



Organization for Security and Co-operation in Europe

**HUMAN DIMENSION IMPLEMENTATION MEETING
4 – 15 OCTOBER 2004
Warsaw, Poland**

ANNOTATED AGENDA

MONDAY, 4 OCTOBER

10:00 – 13:00

OPENING PLENARY SESSION

Opening Addresses by:

- The Director of ODIHR
- The Chairmanship-in-Office
- The Host Government
- A Representative of the OSCE Parliamentary Assembly

Keynote: Mr. Vladimir Lukin, Ombudsman of the Russian Federation (tbc)

15:00 – 18:00

WORKING SESSION 1

Democratic Institutions, including:

- Democratic elections;
- Follow-up to the 15–16 July 2004 Supplementary Human Dimension Meeting on Electoral Standards and Commitments;
- Democracy at the national, regional, and local levels;
- Follow-up to the 12–14 May 2004 Human Dimension Seminar on Democratic Institutions and Democratic Governance;
- Citizenship and political rights;

**Democratic elections, including observation and technical assistance , and
Follow-up to the 15–16 July 2004 Supplementary Human Dimension Meeting on
Electoral Standards and Commitments;**

Since the start of last year's HDIM, the OSCE/ODIHR has been involved in observing elections in Georgia, the Russian Federation, Serbia, the former Yugoslav Republic of Macedonia, Bosnia and Herzegovina, Belarus, Kazakhstan and Ukraine.

In addition, with the assistance of the ODIHR Election Section, the Chairmanship organized a Supplementary Human Dimension Meeting on 15-16 July in Vienna on the subject of Electoral Standards and Commitments. The SHDM was divided into three working sessions, which considered:

- The OSCE/ODIHR 2003 Progress Report on "Existing Commitments for Democratic Elections in OSCE participating States;"

- Implementation of existing OSCE commitments for democratic elections and follow-up on OSCE/ODIHR recommendations; and
- Identification of possible areas for supplementing the existing OSCE commitments and the potential need for additional commitments

The report of the SHDM includes a number of recommendations on these issues and can 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:

- Preparation of a 53-page Handbook for Monitoring Women's Participation in Elections (published during the July SHDM on Electoral Standards and Commitments),
- Preparation of a Discussion Paper for the July SHDM on "Election Principles and Existing OSCE Commitments For Democratic Elections," and
- Preparation of a new, fifth edition of the ODIHR Election Observation Handbook (the so-called "ODIHR Blue Book"), to be completed by the end of the year.

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?

Democracy at the national, regional and local levels

It is essential to develop strong democratic institutions, including effective local governments responsive to local needs.

Question that could be addressed:

- What can participating States do to encourage the enhancement of locally elected government in order to strengthen democracy?

- How can the OSCE and the ODIHR work with participating States and other international organizations to assist in this process?

Follow-up to the 12–14 May 2004 Human Dimension Seminar on Democratic Institutions and Democratic Governance;

The 2004 Human Dimension Seminar addressed the questions of Democratic Institutions and Democratic Governance. The Seminar was divided into four working sessions, as follows:

- Democratic Political Frameworks and Processes
- Strengthening Law-Making and Oversight Capacities and Practices in Democratic Structures
- Public Administration as a Democratic Institution: the Link between Government and Citizens, and
- Civil Society Participation.

The Seminar reviewed concepts and challenges in developing and established democracies for ensuring an authentic democratic process, and focused especially on how democratic institutions function internally and in relation to each other. It therefore took a holistic approach, not limiting itself to the constitutional concept of democratic institutions (the executive, the legislature and the judiciary) but encompassing as well the contributions of civil society organizations, political parties and the cross-cutting issue of an independent media. The Seminar concentrated on political democratic institutions, never before the subject of a Human Dimension Seminar nor a Supplementary Human Dimension Meeting. The Seminar also explored four key aspects of democracies, considered as dynamic societal systems: democratic political frameworks, democratic legislative practices, open public administration and effective civil society participation. Conclusions and Recommendations made during the Seminar can be found in the Consolidated Summary on the ODIHR website.

Question that could be addressed:

- How can the OSCE best assist legislatures to play a role as the main venue for voicing the opinions and interests of the citizens?
- How can political parties become effective players in democratization processes?
- What are the best practices in interaction between the public administration and the civil society?
- Should the OSCE consider developing more detailed standards with regard to functioning and transparency of democratic institutions?

Citizenship and political rights

Citizens of OSCE States have a general right to participate in their country's political system through a variety of means, including elections, civil society, and the legislative process.

