

Report on the 18th Human Dimension Implementation Meeting



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Excellencies, Ladies and Gentlemen,

It is a pleasure to be here with you today, as I present my report on the Human Dimension Implementation Meeting that took place from 22 September to 3 October in Warsaw. This time it was organized for the 18th time, and HDIM has over the years become an institution in and of itself.

HDIM remains one of the largest and most important for discussing democratic institutions and human rights in Europe. What makes it truly unique is not only the breadth of discussions or the number of participants. It is the very formula envisaged by the participating States. This formula allows the participating States and OSCE Executive Structures to meet, take stock of developments and exchange ideas with both our countries' civil society organizations and other international organizations.

As per established good practice by my predecessors, today I'm grateful for having the opportunity to share with you the HDIM highlights in both quantitative and qualitative terms. Before I start, allow me to briefly reflect on some organizational matters.

This year the HDIM package was approved record late. Naturally, this late approval resulted in additional organizational challenges for ODIHR, as one of our core mandated tasks. I am all the more impressed with our small but dedicated team who worked around the clock to make sure the entire operation ran smoothly.

However, a successful HDIM is of course not an ODIHR product alone. It is a common endeavor. In this regard I would in particular like to thank the Chairmanship for their close co-operation and steadfast support. Similarly, I would also like to extend my gratitude to the OSCE Parliamentary Assembly, to the OSCE Representative on Freedom of the Media and the High Commissioner on National Minorities. A special thanks also to the Special Representative and Co-ordinator for Combating Trafficking in Human Beings and the OSCE Field Operations. Just as your offices' co-operation and support in the preparation of the agenda and speakers lists were of paramount importance for the preparations, so were your personal contributions during HDIM for the outcomes.

Excellences, dear colleagues,
Let me now present you some statistics.

This year's HDIM attracted a record number of 1234 participants. This included 425 participants from 53 participating States. I would here like to encourage those participating States that did not attend this time to do so next year. HDIM furthermore included 5 representatives from 4 Partners for Co-operation, 30 participants from the RFoM and HCNM, and 52 from OSCE Field Operations. We had 30 representatives from 10 international organizations and close to 700 representatives from 460 NGOs!

We are particularly pleased with the number of NGOs this year, and we should all see this as sign of the relevance our civil societies attach to the OSCE in general and the implementation of the OSCE's human dimension commitments in particular. We hope the participating States will continue to facilitate the participation of civil society organizations in the years to come, including through ExB support.

HDIM 2014 also saw a record number of side events with 82. The side events are an inherent part of the Meeting. They provide opportunities for all interested parties for a more in-depth and focused discussions than the regular working sessions would allow. The working sessions and the side events are therefore both connected and complimentary.

Altogether, the HDIM participants delivered almost 800 interventions during the sessions and nearly 500 documents were uploaded.

Although HDIM should not be seen as a popularity contest, it is nevertheless interesting to see which sessions attracted the most attention in terms of the number of interventions.

The most popular session, in terms of statements, was Working Session 13 on Tolerance and non-Discrimination II with 85 statements (11 from Delegations, 61 from NGOs and 13 rights to reply).

The second most popular was Working Session 14 on Fundamental Freedoms II with 76 statements (14 from Delegations, 45 from NGOs, and 17 rights to reply).

And the third most popular was Working Session 2 on Fundamental Freedoms I, and addressed by the OSCE Representative on Freedom of the Media, with 68 statements (19 statements from Delegations, 33 from NGOs, 3 IOs and 13 rights to reply).

The participating States may wish to consider these statistics also when deliberating the allocation of time and focus for next year's HDIM.

Excellences, dear colleagues,

The consolidated summary of HDIM has already been circulated to the delegations, and is also available on the ODIHR website. Let me therefore share only some of the highlights from the Working Sessions (WS), in chronological order.

At WS 1 on Democratic Institutions, democracy at the national, regional and local levels, citizenship and political rights, and democratic elections was discussed. Many participants expressed support for the ODIHR's election observation methodology, its continued enhancement and the follow-up to recommendations. Voluntary reporting at the Human Dimension Committee was also considered. Participants highlighted the need of uniform application of OSCE commitments in all OSCE participating States. Finally, several participants emphasized that democratic institutions face serious challenges in the OSCE region, with low public trust in political parties and parliaments.

WS 2 was devoted to Freedom of Expression, Free Media and Information. In her opening address, the RFoM focused on the main problems the Organization is facing today in terms of the implementation of OSCE commitments in this area. She underlined that free speech is targeted in a number of participating States. Many participants described negative trends in some OSCE countries. A number of participants also discussed the relation between the freedom of expression on one hand and the need to prevent and combat intolerance, discrimination and hate speech on the other.

