equal participation in political and public life (continued)**

OSCE Human Dimension commitments affirm that “*democracy is the best safeguard of freedom of expression, tolerance of all groups of society, and equality of opportunity for each person*” (1990 Charter of Paris). The importance of public participation is emphasized in the Helsinki Document of 2008, which recognizes that “*human rights are best respected in democratic societies, where decisions are taken with maximum transparency and broad participation.*”

Public participation and inclusiveness are cornerstones of democracy and form basic good governance principles. The engagement of diverse groups in political processes generates an increased trust in governmental entities and a greater legitimacy of their decisions. To ensure that public involvement is effective, governmental entities need to take steps to reach out to citizens, establish mechanisms and provide support for their participation. For some groups, additional efforts may be required, given their traditional under-representation in public offices and political life, and other challenges to their participation.

The OSCE human dimension commitments acknowledge the need for additional efforts to increase the participation of women, youth, persons with disabilities and Roma and Sinti in political and public life. The 2009 OSCE Athens Ministerial Decision and 2007 Madrid Ministerial Decision called on participating States to support and promote the participation of women and youth in democratic processes.<sup>8</sup> Similarly, in the 1991 Moscow Document OSCE participating States agreed to take steps to ensure the equal opportunity of persons with disabilities to participate fully in the life of their society and to promote the appropriate participation of such persons in decision-making in fields concerning them. When it comes to Roma and Sinti, the Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area<sup>9</sup> calls on the participating States to proactively ensure effective participation of Roma and Sinti in public and political life,<sup>10</sup> reaffirmed with the Ministerial Council Decision No. 6/08 on “Enhancing OSCE efforts to implement the Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area.”<sup>11</sup> The Ministerial Council Decision No. 4/2013 on “Enhancing OSCE efforts to implement the Action Plan on Improving the Situation of Roma within the OSCE Area, with a particular focus on Roma and Sinti women, youth and children”<sup>12</sup> brought forth commitments to foster the participation of Roma and Sinti,<sup>13</sup> to take active measures to promote “*the effective and equal participation of Roma and Sinti women in public and political life.*”<sup>14</sup>

Demographic data reveals that under-represented groups in fact account for a large percentage of the global population: for example, women make up about 50 percent of the population, yet only 27.5 percent of parliamentarians in the OSCE region.<sup>15</sup> Persons with disabilities account for approximately one billion individuals worldwide; and age disaggregation of the global population indicates that those under 30-years old are the largest youth population the world has ever recorded. Historically these significant parts of society (particularly persons with disabilities) have not been seen as active members of their communities, capable of fully and equally contributing to society and representing their own interests. As a consequence, the available data suggests, the representation of persons with disabilities in political and public life remains noticeably low across the OSCE region. Social research also indicates that young people are beginning to “opt-out” of the democratic system at an alarming rate due to unresponsive/inaccessible institutions.<sup>16</sup> Proportionate participation of Roma and Sinti in democratic processes is hindered by a series of obstacles, ranging from direct pressure to “controlled voting”, vote-buying, illiteracy and lack of voter education, lack of opportunity to run for elected office for Roma and Sinti candidates, lack of registration documents, family

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<sup>8</sup> OSCE Athens Ministerial Decision No. 7/09, calls on OSCE participating States to “*consider possible legislative measures, which would facilitate a more balanced participation of women and men in political and public life and especially in decision-making.*” Additionally, the OSCE Madrid Ministerial Decision No. 10/07 acknowledges “*the important role youth can play in fostering mutual respect and understanding [...] contributing to the promotion of democracy, human rights and fundamental freedoms.*”

<sup>9</sup> OSCE Ministerial Council, Decision No. 3/03, “Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area”, Maastricht, 1 and 2 December 2003, available at: < <http://www.osce.org/odihr/17554> >.

<sup>10</sup> Ibid., Paragraph 88.

<sup>11</sup> OSCE Ministerial Council, Decision No. 6/08, “Enhancing OSCE efforts to implement the Action Plan on Improving the Situation of Roma within the OSCE Area”, Helsinki, 5 December 2008, Paragraph 7, available at: < <http://www.osce.org/mc/35488> >.

<sup>12</sup> OSCE Ministerial Council, Decision No. 4/13, “Enhancing OSCE efforts to implement the Action Plan on Improving the Situation of Roma within the OSCE Area, with a particular focus on Roma and Sinti women, youth and children”, Kyiv, 6 December 2013, available at: < <http://www.osce.org/mc/109340> >.

<sup>13</sup> Ibid., Article 2, Paragraph 2.7.

<sup>14</sup> Ibid., Article 4, Paragraph 4.2.

<sup>15</sup> IPU [Women in National Parliaments](#), data as of 1 July 2017.

<sup>16</sup> Findings from the [EU 2012 Youth Report](#) show that roughly 25% of young people between 15-29 years are “interested” in politics, and political party membership amongst youth in Europe is around 2%.

voting, and legal and administrative barriers.<sup>17</sup> In particular, reports note that Roma and Sinti women are under-represented in politics in the OSCE region.<sup>18</sup>

The inclusion of specific groups in decision-making processes allows them to more effectively exercise and protect other rights. It is thus an important precondition for ensuring the equal rights of all members of society and their full social inclusion. This session will discuss the importance of equal public participation, with a special focus on different under-represented groups, such as women, youth, Roma and Sinti and persons with disabilities. It will aim to identify the challenges faced by these groups and specific measures which can effectively promote equal public participation.

Questions that could be addressed:

- What are the underlying challenges that women, youth, Roma and Sinti and persons with disabilities face with respect to effective public participation?
- What measures and initiatives can OSCE participating States implement to promote equal participation of under-represented groups?
- What are the lessons learned from taking action to promote the public participation of under-represented groups in the OSCE region? What positive practices can be identified?

## THURSDAY, 14 SEPTEMBER 2017

### WORKING SESSION 6

10 a.m.–1 p.m.

#### **Fundamental freedoms II, including:**

- **Freedom of thought, conscience, religion, or belief**

### **Freedom of thought, conscience, religion or belief**

*Freedom of religion or belief and the equality of men and women – towards a more holistic understanding*

Freedom of religion or belief (FoRB) and the equality of men and women belong to the same, indivisible human rights framework and are recognized as intrinsic to the OSCE's comprehensive concept of security.<sup>19</sup> The 1999 Charter for European Security declares that “*The full and equal exercise of (...) human rights is essential to achieve a more peaceful, prosperous*

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<sup>17</sup> The issues highlighted are confirmed in whole or in part by the OSCE/ODIHR Election Observation Mission, Election Assessment Mission, Election Needs Assessment Mission reports and the International Election Observation statements for: Ukraine (2010, 2012, 2014), Republic of Hungary (2010, 2014), Czech Republic (2010, 2013), Georgia (2010), Slovak Republic (2010), Bosnia and Herzegovina (2010), Republic of Moldova (2010, 2011), Ireland (2011), Republic of Finland (2011), Republic of Albania (2011, 2013), The Former Yugoslav Republic of Macedonia (2011, 2013, 2014), Republic of Turkey (2011), Republic of Bulgaria (2011, 2013, 2014), Spain (2011), Croatia (2011), Slovak Republic (2012), Greece (2012), Republic of Serbia (2012), Romania (2012). For more information, the reports and statements are available at: < <http://www.osce.org/odihr/elections> >.

<sup>18</sup> Status Report 2008, *op. cit.*, note 15, and Status Report 2013, *op. cit.* note 15.

<sup>19</sup> Relevant OSCE commitments in the sphere of FoRB include the 1975 Helsinki Final Act, the 1989 Concluding Document of the Vienna Meeting, the 1990 Document of the Copenhagen Meeting, the 1990 Charter of Paris for a New Europe, the 1994 Budapest Document, the 1999 Charter for European Security, and Ministerial Council Decisions or Declarations adopted in Porto (MC(10).DEC/6), Maastricht (MC.DEC/4/03), Sofia (MC.DEC/12/04), Ljubljana (MC.DEC/10/05), Brussels (MC.DEC/13/06), Madrid (MC.DEC/10/07), Helsinki (MC.DEC.6/08), Athens (MC.DEC/8/09 and MC.DEC/9/09), Astana (SUM.DOC/1/10), and Kyiv (MC.DEC/3/13).

and democratic OSCE area” and a number of OSCE Ministerial Council decisions on gender equality have further elaborated on this.<sup>20</sup>

Rather than stressing their positive interrelatedness and complex interplay as rights that can be advanced together, FoRB and gender equality are often regarded in the OSCE region as being in opposition to one another in light of the complicated human rights concerns arising in the intersection between them, with their differing impact on men, women, boys and girls.

This view has a number of consequences, including serious protection gaps with the result that efforts to identify and create possible synergies between these two human rights remain underexplored. Further, this narrow understanding of the relationship between FoRB and gender equality fails to do justice to the life situation of many millions of individuals whose specific needs, wishes, experiences and vulnerabilities fall into the intersection of both human rights.

Given that men and women can be affected differently by violations of FoRB, and women belonging to certain religious communities may be particularly vulnerable to discrimination, intolerance and gender-based violence on the basis of FoRB, gender analysis and gender-sensitive approaches to promoting FoRB should be integrated into both tools for analysis and assessment as well as resultant strategies. This is in keeping with the 2004 OSCE Action Plan for the Promotion of Gender Equality which calls for mainstreaming gender into programmes and projects with the goal of achieving gender equality.

In light of these challenges, this session will discuss the assumptions that underlie current approaches to the relationship between these two universal human rights, identify the possibilities for developing positive synergies between them and present examples of good practice in this regard.