While the link between citizenship and political rights is apparent, it is less evident that the absence of citizenship does or should exclude the individual from enjoyment of all political rights at all levels in the country where that person lives. Under international law, this link is made only with respect to the political participatory rights to vote and to stand for office,

which may be reserved for citizens. In addition, existing international human rights instruments prescribe entitlements relating to and necessary for political life (including freedoms of expression, information, the press, assembly, association and movement) for "everyone," not on the basis of citizenship. Similarly, there are some instances of States extending political rights (including the rights to vote and stand for elected office) to non-citizen legal residents, at least at the local level.

Questions that could be addressed:

- Are participating States meeting their commitments concerning citizenship and political rights?
- What steps can participating States take to improve implementation of their OSCE commitments?
- With this in mind, what is the relationship between citizenship and the extent and/or criteria for enjoyment of specific political rights?
- How can participating States better prepare their citizens to exercise their political rights?

TUESDAY, 5 OCTOBER

10:00 – 13:00

WORKING SESSION 2

Tolerance and non-discrimination I, *including:*

- Address by the High Commissioner on National Minorities;
- National Minorities;
- Roma and Sinti;
- Implementation of the Action Plan on Roma and Sinti Issues

Address by the High Commissioner on National Minorities

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 of the OSCE region as a whole. There is a need for recognition within the State of the plurality of communities and interests which comprise the State and of the value of harmonious inter-ethnic relations which strengthen the stability and the cohesion of the State. In this regard, it is encouraging that the development of constructive minority policies and policies which promote integration are gaining increasing attention in the OSCE region. Notable in this context are the Recommendations adopted by independent experts at The Hague (regarding education), Oslo (regarding use of languages), and Lund (regarding participation in public life), and the so-called Warsaw Guidelines (regarding participation in the electoral process). The OSCE participating States have established various 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.

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?
- Beyond protection against discrimination, what methods of social integration serve to ensure equality in law and in fact, while respecting national diversity?
- How can the effective participation of national minorities in public life be achieved beyond mere representation in legislative bodies?
- 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?

Roma and Sinti, including Implementation of the Action Plan to Improve the Situation of Roma and Sinti Within the OSCE Area

In many OSCE States, discrimination against Roma and Sinti continues. OSCE States have agreed to numerous commitments to ensure that their laws and policies fully respect the rights of Roma and Sinti and, where necessary, to promote anti-discrimination legislation to this effect. In addition, the OSCE participating States adopted, at the Ministerial Council Meeting in Maastricht, 1-2 December 2003, an Action Plan to Improve the Situation of Roma and Sinti Within the OSCE Area, which recommends comprehensive action by the participating States themselves, as well as by the OSCE Institutions and Field Missions, including in particular by the ODIHR Contact Point for Roma and Sinti Issues (CPRSI).

Questions that could be addressed:

- Are OSCE States implementing their commitments concerning Roma and Sinti?
- How are States implementing the 2003 Action Plan to Improve the Situation of Roma and Sinti Within the OSCE Area?
- How can we assess the impact of the Action Plan, its specific recommendations and tasks, on the way in which participating States do strengthen implementation of their commitments and protect the rights of Roma and Sinti?
- Are sufficient mechanisms in place and functioning effectively to combat racism and discrimination, in particular in such areas as Legislation and Law Enforcement, Police, or Mass Media (as tasked by Chapter III of the Action Plan)? How are these national commitments transmitted to local Levels?

- Have participating States, OSCE institutions and missions sufficiently raised the level of political leadership and resources devoted to addressing Roma issues? Are adequate funds allocated for implementation of such policies, and via what mechanisms?
- What is the most recent practice, and what is the evaluation of work undertaken to promote Roma participation in elections as well as in decision-making at the national and local levels and in policy-making of international organizations?
- What is the evaluation of the work to date on the issue of Roma refugees and IDPs? Have States taken account of good practices established to develop coordination (and/or possible common positions) of the concerned participating States and of mandated IGOs on Roma refugees, IDPs and returnees in the Balkans?
- How well are governments from participating States ensuring adequate coordination of OSCE activities and plans with those of other sub-regional, regional, and international organizations involved in the same issues? What tools may be available to prevent redundancy or cross-purposes on national and international policies or initiatives regarding Roma and Sinti? What tools are available to promote active inter-linkages and joint projects involving Roma and Sinti?
- How may the participating States and the OSCE Institutions and Field Missions further contribute to ensuring inclusion of Roma and Sinti representatives in their work, as well as in that of other international organizations? What specific actions have been taken to put into practice the message sent by Chapter II of the Action Plan: “General Context: for Roma, with Roma?”

