



CIO.GAL/118/05
29 July 2005

ENGLISH only

Slovenian Chairmanship

Vienna, 29 July 2005

Dear Colleagues,

Please find enclosed the Annotated agenda for the Human Dimension Implementation Meeting to be held in Warsaw from 19 to 30 September 2005.

Organizational modalities have been already sent out by the OSCE/ODIHR (ODIHR.GAL/59/05/Corr.1, 12 July 2005) and are also available on the OSCE/ODIHR homepage.

Please also circulate the attached annotated agenda to the relevant national NGOs.

Sincerely yours,

A handwritten signature in black ink, which appears to read 'Janez Lenarčič'.

Janez Lenarčič
Chairman of the Permanent Council

To: All OSCE Delegations
All OSCE Institutions
OSCE Secretariat
OSCE Missions and Other Field Activities
OSCE Parliamentary Assembly
All Partners for Co-operation



Organization for Security and Co-operation in Europe

**HUMAN DIMENSION IMPLEMENTATION MEETING
19 – 30 SEPTEMBER 2005
Warsaw, Poland**

ANNOTATED AGENDA

MONDAY, 19 SEPTEMBER

10:00 – 13:00

OPENING PLENARY SESSION

Opening Addresses by:

The Director of the ODIHR
The Chairman-in-Office
The Host Government
A Representative of the OSCE Parliamentary Assembly
The Secretary General of the OSCE
The High Commissioner for National Minorities

Keynote speaker/s

15:00 – 18:00

WORKING SESSION 1

Democratic Institutions, including:

- Democratic elections;
- Follow-up to the 21–22 April 2005 Supplementary Human Dimension Meeting on Challenges of Election Technologies and Procedures;
- Democracy at the national, regional, and local levels;
- Citizenship and political rights;

Democratic elections, including observation and technical assistance, and Follow-up to the 21–22 April 2005 Supplementary Human Dimension Meeting on Challenges of Election Technologies and Procedures;

Since the start of last year's HDIM, the OSCE/ODIHR has been involved in observing elections in Albania, Bosnia and Herzegovina, Belarus, Bulgaria, FYROM, Kyrgyzstan, Moldova, Romania, Tajikistan, Ukraine, United Kingdom, USA and Uzbekistan. In addition, the OSCE/ODIHR sent an election support team to 2004 presidential elections in Afghanistan and the training needs assessment team to the 2005 presidential elections in the Palestinian Territories.

The Chairmanship in collaboration with the ODIHR Election Department organized a Supplementary Human Dimension Meeting (SHDM) on Challenges of Election Technologies and Procedures on 21–22 April 2005. The main objective of the SHDM was to discuss ongoing and emerging challenges, including those related to election technologies and procedures with regard to implementation of OSCE election-related commitments and other international standards. The meeting was divided into three working sessions, which considered:

- Session I: New Election Technologies: Emerging Challenges for Electoral Processes
- Session II: OSCE Election Commitments: Ongoing Challenges to Implementation - Copenhagen Plus as a Possible Means to Enhance Compliance
- Session III: Election Observation: Challenges to Enhancing Electoral Integrity

The report of the SHDM includes a number of recommendations on these issues and has been distributed to Delegations. It can also be found on the ODIHR website.

Finally, through the year the OSCE/ODIHR continued to work consistently on further developing its election observation methodology, and some significant projects were undertaken, including the preparation of the new, fifth edition of the ODIHR Election Observation Handbook.

Questions that could be addressed:

- How are participating States meeting their commitments to conduct free and fair, democratic elections?
- How can the political follow up to the OSCE/ODIHR election observation missions, reports and recommendations be improved?
- How can OSCE/ODIHR election observation and technical assistance better assist participating States in meeting their OSCE commitments to conduct free and fair elections?
- How best to assist in the further strengthening of considerable improvements which have been noted in the electoral processes in a number of participating States?
- What steps should participating States take to improve conditions for upcoming elections?
- How to contribute to building public confidence in electoral processes in participating States where elections have been highly contested and results disputed?

TUESDAY, 20 SEPTEMBER

10:00 – 13:00

WORKING SESSION 2

Humanitarian Issues and other commitments (*part 1*), *including:*

- Migration, refugees and displaced persons, including follow-up to the 3–4 November 2004 Supplementary Human Dimension Meeting on Internally Displaced Persons;
- Follow-up to the 11–13 May 2005 Human Dimension Seminar on Migration — Integration;

- Migrant workers;
- Treatment of citizens of other participating States.

Migration, refugees and displaced persons, including follow-up to the 3–4 November 2004 Supplementary Human Dimension Meeting on Internally Displaced Persons

Failure to meet OSCE Human Dimension commitments, wars and conflicts may result in movement of people who flee their homes. The process of involuntary migration is growing. The increasing problem of refugees and displaced persons concerns all OSCE participating States. The need for international co-operation, including between appropriate international bodies and non-governmental organizations, in dealing with mass flows of refugees and internally displaced persons has been reaffirmed in numerous OSCE documents (Helsinki 1992, Stockholm 1992, Rome 1993, Budapest 1994, Lisbon 1996, Istanbul 1999, and Maastricht 2003).

The OSCE Missions to conflict areas are working on the problem of internally displaced persons (IDPs), refugees and their return. The major focus is the development of appropriate strategies to help address problems of resettlement, property restitution, reintegration of refugees and displaced persons in their places of origin. In December 2003, the OSCE Ministerial Council, meeting in Maastricht adopted Decision No 4/03 on Tolerance and Non-Discrimination. Paragraph 13 of the decision states that the UN Guiding Principles on Internal Displacement are to be taken as a *useful framework for the work of the OSCE and the endeavors of participating States in dealing with internal displacement*.

Following that Decision was organized a Supplementary Human Dimension Meeting on Internally Displaced Persons on 3-4 November 2004; The SHDM was divided into three working sessions, which considered:

- Session I: State responsibility towards internally displaced persons. Fundamental rights and freedoms of IDPs
- Session II: Towards durable solutions: residency, voluntary return and resettlement, reintegration
- Session III: Towards durable solutions: property restitution and repossession

The SHDM emphasized the primary responsibility of States in providing for the security and well being of internally displaced persons and explored the meaning of state responsibility for the three million IDPs in the OSCE region. Once displacement has occurred, state responsibility entails acknowledging the problem, assessing the size and needs of IDP populations, developing national laws and policies, removing discriminatory laws and practices, establishing national institutions, training government officials, and safeguarding the full range of civil, political, economic, social and cultural rights of the displaced. The promotion of durable solutions for displaced persons was another important benchmark of state responsibility, namely ensuring that IDPs enjoy safe and voluntary returns or resettlement, minority protection, and assistance with property restitution and reintegration.

Questions that could be addressed:

- How are participating States implementing their commitments concerning refugees and internally displaced persons? How can OSCE Institutions, Missions and Field Operations best assist the participating States in this regard?

- How do States implement the recommendation of the SHDM to adopt national laws and policies on IDPs taking into account the UN Guiding Principles on Internal Displacement?
- Are there mechanisms to protect refugees and internally displaced persons from forced returns to unsafe conditions?
- How do participating States ensure the rights and needs of displaced persons, in particular adequate shelter, education, documentation, employment and political participation?
- How do participating States respond to cases of discrimination against refugees and internally displaced persons and violation of their human rights?
- Are there mechanisms and policies in place to ensure assistance and protection as well as the basic needs of all displaced persons?
- How do States facilitate the voluntary return in safety and dignity, or if IDPs wish, the resettlement and (re)integration of IDPs?
- How do States conduct registration, census, and documentation of persons who are displaced in order to establish the best tailor-made solutions for return?
- Are there models of co-operation between state authorities and non-governmental organizations in the planing and framing of return and reintegration programs for IDPs?
- How do States assist IDPs with the return of their property or tenancy rights and in obtaining fair compensation.
- How can OSCE assistance in ensuring the rights of refugees and displaced persons be strengthened?

Follow-up to the 11–13 May 2005 Human Dimension Seminar on Migration — Integration; and Migrant workers

Legal migration by persons for purposes of employment has been a factor in interstate relations for centuries. Massive changes in agriculture and industry, in national demographics and in the ease of transport over the past half-century have led to increased movements of individuals and groups, notably between or to virtually every one of the OSCE participating States. While some of these movements have been transitory or temporary, others have had a more permanent impact on the societies of both sending and receiving countries. These issues have been addressed in commitments by the CSCE and OSCE, starting with the Helsinki Final Act of 1975 and continuing through Madrid (1983), Vienna (1989), Copenhagen (1990), Paris (1990), Moscow (1991), Helsinki (1992) and Budapest (1994).