Questions that could be addressed:

- What are the antagonistic constructions of the relationship between FoRB and equality between men and women based on? What are the assumptions underlying this notion?
- On what basis can a holistic understanding of the complex interplay between these human rights be upheld even in complicated situations? What role can FoRB play in this regard?
- How can dialogue on FoRB and gender highlight how religious doctrine can be applied to fully reflect the principle of gender equality?
- How can FoRB provide the normative basis for the empowerment of women in religious or belief communities?
- How can we search for practical synergies in this area?
- How to systematically address the human rights concerns of persons whose specific problems, challenges, issues and vulnerabilities fall in the intersection of these two human rights norms?
- What examples in the OSCE region are there of integrating a gender perspective into programmes designed for protecting and promoting FoRB for all?

**WORKING SESSION 7**

**3-6 p.m.**

<sup>20</sup> See Decision on women in conflict prevention, crisis management and post-conflict rehabilitation (MC.DEC/14/05), the Decision on preventing and combating violence against women (MC.DEC/15/05), the Decision on women’s participation in political and public life (MC.DEC/07/09), and the Decision on promoting equal opportunity for women in the economic sphere (MC.DEC/10/11).

**Tolerance and non-discrimination I, including:**

- **Combating racism, xenophobia, and discrimination**
- **Combating anti-Semitism and intolerance and discrimination against Christians, Muslims and members of other religions**
- **Prevention and responses to hate crimes in the OSCE area**

With the Copenhagen Document of 1990, OSCE participating States committed to a comprehensive framework for combatting racism, xenophobia and discrimination and the promotion of tolerance. These commitments were strengthened in subsequent OSCE Ministerial Council Decisions, such as those adopted at Porto (2002), Maastricht (2003), Sofia (2004), Ljubljana (2005), Brussels (2006), Madrid (2007) and Athens (2009). Ministerial Council Decision No. 3/2013, as well as the 2014 Basel Declaration, reiterated the obligation of the participating States to aim to prevent intolerance, violence and discrimination on the basis of religion or belief, including against Christians, Jews, Muslims and members of other religions, as well as against non-believers, condemn violence and discrimination on religious grounds and endeavour to prevent and protect against attacks directed at persons or groups based on thought, conscience, religion or belief.

Despite these long-standing commitments, racism, xenophobia, anti-Semitism and intolerance against Muslims, Christians and members of other religions, as well as challenges related to discriminatory practices in public and private sectors of society, continue to be a concern across the OSCE region. Discrimination in vital areas of life, such as employment, education, and housing, remain a reality for many members of different religious, ethnic or other groups. Often such practices are institutional and systemic, which makes them more difficult to address and dismantle. Some minority communities are disproportionately targeted by security policies that include racial and ethnic profiling while others find already tense relations between communities and states compounded by perceived discrimination in state registration procedures. Information gathered by ODIHR through a series of workshops and focus groups indicate that these experiences can be differentiated by gender. Women are disproportionately targets of multiple discrimination. This fact often influences their daily activities, choices and lives as they are forced to make adjustments in order to survive. Insults, threats, hate speech and hate crimes leave members of different groups feeling that they cannot freely practice their religion or express their identity.

Such manifestations of intolerance threaten both the security of individuals and societal cohesion. Discrimination and intolerant discourse often escalate into violence and wider scale conflict. Evidence gathered during the compilation of ODIHR's annual hate crime data indicates that violent acts against particular groups and communities continue to be a concern in the OSCE region. Over the past few years, there have been a number of violent and lethal attacks against Jews and Jewish institutions or entities. Jewish schools, places of worship and community centres are in need of protection in many OSCE participating States. Anti-Semitic expressions, insults and threats, often drawing on imagery of or denying the Holocaust, are circulated online. Muslim communities often experience significant rates of institutionalized discrimination in employment, housing and other vital areas. Hate crimes and incidents (including racial profiling) against Muslims is also a concern. A particular worry in this regard are verbal and physical assaults Muslim women face, forcing many to take evasive action such as staying at home or conducting daily activities accompanied by male members of their family or community for security. Physical and verbal assaults targeting Christians and the desecration of Christian sites and monuments are often not reported to the police or other relevant authorities. In some instances, perceived discrimination in state registration procedures compounds already tense relations between Christian communities and state regulatory

agencies. Additionally, numerous assaults, both physical and verbal, against people of African descent, immigrants, refugees and asylum seekers can be seen across the OSCE region. These attacks are exacerbated by public figures seeking to enflame populist sentiment.

Participating States, through their relevant ministries, equality bodies and law enforcement agencies and together with relevant stakeholders like academia, civil society organizations and religious or belief communities have been actively working to promote equality and non-discrimination. The aim of this session is to review the implementation of OSCE commitments related to a comprehensive approach to discrimination and hate crimes that includes the prevention of discrimination by examining challenges, good practices and lessons learned in this area. The session will also discuss the ability of participating States to recognize victims of discrimination and hate crimes, acknowledge their experience, identify their needs and protect their rights. Existing national frameworks for supporting the victims of discrimination and hate crimes will be examined to identify practical steps that can be taken to meet victims' needs.

Questions that could be addressed:

- What policies, strategies and programmes have been developed and implemented by participating States to address anti-Semitism and intolerance and discrimination against Christians, Muslims and members of other religions?
- What progress has been made by participating States in strengthening and implementing robust data-collection mechanisms to address hate crime and implementing good practices such as the disaggregation of data by gender and bias motivation? What are the barriers participating States face in this area? How can these be overcome?
- Are participating States using victimization surveys to identify discriminatory practices?
- How can tolerance and mutual understanding be promoted and conducted in an inclusive manner which values the full diversity of national, ethnic, cultural, religious or belief communities as well as non-believers, ensures equal participation of women, and more fully involves young people?
- How can ODIHR and other OSCE institutions better support OSCE participating States in meeting their commitments against racism, xenophobia, hate crimes and discrimination?
- How are participating States ensuring the implementation of OSCE Ministerial Decisions related to preventing and responding to hate crimes and discrimination and to countering racism and xenophobia?

**FRIDAY, 15 SEPTEMBER 2017**

**WORKING SESSION 8**

**10 a.m. – 1 p.m.**

**Specifically selected topic: Tolerance and non-discrimination**

In recent years, serious discrimination has continued across the OSCE region, manifesting itself, inter alia, through hate crimes and other acts of intolerance targeting religious and racial minorities, migrants, LGBT people, Roma and Sinti, people with disabilities and other vulnerable groups. A particular concern is the lack of proper engagement by key institutions with civil society. Numerous events organized in the margins of human dimension meetings have highlighted the need for broad, inclusive and diverse civil society coalitions that support governments in their efforts to respond to and prevent hate crime and discrimination in all forms. Furthermore, OSCE participating States have agreed on developing a comprehensive approach to preventing and responding to hate crimes and discrimination and supporting civil

society in several OSCE Ministerial Council Decisions (MC Decision Nos. 13/2006, 10/2007, 9/2009, 3/2013), as well as its 2014 Basel Declaration.

Notwithstanding these commitments, it appears that government responses to bias-motivated violence, intolerance and discrimination have been inadequate. Since 2008, ODIHR has annually collected and published statistics and information on hate crimes from OSCE participating States. The continued existence of gaps in reported official data indicates that under-recording and under-reporting of hate crimes is prevalent throughout the OSCE region. Meanwhile, information submitted by civil society highlights that hate crimes and incidents remain a matter of grave concern. Hate crimes are message crimes – a rejection of the victim's identity which often has a marginalizing effect on entire communities. Many governments have yet to introduce the tools necessary to address this reality.

For this reason, the role of civil society within a comprehensive approach to hate crimes cannot be underestimated. As a key partner in the struggle against intolerance and discrimination, civil society groups and organizations can play an indispensable role in raising awareness and can use a variety of measures, ranging from help lines and victim support, political work and lobbying, monitoring and registration of bias-motivated violence to advocating for more effective responses by the authorities. Enhanced communication and dialogue between participating States and civil society can advance the implementation of commitments and operational follow-up at the national level. On the other hand, the relevant authorities can work with civil society to improve government responses to hate crimes.

Despite the need for this vital contribution, civil society's ability to fulfil its role continues to face challenges. Whether due to the fragmentation of groups working to combat intolerance or increasing levels of distrust between victim communities and law enforcement, civil society often struggles in its common goal to counter hate crimes and other bias-motivated incidents. One of the strongest tactics to overcome these challenges is coalition building.

Dynamic civil societies form the backbone of healthy, stable democracies. Working together in coalitions can allow them to forge new partnerships, increase dialogue and understand issues from different perspectives and, ultimately, expand the scope and impact of their work. Within coalitions, civil society groups and organizations can collaborate closely in developing policies, advocacy strategies and tools to effectively address hate crimes and all other forms of intolerance and discrimination.

Participating States can likewise benefit from civil society coalitions to address bias-motivated incidents. Working together in a coalition, civil society can more effectively coordinate and deliver support services to victims. Through outreach and education, coalitions can bring together communities in dialogue with law enforcement and encourage better reporting of hate crimes. By coming together with a unified voice and a common goal, coalitions present governments the opportunity to focus their responses and realize a greater impact. Coalitions can also more effectively serve as early warning of rising tensions as well as enable proper resource allocation.

The aim of this session is to review the implementation of OSCE commitments related to a comprehensive approach to hate crimes by examining best practices, challenges and lessons learned in building coalitions to work on preventing and combating hate crime. Recognizing that countering hate crimes must be a shared priority, the session will explore how to best establish channels of communication and co-operation between government officials and civil society actors on the issue of bias-motivated violence. The session will also discuss the challenges faced by civil society organizations working to combat hate crimes, examine the key elements of a collaborative and inclusive civil society approach and appraise how such an

approach can help civil society groups and organizations effectively fulfil their activities toward the varied and vulnerable populations they represent whilst also maintaining their independent natures.