15:00 – 18:00

WORKING SESSION 3

Tolerance and non-discrimination II, including:

- Equal opportunities for women and men;
- Prevention of aggressive nationalism, chauvinism and ethnic cleansing.

Equal opportunities for women and men

The Permanent Council is elaborating a revised Gender Action Plan which will address issues of Gender Equality both inside the Organization and in participating States.

Equality of opportunity for women and men is an integral part of sustainable democracy. Advancing equal rights is therefore an indispensable element of the OSCE's work. Promoting democratic and law-based systems requires inclusion of specific programs and policies to promote respect for the rights of women and equality of opportunity without discrimination on the basis of sex. Special attention should be paid to implementing OSCE commitments in the field of equality between women and men, recognizing the role of such efforts in progress towards security and democracy. Participating States and OSCE Institutions 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 across the policy-making spectrum.

Questions that could be addressed:

- Are OSCE participating States fully implementing their commitments regarding equality of opportunity for men and women?
- How are participating States ensuring equal opportunities for men and women? Are 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?

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 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 OSCE participating States in 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?

WEDNESDAY, 6 OCTOBER

10:00 – 13:00

WORKING SESSION 4

Fundamental Freedoms I, *including:*

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

Address by the Representative on Freedom of the Media,

Freedom of expression, free media and information

There are numerous OSCE commitments ensuring individual's freedom of expression, freedom of information, and the freedom of the media. This session could usefully explore further the corrective function of the media. Discussion could also focus on ways in which governments sometimes hinder independent media and investigative journalism, including by eliminating the journalists concerned: "censorship by killing," or through more subtle means by utilising so-called "structural censorship," including taxation, registration, and 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. Participants could discuss the public's right to government information. The session could also discuss reporting in the area of fighting terrorism, and safety for journalists in areas of armed conflict.

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 investigative journalism, including reporting on corruption?
- What are the responsibilities of international media companies: Principles for Guaranteeing Editorial Independence?

- Are criminal defamation laws and insult laws used to silence freedom of media and freedom of expression?
- How can ensure free speech and freedom of the media be protected while at the same time combating terrorism?
- What measures can be taken to increase the level of safety of journalists in the OSCE region?
- What role does 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?

15:00 – 18:00

WORKING SESSION 5

Fundamental Freedoms II, including:

- Freedom of thought, conscience, religion or belief;
- Freedom of movement.

Freedom of thought, conscience, religion or belief

There is continuing concern that some governments are responding to apparent increases in religious activity by placing limitations on freedom of religion or belief, particularly on minority or non-traditional groups. One example of this kind of limitation is the imposition of restrictive requirements for registration or re-registration. This practice also raises questions as to whether limitations embodied in laws and practices are being imposed appropriately, transparently, and fairly, as some governments and governmental organs appear to operate in a manner that discriminates against certain religious or belief communities.

In its Decision on Tolerance and Non-Discrimination, the Ministerial Council in Maastricht 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 Decision also contains a commitment 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 Decision, participating States are encouraged to seek the assistance of the ODIHR and its Panel of Experts on Freedom of Religion or Belief.

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 consider the need for an enhanced role for the Advisory Panel in providing support and assistance to participating States in fulfilling their commitments. In this regard, a particular focus will be given to the area of legislation and the ways in which the “Guidelines for Legislative Reviews of Laws

affecting Religion or Belief” developed by the Panel can best be utilised by participating States. Specific attention will also be given to new commitments arising from the Permanent Council Decision of 29 July 2004 and the Declaration from the 13-14 September 2004 OSCE Conference on Tolerance and the Fight against Racism, Xenophobia and Discrimination.

Questions that could be addressed:

- To what extent are OSCE States fulfilling their commitments to ensure 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 are the possible models of dialogue and partnerships to promote tolerance, respect and mutual understanding among all communities, including among majority and minority religious communities and governments? How could we also include discussion of “bad practices” (i.e., hate speech websites)?
- What are the best practices of OSCE States in supporting the promotion of tolerance through education?
- How can the OSCE, including ODIHR and the ODIHR Advisory Panel on Freedom of Religion or Belief, assist participating States in fulfilling their commitments?

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?

THURSDAY, 7 OCTOBER

10:00 – 13:00

WORKING SESSION 6

Rule of Law I, including:

- Legislative transparency;
- Independence of the judiciary;
- The right to a fair trial;
- Ombudsman and national human rights institutions.

Legislative transparency

OSCE commitments stipulate that democracy is an inherent element in the rule of law. They also call for a 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.

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 varies widely within the OSCE region.

Of course 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, in many participating states legislative reform is necessary 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?