In addition, at the OSCE Ministerial Council in Sofia in December 2004, the OSCE participating States committed themselves to *take steps, in conformity with their domestic law and international obligations, against discrimination, intolerance and xenophobia against migrants and migrant workers, as well as to consider undertaking activities to raise public awareness of the enriching contribution of migrants and migrant workers into society.*

Following those decisions the OSCE reinforced its activities in the field of combating discrimination against migrant workers and of their integration into society. The Human Dimension Seminar on Migration and Integration on 11-13 May 2005 examined ways to ensure protection of the rights of migrants and an efficient and harmonious integration of legal migrants. The HDS was divided into four working group sessions, which considered:

- Session I: Co-operative frameworks supporting integration and protection of legal migrants
- Session II: Legal aspects of migration and integration of lawful migrants
- Session III: Participation of legal migrants in public life and society
- Session IV: Socio-cultural aspects of integration.

There was a general consensus of the Seminar participants that both sending and receiving countries can benefit from migration if they take positive steps to combat discrimination and acts of intolerance against migrants and ensure that conditions are created for integration without loss of identity. Ideally, integration policies should be in place from the moment the migrant arrives to the country and should target migrants arriving for both *permanent and temporary stay*. Moreover, there is no logical end point for integration where migrants can be seen as fully integrated or a society classified as fully cohesive. Integration should be viewed as *a process* rather than a static goal.

Many integration measures can be undertaken in the absence of special legislation, but legislative frameworks are important in ensuring that migrants do not fall victim to discriminatory practices and that migrants can associate freely and reunify with their families. The process of developing migration legislation could enhance democratic governance practices if all the interested stakeholders are involved.

Key determinants of integration are the engagement and participation of migrants in the social, political and public life of the host society. There are many measures that can be taken to foster integration such as language education, orientation to community services and health care, legislation against discrimination of migrants. But these alone are not sufficient. The host *societies also need to be educated* about the migrants.

Democratic and inclusive citizenship laws could be an effective tool for full integration and naturalization of legal migrants while allowing them to preserve their identity. Basic knowledge of the language, the culture and the institutions of the host country as well as the acceptance of its fundamental principles were stressed as necessary requirements for citizenship.

Questions that could be addressed:

- Are the participating States that are countries of origin making efforts to protect the rights of their citizens abroad and providing them with relevant information through strengthening, among other measures, their consular services?
- Are the participating States involving employers and employees, including migrants, in the process of elaboration of national migration and integration policies?
- Are there active exchanges of information on migration management and integration programmes including national experiences on regularisation and legal status of migrants?
- What are examples of legal frameworks aimed at preventing structural and institutional discrimination against migrants and jeopardizing their participation in society?

- Are the participating States establishing an interstate dialogue between sending and receiving States as well as a social dialogue among trade unions, employers and government, when dealing with problems of migrant workers?
- Are the participating States paying special attention and undertaking special efforts to ensure the inclusion of migrant women into integration programmes?
- Are there examples of simplifying the procedures for releasing work permits or documents to the migrants?

Treatment of citizens of other participating States

Question that could be addressed:

- Is the treatment by participating States of citizens of other participating States consistent with OSCE commitments?

15:00 – 18:00

WORKING SESSION 3

Fundamental Freedoms I, including:

- Freedom of movement.
- Freedom of assembly and association.

Freedom of movement

Despite OSCE commitments related to freedom of movement, some participating States have restrictions such as exit visas and internal registration regimes that restrict freedom to choose one's place of residence. In other parts of the OSCE region, the fight against terrorism has raised issues concerning border management and visa controls.

Questions that could be addressed:

- Are participating States implementing their commitments concerning freedom of movement? How to find a balance between national security concerns and the right to freedom of movement?
- How can the OSCE, and in particular the ODIHR, assist the participating States in implementing best practices of cross-border co-operation and humane migration management?
- How can the OSCE enhance co-operation with other actors in the field at the local, regional, national and international level?
- How can the OSCE address concerns of some participating States that the region is being divided by a so-called “paper curtain” of onerous visa requirements? Should the OSCE have a role in this regard?
- How can the OSCE ensure that issues of migration are not confused with issues of counter-terrorism to the detriment of migrants?

Freedom of assembly and association

Freedom of Assembly and of Association are two fundamental freedoms that play an important role in any democratic society as they guarantee the right of citizens to freely associate with each other on an informal or more formal basis by either creating associations and choosing to become their members or by simply organizing peaceful gatherings in order to express their opinions. It is widely recognised that protection of opinions and the freedom to express them is one of the objectives of the freedom of assembly and association.

These rights are guaranteed by all United Nations and regional human rights instruments. OSCE Commitments also repeatedly reaffirm and guarantee freedom of assembly and association. The Helsinki Final Act of 1975 referred to these freedoms and stated that the participating States confirmed that “organisations and their representatives...can have contacts and meetings among themselves and exchange information.” In 1990 the Copenhagen Document mentioned that “everyone would have the right of peaceful assembly and demonstration...and individuals are permitted to form...NGOs which seek the promotion and protection of human rights...” In the Istanbul Charter of 1999 the participating States further acknowledged “that NGOs are an integral component of a strong civil society and perform a vital role in the promotion of human rights, democracy and the rule of law”.

Freedom of assembly and freedom of association pertain to all members of any society, but human rights defenders, NGOs and political parties are the ones that benefit the most from unimpeded exercise of these freedoms. They are also often the first ones to be affected in case of suppression of these freedoms by States or non-State actors. These freedoms also gain particular significance during pre-election, election and post-election periods and if guaranteed, promote free expression of public views on election-related matters, especially in the circumstances of flawed election process. In turn, respecting these fundamental freedoms is beneficial to governments as well, in that these freedoms provide a means for the peaceful expression of dissent, an important element for long-term stability.

In recent years, freedom of assembly and freedom of association have been widely affected or even targeted by anti-terrorism and anti-extremism policies widely adopted by the OSCE participating States. Suppression of these rights often leads to results counter to those originally aimed at by the authorities and therefore alternative measures of countering extremism and terrorism should be explored by the OSCE participating States.

Questions that could be addressed:

- Are participating States implementing their commitments concerning freedom of assembly and association?
- Do participating States duly guarantee freedom of assembly and association during the election process?
- How can participating States effectively tackle threats of terrorism and extremism, where they genuinely exist, without unnecessarily restricting freedom of assembly and association and without obstructing legitimate dissent?
- Which measures could be undertaken by participating States in implementation of their positive obligation to permit genuine and free exercise of freedom of assembly and association?

- How can human rights defenders contribute to the promotion of freedom of assembly and association and how can participating States establish constructive dialogue with active members of civil society?

WEDNESDAY, 21 SEPTEMBER

10:00 – 13:00 and 15:00 – 18:00

WORKING SESSIONS 4, 5

Specifically Selected Topic: The situation of the media in the OSCE region and the role of State and non-State actors in promoting media freedom, including:

- Address by the OSCE Representative on Freedom of the Media;
- Freedom of expression, free media and information.

Freedom of expression, free media and information

There are numerous OSCE commitments ensuring the individual's freedom of expression, freedom of information, and the freedom of the media. The strategic assumption of these commitments is to place the media into the custody of society rather than in the custody of the state, where it has been in most countries before democratization. This session could usefully explore this process and the fundamental democratic function of the media.

Discussion could also focus on ways in which governments sometimes hinder the above-mentioned function. Typical targets of governmental restrictions are independent media, investigative journalism, and critical opinion. Seemingly rule of law methods of keeping independent media weak can include administrative discrimination in taxation, registration, governmental control over printing facilities, newsprint production, distribution etc. Furthermore, journalists reporting on political decisions and processes are sometimes faced with defamation and insult laws. Even in countries where defamation laws are decriminalized, journalists can face oppressively high fines for civil libel, or governmental pressure for sources of their investigative work. The discussion could bring together comprehensive recommendations on how to ensure legal and other preconditions of freedom of the media, including access to the judiciary. Such recommendations could take into account that governments can also hinder democratic media by what they do not do, like not proactively caring about legal and other preconditions of pluralism, not privatizing print media or not licensing privately-owned television and radio.

New challenges can provoke new ways of mishandling freedom of the press. The novel media types of the Internet are endangered by over-regulation, which is triggered by “bad content” as perceived by the government or civil society.