WS 3 was on Freedoms of Peaceful Assembly and Association and the role of National Human Rights Institutions (NHRIs). Several speakers noted the essential role that civil society plays in ensuring the implementation of commitments in all OSCE participating States. Nevertheless, examples of bad practices in limiting the full enjoyment of these rights were highlighted, including to register as "foreign agents" if receiving funding from abroad. In the area of freedom of peaceful assembly, concerns were raised regarding over-regulation

and undue restrictions on assemblies. The participants highlighted the important contribution of independent and pluralistic NHRIs, and the increasing interaction between NHRIs and various international reporting and review mechanisms as a positive development.

During WS 4, on the Rule of Law I, when highlighting the absolute nature of the prohibition of torture, participants stressed that the adoption of legal instruments is not enough. Recommendations included the establishment of National Preventive Mechanisms as well as strengthening capacities of civil society actors to monitor torture allegations. During the session participants also raised their concerns about growing threat of terrorism including the increasing phenomenon of foreign terrorist fighters. Many speakers also called for the abolition of the death penalty in all OSCE participating States.

WS 5, on the Rule of Law II highlighted the lack of importance given to the process of law-making in the OSCE region by OSCE governments. This often results in hastily passed legislation that is not properly consulted with relevant stakeholders. They also noted the importance of ensuring state accountability for violations of human rights, including fair trial rights, and full access to justice for victims. Participants also stressed that the judiciary was still too often influenced by other branches of government, especially the executive, and that measures should be taken to strengthen its independence. Suggestions from participants put a strong focus on ensuring the involvement of civil society in government, parliamentary and court procedures.

WS 6 was on the Implementation of the OSCE Action Plan to Combat Trafficking in Human Beings. The introduction was made by the OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings. In her address she focused on the challenges in the implementation of the relevant OSCE CTHB commitments, from the first in 2000, to the Action Plan and to the Addendum to the Action Plan adopted less than a year ago. She stated that specifically “victims of trafficking are holders of a special set of rights including the right to be identified quickly and accurately; the right to immediate protection and support; the right to legal information and the opportunity to decide whether and how to co-operate in the prosecution of their exploiters; the right not to be detained; the right to not be prosecuted for offences that relate directly to the fact of having been trafficked; the right to be returned home safely or to benefit from another solution if safe return is not possible; and the right to an effective remedy that reflects the harm committed against them.”

WS 7 on Equality of Opportunity for Women and Men stressed that the protection and promotion of women’s rights is a prerequisite for democracy, stability and sustainable development. Yet, it was observed that women continue to be under-represented in public institutions in many OSCE participating States. Discussions urged the OSCE participating States to step up their efforts in advancing women’s political participation, focusing on the role of women in parliaments, political parties and elections. OSCE and ODIHR were encouraged to continue offering expertise and tools to support participating States in their national efforts, including in the implementation of the OSCE 2004 Action Plan.

WS 8 on Violence against Women and Children observed the prevalence of domestic violence, as one of the most wide-spread human rights violations in the OSCE region. Discussions encouraged the OSCE participating States to improve their legal and policy frameworks as well as to sign and ratify the Council of Europe’s Istanbul Convention, as the first legally binding instrument to combat violence against women and domestic violence. Additionally, it was noted that work of non-governmental organizations on prevention and

combating of domestic violence should be continuously recognized and supported, in order to ensure provision of adequate assistance to victims.

WS 9 was specifically dedicated to addressing Violence against Women who belong to Vulnerable Groups and highlighted that women who are affected by conflict and who are in detention; women who are migrants, refugees and IDPs; women who live in rural and remote communities as well as Roma and Sinti women are all victims of perilous circumstances such as conflict and marginalization. Participants in this session recommended that both law and practice in the OSCE space must address the intersectionality of the different types of discrimination that these women face on a daily basis. Furthermore, more effective implementation of UNSCR 1325 and subsequent resolutions on Women, Peace and Security was emphasized.

During WS 10-11 and the Special Day on National Minorities the HCNM focused on such challenges as the increase of aggressive nationalism and ensuring full respect for the commitments under the Helsinki Final Act. She recalled the Bolzano/Bozen Recommendations, reiterating that while minority rights are a matter of legitimate concern to the international community they should be addressed within the framework and in compliance with the principles of international law. The HCNM referred also to the Hague Recommendations and Ljubljana Guidelines in the context of education of persons belonging to minorities and integration policies, stressing that education should be the platform for communication across and between ethnic, linguistic and cultural groups and a precondition for effective participation.