- What steps are being taken by participating States to institute procedures to ensure reliable and accurate recordings of court proceedings?
- Is the balance of powers between different actors sufficiently safeguarded? How are participating States addressing reforms to equalize the parties and move away from the prosecutor holding disproportionate power?

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?

15:00 – 18:00

WORKING SESSION 7

Rule of Law II, including:

- Exchange of views on the question of the abolition of capital punishment;
- Prevention of torture;
- Follow-up to the 6–7 November 2003 Supplementary Human Dimension Meeting on the Prevention of Torture.

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?
- 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?

Prevention of torture

The issue of torture and ill treatment continues to be a great concern in the OSCE region. Although many changes have been made in legislation, the effective implementation of these laws continues to be a problem. There also needs to be a corresponding change in the mindset of law enforcement officials. In this context the issue of impunity must be addressed by all participating States. The role of the judiciary in the prevention or punishment of torture should also be considered. Prison reform has also been advocated as a means to help prevent torture.

The problem of torture and degrading or inhuman treatment as a tool for the extraction of information has achieved specific attention over recent months. However most acts of torture receive no prominence or media attention whatsoever, and torture is still used systematically in some OSCE participating states as a political and law enforcement tool.

Legislation against torture is adequate in most participating states. It is the application and enforcement of that legislation that is lacking. In some cases, however, the difficulty lies not primarily with law enforcement agencies but with governments, for whom torture can be seen as an instrument that they perceive assists in entrenching their power, thereby creating conditions where torture can exist and continue to exist.

Questions that could be addressed

- Are participating States implementing their commitments to prevent torture?
- Do legal frameworks provide sufficient safeguards against torture? How can the issue of impunity be addressed? How can the effectiveness of complaint mechanisms be ensured?
- How can transparency in places of custody be ensured as a preventive tool? What is the impact of prison reform or the transfer of prisons among different Government Ministries on instances of torture?
- International law recognises torture as a serious crime, but is this recognition mirrored in the way states deal with torturers? How can the problem of impunity be addressed at the political level?

- How can governments be encouraged to make clear to their subordinates that torture is unacceptable and indeed is a serious crime that will be severely punished?
- How can a concerted strategy for the prevention of torture in law and in fact be developed? How to decrease the predominant reliance on confessions as the main evidence in criminal cases?
- What investigatory techniques can be used to solve crimes? What more effective compliant methods exist to ensure that police investigations are completed and crimes effectively prosecuted? How can States change their systems so that the police are not rewarded for “crimes solved?”
- How can the OSCE, its field operations, the Special Police Matters Unit and the ODIHR improve their coordination and contribution to the prevention of torture?
- What steps can governments and the OSCE take to prevent torture by local police immediately after arrest?
- How can a concerted strategy for the prevention of torture in law and in fact be developed? How to decrease the predominant reliance on confessions as the main evidence in criminal cases?

Follow-up to the 6–7 November 2003 Supplementary Human Dimension Meeting on the Prevention of Torture.

The meeting’s particular focus was on the prevention of torture in the course of criminal proceedings. The topics selected for discussion included provision of procedural safeguards during detention, prohibition of the use of evidence obtained by torture, as well as effective investigation and prosecution of acts of torture.

Questions that could be addressed

In addition to the above questions, with particular reference to the matters relating to redress for torture:

- Following recommendations made at the third Supplementary Human Dimension Meeting in November 2003 on Torture, how can the OSCE, its field operations, the Special Police Matters Unit and the ODIHR improve their coordination and contribution to the prevention of torture? Upon what issues should the ODIHR focal point on torture concentrate?
- How can states be encouraged to adopt relevant international mechanisms, including the Optional Protocol to the Convention against Torture?
- What procedures are available to victims of torture to allow them to achieve redress outside the jurisdiction within which that torture was committed? How could OSCE assist in this process, and in the process of rehabilitation of torture victims?

- How can states be encouraged to show their political commitment to combat torture by publicly denouncing it and addressing problems of torture within their own countries?

FRIDAY, 8 OCTOBER

10:00 – 13:00

WORKING SESSION 8

Humanitarian Issues and other commitments, *including:*

- Trafficking in human beings;
- Implementation of the OSCE Action Plan to combat Trafficking in Human Beings;
- International Humanitarian Law;
- Migration, refugees and displaced persons.

Address by the Special Representative on Trafficking in Human Beings

Implementation of the OSCE Action Plan

Trafficking in Human Beings affects virtually every OSCE participating State as either a state of origin, transit or destination, sometimes falling into more than one category. The OSCE participating States adopted an Action Plan on Trafficking in Human Beings (PC.DEC/557) which addresses all three areas of Protection, Prevention and Prosecution. In addition, the OSCE has appointed a Special Representative on Trafficking in Human Beings as a result of a decision taken by the Ministerial Council in Maastricht last December.