Questions that could be addressed:

- How are participating States ensuring the implementation of OSCE Ministerial Decision 9/09 and other decisions related to preventing and responding to hate crimes and discrimination as well as supporting civil society?
- How have authorities engaged with civil society organizations and coalitions to address hate crimes and other manifestations of intolerance, while recognizing civil society's independent role? How can ODIHR and other OSCE institutions better support civil society and participating States as a platform for exchange and capacity building?
- What measures can be taken by governments and civil society to identify and meet the needs of victims of hate crimes in order to avoid secondary victimization and its consequences?
- How can civil society assist participating States in strengthening legislation and data-collection mechanisms to address hate crimes and in identifying and implementing good practices such as the disaggregation of data by gender and bias motivation?
- What are the opportunities and challenges faced by civil society groups when they want to build sustainable and inclusive coalitions to combat hate crimes and other bias-motivated incidents?

**WORKING SESSION 9**

**3-6 p.m.**

**Specifically selected topic: Tolerance and non-discrimination  
(continued)**

In the 1990 Copenhagen Document, OSCE participating States noted the critical role of education to promote tolerance. The 1991 Moscow Document recognized that it is essential that citizens, and especially young people, are educated about human rights and fundamental freedoms. Subsequent decisions have emphasized the need to address prejudice through education in the context of the principles of non-discrimination, equality and respect for human dignity that stand at the heart of human rights.

Education plays an essential role in countering racism, xenophobia, anti-Semitism, aggressive nationalism and other forms of intolerance, including against Muslims, Christians and members of other religions. Human rights education not only transfers knowledge and skills to younger generations but also encourages attitudes and behaviours reflective of the Universal Declaration of Human Rights. By its nature, human rights education holds the key to the enjoyment of all human rights, such as the right to work, to access quality healthcare, to secure adequate housing and the meaningful exercise of civil and political rights. In the 1989 Vienna Concluding Document, participating States committed to “*encourage in schools and other educational institutions consideration of the promotion and protection of human rights and fundamental freedoms*” (13.7) and to “*ensure human rights and fundamental freedoms to everyone within their territory and subject to their jurisdiction, without distinction of any kind such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status*” (13.8).

Contemporary pluralistic societies require development of comprehensive educational measures that promote mutual respect and understanding. Efforts to promote dialogue among diverse individuals, and campaigns to raise awareness about the positive contributions made possible by cultural and religious diversity, can help to enhance and maintain social cohesion and stability. This is particularly true in the light of current challenges many participating States



face in addressing intolerance and xenophobia, hate speech, hate crimes and acts of terror and their aftermath. Tolerance education and awareness raising efforts are useful tools in tackling these phenomena and help to strengthen mutual understanding and respect.

Educational programmes promoting human rights youth education through formal curricula, textbooks and complementary materials, extra-curricular activities, school policies and teacher training programmes play a crucial role to promote respect for diversity.

Considering the related commitments of OSCE participating States and in response to respective tasks, ODIHR has been active in the past in sharing best practices particularly with regard to educational activities to combat anti-Semitism and promote Holocaust remembrance. It has developed guidelines for educators on countering intolerance and discrimination against Muslims and is currently working on the development of educational policy guidelines on combating anti-Semitism. ODIHR has also developed resources to promote systemic and comprehensive human rights education in schools, such as the Guidelines on Human Rights Education for Secondary School Systems, the Compendium of Good Practice in Human Rights Education in the School Systems (developed jointly with UN OHCHR, the Council of Europe, UNESCO and Human Rights Education Associates' (HREA), as well as a tool Curriculum Development and Review for Democratic Citizenship and Human Rights Education (jointly with Council of Europe, UNESCO, and OAS).

This session is designed to discuss how education can support an appreciation for cultural and religious diversity. It will explore measures States have taken to promote mutual respect and understanding and examine initiatives to train teachers to address intolerance and challenge stereotypes through human rights education. This session will analyze effective educational methodologies, teaching materials and extracurricular activities that address intolerance and discrimination. The session will also provide an opportunity to explore how media, the Internet and particularly digital literacy, can promote human rights and tolerance.

Questions that could be addressed:

- How are participating States following up on implementation of OSCE Permanent Council Decisions 607 and 621 on Tolerance and the Fight against Racism, Xenophobia and Discrimination, as well as the other related commitments established in Ministerial Council Decisions since 2003?
- What challenges do participating States face in fulfilling their commitments pertaining to human rights education and education on tolerance and non-discrimination and what responses have they developed to overcome these challenges?
- What good practices have been developed in devising and implementing comprehensive educational strategies to promote human rights, mutual understanding and respect for diversity?
- How can governments build on, strengthen and support the work of civil society in developing and implementing educational measures aimed at promoting human rights, mutual understanding and respect for diversity in formal and non-formal education?
- How can teaching about human rights contribute to improved mutual respect and understanding, and how can teaching about tolerance and non-discrimination contribute to the promotion of human rights and democratic values amongst youth?
- How can OSCE structures provide support to participating States in implementing their commitments in the field of education with a view to promoting mutual understanding, inter-cultural and inter-faith dialogue and respect for diversity?

**MONDAY, 18 SEPTEMBER 2017**

**WORKING SESSION 10**

**10 a.m.–1 p.m.**

**Tolerance and non-discrimination I, including:**

- **Rights of persons belonging to national minorities**
- **Roma and Sinti issues, including implementation of the OSCE Action Plan on Improving the Situation of Roma and Sinti**
- **Preventing aggressive nationalism, racism and chauvinism**

**Rights of persons belonging to national minorities**

OSCE participating States have affirmed that persons belonging to a national minority enjoy the same rights, and have the same duties of citizenship as the rest of the population (Paris, 1990). They also have the right to fully participate in the political, economic, social and cultural life of their countries (Helsinki, 1992). Promoting respect for the human dimension commitments, in addition to participating States' legal obligations, are an important foundation stone in the work of the OSCE High Commissioner on National Minorities (HCNM). The Institution was created in 1992, primarily to reduce the chance of intra-state conflicts which have an international dimension. At the heart of the Institution's work, is the notion that conflict can be prevented by taking early action to address factors increasing ethnic or other national minority related tensions.

Integration of diverse societies is viewed by the HCNM as key to facilitating security and stability both within and among participating States. Supporting the development of an integration process can thus prevent societies from becoming divided along ethnic lines, reducing the threat to the very stability and viability of a multi-ethnic State. In 2012 the HCNM released its *Ljubljana Guidelines on the Integration of Diverse Societies*, which can act as a toolkit for policymakers, and can also serve as a basis for further discussions. Comprehensive integration processes warrant adoption and implementation of holistic frameworks encompassing broad range of policies promoting social cohesion. Since integration is not only an ultimate goal, but a complex, multi-dimensional and ongoing process, its policy instruments should be adequately equipped to respond and address dynamically changing political contexts and new challenges. The process itself is important. It should facilitate effective participation by all members of a society, and foster a shared and inclusive sense of belonging at national and local levels. This means that the involvement of national minority representatives should be more than just formal representation – their views should count, and should actually influence the final policy in a meaningful way, which promotes ownership of both the benefits and responsibilities included within this strategy.

Non-discrimination and effective equality are pre-requisites. These are the foundational rights on which an integration strategy should build. Aside from being contained in the Helsinki Final Act (Principle VII) and covered by numerous international and regional treaties, many are enforceable by process of law. Integration policies should be adequately resourced. Many otherwise laudable integration strategies have effectively been consigned to oblivion through failure to allocate sufficient human and financial capital. Naturally, there are competing demands upon the state purse; however it is beneficial that adopted integration strategies are given proper weighting in this process. A non-budgeted integration strategy is not usually a realistic proposal.

An effective integration strategy might contain specific policy areas where targeted action is assessed as required. Whether that is effective political participation, measures to address social

and economic participation, use of language, protection and promotion culture, or other areas naturally depends upon the issues identified within the participating States. A policy may be generally targeted towards members of the society as a whole (indeed, promoting mutual interaction requires that both members of the majority and members of minorities are included), or worded specifically towards identified issues. It may also include measures aimed at combating discrimination or addressing socio-economic issues for particular groups, for example Roma and Sinti.

The manner in which integration strategies are implemented is also important. The central government should take a coordinating role, however much of the responsibility often ends at local government level. It is also important that the government guarantees participatory implementation, which means that both members of the majority and members of those groups particularly targeted by or benefitting from the measures should be involved in implementation. This ensures that all relevant parties have a stake in the success of the venture.

### **Roma and Sinti issues, including implementation of the OSCE Action Plan on Improving the Situation of Roma and Sinti**

With the adoption of The Action Plan on Improving the Situation of Roma and Sinti within the OSCE Region (Maastricht Ministerial Council Decision No. 3/03) the OSCE participating States committed to overcome the particular socio-economic difficulties and eradicate discrimination faced by Roma and Sinti people. The OSCE Action Plan offered guidelines on national policies and strategies relating to Roma and Sinti and particularly emphasized the need for comprehensiveness of such frameworks, combining human rights with social policies, maximizing Roma and Sinti ownership of the processes, and responding to real problems, needs and priorities of their communities. Policy frameworks should also involve active participation of Roma and Sinti in the elaboration and implementation of these strategies, as well as mainstreaming issues that affect Roma and Sinti women. With regards to thematic fields of special importance, the OSCE Action Plan also expressly emphasized the integration of Roma and Sinti within the areas of economic and social rights and public and political participation.

The commitments addressing the establishment and implementation of policies and programmes relating to Roma and Sinti, including active engagement of Roma and Sinti communities, were further reinforced in 2008 and 2009 (Helsinki Ministerial Council Decision No. 6/08, Athens Ministerial Council Decision No. 8/09), and in 2013 participating States were called to apply “*better monitoring and assessment of the strategies, policies and measures regarding Roma and Sinti integration*” (Kyiv Ministerial Council Decision 4/13). The OSCE Action Plan was a predecessor for and an inspiration to the later strategic documents on the topic, including the national strategic policies within the Decade of Roma Inclusion 2005 – 2015 and the European Union (EU) Framework for National Roma Integration (2011). Nevertheless, while ODIHR’s Status Reports on the implementation of the OSCE Action Plan from 2013 noted that Roma and Sinti policies have become standardized in many OSCE participating States, it also pointed out widening gaps between Roma and Sinti and majority populations, as well as the lack of monitoring and evaluation mechanisms overseeing the measures for the integration of Roma and Sinti.