The discussion could help identifying other new challenges which might turn out to be an obstacle for free and pluralistic media, such as media concentration.

Participants could discuss the public’s right to government information and the practice of defining “state secrets”. The session could also discuss ways of reporting and governmental handling of the press in crisis situations, like civil unrest or terrorist attacks.

Questions that could be addressed:

- Are OSCE States fulfilling their commitments to ensure freedom of expression, information and free media?
- What kind of measures can be provided by the relevant players, i.e. governments of participating States, IGOs, NGOs, journalistic associations and media itself, to support pluralism and independence of the media, freedom of critical voices and access to information?
- What are the ways to support the professional development of the press whilst keeping and enhancing its freedom?
- Are criminal defamation laws and insult laws, or too high civil fines, being used to silence freedom of media and freedom of expression?
- How can we ensure free speech and freedom of the media be protected while at the same time combating terrorism? How can we address the potential conflict between freedom of the media and other human rights (such as the presumption of innocence in criminal proceedings and the right to freedom from discrimination) in the context of the fight against terrorism?
- What measures can be taken to increase the level of safety of journalists in the OSCE region?
- What roles do minority language media play in a democratic society? How can participating States support minority language media?

What is the situation of freedom of the media and the Internet in the OSCE region? How can we ensure freedom of the media on the Internet in the OSCE participating States?

THURSDAY, 22 SEPTEMBER

10:00 – 13:00 and 15:00 – 18:00

WORKING SESSIONS 6, 7

Specifically Selected Topic: Methods to prevent and combat torture

Background

Torture and its prevention are high on the agenda of human rights discourse. There is a general recognition that there needs to be more than talk about preventing torture, and that there are measures that can be taken by participating States which can contribute to a rapid reduction in the use of torture. These measures are practical and relatively quick to implement. They are good practices which have been shown to succeed.

The purpose of this Torture Prevention day is to discuss what these measures are and how they might work in practice in preventing and combating torture.

10:00- 13:00

Torture and its prevention within Criminal Justice systems

Torture is often carried out within the context of failing criminal justice systems and impunity, where investigators have no incentive not to use torture, and on occasion incentives for the use of cruel and inhuman treatment or torture.

Furthermore there are systems within the OSCE area where confessions, uncorroborated by other evidence, are accepted by courts with a minimum of investigation. This attitude only serves to encourage the use of improper force. How can this state of affairs be challenged?

In some systems success is judged and law enforcement officers are rewarded on the basis of numbers of convictions. Clearly this acts as an incentive to prioritize convictions over fairness. How have some systems dealt with this question and what experiences have been made with different systems? Similarly whilst almost all law enforcement officers are aware of the prohibitions on torture it may be that there is limited awareness of effective methods of interrogation and investigation that fully comply with international standards. The role of human rights education should be highlighted in this context.

In systems where the institution exercising oversight on detention is the same as that conducting the prosecution the restraints on such behaviour are seriously, both in principle and practice, restrained. The OSCE commitments reflect provisions of the International Covenant on Civil and Political Rights that “[a]nyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power” and that “[a]nyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, ...” Yet not all participating states have implemented this requirement. What can be done to ensure that this key safeguard is put into place?

Some countries have addressed some very real problems arising out of police maltreatment by instituting comprehensive safeguards surrounding the practice of detention, for example custody records and recording of interviews. Their experience suggests that such practices can be very successful. What conclusions can be drawn from their experience and how can they assist reforms in countries without such safeguards?

Afternoon session 1500-1800

The State and Torture:

This session will deal with preventing and combating torture at the State level. One of the main issues it will address will be the status of the Optional Protocol to the Convention Against Torture (OPCAT) and monitoring of places of detention. Similarly the work of the European Committee for the Prevention of Torture (ECPT) has proved very effective. There will be a discussion of the benefits that accrue to states that have signed and ratified the OPCAT.

Interaction between national and international instruments is important, and the fact that some states are behind in their reporting obligations to the Committee against Torture will also be a point of discussion.

A central issue in prevention is the question of political will against torture. There are participating States whose leadership fails to condemn and prohibit torture explicitly. In many cases this not only acts as a possible encouragement to torturers, but prevents

prosecution of the crime of torture. It is often forgotten that torture is an international crime, far more serious than, for example allegations of breaches of public order which occasion arrests following which torture has taken place. Very few prosecutions are brought against torturers. Why is this?

FRIDAY, 23 SEPTEMBER

10:00 – 13:00

WORKING SESSION 8

Rule of Law I, including:

- Legislative transparency;
- Independence of the judiciary;
- The right to a fair trial;
- Follow-up to the 14–15 July 2005 Supplementary Human Dimension Meeting on Human Rights and the Fight against Terrorism.

Legislative transparency

OSCE commitments stipulate that democracy is an inherent element in the rule of law. They also call for legislative processes to be open and public. In order for laws to be considered as legitimate by citizens, the law making process must be open and citizens must have access to the legislative process. Citizens and civil society groups should have the ability to comment publicly on proposed legislation and to have access to information concerning the legislative process. To this end participating States should have clearly defined rules concerning the passage of legislation which include provisions for maximum public input and transparency in the law making process. An open and transparent law making process is also a safeguard against the imposition of special and hidden interests and helps to ensure better compliance with OSCE human dimension commitments.

This is particularly true in the case of laws which derogate from human rights provisions or establish states of emergency. This type of legislation requires particular scrutiny to ensure that it is not contrary to a State's international obligations and is not open to abuse.

Questions that could be addressed:

- Do all OSCE states ensure legislative transparency?
- What is the relationship between laws and other normative acts enacted by the executive branch of power?
- What are the obstacles to implementing rules that improve legislative transparency?
- What can participating States do to ensure that the public has access to the legislative process and public documents?
- How can the OSCE, its Institutions and field operations support the transparency of the law making process?

Independence of the judiciary

Judges hold a position of central importance to the rule of law. A strong and independent judiciary is the first line of defense against arbitrary rule in general and an abusive executive specifically; it is also crucial to fighting corruption. However, the independence of the judiciary continues to be of concern in some participating States. Despite the passage of laws and constitutions that appear to assure some independence for the judiciary, this is not always carried out in practice. A number of OSCE participating States have established judicial councils and similar bodies over the last years. However the level of competencies and the level of internal autonomy of the judicial branch of power vary widely within the OSCE region.

Judicial independence is not only threatened by state structures. Corruption in judicial systems attacks the very core of the idea of rule of law. Several solutions have been proposed and tried to deal with this problem, ranging from education in ethics to the subsidizing of salaries.

Questions that could be addressed:

- Are participating States meeting their commitments concerning independence of the judiciary?
- Are there sufficient legal and structural divisions allowing for judicial independence from government influence?
- How in practice are judges treated, particularly when their judgments contravene the policies of the executive? What protections can be created to ensure that judges are secure both in their roles and indeed physically? What legal protections are necessary or appropriate to ensure an independent judiciary?
- What are the most effective tools against judicial corruption?
- What obstacles still remain to an independent judiciary? How can the independence of the judiciary be more efficiently safeguarded?
- What can the OSCE do to help participating States to eliminate these obstacles?
- What is the role of the judiciary in protecting human rights?

The right to a fair trial

The right to be tried fairly in accordance with international standards is essential to any democratic state governed by the rule of law. In order to achieve better implementation of the fair trial concept, legislative reform is necessary in many participating States in order to ensure fully the fairness of the process to all parties involved. Central to the notion of fair trial is the concept of a level playing field (“equality of arms”) between the prosecution and the defence within the judicial process. A fair trial is thus not exclusively dependent on the judiciary, but also on the status and competence of the Prosecutor's Office and lawyers and their relation to the defence. One key aspect of this is full disclosure of evidence against the defendant.

Frequently, fair trial violations are the result of human rights violations in the investigative process, as well as in access to justice, including to the courts and legal counsel. A clear and accurate record of the trial procedure is an important component in protecting due process rights, as the record is preserved and can be reviewed upon appeal.

Questions that could be addressed:

- Are participating States implementing their OSCE commitments regarding fair trials?
- Do participating States allow for early access to legal counsel and do they provide for the necessary possibility to prepare an effective defence? Are these rights curtailed in any way in terrorism cases?
- What steps are being taken by participating States to institute procedures to ensure reliable and accurate recordings of court proceedings?
- Is the procedural balance of powers between different actors sufficiently safeguarded? How are participating States addressing reforms to equalize the parties and ensure that the prosecutor does not hold disproportionate power?