In order to being able to respond to trafficking in human beings in an effective and sustainable way in the Human Dimension, victim assistance and protection measures based on human rights principles need to be at the core of all activities. The ODIHR has published a Handbook on the establishment of National Referral Mechanisms that could provide a co-operative framework for state authorities and civil society to address instances of trafficking in human beings. This includes activities in all three areas of prevention, protection and prosecution including legislative review and reform. In particular, the protection of victims and presumed victims of trafficking is the subject of a joint ODIHR/Finnish Conference in Helsinki in September 2004.

Questions that could be addressed:

- How are participating States implementing their commitments concerning combating trafficking in persons and the Action Plan adopted last year?
- A comprehensive identification process for alleged trafficked victims is crucial and requires the involvement of various governmental and civil society actors and the possibility for a sufficient reflection delay for the victim. The OSCE ODIHR has prepared a Handbook on National Referral Mechanisms to help States address these problems. How do OSCE participating States respond to these needs?
- Different international fora such as the European Union and the Council of Europe are currently debating and developing guidelines for temporary residence permits for

victims of trafficking. How can the OSCE participating States ensure those organizations act in coherence with the OSCE Action Plan?

- Should the right of temporary residence be linked in any way to the willingness of the victim to appear as a witness?
- Protection of the confidentiality and privacy of personal data is fundamentally important. What measures should be taken to ensure that all stakeholders comply with this *international human rights standard*?
- National Referral Mechanisms can strengthen effective regional and international co-operation to combat trafficking and to assist its victims. How does co-operation translate into practical terms?
- What more can participating States do to cooperate with the Special Representative? How can she assist them in implementing their anti-trafficking commitments?

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.

Migration, refugees and displaced persons

Conflicts, economic disparity and other factors continue to cause displacement, including refugee flows and internal displacement, as well as migration in the OSCE region. Protecting the human rights of these people is an important issue in the OSCE region. (Note that questions concerning Migrant Workers will be discussed during the afternoon session.)

Questions that could be addressed:

- Do participating States provide sufficient human rights protection to refugees, IDPs and migrants? What more needs to be done?
- Do the OSCE participating States implement their commitments regarding the right of displaced persons to voluntary return?

- What role can NGOs play in assisting governments in providing support to refugees and IDPs?
- Are the current OSCE commitments in the area of human rights protection for refugees, IDPs and migrants sufficient today?

15:00 – 16:30

WORKING SESSION 9

Humanitarian Issues and other commitments, (cont.):

- Treatment of citizens of other participating States;
- Migrant workers, including follow-up to the relevant session of the 13–14 September 2004 OSCE Conference on Tolerance and the Fight against Racism, Xenophobia and Discrimination.
- Any other business.

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?

Migrant workers, including follow-up to the relevant session of the 13–14 September 2004 OSCE Conference on Tolerance and the Fight against Racism, Xenophobia and Discrimination

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 in 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).

Over the last decade considerable efforts were made on behalf of the host country governments towards implementation of active integration policies, including promotion of equal opportunities for members of the migrant communities. In turn, migrant communities passed through a process of economic, cultural and social transformation. Effects of those integration efforts are sometimes limited, however, as enforcement of existing legal remedies is often weak. Against this background, on the request of a number of OSCE participating States, a special session at last year's Human Dimension Implementation Meeting was dedicated to the issue of protecting human rights of migrant workers. Moreover, the issue of tolerance and non-discrimination of migrant workers was the topic of a special session at the OSCE Conference on Tolerance and the Fight against Racism, Xenophobia and Discrimination, on 13-14 September 2004 in Brussels.

Finally, in accordance with paragraph 11 of the OSCE Maastricht Ministerial Council Decision No 4/03 on Tolerance and Non-Discrimination, the ODIHR is called to reinforce its activities aimed at *combating discrimination against migrant workers and at facilitating the integration of migrant workers into the societies in which they are legally residing.*

Questions that could be addressed:

- Do the current OSCE commitments provide an adequate framework for protection of migrant workers?
- Are there mechanisms and “best practices” for enforcing these commitments such as, e.g., inspection of workplaces and national referral mechanisms, etc.?
- How do participating States respond to hate crimes against migrant workers?
- Whether and how can expanded opportunities for legal labour migration be an effective measure in combating illegal migration?
- What are the difficulties encountered by migrant workers in terms of integration and equal opportunities?
- How do States respond to their problems?
- Are there models of co-operation between sending and receiving States?
- How should international/regional organisations and OSCE participating States regulate migration without endangering the human security of migrant workers?
- How do participating States respond to cases of exploitation of migrant workers and violation of their human rights?
- How can the OSCE, and in particular the ODIHR, address the issue of non-discrimination of migrant workers and their integration into the societies in which they are residing?