In WS 12, Prevention and Responses to Hate Crimes, Aggressive Nationalism and Chauvinism and Roma and Sinti Issues including the implementation of the OSCE Action Plan were discussed. The particular challenges that Roma and Sinti continue to face, in particular increasing anti-Roma rhetoric by populist politicians and extremists and the hate crimes perpetrated against them, were emphasized. It was stressed that discrimination against Roma and Sinti is intensifying mainly due to nationalist attitudes, xenophobia and scapegoating, phenomena that increased in the aftermath of the global economic crisis. Segregation in education, lack of employment, substandard housing and evictions, limited access to health care and other services, often due to lack of registration documents, are the issues that need to be addressed through comprehensive social inclusion programmes, especially at the local level. Furthermore the public and political participation of Roma and Sinti, in particular women and youth, and their involvement in decisions affecting them needs to be strengthened.

At WS 13, on Combating Racism, Xenophobia and Discrimination, also focusing on Intolerance on Religious Grounds participants noted continued lack of comprehensive data on hate crimes. Some civil society organizations noted disproportional impact of hate crimes on women as well the negative impact of institutional discrimination to reporting of hate crimes. Participating States were encouraged to step up their efforts to record hate crimes, train law enforcement and design comprehensive responses to address this issue effectively. Support and collaboration with civil society organizations was expressed as an important element in this regard.

At the WS 12 on Freedom of Religion or Belief, participants stressed that the regulatory regimes concerning legal personality for religion or belief communities in some participating States continue to be unnecessarily restrictive. Participating States were urged to implement

their OSCE commitments, in particular MC Decision 3/13. The participants welcomed the launch of the joint ODIHR and Venice Commission *Guidelines on the Legal Personality of Religious or Belief Communities* and suggested that the *Guidelines for Review of Legislation Pertaining to Religion or Belief* be updated.

In WS 14 on the Freedom of Movement and Human Rights Education, participants highlighted the importance of freer contact among citizens of OSCE participating States in the context of the promotion and protection of human rights. Participants also pointed to severe restrictions on freedom of movement in specific regions of some OSCE participating States over which they do not have *de facto* jurisdiction. De-facto authorities should remove restrictions to freedom of movement of all individuals residing in disputed areas or affected by conflict. Several participants stressed the little attention given to human rights education at the HDIM, while examples of countries where human rights education is part not only of school curricula but also in police and military training were cited as particularly inspiring.

During the Special Day on the Rights of Migrants (WS 16-17) it was underlined by participants that participating States should be obliged to integrate regular migrants, as well as to ensure the proper protection of their rights, especially children's rights. The linkage between economic crises and the rise of discrimination and intolerance against migrants, including Muslim migrants, was underlined. It was also highlighted that the OSCE region is strongly affected by an increasing number of refugees and IDPs, which remains a serious security and human rights challenge. The importance of improving mechanisms to reduce the flows of IDPs and make it possible for them to return to their homes was underlined by participants. The OSCE was called upon to increase its co-operation with UNHCR and to implement the OSCE-UNHCR "*Protection Checklist – Addressing Displacement and Protection of Displaced Communities and Affected Communities along the Conflict Cycle: a Collaborative Approach*" by means of the OSCE Field Operations.

During WS 18, on Human Dimension Activities (with special emphasis on project work), the introducer stressed that the OSCE needs to strategize, prioritize and co-ordinate to the extent possible, ensure projects respond to real needs and increase accountability. Participating States have to provide sufficient resources to ensure sustainable and meaningful delivery of the mandates. Participating States expressed broad support for the existing project work of the OSCE and provided suggestions, mainly related to addressing both emerging threats and all human dimension commitments and to the processes surrounding project activities.

Excellences, dear colleagues,

This is only a small sample of the richness of ideas and proposals discussed at this year's HDIM, there is a lot more in the Consolidated Summary just circulated. After now having looked back at the 2014 HDIM, allow me to conclude with some reflections on the future.

Despite growing trends in terms of participation – there is still a need to reform and modernize the human dimension events, not only with regard to dates and possibly a standing agenda but also with regard to the format. The importance and seriousness of the topics discussed at HDIM deserve a more attractive, contemporary and impact-oriented format. Participating States should consider changing the format, allowing not only peer review but also more debates, and less monologues. Great care should of course be made in order not to throw any precious babies out with the bathwater, including civil society participation.

While the deliberations and ultimate decision on any changes to PC/DEC 476 rests with the participating States, ODIHR will continue to look for ways we can further enhance HDIM within existing modalities. To give you an example, this HDIM was livestreamed on our website as something of pilot project. This is just one small step using modern technology at a negligible cost to make sure the important discussions at HDIM not only reaches those who are represented in person, but all those they represent.

I thank you for your attention.