### **Preventing aggressive nationalism, racism and chauvinism**

In 1993, OSCE participating States noted with concern the growing manifestations of aggressive nationalism as well as racism and chauvinism. Subsequent OSCE Ministerial Council decisions, adopted in 2003 and 2007, reiterated this concern and reaffirmed the commitment to promote tolerance and combat discrimination. Calls for continued efforts by political representatives, including parliamentarians, to strongly reject and condemn manifestations of racism, as well as

violent manifestations of extremism associated with aggressive nationalism and neo-Nazism, while continuing to respect freedom of expression, were also highlighted in 2007. Despite these commitments, the tide of aggressive nationalism and chauvinism has not yet abated, and continues to find new forms. Populist, right-wing extremist ideology is on the rise in many countries, sometimes encouraged by the words of populist electoral candidates and leaders. Hateful rhetoric has the potential to stigmatize certain communities, deepen divisions, and thus polarize societies.

This combined session will focus on the elaboration and implementation of various integration strategies, including those aiming specifically at Roma and Sinti communities within the OSCE area. It will particularly discuss evidence regarding which measures have had a definite positive impact and/or examples of promising practices and if current challenges to peace and security in the OSCE region compel participating States to design, implement or revisit existing integration strategies. It will also raise the issue of participation of minorities and Roma and Sinti communities at all levels of these processes, including the participation of women and youth, and mainstreaming the issues that affect them. Additionally, it should address the issue of preventing aggressive nationalism, racism and chauvinism.

Questions that could be addressed:

- What good experiences can be shared by participating States with regard to implementing and evaluating strategic frameworks and policies for the integration of national minorities and Roma and Sinti?
- Has the impact of integration policies for national minorities and Roma and Sinti been monitored and measured and what are the lessons learned? Is there evidence regarding which measures have had a definite positive impact and/or examples of promising practices? What are the main challenges to implementation of integration policies?
- Do (new) current challenges to peace and security in the OSCE region compel pS to design, implement or revisit existing integration strategies and which new elements (if any) should be introduced into integration policies to effectively address new current challenges to peace and security in the OSCE region?
- Which mechanisms are in place to ensure that minorities, including Roma and Sinti, are consulted regularly on policy development and implementation? Do these processes include consultations with women from national minorities, including Roma and Sinti women, and do they address issues that affect minority women and youth?
- How are participating States ensuring implementation of OSCE commitments on preventing aggressive nationalism, racism and chauvinism?

**WORKING SESSION 11**

**3–6 p.m.**

**Humanitarian issues and other commitments:**

- **Combating trafficking in human beings**
- **Refugees and displaced persons**
- **Persons at risk of displacement**

**Combating trafficking in human beings**

OSCE participating States have committed themselves to promoting a comprehensive human rights-based and victim-centred approach to combating all forms of trafficking in human beings, as reaffirmed by the Vilnius Ministerial Declaration on Combating All Forms of Human Trafficking (MC.DOC/1/11/Corr.1, 7 December 2011), through national, regional and

international arrangements. There exists a fundamental importance of a strong legal framework in all areas of anti-trafficking action – protection, prosecution and prevention. These include effective and inclusive National Referral Mechanisms (NRM), to guarantee protection and provision of legal assistance and access to justice for victims of human trafficking, and to undertake measures to ensure protection of victims' rights, including in the process of return to countries of origin or possible permanent residence.

The importance of establishing an effective NRM has been confirmed by the participating States in numerous OSCE commitments and documents. The OSCE Action Plan to Combat Trafficking in Human Beings recommends to participating States to establish NRMs by creating a co-operative framework within which participating States fulfil their obligations to protect and promote the human rights of the victims of trafficking in human beings in co-ordination and strategic partnership with civil society and other actors working in this field (MC. Dec. No. 2/03, Annex V.3.1). This effort is supported by various studies and publications, including a practical handbook developed by ODIHR in 2004 on National Referral Mechanisms: Joining Efforts to Protect the Rights of Trafficked Persons which is currently in the process of being updated, as well as the 2005 Addendum Addressing Special Needs of Child Victims of Trafficking for Protection and Assistance (PC.DEC/557/Rev.1) and the 2013 Addendum to the OSCE Action Plan to Combat Trafficking in Human Beings: One Decade Later (PC.DEC/1107/Corr.11).

While participating States are called upon to harmonize investigative and prosecutorial efforts with assistance for victims through the establishment of appropriate mechanisms (MC. Dec. No. 2/03, Annex V.3.4), practice shows that legal provisions guaranteeing victims' rights, protection and assistance, including protection for their families, are often lacking. Trafficked persons frequently lack assistance, including legal assistance, to claim their rights and to access available administrative and legal remedies. Victims of trafficking – particularly those who find themselves in situations of additional risk, such as in irregular migration – continue to face legal and practical obstacles that prevent them from accessing justice and effective remedies, including compensation. Participating States are encouraged to reflect upon NRM commitments in light of the activities of inter-ministerial bodies, national co-ordinators, NGOs and other relevant national institutions responsible for developing and monitoring the implementation of anti-trafficking policies (MC. Dec. No. 2/03, Annex V.3.6). These existing frameworks and mechanisms can be strengthened, including through the work of national anti-trafficking co-ordinators, national rapporteurs, or cross-sectoral and multidisciplinary teams (MC. Dec. No. 2/03, Annex V.11.1).

The 4Ps (Prevention, Prosecution, Protection, Partnerships) are an essential element of any national strategy to combat trafficking in human beings. Effective partnerships between law enforcement, governments, and civil society are necessary for a successful prevention strategy across the OSCE region. Robust prevention efforts also include addressing vulnerabilities through rectification of laws, monitoring of supply chains and reduction of demand that fosters all forms of exploitation related to trafficking in human beings.

### **Refugees and displaced persons; persons at risk of displacement**

Displacement is becoming one of the major challenges of our times: more and more people are displaced because of violence and armed conflicts, natural disasters, developmental projects and other factors, all of that often being the result of the failure of governments to protect human rights, ensure equal and just access to resources and secure a clean and sustainable environment. At the same time states are obliged to *“prevent and avoid conditions that might*

lead to displacement of persons”.<sup>21</sup> Governments should take active steps to prevent displacement, whether internal or across international borders, mitigate any possible harm, and effectively address its underlying factors. OSCE participating States recognized that “*the rights of (...) persons at risk of displacement or already affected by it, need to be effectively protected (...)*” (Vilnius Ministerial Council Decision No. 3/11).

As of February 2016, the OSCE region hosted 3.5 million refugees, including nearly 400,000 arrivals in Europe in 2016. Turkey hosts the largest number of refugees in the OSCE region, totalling over three millions. Arrivals following dangerous journeys mostly by sea continue and UNHCR estimates that nearly 181,440 persons arrived in Italy and some 173,450 in Greece in 2016, with more than 5000 people reported dead or missing while crossing the Mediterranean Sea.<sup>22</sup> The number of internally displaced persons (IDPs) in the OSCE region also continues to grow, mostly due to ongoing and protracted conflicts, and was estimated at 3,858,600 million people in January 2016. There are currently twice as many IDPs as refugees in the world.<sup>23</sup> These individuals are highly vulnerable to various forms of exploitation and abuse.

Measures undertaken by governments could include developing national strategies to decrease the risk of displacement, introducing early warning mechanisms and monitoring systems, providing regular assessment of risks and particular vulnerabilities, also jointly with NGOs and NHRIs, and strengthening the legal system in place, based on full respect for international law, including international humanitarian law.

As noted in the joint OSCE – UNHCR “Protection Checklist”, the OSCE as the world’s largest regional security organization has a “genuine interest in ensuring protection of people displaced by armed conflict”.<sup>24</sup> The OSCE concept of comprehensive security that cuts across three dimensions - politico-military, economic and environmental and human - is central to the understanding of the causes and ways to address all types of displacement and provides a solid framework for addressing the problem. Resolving displacement, and preventing further displacement, bears a clear link to conflict resolution. Failure to make progress threatens stability and poses a challenge to peace processes; not addressing concerns of refugees and IDPs poses a risk to social cohesion and stability, which can lead to escalation and security crises.

Participating States recognized the need for international co-operation to deal with mass flows of refugees and displaced persons and to support efforts to ensure their protection and assistance to find durable solutions (Helsinki 1992). While seeking such solutions, participating States should ensure dignified treatment of all individuals wanting to cross borders, in conformity with relevant national legal frameworks, OSCE commitments (Ljubljana 2005), and international law. In particular, participating States have reaffirmed their commitment to respect the right to seek asylum and to ensure the international protection of refugees, as well as to facilitate the voluntary return of refugees and internally displaced persons in dignity and safety (Istanbul 1999). While primary responsibility for facilitation of the safe and dignified return of IDPs in accordance with international standards lies with the respective participating State (Lisbon 1996), the OSCE and its field operations support the development of strategies to address refugee and IDP needs. The New York Declaration for Refugees and Migrants (2016)

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<sup>21</sup> UN Guiding Principles on Internal Displacement E/CN.4/1998/53/Add.2 11 February 1998.

<sup>22</sup> Compilation of Available Data and Information, IOM, [http://migration.iom.int/docs/2016 Flows to Europe Overview.pdf](http://migration.iom.int/docs/2016%20Flows%20to%20Europe%20Overview.pdf) ; Update on UNHCR’s operations in Europe, 1 March 2017.