Any Other Business

Participants may use this Session to raise any other OSCE human dimension commitments that have not been previously covered.

16:30 – 18:00

PLENARY SESSION

Presentation of the outcome of the Working Sessions.

Preliminary discussion of the recommendations made, as a preparation for the Closing Reinforced Plenary Session.

MONDAY, 11 OCTOBER

10:00 – 13:00 and 15:00 – 18:00

WORKING SESSIONS 10, 11

Discussion of human dimension activities, with a special emphasis on projects and programme work, *including*

- Follow-up to the 25-26 March 2004 Supplementary Human Dimension Meeting on Human Rights Education and Training;
- The role of OSCE institutions and bodies, including the Conflict Prevention Centre, Special Police Matters and Anti-Terrorism Units of the Secretariat in Vienna, in assisting participating States in implementing their Human Dimension commitments;
- The Human Dimension activities of OSCE missions and field operations.

The internal agenda for this day's discussion will be distributed separately in due time.

Follow-up to the 25-26 March 2004 Supplementary Human Dimension Meeting on Human Rights Education and Training

On 25-26 March 2004 a Supplementary Human Dimension Meeting "Human Rights Education and Training" was held. Three broad topics were discussed: formal human right education in schools, human rights education for public officials and informal human rights education. Many participants emphasized that while the burden for human rights education and training is often shifted onto the international community or civil society, the role of the OSCE participating States and their direct responsibility for advancing human rights education and training is very important. Many participants also urged that the promotion of human rights education remain high on the agenda of the OSCE, of other international organizations and of governments and civil society actors of the OSCE participating states.

Questions that could be addressed:

- What requirements, if any, should human rights education and training programmes fulfil?
- How can OSCE ensure that its human rights education and training programmes have an effect in the participating states? Which criteria could be used for assessing their effectiveness? How can OSCE efforts in this area be improved?
- What are good practices of training government officials in human rights in the OSCE participating States?

Project and programme activities:

The OSCE has played in recent years an active role in seeking to strengthen democracy and human rights practices, as well as in promoting the strengthening of 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, programs and projects (i.e. legislative and technical assistance, training, and workshops for both government officials and members of civil society); 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 organizations, etc.).

OSCE Institutions, missions and field operations will make presentations on their projects and future priorities in the Human Dimension. International organizations 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 comments.

Questions that could be addressed:

- What are successful examples, best practices, of OSCE programs and projects from the past years? Why were these successful. What are examples of not so successful programs and projects. Why were they not successful?
- What are the benefits and liabilities of long- and short-term programming? Where are the strengths and weaknesses in Institution versus Mission programming?
- What are successful examples of Human Dimension activities and programmes conducted by international and local organizations that OSCE could learn from? What can we teach them?
- 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?

The role of OSCE institutions, missions and field operations

The Human Dimension Implementation Meeting provides an important forum for participating States and other participants to highlight Human Dimension activities with a view to identifying lessons-learned and seeing where a greater focus from the OSCE Institutions, missions and field operations could prove useful in identifying trends and priorities for the future.

The OSCE missions and field operations are one of the instruments that give the Organization both an active presence and an important role throughout the OSCE space. Missions and field operations' mandates differ and so do their sizes. Thus in large missions 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 missions and field operations is coordinated by the Conflict Prevention Centre and the OSCE Chairmanship.

With heavy program 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 organizations, and with NGOs active in the OSCE region to increase effectiveness and to prevent duplication.

Questions that could be addressed:

- Where is OSCE better suited to provide Human Dimension assistance? What kinds of priorities should the Organization look to in the future?
- How can the OSCE Institutions, missions and field operations best assist the participating States in implementing their Human Dimension commitments? What else can OSCE be doing in the Human Dimension field?
- How effective is the co-operation by the OSCE and its institutions, missions and field operations with local actors - both governmental and non-governmental - in Human Dimension activities? How effective is the cooperation among national actors? How can it be improved?
- How effective is the co-ordination and co-operation with other international actors (for example CoE, EU, EBRD, UNHCHR, UNHCR, IOM) in Human Dimension activities, at Headquarters or in the field? How can it be improved? Are there useful models for co-operation and co-ordination that will help overcome duplication of efforts?
- How can the results of the Human Dimension Implementation Meetings be taken forward most effectively to the Permanent Council and the Ministerial Council?