Follow-up to the 14–15 July 2005 Supplementary Human Dimension Meeting on Human Rights and the Fight against Terrorism

Counter-terrorism measures that fall outside the framework of the rule of law and applicable international law including human rights standards effectively roll back well-established norms and lay the foundations for further insecurity.

The 2004 OSCE Ministerial Council adopted the Sofia Ministerial Statement on Preventing and Combating Terrorism. This Statement re-emphasizes the determination of the OSCE participating States “to combat terrorism in all its forms and manifestations, as a crime that has no justification, whatever its motivation or origin, and to conduct this fight with respect for the rule of law and in accordance with [their] obligations under international law, in particular international human rights, refugee and humanitarian law.” The OSCE also notes the declaration on the issue of combating terrorism contained in the annex to UN Security Council Resolution 1456 (2003), in particular the statement that States must ensure that any measures taken to combat terrorism comply with all their obligations under international law and should adopt such measures in accordance with international law, in particular international human rights, refugee, and humanitarian law.

Human rights are sometimes violated during the conduct of the fight against terrorism. These violations may take many forms including the limitation of fundamental freedoms such as freedom of religion and belief, freedom of expression and freedom of assembly. The right to life has also been threatened in certain circumstances and certain other non-derogable rights, as set forth in Article 4 of the International Covenant of Civil and Political Rights, such as the right to freedom from torture or inhuman and degrading treatment or punishment, have been limited by certain legislation and practices in the fight against terrorism. A strong and active civil society that is actively engaged in promoting democracy and tolerance is instrumental in combating terrorism. This must go hand-in-hand with civil society’s support to legitimate measures of the State’s authorities aimed at protecting everybody under their jurisdiction from terrorist acts.

The SHDM comprised of three sessions focussing on key issues and raising questions under each:

Session I: Religious freedom and the fight against terrorism

Questions that could be addressed:

- How can religious freedom be promoted among participating States as a tool in the fight against terrorism?
- What methods can be used to combat extremism while protecting freedom of religion or belief and other fundamental rights and freedoms in society?
- How should law enforcement and intelligence agencies governments balance legitimate security concerns while respecting religious freedoms?
- What are the proper parameters for participating States to set registration requirements for religious communities?
- How should minority religious communities and immigrant communities respond to the legitimate security concerns of governments in a way that effectively combats terrorism?

Session II: Torture and the fight against terrorism

Questions that could be addressed:

- What can be done to eliminate the risk of torture or cruel, inhuman and degrading treatment or punishment in the context of the fight against terrorism?
- Why should evidence extracted through torture not be relied upon?
- How can it be ensured that statements extracted through torture will not be invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made?

Session III: The Role of Civil Society and the Fight against Terrorism

- How can civil society engage with governments to combat terrorism?
- How can civil society act as a check on potential excesses in the fight against terrorism and promote best practices and accountability?
- How can civil society foster an atmosphere which discourages recruitment to terrorism and builds bridges in society?

At the HDIM, participants may also wish to examine the recommendations from the SHDM.

Rule of Law II, including:

- Exchange of views on the question of the abolition of capital punishment;
- Ombudsman and national human rights institutions.

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

In the Vienna Document of 1989 the participating States that retain the death penalty committed themselves to do so only for most the serious crimes and in a manner not contrary to their international commitments. In addition, in the Copenhagen Document of 1990 the participating States committed themselves to make available to the public information regarding the use of the death penalty and to exchange information on the question of the abolition of the death penalty.

Questions that could be addressed:

- To what extent are the OSCE commitments on the death penalty, including in regard to the exchange of information, being complied with by OSCE participating States?
- What steps are needed in law and practice to ensure that international minimum standards on the use of the death penalty are observed?
- How can the availability of statistics on the use of the death penalty (including sentences and executions) be improved? How can these statistics be used to inform and guide States in their decisions regarding the abolition or application of the death penalty?
- What developments have occurred in the OSCE region regarding the abolition of the death penalty or the introduction of moratoria?
- What standards and best practices should be observed by OSCE participating States that have a moratorium on executions in place?
- How can the constructive exchange of information on the abolition of the death penalty be improved? What role can civil society and academics play in this exchange?

Ombudsman and national human rights institutions

In some countries, when courts or executive officials either lack jurisdiction or the capacity to uphold human rights standards, it falls to national human rights institutions to fill the gap. In such circumstances these institutions can face obstruction and resistance.

Equally some national human rights institutions have been granted only a very restricted mandate, which can prevent them from conducting investigations in a decisive manner.

Questions that could be addressed

- How should the mandates of national human rights institutions be framed? What restrictions are or should be placed on them?
- To what extent do participating states restrict the operations of national human rights institutions? What can be done to prevent improper interference?

16:00 – 18:00

PLENARY SESSION

Plenary session

- **Any other business**
- **Presentation of the outcome of the first week’s Working Sessions** to review the implementation of commitments
 - Democratic elections; Follow-up to the 21–22 April 2005 Supplementary Human Dimension Meeting on Challenges of Election Technologies and Procedures; Democracy at the national, regional and local levels; and Citizenship and political rights;
 - Migration, refugees and displaced persons, including follow-up to the 3–4 November 2004 Supplementary Human Dimension Meeting on Internally Displaced Persons; Follow-up to the 11–13 May 2005 Human Dimension Seminar on Migration — Integration; Migrant workers; and Treatment of citizens of other participating States;
 - Freedom of movement;
 - Freedom of assembly and association;
 - Freedom of expression, free media and information;
 - Legislative transparency;
 - Independence of the judiciary; and the Right to a fair trial;
 - Follow-up to the 14–15 July 2005 Supplementary Human Dimension Meeting on Human Rights and the Fight against Terrorism;
 - Exchange of views on the question of the abolition of capital punishment;
 - Ombudsperson and national human rights institutions.
- **Reports** on the Working Sessions on the specifically selected topics
 - The situation of the media in the OSCE region and the role of State and non-State actors in promoting media freedom;
 - Methods to prevent and combat torture.
- **Preliminary discussion of the recommendations** made, as a preparation for the Closing Reinforced Plenary Session.

MONDAY, 26 SEPTEMBER

10:00 – 13:00 and 15:00 – 18:00	WORKING SESSIONS 10, 11
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Project and programme activities.

The Human Dimension Implementation Meeting provides an important forum for participating States and others to highlight Human Dimension activities. This is done with a view to identifying best practices and to seeing where a greater focus from the OSCE institutions, field operations and other OSCE structures could prove useful in identifying trends and priorities for the future. A potential anticipated outcome is to review ways for field operations to benefit from existing institutional knowledge. An important point for reflection is how the results of the Human Dimension Implementation Meetings can be taken forward most effectively to the Permanent Council and the Ministerial Council.

The OSCE has played an active role in recent years in seeking to strengthen democracy and human rights practices, as well as promoting reinforced compliance with Human Dimension Commitments by OSCE participating States, through the development and implementation of targeted activities and projects. These Human Dimension activities, including the project work of OSCE Institutions and of both large and small field offices, have grown in number, intricacy and duration. They include specific assistance efforts, programmes and projects (i.e. legislative and technical assistance, training, and workshops for both government officials and members of civil society, human rights education); work with specific States (i.e. Ministries and other governmental structures, civic society, etc.) and in sub-regional groupings; as well as work at the international political level (i.e. consultation and co-ordination with other international organisations, etc.).

OSCE institutions, field operations and other OSCE structures will make presentations on the lessons learned from their activities, this being one step in elaborating future priorities in the Human Dimension. The aim is to foster exchange of institutional experience and how it can be used for existing challenges. This will promote a forward-looking discussion of the future activities of OSCE institutions and field operations on the substance of projects, and the consequent development of programming.

International organisations and NGOs - as well as participating States and other participants - are invited to comment on the presentations and to present their own project priorities for reciprocal comment.

Questions that could be addressed:

- Which areas should receive priority attention by the OSCE? How can the OSCE be most effective in assisting participating States in implementing their Human Dimension commitments?
- What are successful examples of best practices, of OSCE interventions, programmes and projects from past years? Why were these successful? What are examples of less successful programmes and projects? Why were they less successful?
- How can field operations benefit from existing institutional knowledge and best practices on human dimension activities? How can exchange between field operations be facilitated? How can the OSCE institutions and Secretariat support that exchange?
- What are successful examples of Human Dimension activities and programmes conducted by other international and local organisations from which the OSCE could learn?