<sup>23</sup> <http://www.internal-displacement.org/global-report/grid2017/> Internal displacement monitoring centre

<sup>24</sup> Protection Checklist, OSCE – UNHCR, <http://www.osce.org/cpc/111464>

likewise confirms the political will of world leaders to save lives, protect rights and share responsibility on a global scale.<sup>25</sup>

This session will allow participating States to take stock of the implementation of commitments and developments in relation to effective NRMs as well as other procedures aimed at identifying and protecting victims of all forms of trafficking and safeguarding their human rights, including in the process of return. It will highlight the continued need, as part of an effective NRM, to strengthen co-operation and co-ordination among all relevant actors (MC. Dec. No. 14/06, para 2) and explore the impact of strengthened NRMs on ensuring sustainable and impactful prevention of THB, which includes the multi-disciplinary approach.

The session will also provide opportunities to discuss the situation of IDPs and refugees in the OSCE area as well as those at risk of displacement, including measures that participating States take to protect, respect and promote the rights of these individuals.

Questions that could be addressed:

- How are States monitoring and assessing the effectiveness of NRM? Which parameters and indicators are used, and what are the key findings?
- What are the best practices in participating States, which have resulted in the improvement of co-ordination and increase of successful prosecutions, as well as re-integration and rehabilitation of the victims of THB? How can NRMs be made more effective in strengthening prevention efforts in a multi-disciplinary context?
- How are anti-trafficking measures correlated with (or integrated into) other policy areas, such as labour migration, gender equality, employment, education, social protection of vulnerable groups of population, especially children without parental care, migrant children, and other disadvantaged groups?
- In the current context, how can participating States improve reception conditions and better address the needs of vulnerable groups in national asylum procedures, as well as effectively utilize the asylum procedures to identify their vulnerabilities?
- What good practices exist with regard to measures on the national level to prevent and avoid conditions that might lead to displacement?
- In the context of conflicts in the OSCE area, which persons are in particular at risk to be displaced? How to pay specific attention to persons residing in conflict contexts?

## **TUESDAY, 19 SEPTEMBER 2017**

### **WORKING SESSION 12**

**10 a.m. – 1 p.m.**

#### **Rule of law I, including:**

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

### **Prevention of torture**

The prohibition of torture is of absolute nature and enjoys the enhanced status of a peremptory norm of general international law. The OSCE has a key role to play in the prevention of torture.

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<sup>25</sup> New York Declaration for Refugees and Migrants. UN A/RES/71/1 19 September 2016  
<http://refugeesmigrants.un.org/declaration>

Thanks to its mandate based on the concept of comprehensive security, the Organization is in a unique position to strengthen the implementation of international obligations and OSCE commitments with respect to the prevention and prohibition of torture.<sup>26</sup> Numerous OSCE commitments, including Vienna 1989, Copenhagen 1990, Paris 1990, Moscow 1991, Budapest 1994, Istanbul 1999, Ljubljana 2005, and Athens 2009, underline the importance attributed to the prevention of torture by participating States. Participating States have consistently emphasized the significance of torture prevention to human security and the rule of law. In particular, they committed to prohibiting torture and other ill-treatment, while undertaking to “*keep under systematic review interrogation rules, instructions, methods and practices as well as arrangements for the custody and treatment of persons subjected to any form of arrest, detention or imprisonment in any territory under their jurisdiction, with a view to preventing any cases of torture*” (Copenhagen 1990). It is also clear that no exceptional circumstances whatsoever may be invoked as a justification of torture and participating States committed to fighting impunity for such acts.

Despite strong commitments and clear international obligations, torture and other cruel, inhuman or degrading treatment or punishment, as well as enforced disappearances and capital punishment still persist in the OSCE region for various purposes and in different contexts. Torture and other ill-treatment may occur at different stages of the criminal justice system, including during police custody and criminal investigation process, during the deprivation of liberty including administrative detention but also in the context of excessive use of force by law enforcement officials at border crossings or during demonstrations. Torture and other ill-treatment may be used for the purpose of punishment, to extract information or to intimidate political opposition. Impunity for perpetrators, negative societal attitudes, poor protective frameworks, bad conditions of detention and the lack of commitment to take effective measures to reduce the risk of torture occurring, such as procedural and substantive safeguards during the early stage of detention, as well as the reluctance to provide redress to victims, can all too often be observed and are unfortunately still rather the norm not the exception in the OSCE region.

Effective prevention of torture does not only put in place formal safeguards which, if implemented, reduce the risk of ill-treatment. Equally importantly, it is about creating a culture in which ill-treatment is known to be wrong, and believed to be wrong. The establishment, in accordance with the provisions of the UN Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, of an effective National Preventive Mechanism - an independent body regularly visiting places where persons may be deprived of liberty - is certainly one of the remarkable good practices in the majority of OSCE participating States. At the same time further efforts need to be made to convert the commitment to prevent torture from policy to implementation.

### **Exchange of views on the question of abolition of capital punishment**

The OSCE participating States have made a number of commitments regarding the issue of capital punishment (Vienna 1989, Copenhagen 1990, Moscow 1991, Helsinki 1992 and Budapest 1994). In particular, participating States have committed themselves to exchanging information, to make available to the public information regarding the use of the death penalty, to keep the question of capital punishment under consideration and to co-operate on the issue within relevant international organizations. On the basis of these commitments and its mandate to monitor human dimension implementation throughout the OSCE region, since 1999 ODIHR has been publishing “The Death Penalty in the OSCE Area – an annual background paper”.

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<sup>26</sup> 1155<sup>th</sup> Permanent Council of the OSCE, International Day in Support of Victims of Torture, 20 July 2017 (PC.DEL/1098/17).



Besides updated information on the situation of the death penalty in the OSCE region, the 2017 background paper has a thematic focus on human rights of children of parents sentenced to death or executed. Children tend to face significant negative consequences of a parent's death sentence or execution.

### **Protection of human rights and fighting terrorism**

In accordance with the OSCE's comprehensive concept of security, OSCE participating States have consistently underlined the importance of human rights in all efforts to prevent and counter terrorism. The OSCE Consolidated Framework for the Fight against Terrorism (PC Decision 1063 of 7 December 2012) identified the promotion and protection of human rights and fundamental freedoms as a strategic focus area for OSCE counter-terrorism activities. Participating States have committed to full compliance with their obligations under international law, in particular international human rights law, including when addressing the phenomenon of foreign terrorist fighters (Basel 2014), preventing violent extremism and radicalization that lead to terrorism (Belgrade 2015) and in strengthening OSCE efforts to prevent and counter terrorism (Hamburg 2016). Since human rights violations represent a condition conducive to terrorism, respect for human rights is essential to prevent the spread of terrorism and reduce its threat. Counter-terrorism measures that do not conform to human rights are ineffective and counter-productive both in the short- and in the long-term.

Yet, the human rights challenges that can be observed in States' counter-terrorism efforts across the OSCE region are plenty. Overly broad and vague definitions of terrorism and extremism continue to be used in some states to silence dissenting voices. Measures taken in the wake of terrorist attacks suggest that there appears to be a growing trend to sacrifice established human rights protections in favour of narrowly defined security. Such measures include prolonged states of emergencies that come with severe restrictions on human rights; other counter-terrorism laws and policies that provide for increasingly broad powers by the executive with no or little judicial supervision; and the increasing use of administrative control measures that circumvent established legal safeguards to afford protection of the right to liberty and to a fair trial.

Undue interferences with the right to privacy in the digital sphere, which go beyond what can be legitimately justified as necessary and proportionate, appear to become the norm. Measures to counter the use of the Internet for terrorist purposes, including monitoring and content removal, risk to unduly curtail freedom of expression online; and actions to combat the financing of terrorism can impact negatively on the legitimate exercise of the right to freedom of association.

Another worrying trend is the discriminatory impact many of those measures appear to have on ethnic, religious or racial minorities. Repressive measures that target – or are perceived to target – particular communities fuel grievances and erode trust and therefore increase the risk of violent extremism and radicalization that may lead to terrorism (VERLT).

Participating States have an obligation to protect those under their jurisdiction from terrorist attacks and to bring those responsible to justice. But measures that erode human rights and the rule of law, a lack of accountability for human rights violations that have been committed in combating terrorism compounded by the secrecy surrounding counter-terrorism policies and practices, undermine the very principles they aim to protect.

Participants will discuss States' obligations originating from the absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment as well as from the need to respect human rights when countering terrorism. Participants will also exchange views on the

question of abolition of capital punishment and identify ODIHR actions to assist them in implementing OSCE Human Dimension commitments adopted in those areas.

Questions that could be addressed:

- What are the main reasons for the persistence of torture and cruel, inhuman or degrading treatment or punishment in the OSCE region? What institutional incentives for torture may have to be addressed in the future in order to eradicate torture and other ill-treatment in the OSCE region?
- What safeguards against torture and other ill-treatment exist and are they applicable to both traditional detention facilities and places of deprivation of liberty outside the criminal justice system? What are the challenges in introducing viable safeguards and implementing them?
- How can ODIHR assist OSCE participating States in fulfilling their commitments to eliminate and prevent all acts of torture and other ill-treatment, including by supporting them in establishing and promoting the work of existing National Preventive Mechanisms?
- What measures are states that retain the death penalty taking towards its abolition and the implementation of humane alternatives?
- Do OSCE participating States provide any assistance (financial, practical and/or psychological) to families and in particular, children of parents sentenced to death, also with regard to the right to family visits and communication with death row prisoners abroad, in order to reduce trauma and anxiety and to help maintain a positive relationship with convicted parents?
- How do OSCE participating States comply with their obligations to counter terrorism and protect human rights? What are the challenges, lessons learned and good practices associated to it, in particular in addressing VERLT in the prison context and the phenomenon of foreign terrorist fighters?
- What further efforts can be taken at the international and national levels to ensure accountability for human rights violations committed while countering terrorism? How can ODIHR further assist OSCE participating States in protecting human rights while countering terrorism?