TUESDAY, 12 OCTOBER

10:00 – 13:00 and 15:00 – 18:00

WORKING SESSIONS 12, 13

Specifically selected topic: Promotion of tolerance and non-discrimination

The overall aim of the topic of “Prevention of Discrimination, Racism, Xenophobia and Anti-Semitism” will be to review the implementation of OSCE commitments in the area of tolerance and non-discrimination, as well as to focus on the commitments of participating States under the Maastricht Ministerial Council Decision on Tolerance and Non-Discrimination and under the Permanent Council Decisions on anti-Semitism and on Tolerance and the Fight against Racism, Xenophobia and Discrimination and the resulting conferences held this year. In this regard, the sessions will discuss the results from the three major OSCE events held in 2004: 1) the Conference on anti-Semitism (Berlin, 28-29 April); 2) the Meeting on Racist, Xenophobic and anti-Semitic Propaganda on the Internet and Hate Crimes (Paris, 16-17 June) and 3) the Conference on Tolerance and the Fight against Racism, Xenophobia and Discrimination (Brussels, 13-14 September).

A key cross-cutting theme of the Maastricht Ministerial Council and the Permanent Council Decisions related to the Berlin and Brussels Conferences was the need to combat hate-motivated crimes, including crimes fuelled by racist, xenophobic and anti-Semitic propaganda in the media and on the Internet. In addressing the issue of hate-motivated crimes, particular importance was given to the need for participating States to enact and strengthen existing legislation to combat hate-motivated crimes and to encourage the development of informal exchange of best practices among law enforcement experts. Under these three Decisions, participating States were also encouraged to collect and keep records on reliable information and statistics on hate crimes, including on forms of violent manifestations of racism, xenophobia, discrimination and anti-Semitism. The Decisions tasked the ODIHR to work in full co-operation with the United Nations Committee on the Elimination of Racial Discrimination (UNCERD), the European Commission against Racism and Intolerance (ECRI) and the European Monitoring Centre on Racism and Xenophobia (EUMC), as well as relevant NGOs, in serving as a collection point for information and statistics from participating States and for reporting regularly on tolerance and non-discrimination issues, including in the format of the HDIM.

Based on the information and statistics collected by the ODIHR from each of the participating States, the sessions will focus on how to support OSCE States in enacting and enforcing legislation to combat hate-motivated crimes and how to build effective partnerships with law enforcement authorities, national institutions and civil society in monitoring and responding to hate-motivated crimes. The sessions will draw upon existing best practices within the OSCE area and result in the formulation of specific recommendations aimed at ensuring full implementation of the OSCE commitments in the area of tolerance and non-discrimination.

Session 1: Review of implementation of OSCE commitments related to tolerance 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 Maastricht Ministerial Decision on Tolerance and Non-Discrimination (Decision No. 4/03). Participants may also discuss implementation of the Permanent Council Decisions on Combating Anti-Semitism (Decision No. 607) and on Tolerance and the Fight against Racism, Xenophobia and Discrimination (Decision No. 621), which are expected to be endorsed by the Sofia Ministerial Council.

Session 2: Enactment and Enforcement of Legislation to Combat Hate Motivated Crimes

The aim of this session will be to highlight existing models of legislation aimed at combating hate-motivated crimes. Specific attention will be given to the existence of different definitions of “hate-motivated crimes” and to identifying the varying approaches to enforcement of such legislation. During the session, discussion will focus on ways to strengthen existing legislation within the OSCE area through the development of legislative guidelines and through the provision of increased opportunities for the training of and exchange of best practices between law enforcement authorities.

Questions that could be addressed:

- What national legislation exists to combat hate-motivated crimes and hate speech related to racism, xenophobia and anti-Semitism?
- How do OSCE States define “hate-motivated” crimes?
- How can the ODIHR best assist participating States in the drafting and review of such legislation and in encouraging informal exchanges of best practices among law enforcement experts?
- How can national legislation be enforced? What bodies are responsible for monitoring and enforcing legislation?

Session 3: Models of Effective Partnerships between Government, National Institutions, Law Enforcement Authorities and Civil Society in Monitoring and Responding to Hate-Motivated Crimes

This session will be used as an opportunity to highlight specific “best practices” of government, national institutions, law enforcement authorities and civil society in their joint efforts to monitor and respond to hate-motivated crimes, including crimes fuelled by racist, xenophobic and anti-Semitic propaganda in the media and on the Internet. Special attention will be given to models for monitoring such crimes through the collection of information and statistics as well as “best practices” of OSCE States in responding to hate-motivated crimes and in preventing such crimes through the development of national action plans.