The role of OSCE institutions, field operations and other OSCE structures

The OSCE field operations are one of the instruments that give the Organization both an active presence and an important role throughout the OSCE space. Field operations' mandates differ and so do their sizes. Thus in large field operations the above mentioned issues are tackled by separate departments, whereas in small ones they are dealt with by focal points covering more than one human dimension aspect. The relevant assistance offered to the host country falls strictly within the respective mandate approved by the participating States. The supervision of all the activities carried out by OSCE field operations is coordinated by the Conflict Prevention Centre and the OSCE Chairmanship.

The discussion will focus on how structural co-operation and strategic planning provides an opportunity for the OSCE to add value in changing situations on the ground.

With strong programme loads and increasing demands by the participating States and the NGO community for human dimension expertise, as well as external demands to co-ordinate and co-operate with international organisations and partner organisations, the OSCE needs to continue to co-ordinate its activities internally, with other international organisations, and with NGOs active in the OSCE region to increase its effectiveness and prevent duplication.

Questions that could be addressed:

- What kinds of priorities should the Organization look to in the future?
- What tools does the OSCE offer to assist participating States in implementing their Human Dimension commitments?
- How effective is co-operation and planning within the OSCE, its institutions, field operations and the Secretariat?
- How effective is co-operation between the OSCE and local actors - both governmental and non-governmental - in Human Dimension activities? Are there useful co-operation models which could be explored further?
- How effective is cooperation among national actors? Is there room for improvement and how could the OSCE assist?
- Where and when is long-term programming appropriate, and where and when is short-term programming more advisable?
- When is the interplay between OSCE institutions' and field operations' programming a strength and when can it be a limitation?
- How effective is the co-ordination and co-operation between OSCE and other international actors (e.g. CoE, EU, EBRD, UNHCHR, UNHCR, IOM) in Human Dimension activities: at headquarters and in the field? Is there room for improvement? Are there useful models for co-operation and co-ordination which avoid duplication of efforts?

TUESDAY, 27 SEPTEMBER

Humanitarian Issues and other commitments, including:

- Trafficking in human beings; Implementation of the OSCE Action Plan to Combat Trafficking in Human Beings, and the 2005 focus on the special needs of child victims of trafficking for protection and assistance;
- International Humanitarian Law.

Implementation of the OSCE Action Plan

Trafficking in Human Beings is a violation of human rights and a threat to security throughout the OSCE region. The OSCE participating States adopted an Action Plan to Combat Trafficking in Human Beings (P.C.DEC/557) which addresses the problem comprehensively and intends to provide participating States with a comprehensive toolkit to help them implement their commitments to combating trafficking. Further, to enhance the OSCE's efforts in fighting trafficking in human beings the OSCE appointed a Special Representative on Trafficking in Human Beings and created a special unit in the OSCE secretariat (M.C. DEC/2/03)

While governments have developed a variety of anti-trafficking measures, increasingly in close cooperation with civil society, sometimes policies or activities fail or result in unintended consequences causing further damage to victims or vulnerable groups. Such measures restrict freedom of movement, permit arbitrary detention, disregard privacy and endanger the security of the affected person after deportation to the country of origin. Furthermore the majority of trafficked persons do not have access to effective protection mechanisms, as authorities or international agencies fail to identify them as victims.

To guide states in developing a rights-based response to trafficking, the ODIHR published a handbook on the establishment of National Referral Mechanisms. NRM's aim to ensure that the human rights of trafficked persons are respected and that effective mechanisms are in place to identify and refer them to assistance. They also can work to help improve national policy and procedures on a broad range of trafficking related issues. The challenges in protection and assistance to trafficked persons have further been considered at the Joint ODIHR/Finnish Conference in Helsinki in September 2004 and a series of expert workshops and conferences convened by the Special Representative in Vienna.

Questions that could be addressed:

- What measures have been taken by participating States to promote knowledge and implementation of their commitments under the OSCE Action Plan?
- How could the implementation of the OSCE Action Plan be best monitored on a regular basis by the OSCE?
- What elements of the Action Plan cause the most difficulties in implementation and require further elaboration or technical assistance?
- What steps have been taken to establish NRM's in participating States and what actors have been included in these structures?

- What measures have participating States taken to ensure that trafficked victims are identified and referred for assistance? Do States take proactive measures to identify trafficked victims subject to exploitation?
- How do States ensure that trafficked victims are not subject to ill treatment on return to origin countries?
- Are trafficked victims systematically compensated through judicial proceedings in States and are the confiscated proceeds of trafficking used for the benefit of trafficking victims?
- Why are there serious disparities in most States between the supposed number of cases of trafficking and subsequent charges and convictions of trafficking?
- What measures have States taken to ensure that civil society is adequately funded to assist the State to provide assistance to trafficked victims?
- What measures are States taking to tackle the root causes or contributing factors?

The 2005 focus on the special needs of child victims of trafficking for protection and assistance

The UN Convention on the Rights of the Child provides the necessary standards for the protection of all children under 18 against trafficking (prevention of trafficking) and for special protection measures for those children who end up being trafficked.

Special protection measures for child victims are necessary because of the age of the victim and the severity of the human rights violation that the child has suffered – a child victim of trafficking should be treated as a child and as a victim. This importance has also been recognized by all those states that have ratified the CRC. The OSCE Action Plan to Combat Trafficking in Human Beings includes a special section on the protection of child victims of THB (V. Protection and Assistance, Chapter 10) in which participating States have committed themselves to:

- a) Ensuring that the special needs of children and the best interests of the child are fully taken into account when deciding upon appropriate housing, education and care. In appropriate cases, if there is no direct threat to the safety of the child, providing the children with access to the State educational system.
- b) Deciding on the repatriation of a child victim of THB only after having taken account of all the circumstances of the specific case and if there is a family or special institution in the country of origin to ensure the child's safety, protection, rehabilitation and reintegration.
- c) Considering the provisions outlined in the United Nations High Commissioner for Refugees Guidelines for the Protection of Unaccompanied Minors when elaborating policies targeted at this risk group, and in particular for those who are not in possession of identification documents.
- d) Using bilateral and/or regional agreements on fundamental principles of good reception of unaccompanied children in order to combine efforts targeted at the protection of children.

- e) Ratifying or acceding to, and fully implementing, the Optional Protocol to the Convention on the Rights of the Child, on the Sale of Children, Child Prostitution and Child Pornography.

In 2005, the OSCE delegations, coordinated by the Informal Working Group on Gender Equality and Anti-Trafficking, drafted an Addendum to the 2003 Action Plan on Combating Trafficking in Human Beings: Addressing the Special Needs of Child Victims of Trafficking for Protection and Assistance which was adopted by the Permanent Council Decision No. 685 on 7 July 2005.

Questions that could be addressed:

- Presentation of the Addendum to the 2003 Action Plan on Combating Trafficking in Human Beings: Addressing the Special Needs of Child Victims of Trafficking for Protection and Assistance by the IWG on Gender and Trafficking in Human Beings.
- Which measures have participating States taken to ensure that protection and assistance to child victims of THB is in the child's best interests and effective? Which best practices exist in this context?
- What are the particular challenges that participating States faces in extending adequate and effective protection and assistance to child victims of THB?

International Humanitarian Law

The presence of internal armed conflicts within the OSCE region (as well as a legacy of international armed conflict) highlights the importance of the implementation of humanitarian law by participating States, especially as concerns the protection of civilians and the respect for fundamental non-derogable rights. Some participating States have been involved in international armed conflict with non-OSCE States over the past year.

Questions that could be addressed:

- The principle of distinction between civilians and combatants and the principle of proportionality.
- The Rome Statute of the International Criminal Court entered into force on 1 July 2002. Significance and importance of this event.
- The Additional Protocols to the Geneva Conventions, the Ottawa Convention on the ban of anti-personnel mines and the co-operation with the International Criminal Tribunals for the former Yugoslavia and for Rwanda.

15:00 – 18:00

WORKING SESSION 13

Tolerance and non-discrimination I, including:

- Equal opportunity for women and men;
- Implementation of the OSCE Action Plan for the Promotion of Gender Equality;
- Role of women in conflict prevention and crisis management;
- Prevention of violence against women.

Equal opportunities for women and men; in particular through Implementation of the OSCE Action Plan for the Promotion of Gender Equality

Equal rights for women and men are essential to peace, sustainable democracy, economic development and therefore to security and stability in the OSCE region. Advancing equality of rights and equal opportunities is an indispensable element of the OSCE's work in all three dimensions. As stated in the OSCE Action Plan for the Promotion of Gender Equality, adopted by the Ministerial Council in Sofia in December 2004, "the gender perspective should be taken into account in the Organization's activities, projects and programmes, in order for the organization to achieve gender equality within its own operations as well as in the participating States". Gender mainstreaming, as an effective tool for achieving gender equality, should be underscored at all levels of decision-making in participating States as well as within the OSCE itself to promote respect for the rights of women and equality of opportunity without discrimination on the basis of sex.