**WORKING SESSION 13**

**3–6 p.m.**

**Rule of law II, including:**

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

**Independence of the judiciary**

The independence of the judiciary is fundamental to a democratic order and the rule of law. Participating States have repeatedly recognized the link between judicial independence and the full enjoyment of human rights (Copenhagen 1990), and have committed to respecting internationally recognized standards in the field both through their legal framework and in practice (Moscow 1991). An independent judiciary is an essential component of the realization of the right to a fair trial and the right to an effective remedy. The Ministerial Council has likewise identified independence of the judiciary as one of the areas that participating States should focus on in their efforts to strengthen the rule of law (Helsinki 2008).

The transparency and objectivity of methods of access to the judicial profession are important indicators of judicial independence. In particular, judicial training, selection criteria and appointment procedures should ensure that persons selected for and who continue to hold judicial office are individuals of integrity and ability. Legal education and special training of judges should integrate multiple skill sets and approaches and should be carried out independent from executive interference. Selection and appointment of judges should be merit-based, according to clear selection criteria and transparent procedures.

Judicial training, selection and appointment must also be carried out in a non-discriminatory manner which actively encourages the participation of both men and women, as well as of candidates from diverse backgrounds including minorities and persons with disabilities. This in turn should help eliminate any bias against defendants or victims based on their belonging to a particular gender, minority or other group, resulting in differential treatment in the court. When judicial training, selection and appointment are viewed by the public as being carried out “behind closed doors” or in an arbitrary and exclusive manner, trust in the judiciary is diminished. Lack of public trust in the judiciary, in turn, may expose the judiciary to interferences which compromise its functional independence.

The independence of prosecutors is a further safeguard in maintaining the independence of judges. It is crucial in a democratic society and an essential condition for the independence of the entire justice system. Judges and prosecutors must exercise their duties independently, respecting and preserving the system of checks and balances and enjoying the lack of external or internal interferences with their activity. Furthermore, prosecutors should act as “*individuals of integrity and ability, with appropriate training and qualifications; [and] at all times maintain the honour and dignity of their profession and respect the rule of law*” (Brussels 2006).

Justice system reforms imply the development and adoption of multiple normative acts which directly impact the independence of the judiciary, judges’ rights and obligations. Given this, the judiciary should be actively involved in the development of such pieces of legislation.

### **Right to a fair trial**

Another important tenet of justice is the right to a fair trial, whereby individuals accessing justice need to benefit from appropriate circumstances to exercise proper defence. OSCE participating States have committed to upholding “*the right to a fair and public hearing within a reasonable time before an independent and impartial tribunal, including the right to present legal arguments and to be represented by legal counsel of one’s choice*” (Vienna 1989). This right should continue to be implemented in increasingly difficult situations across the OSCE region, including for example in situations of conflict or of state of emergency.

The right to a fair trial puts strong emphasis on the ability for an individual to benefit from legal assistance through a lawyer who plays a “*critical role in ensuring the right to a fair trial and in the furtherance and protection of other human rights in the criminal justice system*” (Ljubljana 2005). In recent years, some reforms of legal professions, including in States where the legal profession is not fully regulated, have led to attempts by the executive to strengthen their influence over the lawyers’ community. Yet, without independence in accomplishing their duties, lawyers cannot provide effective defence. A fair trial also requires that individuals have equal access to and be treated equally by the justice system.

Justice reforms benefit from the findings and conclusions of various modes of judicial assessment such as trial monitoring, national or regional platforms for discussions and exchanges, or justice indicators. ODIHR together with OSCE field operations has developed a “Trial Monitoring Manual” and a “Legal Digest of International Fair Trial Rights” aiming at

building the capacity of legal practitioners, including defence lawyers, by providing them with a comprehensive overview of trial monitoring methodology and fair trial rights coupled with practical checklists based on the experience of OSCE trial monitoring operations.

### **Democratic law-making**

All OSCE participating States grapple with the difficult task of making laws that are effective in fulfilling increasingly complex policies and, at the same time, compliant with human rights standards. The ability to successfully address these often conflicting requirements hinges on how the law-making process is organized.

One of the essential elements of a good law-making is public participation. OSCE participating States have committed themselves to adopting legislation “*at the end of a public procedure*” (Copenhagen 1990) and “*as the result of an open process reflecting the will of the people*” (Moscow 1991). In line with these commitments, the mechanism of public consultation on draft laws and policies has been adopted widely across the OSCE region in recent years. When they include all potentially affected parties and are genuinely capable of influencing the position of the decision-makers, public consultations improve the quality of proposed laws and policies and increase public confidence in them. However, the practicalities of achieving a meaningful public consultation process remain to be a serious challenge in many countries. Moreover, as more OSCE participating States formally introduce public consultation and other quality control mechanisms, such as impact assessment, there is a worrying trend of circumventing these mechanisms in practice through the extensive use of urgent legislative procedures.

Parliaments have an important democratic role in scrutinizing both the contents of legislation proposed by the executive and the quality of the process by which this legislation has been developed. This role is often diminished by a lack of political will or/and insufficient technical and human resources. Reliance on urgent procedures can also undermine proper parliamentary scrutiny of legislative proposals.

This session will focus on the right to a fair trial and good law-making as two essential aspects of a democratic society. It will address major challenges to the independence of the judiciary, namely, those related to the appointment, selection and training of judges; the procedural independence of prosecutors; and the independence of lawyers in the OSCE region. The session will also discuss how to ensure a transparent, open and inclusive law-making process which results in effective and human rights compliant legislation. The session will discuss practical solutions to identified shortcomings and facilitate the sharing of good practices in the above areas.

#### Questions that could be addressed:

- What are some of the challenges faced by participating States with regard to carrying out judicial training, selection and appointment in an objective and transparent manner, how do they impact gender equality and minorities, and how should they be addressed?
- What are the challenges related to ensuring prosecutorial independence? How can prosecutors better defend judicial independence?
- How have judiciaries in OSCE participating States countered a lack of public trust?
- What challenges and good practices exist in relation to ensuring the right to independent, professional, and effective defence lawyers in participating States? How should the relationship between the executive and the legal profession be defined? How effective are existing systems of legal aid for indigent defendants and victims?
- What specific measures do OSCE participating States adopt to ensure that their legislative processes are transparent, inclusive and open?

- How do OSCE participating States ensure that all relevant stakeholders are properly consulted on draft policies and legislation and that parliaments properly scrutinise these drafts? What are the appropriate limits and mechanisms for consultation with representatives of the judiciary on draft legislation relating to judicial reform?

## WEDNESDAY, 20 SEPTEMBER 2017

### WORKING SESSION 14

10 a.m.–1 p.m.

**Specifically selected topic: Economic, social and cultural rights as an answer to rising inequalities**

Economic, social and cultural rights represent critical human dimension elements in the realization of comprehensive security (Helsinki 1975; Madrid 1983; Vienna 1989; Paris 1990; Bonn 1990; Copenhagen 1990; Moscow 1991; Istanbul 1999; Maastricht 2003; Ljubljana 2005). Economic, social and cultural rights must also be understood as rights which enable the realization of other rights central to the human dimension, including civil and political rights. Without access to economic security, social integration and an environment which facilitates the fulfilment of cultural rights, individuals will struggle to participate in democratic processes and systems, and those systems will be unable to work effectively for the benefit of all. Equally, freedom of association and assembly and political pluralism are necessary elements of good governance, sustainable economic growth, prosperity, social justice and efficient use of economic resources, as recognised in Paris 1990 (A New Era of Democracy, Peace and Unity) and Maastricht 2003.

The International Covenant on Economic, Social and Cultural Rights is correctly seen as the ‘twin’ of the International Covenant on Civil and Political Rights, and OSCE human dimension commitments have called on all OSCE participating States to accede to the Covenants and implement the obligations they comprise.

Efforts to ensure social justice must take economic, social and cultural rights into account when seeking to support the political participation of traditionally excluded or under-represented groups, including Roma and Sinti, religious or ethnic minorities, youth, persons with disabilities and the elderly. Mainstreaming women’s rights and supporting women’s participation in work to address inequality in relation to economic and social rights (AP, MCD 4/13) is an essential cross-cutting requirement given the multiple challenges often seen in the intersection of gender, ethnicity and social, economic or cultural exclusion.

Global economic recession has seen a renewed attention to economic, social and cultural rights – merited given the rise in politics of exclusion, often linked with intolerance that contains elements of economic, social or cultural exclusion and can potentially lead to violent extremism, as discussed in Working Session 15. These trends impact on a range of areas in the human dimension, including human rights, gender equality, good governance and tolerance and non-discrimination.

In Working Session 14, participants will explore how an increased focus on economic, social and cultural rights may provide answers to the challenges experienced by many participating States in the area of social inequalities and social justice.

Questions that could be addressed:

- How can governance systems become more inclusive to assist decision-makers in better addressing inequalities?
- How can participating States improve policies which support the realisation of economic, social and cultural rights for women, for example through social protection and support for working parents?
- How can participating States institutions work more effectively with civil society to address economic, social and cultural rights and rising inequalities?
- What are good practices identified by participating States from their work to fulfil economic, social and cultural rights, and to mainstream gender equality in these efforts?
- What steps can the OSCE and UN frameworks take to support increased adherence to the Covenants and increased protection of economic, social and cultural rights in practice?

**WORKING SESSION 15**

**3-6 p.m.**

**Specifically selected topic: Economic, social and cultural rights as an answer to rising inequalities (continued)**

**Socio-economic and cultural drivers to terrorist radicalization: the link between economic, social and cultural rights and the prevention of violent extremism and radicalisation leading to terrorism**

Failure to uphold economic, social and cultural rights as well as discrimination and marginalization are factors that can contribute to the spread of terrorist radicalization. At the same time, measures to prevent and counter violent extremism and radicalization that lead to terrorism (VERLT) may have a direct and indirect impact on the enjoyment of economic, social and cultural rights as well as the right to equality and non-discrimination.