Women's limited access to resources (political, economic and social), their lack of decision-making power and acceptance of domestic violence by the societies at large as a norm, are factors that contribute to perpetuating unequal opportunities between women and men. Complementary to the process of mainstreaming a gender perspective in all policies and programmes, attention also needs to be paid to specific needs and concerns of women in different situations, be it in private or public spheres.

Equality of opportunity for women and men and the equal enjoyment of human rights are integral parts of sustainable democracy. Participating States and OSCE structures need to take concrete steps to promote equality of opportunity of women and men to participate in and contribute to the democratic processes and economic development in the OSCE region. One of the key measures in this development is ensuring equal opportunity for participation of women in decision-making levels at the national, regional, and local levels. Further concrete steps also need to be taken by participating States and OSCE structures to promote women's equal enjoyment of their human rights and fundamental freedoms, recognizing in practice that this is essential to the achievement of a more peaceful, prosperous and democratic OSCE area.

Questions that could be addressed:

- How are the OSCE and its participating States implementing their commitments regarding equality of opportunity for men and women in line with the OSCE Action Plan for the Promotion of Gender Equality? Are the existing policies being translated into practice?
- What measures are participating States taking to ensure women's equal opportunity for participation in democratic processes and economic development, including strategies and actions to increase the number of women in decision making processes on local, regional and national level? What are the best practices?
- Can the co-operation among governments and civil society on women's rights and gender equality issues be strengthened?
- How can OSCE assistance in ensuring equality of opportunity for men and women be strengthened? What steps need to be taken?

- How can the OSCE in practice ensure a systematic and consistent integration of a gender perspective in all its activities, policies and decisions?

The role of women in conflict prevention and crisis management

Lack of women's involvement in conflict prevention and crisis management significantly weakens chances of finding viable and peaceful solutions to these conflicts. The need for concerted efforts to ensure women's participation in these processes on an equal basis with men has been underscored during last years.

Utilizing the knowledge and expertise of women and strengthening their role in decision-making processes is viewed as a peace-promoting and conflict preventive approach in itself, while exclusion of women from these processes leaves a very large part of stakeholders to these processes disenfranchised.

Recalling the October 2000 UN Security Council Resolution 1325 on Women, Peace and Security, which calls for full and equal participation of women in decision making with regard to conflict prevention and in post-conflict reconstruction, the OSCE and participating States have committed to address this issue unconditionally. Empowering women in these processes requires positive actions from governments and international organizations, such as promotion of women's participation conflict negotiation processes, both at national and international levels, mainstreaming of gender equality policies in programmes dealing with post-conflict rehabilitation and crisis-management issues, and creating ample opportunities for women's civil society organizations to engage in conflict-prevention and resolution activities.

The importance of involving women in peace-building efforts is underscored by research showing a connection between the status of women in a society and its proclivity towards conflict. Violent conflict tends to be more common in countries with lower representation of women in parliaments and more widespread domestic violence than in more gender equal societies.

Violations of the rights of women as early warning indicators should be monitored as part of conflict prevention strategies. Through UN SCR 1325 OSCE participating States are committed to women's active role and participation, as well as the integration of women's perspectives, in conflict prevention, conflict resolution, post-conflict reconstruction and maintenance of peace.

Questions that could be addressed:

- How is the OSCE integrating a gender perspective in its conflict prevention work? Are there sufficient measures designed and implemented to empower women in the conflict prevention and crisis management processes?
- How can the co-operation between governments and civil society organizations be strengthened in order to incorporate insights from the grass-root level into conflict prevention and crisis management policies?
- In which areas of conflict prevention and crisis management is there a need to further develop gender expertise?

Prevention of violence against women

Violence against women is a global problem threatening security and well-being of women and hinders the full participation of women in public and private lives. It is an obstacle to the development and maintenance of a stable, democratic and equitable state. The limitations that domestic violence places on women's expression of free will and full participation in public life ultimately undermines democracy by excluding many women from the democratic process.

In the 1991 CSCE Moscow Document, participating States committed themselves to "eliminate all forms of violence against women, and all forms of trafficking in women and exploitation of prostitution of women". Experience shows that the issue of violence against women has to be fully acknowledged by both the governments and the public as a societal problem, in order to render adequate responses to victims in need and to those who perpetrate such crimes. For quite some time, the commitment to fight violence against women has remained rather basic and of a declaratory nature. In recent years, however, the OSCE, addressing violence against women from a security perspective, has paid more attention to the human security of women and has adopted several important Action Plans related to the subject: in the Action Plan for the Promotion of Gender Equality, the Action Plan on Combating Trafficking in Human Beings and in the Action Plan on Improving the Situation on Roma and Sinti.

The OSCE Action Plan for the Promotion of Gender Equality provides clear guidelines to the OSCE and participating States on concrete actions that should be undertaken to ensure effective measures against the occurrence of violence against women. The OSCE and participating States should make the full use of the Action Plan to identify, design and implement concrete measures for preventing all forms of violence against women.

These measures include adoption of national laws on domestic violence and establishing adequate legal protection against all act of violence against women whether committed by state officials or private individuals. Aiming at creating effective mechanisms for combating violence against women, significant efforts should be targeted at increasing awareness of the issue and solutions to it among law enforcement and medical professionals. Engagement and active participation of civil society organizations in combating violence against women should be ensured through joint initiatives on awareness raising and education, victim protection and rehabilitation.

Questions that could be addressed

- What legal and other practical measures have proven the most effective in combating violence against women, namely domestic violence, sexual violence, trafficking and various forms of exploitation of women?
- What measures are participating States taking to ensure to that their legal frameworks adequately address domestic violence, marital rape and sexual abuse specifically?

WEDNESDAY, 28 SEPTEMBER

10:00 – 13:00

WORKING SESSION 14

Tolerance and non-discrimination II, including:

- Address by the OSCE High Commissioner on National Minorities;
- National Minorities;
- Roma and Sinti; Implementation of the OSCE Action Plan to Improve the Situation of Roma and Sinti Within the OSCE Area;
- Prevention of aggressive nationalism, chauvinism, and ethnic cleansing.

Address by the OSCE High Commissioner on National Minorities

It has become more apparent in the OSCE region in the last few years that seeking the solution of problems relating to the specific needs of national minorities is not just in the interest of the minorities themselves, but just as much in the interest of the States in which they live and the OSCE region as a whole. Recognition within the State of the plurality of communities and interests which comprise the State and of the value of harmonious inter-ethnic relations strengthens the stability and the cohesion of the State. It is encouraging that the development of constructive minority policies and policies which promote integration are gaining increasing attention in the OSCE region. The OSCE participating States have established various forms of legal and institutional frameworks for the protection of the rights of persons belonging to national minorities. However, it has become increasingly clear that an exclusively rights-based approach in the spirit of effective protection defined by international minimum standards may not necessarily provide for a broader inclusion of minorities. This session could discuss national minorities' access to and participation in public life.

In order that States to provide effective implementation of the international standards on human rights of people belonging to national minorities, Governments are required to develop sound integration policies.

The social exclusion and discrimination of national minorities is often entrenched in the existing institutional practices, so that legal standards and rights-based institutions can not assure by themselves the equal access of persons belonging to national minorities to basic human rights stated in constitutions or in specific laws.

To adequately and effectively address the identified cause, it is necessary to develop institutional arrangements and mechanisms that will ensure fully and active participation of people belonging to national minorities. Such mechanisms are already in place or in development in different countries, under various affirmative action forms such as:

- special quota of places in education for minorities; school inspectors for minorities;
- governmental departments, offices /agencies for minorities, with branches at regional or local level;
- national networks of experts on minorities issues;
- health and community mediators for people belonging to national minorities;
- quota for jobs within law enforcement structures, such as Police.

The participation of people belonging to national minorities could be ensured at all levels and stages in the decision making processes, specifically by:

- being part in the elaboration process of the policies;
- being involved in concrete implementation;
- acting as officials within the institutional mechanisms for implementation;

- participating in monitoring, evaluation and assessment processes of the respective policies.

Questions that could be addressed:

- Are OSCE participating States implementing their commitments to ensure the rights of persons belonging to national minorities?
- Do States have sufficient anti-discrimination legislation in place and is it being implemented properly?
- How can the effective participation of national minorities in public life be achieved beyond mere representation in legislative bodies?

Essential areas in which the effective participation of persons belonging to national minorities is required to be ensured are the governmental *executive*, *legislative* and *judiciary* branches, at all levels – national, regional and local. Affirmative action it is again a concept that should be used and put in practice to generate development and implementation of inclusion policies, so that the enjoyment of human rights and fundamental freedoms and the right guaranteed by the national Constitutions become realities for people belonging to national minorities.

- To what extent are persons belonging to national minorities represented in governmental institutions and public bodies and administration?
- The policies of OSCE participating States regarding political participation should be based on objective and non-discriminatory criteria and should not be used to restrict the enjoyment of minority rights. What good practices of OSCE participating States exist to avoid discriminatory criteria in the field of political participation?
- Notwithstanding the contemporary importance of multilateral standards and institutions in protecting and promoting the rights of persons belonging to national minorities, bilateral co-operation among States regarding specific issues and groups remains a matter of interest for many OSCE participating States. Which elements of such co-operation are best suited for bilateral co-operation, and which elements might best be left to the multilateral level?

Roma and Sinti, including *inter alia* Implementation of the Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area

The Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area is in the second year of its existence. Its comprehensive approach is made tangible by its 139 paragraphs and about 5700 words. Feedback from its targeted beneficiaries, the Roma and Sinti, is that in order to put these words in practice, participating States must develop a stronger political will. Among others, the participating States should establish well defined priorities by choosing, in the broad framework of the OSCE Action Plan, a limited number of topics, political mechanisms and institutional tools which are able to play the role of “engines” for driving the Roma and Sinti issues in the political agenda of the respective State and for improving the situation of Roma and Sinti in the every day life of the societies in which they live.

Questions that could be addressed:

- Which are the choices for priority actions adopted by particular States within the comprehensive framework defined by the OSCE Action Plan for Roma and Sinti? How are these political choices endorsed by the political leadership of the participating States? Are these Roma-related political choices and corresponding institutional arrangements solidly and coherently mainstreamed in the democratic institutions and the budgets of the States' administration? What are the good and the less good practical lessons learned over the recent years of intense debates and, eventually, of policy measures which combine both "mainstreaming" and "targeting" approaches on Roma affairs in particular participating States?
- What are the funds allocated for implementation of such policies, and how are States assessing the effectiveness of using such funds?
- What are indicators to assess and measure "the improvement of the situation" of the Roma and Sinti according to the responsibilities and the relevant commitments of the participating States to the OSCE? What are the funds allocated for implementation of such policies, and how are States assessing the effectiveness of using such funds? What are the mechanisms of accountability - political and financial - of Roma and Sinti-related policies and public funds?
- What have been successful actions and policies in the "good practices" approach within and among OSCE participating States to document, condemn and redress reported incidents of racism, intolerance and discrimination against Roma and Sinti persons and groups, including the ones brought to the attention of the participating States during the 2004 HDIM and over recent months?
- What recent measures have been adopted to implement the actions recommended in areas such as Legislation and Law Enforcement, Police, or Mass Media (as tasked by Chapter III of the Action Plan)?
- What are the mechanisms established by Governments to implement national legislative and institutional measures at the local levels and to promote the accountability of the local authorities toward their citizens belonging to Roma and Sinti communities?
- What can participating States do to encourage an increasing role of the locally elected government in adopting, financing and implementing actions inspired, inter alia, by the OSCE Roma and Sinti Action Plan?
- What are the successful practices in promoting partnerships of the local authorities with the Roma civic associations and with other local partners involved in Roma-related policy measures?
- What is the most recent practice, and what is the evaluation of work undertaken to promote participation of the Roma and Sinti in elections as well as in decision-making at the national and local levels?
- How can the OSCE institutions and field Missions upgrade their contribution in solving the pending issues raised by the large number of Kosovo Roma refugees and IDPs in their search for finding realistic and durable solutions to the chronic, unsolved situations which they continue to be confronted in Kosovo itself, in the neighbouring countries and Europe-wide? While some OSCE participating States have recently announced muscled measures to repatriate the Kosovo refugees, how may the OSCE mechanisms contribute to assure that such return and reintegration actions are implemented with full respect for the dignity, safety and long term security of the concerned persons and families? Is the current action of return of families and reconstruction of the destroyed properties in

particular local communities in Kosovo conducted in such way that the risk of renewed (secondary) displacement is reduced?

- The OSCE Action Plan on Roma and Sinti does not include a specific monitoring mechanism for its implementation. How can the participating States foresee a more effective mechanism for implementation, review and assessment of this Action Plan (as outlined in chapter X)? How could the management of the OSCE Institutions, including its particular the Permanent Council, be more effective in assisting the participating States in keeping their multiple promises included in the OSCE Roma and Sinti Action Plan? How could the OSCE Institutions and Field Missions -with the aim to upgrade the responsibility of the participating States for implementing their political commitments and could upgrade their Roma-related resources for setting a in order to set a standard of performance in implementing the OSCE Roma and Sinti Action Plan? Within the OSCE institutions themselves could be stimulated in keeping their multiple promises included in the OSCE Action Plan?
- What tools are available to promote active inter-linkages among national, sub-regional and regional policy initiatives? How policies and projects involving Roma and Sinti may give more visibility and responsibility to the Roma and Sinti citizens of a particular State in Roma-related policy and institutional arrangements? What specific actions have been inspired by the OSCE Action Plan to put into practice its message on for improving the situation “for Roma, with Roma?”

Prevention of aggressive nationalism, chauvinism and ethnic cleansing

The determination of the OSCE participating States to combat aggressive nationalism, chauvinism and ethnic cleansing has been reaffirmed in numerous OSCE documents (Copenhagen 1990, Helsinki 1992, Stockholm 1992, Rome 1993, Budapest 1994, Lisbon 1996, Istanbul 1999, Bucharest 2001, and Porto 2002). The participating States committed themselves to combat these phenomena both by political and legislative means and by promoting awareness and understanding of the subject. However, aggressive nationalism, chauvinism and ethnic cleansing still manifest themselves in the OSCE area.

This discussion could look at the causes of these phenomena and how they can be addressed. This session should examine what legal and political steps can be taken to prevent discrimination, ensure equality and respect for diverse cultural identities, and facilitate the effective participation of minorities in public life, topics which will also be addressed in other ways during the special Thematic Discussions in the second week of the HDIM. The special role of education and the media in promoting tolerance and non-discrimination could also be looked at.

Questions that could be addressed:

- What steps should OSCE participating States take to implement measures aimed at combating and preventing such phenomena as aggressive nationalism, chauvinism, and ethnic cleansing? How should States monitor and evaluate these measures to ensure their effective implementation?
- What have been successful policies in the OSCE participating States for promotion of inclusiveness, understanding and tolerance?

- What are the possibilities and limitations for governmental policies? In this connection special attention should be paid to the importance of human rights education and the promotion of a human rights culture throughout society, as policies and legislation against discrimination and intolerance will not be fully effective unless they are complemented by activities which seek to bring about new behaviour and attitudes and increase mutual understanding.
- How can the governments and the media contribute positively to public perceptions and attitudes?
- What can the OSCE do to assist the governments in their efforts to combat aggressive nationalism, chauvinism and ethnic cleansing?

15:00 – 18:00

WORKING SESSION 15

Fundamental freedoms II (*continued*), including: Freedom of thought, conscience, religion or belief.

Freedom of thought, conscience, religion or belief

In its Decisions on Tolerance and Non-Discrimination, the Ministerial Council in Maastricht and Sofia affirmed the importance of freedom of thought, conscience, religion or belief, condemned all discrimination and violence against any religious group or individual believer and emphasized the importance of continued and strengthened interfaith and intercultural dialogue to promote greater tolerance, respect and mutual understanding. The Decisions also committed OSCE participating States to ensure and facilitate the freedom of the individual to profess and practice a religion or belief, alone or in community with others, through transparent and non-discriminatory laws, regulations, practices and policies. Under the Decisions, participating States are also encouraged to seek the assistance of the ODIHR and its Panel of Experts on Freedom of Religion or Belief. The Declaration from the OSCE Conference on Anti-Semitism and on Other Forms of Intolerance further reinforced these commitments.