OSCE participating States have repeatedly stressed the need for comprehensive and sustained efforts, in addressing both the manifestations of terrorism as well as the various social, economic, political and other factors, which might engender conditions in which terrorist organizations could engage in recruitment and win support (see 2015 Belgrade Ministerial Declaration on preventing and countering violent extremism and radicalization that lead to terrorism, MC.DOC/4/15 and the 2012 OSCE Consolidate Framework for the Fight against Terrorism adopted by Permanent Council Decision 1063 of 7 December 2012). This is consistent with the UN Global Counter-Terrorism Strategy (adopted by UN General Assembly Resolution A/RES/60/288 of 8 September 2006), which included in the envisaged measures to address the conditions conducive to the spread of terrorism a range of socio-economic aspects. These have a direct link to the enjoyment of social, economic and cultural rights. Similarly, the UN Secretary General, in his Plan of Action to Prevent Violent Extremism, recommended that states promote the enjoyment of economic, social and cultural rights, including through human rights-based initiatives that help eliminate the conditions conducive to violent extremism (UN Doc. A/70/674, 25 December 2015, para 50 (h)).

While it has been internationally recognized that the promotion of economic, social and cultural rights should form an essential part of preventing terrorist radicalization, the impact of measures to counter terrorism and prevent VERLT on those rights still appear to be forgotten too often. Travel bans, control orders, assigned residency orders and obligations to report to the authorities in regular intervals and other measures that are being increasingly used in several OSCE participating States in connection with the fight against terrorism, do not only impose limitations to, for example, freedom of movement or the right to liberty. But they often also have a substantial effect on employment, education, access to health care, housing and an adequate standard of living of both those subjected to such measures and their families. The

direct impact of such measures may be compounded by indirect effects of actions to prevent and counter terrorism and VERLT such as the reinforcement of stereotypes and stigmatization of particular communities, which may similarly undermine the enjoyment of a broad range of economic, social and cultural rights without discrimination.

Already in 2007, the Special Rapporteur on the promotion and protection of human rights while countering terrorism recommended that all States and intergovernmental organizations should take into account relevant instruments for the protection and promotion of economic, social and cultural rights, in order both to avoid violations and minimize the negative impact on those rights in the fight against terrorism, and to utilize fully the potential of promoting economic, social and cultural rights as an inherent feature of long-term sustainable strategies to prevent terrorism. Furthermore, he recommended that more attention be paid to the right to education as a key right in the enjoyment of several other human rights and as a cornerstone in sustainable long-term strategies for the prevention of terrorism.

On this background, the session could seek to take stock of current challenges in the enjoyment of economic, social and cultural rights, which result from measures to counter terrorism and prevent VERLT. The session would also provide an opportunity for exchange of views on how the enjoyment of economic, social and cultural rights without discrimination can be more effectively promoted with a view to preventing terrorist radicalization.

#### Questions that could be addressed

- How do measures aimed at countering VERLT adopted in the wake of the recent terrorist attacks in Europe impact on economic, social and cultural rights of the society? Do such measures impact on particular communities and/or individuals within the society?
- Counter-terrorism measures may affect economic, social and cultural rights directly (for instance in the case of freezing of assets) or indirectly (for instance in cases where a person loses his or her job on grounds linked to the imposition of such measures). Is there any safeguard in place for individuals? Would safeguards also contribute avoiding individuals who are subjects to such measures to undertake a path leading to VERLT?
- Which gender-related considerations should be made when designing and implementing measures aimed at countering VERLT which may affect economic, social and cultural rights?
- Does measures aimed at countering VERLT affect youth's economic, social and cultural rights? How? [*in case of positive answer*] Are youth experiencing such drawbacks more prone to undertaking a path leading to VERLT? What are the safeguards to adopt, in that respect?

### **THURSDAY, 21 SEPTEMBER 2017**

**WORKING SESSION 16**

**10 a.m.–1 p.m.**

**Tolerance and non-discrimination I, including:**

- **Equality of opportunity for women and men**
- **Implementation of the OSCE Action Plan for the Promotion of Gender Equality**
- **Prevention of violence against women and children**

## **Equality of opportunity for women and men in all spheres of life, including through implementation of the OSCE Action Plan for the Promotion of Gender Equality**

Equal rights of women and men and the protection of their human rights are essential to peace, sustainable democracy, economic development and therefore to security and stability in the OSCE region. To contribute to the implementation of international gender equality standards, over the years the OSCE has developed its own framework to promote and advance the rights of women and men. The 2004 OSCE Action Plan for the Promotion of Gender Equality encourages participating States to take “*all necessary measures to raise awareness on gender issues and to promote equality in rights and full and equal participation of women and men in society*”. This can be done through specific targeted interventions and gender mainstreaming as a strategy to achieve gender equality. Gender mainstreaming initiatives aim at ensuring equality between women and men in all participating States *inter alia* through addressing gender based stereotypes and perceptions. Special attention also needs to be paid to the role of men in advancing gender equality.

110 years after the world’s first female Members of Parliament were elected in Finland, and while universal suffrage is protected by law, women remain underrepresented in political and public spheres. Women’s representation in national parliaments in the OSCE region stands at 26.6 per cent which is below the long standing target of 30 per cent set by the 1995 Beijing Platform for Action.<sup>27</sup> Concerned that widespread discrimination against women continues to undermine their effective participation in political and public life at all levels, the OSCE participating States have adopted Ministerial Council Decision 7/09 on Women’s Participation in Political and Public Life. The decision calls on the participating States to “*consider possible legislative measures, which would facilitate a more balanced participation of women and men in political and public life and especially in decision-making*” with a “*view to achieving better gender-balanced representation in elected public offices at all levels of decision-making*”.

In line with its mandate to assist OSCE participating States in promoting women’s political participation, ODIHR facilitates exchange of good practices and supports institutional change, knowledge sharing and capacity building for advancing women’s representation, roles and influence in political and public life. ODIHR works on sensitizing political parties and parliaments from a gender perspective. Also, ODIHR advises participating States on legal and technical measures aimed at ensuring greater opportunities for women as candidates, in political parties as well as in parliaments. ODIHR’s election observation activities regularly assess election processes from a gender perspective; findings lead to specific recommendations on how electoral legislation and practice can be further improved in this regard. Particular attention is granted by ODIHR to ensure equal opportunities for women belonging to national minorities, including Roma and Sinti women, women migrants and women with disabilities who may face multiple discrimination. Several OSCE field operations implement activities aimed at advancing women’s participation in political life, including through training, mentoring, and promoting gender-sensitive democratic institutions.

OSCE participating States have agreed that the empowerment of women in the politico-military dimension is essential to comprehensive security. Women are under-represented in decision making related to security: in many OSCE participating States the percentage of women in the armed forces is as low as 0.9 per cent<sup>28</sup>. The challenge also concerns the Organization itself.

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<sup>27</sup> Inter-Parliamentary Union: Women in National Parliaments, data as of 1 July 2017, available at: <http://www.ipu.org/wmn-e/world.htm>

<sup>28</sup> Rey Juan Carlos University, Australian Human Rights Commission and Australian Defence Force, UNSCR 1325 Reload, 2015, p. 26.



Since the establishment of the OSCE in 1975, only eleven women have served as Heads of Field Operations, compared with 139 men<sup>29</sup>. In 2015 there was only one woman working in the field of military affairs (while there were 8 male experts) and only two women working in the field of civilian police (with 24 male experts).<sup>30</sup> Especially in peace processes women's participation remains very low. Women make up only 10 per cent of police officers and a mere 3 per cent of military personnel in UN peace-keeping operations.<sup>31</sup> In all the peace processes that took place between 1992 and 2011, only 4 per cent of signatories and just 2 per cent of chief mediators were women.<sup>32</sup> Not a single OSCE Chairmanship's Special Representative for protracted conflicts has so far been a woman.<sup>33</sup> Yet recent research indicates that women's participation increases the likelihood that a peace agreement will be reached in the short term while also making it more likely that the results will be more sustainable.<sup>34</sup>

To address these challenges, the OSCE Ministerial Council Decision 14/05 on Women in Conflict Prevention, Crisis Management and Post-Conflict Rehabilitation calls upon participating States and OSCE structures "to develop specific policies to encourage the full and equal participation of women and women's organizations in conflict prevention, conflict resolution and post-conflict rehabilitation, as well as to encourage and support the sharing of experiences and best practices".

### **Prevention of violence against women and children**

Gender based violence is an extreme form of discrimination and a human rights violation, as it affects the right to life, liberty and security of the person and the right to freedom from torture and other cruel, inhuman, or degrading treatment or punishment. Victims span classes and cultures and include women and men, boys and girls, though women and girls are disproportionately impacted. Gender-based violence is not only a violation of individual rights but has grave and long lasting consequences for the community and society as a whole. Ministerial Council Decisions 15/05 and 7/14 on Preventing and Combating Violence against Women outline priority areas for intervention. OSCE participating States also committed themselves "*to actively promote children's rights and interests, especially in conflict and post-conflict situations and (...) pay particular attention to the physical and psychological well-being of children involved in or affected by armed conflict*" (Istanbul 1999). Children are also particularly vulnerable to all forms of domestic violence, sexual exploitation, including prostitution, child pornography, trafficking for sexual exploitation, sex tourism and forced marriages; and as such require special protection.

Currently, 47 OSCE participating States have domestic violence legislation and 49 have legislation that specifically addresses sexual harassment; however the implementation of such frameworks continues to be a matter of concern due to deeply rooted discrimination in the society and high levels of tolerance towards it. OSCE field operations, Institutions and the Secretariat implement a wide range of activities to combat gender-based violence, including through improving data and analysis, ensuring adequate support for survivors of violence,

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<sup>29</sup> Data as of 29 December 2016, outlined in the OSCE 2016 Annual Progress Report on the Implementation of the 2004 Action Plan for the Promotion of Gender Equality, September 2017.