The aim of this session will be to review implementation of OSCE commitments to ensure freedom of thought, conscience, religion or belief. The session will also examine the connection and differences between freedom of religion or belief issues and those relating to intolerance and discrimination. The issue of tolerance education will also be discussed, in particular the need to evaluate existing models and practices. The session will also explore the potential role of the three Personal Representatives to the OSCE Chairman in Office on Tolerance and Non-Discrimination in addressing issues related to freedom of religion or belief.

Questions that could be addressed:

- To what extent are OSCE States fulfilling their commitments to ensure and promote freedom of thought, conscience, religion or belief? What are the reasons for States' failure to fulfill their commitments?
- Are the current OSCE commitments in the area of freedom of religion or belief sufficient today?

- What measures can be undertaken to further support OSCE participating States in increasing their commitments to promote inter-faith and inter-cultural dialogue, understanding and respect?
- What are the best practices of OSCE States in supporting the promotion of tolerance through education? How can existing models of tolerance education be effectively evaluated and assessed?
- How can the OSCE, including ODIHR and the ODIHR Advisory Panel on Freedom of Religion or Belief, assist participating States in fulfilling their commitments?
- How can the Personal Representatives to the OSCE Chairman-in-Office support the promotion of freedom of religion or belief within their existing mandates?

THURSDAY, 29 SEPTEMBER

10:00 – 13:00 and 15:00 – 18:00

WORKING SESSIONS 16, 17

Specifically selected topic: Tolerance and Non-Discrimination

This session will review the results of and the necessary follow-up to the OSCE Conference on Anti-Semitism and on Other Forms of Intolerance which was held in Cordoba, Spain on 7-8 June 2005. At the conference, ODIHR reported that 42 participating States responded to its Note Verbales regarding the commitment to provide statistics, legislation and national initiatives relating to hate crimes. 13 participating States sent no information to ODIHR. Of the 42 responding, 13 did not provide information and statistics pertaining to hate crimes.

The main objective of this day is to discuss the implementation of existing commitments in the field of tolerance and non-discrimination, as well as to raise awareness about multiple and cross-dimensional forms of discrimination in the OSCE region. Building on the conclusions and recommendations of the ODIHR's June 2005 report on *Combating Hate Crimes in the OSCE Region: An Overview of Statistics, Legislation and National Initiatives*, the session will focus on the need to address the information deficit among OSCE states pertaining to hate crimes data and statistics. The session will also focus on the need to strengthen existing legislation within the OSCE area through the development of legislative guidelines and as well as the need for increased opportunities for the training of and exchange of best practices between law enforcement authorities.

The three Personal Representatives of the OSCE Chairman-in-Office, on Combating Racism, Xenophobia and Discrimination, also focusing on Intolerance and Discrimination against Christians and Members of Other Religions; on Combating anti-Semitism; and on Combating Intolerance and Discrimination against Muslims will address these session.

10:00 – 13:00

Opening of Working Session and Review of Implementation of OSCE Commitments related to Tolerance and Non-Discrimination by participating States

This session will be used to review implementation of the commitments related to tolerance and non-discrimination by participating States, including the most recent commitments under the Sofia and Maastricht Ministerial Decisions on Tolerance and Non-Discrimination. Participants may also discuss progress made and steps taken in follow-up to the 2005 OSCE Conference on Anti-Semitism and on Other Forms of Intolerance that was held in Cordoba on 8 and 9 June. The session will review the commitments undertaken by participating States through the Maastricht and Sofia Ministerial Council Decisions on tolerance and non-discrimination and will also allow discussion of the “Berlin Declaration”, the “Brussels Declaration” and the “Cordoba Declaration”.

The “Cordoba Declaration” stated that “international developments or political issues never justify racism, xenophobia, or discrimination, including against Muslims, Christians and members of other religions; and that international developments or political issues, including in Israel or elsewhere in the Middle East, never justify anti-Semitism.”

This session will review implementation of OSCE commitments regarding anti-Semitism. The session will also examine the success of efforts to monitor hate crimes against Jews and Jewish institutions, incidents of anti-Semitism throughout the OSCE region, and Holocaust and anti-Semitism education and training to prevent anti-Semitism.

Participants will discuss the importance of monitoring hate crimes and other incidents of intolerance and discrimination against Muslims throughout the OSCE region. Emphasis will also be given to implementation of OSCE commitments regarding integration of Muslims and to preventing backlash against particular ethnic and religious communities following terrorist attacks, including the promotion of effective political leadership on this issue. The session will discuss good practices for promoting respect for and inclusion of pluralism within national identities including religious accommodation in the workplace and in schools.

The session will also examine the measures taken by participating States to combat racism, xenophobia, anti-Semitism, and other forms of intolerance and discrimination, including against Muslims, Christians and members of other religions. The efforts taken to monitor hate-motivated crimes and to use tolerance education to combat discrimination against individuals and religious communities will also be reviewed.

Questions that could be addressed:

- To what extent have participating States implemented their commitments pertaining to tolerance and non-discrimination, particularly those contained within Maastricht and Sofia Ministerial Council Decisions?
- What are participating States doing in regards to the “Berlin Declaration”, the “Brussels Declaration” and the “Cordoba Declaration”?
- What steps have been taken by OSCE participating States following the OSCE Conference on Anti-Semitism and on Other Forms of Intolerance to provide further information data and statistics pertaining to hate crimes?
- What concrete tools and programmes exist to support implementation of OSCE Commitments related to tolerance and non-discrimination by the participating States?
- How can the ODIHR and other OSCE institutions, including the three Personal Representatives of the CiO for tolerance and non-discrimination issues, the High Commissioner on National Minorities, the Representative on Freedom of the Media

and field missions provide support to OSCE participating States in implementing their commitments on tolerance and non-discrimination?

15:00 – 18:00 (afternoon session)

Forward-looking discussion: Ways Forward for the OSCE's Work on Tolerance and Non-Discrimination

Existing OSCE commitments repeatedly reaffirm the need for tolerance and anti-discrimination policies and practices in the fight against racism, xenophobia, anti-Semitism, and other forms of intolerance, including against Muslims. The results from and the follow-up to the OSCE Conference on Anti-Semitism and on Other Forms of Intolerance which was held in Cordoba, Spain on 7-8 June 2005 will be reviewed. The main objective of this discussion is to discuss OSCE priorities in the area of tolerance and non-discrimination for the future, and especially in the lead-up to the Ljubljana Ministerial Council.

Questions that could be addressed:

- How can participating States and civil society work jointly to combat intolerance and discrimination?
- What are appropriate responses by law enforcement officials to instances of anti-Semitic, anti-Muslim, racist, xenophobic and religiously-motivated violence, including against Christians and members of other religions?
- How can governments and elected leaders use education and the media to combat and counter misrepresentations of and prejudice against ethnic, racial, and religious groups in society, including against Jews, Muslims, Christians and members of other religions as well as against Roma and Sinti?
- What is the role of government and elected officials in publicly denouncing acts of intolerance and discrimination?
- Are existing tools for combating discrimination on one ground useful for combat discrimination on multiple grounds? If so, how are these tools used and what results do they produce?
- How can efforts to promote freedom of thought, conscience, religion or belief, including inter and intra-religious dialogue, support actions to combat religious-based discrimination against Christians and members of other religions?

Possible outcomes of the session:

- Development of recommendations in order to further reinforce the work on combating intolerance and discrimination for participating States, the ODIHR, OSCE Missions and other OSCE institutions.
- Discussion of possible ways for the Ljubljana Ministerial Council to strengthen and improve OSCE commitments on tolerance and non-discrimination.

FRIDAY, 30 SEPTEMBER

10:00 – 13:00

WORKING SESSION 18

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

- Presentation of the outcome of the second week's Working Sessions to review the implementation of commitments
 - Trafficking in human beings; Implementation of the OSCE Action Plan to Combat Trafficking in Human Beings, and the 2005 focus on the special needs of child victims of trafficking for protection and assistance;
 - International Humanitarian Law;
 - Equal opportunities for women and men; Implementation of the OSCE Action Plan for the Promotion of Gender Equality; Role of women in conflict prevention and crisis management; and Prevention of violence against women;
 - National Minorities; Roma and Sinti; Implementation of the OSCE Action Plan to Improve the Situation of Roma and Sinti Within the OSCE Area; and the Prevention of aggressive nationalism, chauvinism, and ethnic cleansing;
 - Freedom of thought, conscience, religion or belief.

- Reports on the Working Sessions on Human Dimension Activities as well as on the specifically selected topic
 - Tolerance and Non-Discrimination

- Reports from the work of the HDIM and review of the results and recommendations from the first and the second week.