<sup>30</sup> OSCE Annual Report 2015, p. 43, [www.osce.org/annual-report/2015?download=true](http://www.osce.org/annual-report/2015?download=true) (3 February 2017).

<sup>31</sup> [www.un.org/en/peacekeeping/issues/women/womeninpk.shtml](http://www.un.org/en/peacekeeping/issues/women/womeninpk.shtml)

<sup>32</sup> UN Women: Women's Participation in Peace Negotiations: Connections between Presence and Influence (2nd ed., October 2012),

[www.unwomen.org/~media/headquarters/attachments/sections/library/publications/2012/10/wpssourcebook-03a-womenpeacenegotiations-en.pdf](http://www.unwomen.org/~media/headquarters/attachments/sections/library/publications/2012/10/wpssourcebook-03a-womenpeacenegotiations-en.pdf)

<sup>33</sup> OSCE Study on National Action Plans on the implementation of the UNSCR 1325, 2014.

<sup>34</sup> Marie O'Reilly, Andrea ó Súilleabháin, Thania Paffenholz, Reimagining Peacemaking: Women's Roles in Peace Processes (June 2015).

training of law enforcement and improving access to justice. For example, ODIHR regularly reviews different existing and draft laws of OSCE participating States, including those on preventing and combating violence against women and domestic violence, with the aim of harmonizing national legal framework with international standards, including the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, and the Istanbul Convention. However, regional exchanges held during the 2016 Conference on Combating Violence against Women in the OSCE Region, and the 2017 OSCE Gender Equality Review Conference, identified that significant gaps still remain and comprehensive further efforts are required to combat violence against women.

Violence against women is one of the major obstacles for women to fully participate in socio-economic life and truly expand and apply their skills and capacities. Discrimination on the basis of gender remains a hindrance to women in their development in the economic and environmental area. Ministerial Council Decision 10/11 on Promoting Equal Opportunities for Women in the Economic Sphere calls upon participating States to *“identify concrete actions aimed at promoting equal opportunities for women in the economic sphere and, where appropriate, establish effective national mechanisms for monitoring progress in this field, such as on closing pay gaps”*. Therefore, it remains crucial to address persisting challenges to women’s economic participation, and implement initiatives to assist women in fulfilling their economic potential.

While the OSCE Gender Action Plan provides a comprehensive framework for the Organization’s engagement in the area of gender equality, its implementation needs to be strengthened. OSCE also needs to stay abreast of new challenges for achieving gender equality and threats impacting comprehensive security. As traditional gender roles are a driving force behind women’s lower economic status, low literacy and education, poorer health outcomes, and greater exposure to violence, such trends need to be recognized and responded effectively.

This session will provide a platform for discussion about the implementation of the 2004 OSCE Action Plan for the Promotion of Gender Equality and consider ongoing and new challenges related to equality of opportunity for women and men as well as to the prevention of violence against women and children. The session will also provide recommendations for future steps for all members of the OSCE family.

Questions that could be addressed:

- What are the lessons learned and remaining challenges in the OSCE region when it comes to achieving gender equality?
- What type of initiatives could enhance the inclusion of women, especially groups that have been traditionally under-represented, in decision making processes and in the security sector in the OSCE region?
- What type of approaches, in terms of involving men as advocates for women’s rights and gender equality have proven to be effective?
- How to bring about equal opportunities for women to participate in efforts for the promotion of peace and security?
- What are the available instruments and innovative approaches in the OSCE region to prevent and combat all types of violence against women and children and increase the trust of victims in institutions?
- What future steps could be taken to strengthen synergies with civil society and gender equality advocates in order to combat domestic violence and achieve gender equality?
- What measures should participating States take to reinforce the implementation of the 2004 OSCE Action Plan for the Promotion of Gender Equality and related OSCE commitments?

**WORKING SESSION 17**

**3-6 p.m.**

**Fundamental Freedoms II, including:**

- **Freedom of movement**
- **Migrant workers and the integration of legal migrants**

**Freedom of movement**

People need to be able to move freely in order to explore opportunities for their personal and their family's wellbeing, to fully realise their potential and contribute to the development of the society. Limitations to freedom of movement bring consequent limitations to access to a range of other guaranteed rights. OSCE participating States have committed to guarantee the right to freedom of movement within their territory to their citizens as well as to foreigners lawfully residing on their territory. While there is no universally recognised right to enter the territory of a foreign state, OSCE participating States reaffirmed their commitment to promote freer and wider cross-border travel in the OSCE region in the 1975 Helsinki Final Act and 1990 Copenhagen Meeting.<sup>35</sup> Limitations to the right to freedom of movement within the OSCE area largely occur in areas affected by protracted conflicts. At the same time, progress has been made through decisions to liberalise visa regimes, unilateral steps or as a result of political dialogue.

**Migrant workers, the integration of legal migrants**

OSCE participating States made longstanding commitments in the area of migration, recognizing that the issues of protection and promotion of the rights of legally resident migrant workers and their family members have a human dimension (Copenhagen 1990), and economic, cultural and social aspects (Paris 1990). Migrant workers should enjoy human rights and fundamental freedoms wherever they live (Helsinki 1992), and should be protected from all acts of discrimination, intolerance and xenophobia by effective national measures (Moscow 1991). Participating States committed to promote the integration of legally resident migrant workers in host societies and to encourage their active participation in integration processes (Budapest 1994). States recognized the need to elaborate or strengthen national integration strategies and programmes, including migrants' active engagement (Madrid 2007), and to ensure their national migration practices comply with relevant international obligations and OSCE commitments and incorporate gender aspects (Athens 2009). Most recently, participating States have been encouraged to use the OSCE platform and appropriate OSCE working bodies to continue addressing migration-related issues and improve dialogue on migration-related matters to develop effective measures and common approaches (Hamburg 2016). Upon request and within its mandate, ODIHR supports participating States by conducting capacity building, awareness raising and research activities aimed to protect the rights of migrants and to promote their integration in the OSCE region.

This session will focus on the implementation of human dimension commitments of OSCE participating States in the areas of freedom of movement and regular migration, with a particular emphasis on issues of protecting rights of migrants and their families.

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<sup>35</sup> In the Helsinki Final Act (1990) participating States stated their intention "to facilitate wide travel by their citizens for personal or professional reasons", and at the Copenhagen Meeting (1990) participating States affirmed "that freer movement and contacts among their citizens are important in the context of the protection and promotion of human rights and fundamental freedoms".

Questions that could be addressed:

- Have OSCE participating States made progress on facilitating travel (Helsinki 1975)?
- Have entry and exit procedures been simplified and flexibly administered, and are participating States aware of how these procedures impact men, women and children differently?
- Do OSCE participating States' existing residency registration frameworks provide safeguards which protect freedom of movement and choice of place of residence?
- What kind of migrant integration measures and requirements are most commonly used by the OSCE participating States? Which of them can be considered as good and transferrable practices and innovative approaches in the area of migrant integration?
- How can OSCE participating States better raise the awareness of migrant workers and host societies, both men and women, of migrant rights, freedoms and obligations? What proactive measures (e.g. new technologies, social media) could be employed?
- Has the ongoing migration and refugee crisis changed the methods and tools used by OSCE participating States for migrant integration and protection of migrants' rights? If yes, what changes have been introduced, do we know how these affect men, women and child migrants differently, and what lessons can be learned at this stage?

**FRIDAY, 22 SEPTEMBER 2017**

**WORKING SESSION 18**

**10 a.m.-1 p.m.**

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

**Presentation of activities of the ODIHR and other OSCE institutions and field operations to implement priorities and tasks contained in the relevant OSCE decisions and other documents**

The OSCE has played an active role in strengthening democracy and human rights practices, as well as in promoting compliance with human dimension commitments by OSCE participating States. An important element in this has been the development and implementation of targeted activities and projects, which are part of a longer-term, cross-cutting strategy. These human dimension activities have grown in scope and duration to include specific assistance efforts, programmes and projects (e.g., legislative and technical assistance, training, and workshops for both government officials and members of civil society, human rights education). The OSCE also plays an important role by drawing attention to a specific issue and creating a space and a forum for focused dialogue, which can be followed up by concrete assistance.

The OSCE and its institutions and field operations have been able to identify areas in which they are well placed to facilitate change and reform. The OSCE works with individual states and sub-regionally, often in consultation and co-ordination with other international organizations. ODIHR's mandate covers all participating States. It can therefore provide a channel for exchange of experience and best practices from one sub-region of the OSCE to another, and be effective in supporting and complementing the work of OSCE field operations.

This short session will explore the role of OSCE executive structures as facilitators, and their offer of targeted programmes of assistance and expertise across the OSCE region. Participating States, international organizations and civil society, including NGOs, are invited to comment on the presentations and to present their own project priorities for reciprocal comment. The aim is

to identify how participating States can derive most benefit from the OSCE's assistance in implementing the priorities and tasks contained in OSCE decisions and other documents.

Questions that could be addressed:

- What are successful examples of OSCE interventions, programmes, and projects from the past year? Why were these successful?
- In which areas are the OSCE institutions and field operations best placed to facilitate change by creating a forum for dialogue?
- How can the interplay between OSCE institutions' and field operations' mandates and programming be used most effectively?
- How can the OSCE be most effective in assisting participating States in implementing their human dimension commitments?

**CLOSING REINFORCED PLENARY SESSION**

**10 a.m.–1 p.m.**

**Closing reinforced plenary session (reinforced by the participation of human rights directors, OSCE ambassadors and heads of OSCE institutions)**

- **Any other business**
- **Closing of the meeting**