Questions that could be addressed:

- How can participating States increase their capacity to monitor, respond to and report on hate-motivated crimes? How can effective partnerships be established between government, national institutions, law enforcement authorities and civil society?
- What national institutional mechanisms exist to collect reliable data and information on hate-motivated crimes?
- What steps can be taken to increase the consistency and comparability of data and statistics submitted by participating States? Should a common data collection model be developed?
- What steps have been taken by the ODIHR, in co-operation with the UNCERD, the ECRI and the EUMC, as well as relevant NGOs, to serve as a collection point for information and statistics and to minimize overlapping requests for information?
- Which participating States have developed Action Plans on combating racism, xenophobia, discrimination and anti-Semitism? How are they being implemented?
- How can successful models of joint government and civil society action in combating hate crimes, be promoted and disseminated throughout the OSCE area?
- What role can OSCE/ODIHR play in strengthening the capacity of civil society?

Session 4: Follow-up to the OSCE tolerance-related events in 2004

This session will be used to discuss implementation of the recommendations and conclusions from the three OSCE tolerance-related events held in 2004, including:

- 1) The OSCE Conference on Anti-Semitism, held in Berlin on 28-29 April 2004;
- 2) The OSCE Meeting on the Relationship between Racist, Xenophobic and anti-Semitic Propaganda on the Internet and Hate Crimes, held in Paris on 16-17 June 2004);
- 3) The OSCE Conference on Tolerance and the Fight against Racism, Xenophobia and Discrimination, held in Brussels on 13-14 September 2004.

17.15 – 18.00 Conclusions and Recommendations

Note: The Modalities of OSCE Meetings on Human Dimension Issues (PC.DEC/476, Annex 1 of 23 May 2002) concerning “specifically selected topics” foresee, among other things, that particular attention should be paid in these sessions to providing contributions to the preparation of the next OSCE Ministerial Council.

WEDNESDAY, 13 OCTOBER

10:00 – 13:00 and 15:00 – 18:00

WORKING SESSIONS 14, 15

Specifically Selected Topic: Freedom of Assembly and Association

The internal agenda for this day's discussion will be distributed separately in due time.

Freedom of Assembly and of Association are two fundamental rights 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 and NGOs 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.

The purpose of this day of the HDIM is to review trends in legal regulation and implementation practices in relation to NGOs and human rights defenders. Such trends either can be used as examples of "best practices," or of "malpractices" which undermine the essence of freedom of assembly and association. Possible "malpractices" can include, for example, new restrictions aimed at prevention of terrorism or even derogation by States from relevant human rights obligations.

The discussion can also focus on follow up to the OSCE Supplementary Human Dimension Meeting on Human Rights Defenders, which took place in October 2001.

Morning session: Freedom of Association:

The existence of many NGOs is a manifestation of the right of their members to freedom of association. NGOs can make an essential contribution to the development of democratic societies, in particular through the promotion of public awareness and the participatory involvement of citizens in the public life. Such contributions can be made through diverse activities which can range from the advocacy for change in legislation or public policy to the provision of assistance to those in need, and from the elaboration of technical and

professional standards to the monitoring of compliance with existing obligations under national and international law.

Many NGOs seeking to protect and promote human rights are local groups working to ensure that the rights of individuals within their own society are guaranteed. They may encounter hostility of their governments, precisely because of their role in encouraging debate and openness in society over issues some governments would prefer to keep silent about. As a result, some States may try to prohibit activities of unregistered NGOs, others may impose cumbersome registration requirements or impose unjustifiably strict administrative and criminal penalties for breaches of NGO laws, etc.

Questions that could be addressed:

- Are participating States implementing their OSCE commitments relating to freedom of association?
- How can the OSCE participating States create a favorable environment for the functioning of NGOs?
- Is there a need for a regulatory framework affecting NGOs and their activities? How can it be misused?
- How can the OSCE participating States ensure compliance of relevant laws with international standards?
- Which new challenges do NGOs face in light of anti-terrorist measures undertaken by the OSCE participating States?

Afternoon session: Freedom of Assembly:

The right of peaceful assembly is a fundamental right and one of the foundations of a democratic society. It covers all types of gathering including assemblies and meetings, demonstrations, marches and processions, whether public or private, static or in motion.

The right to organize peaceful demonstrations should be ensured, and possible counter-demonstrations having violent intentions do not annul this guarantee. The participants must be able to hold the assembly without having to fear that they will be subjected to physical violence by their opponents. Genuine, effective freedom of assembly cannot, therefore, be reduced to a mere duty on the part of the State not to interfere and requires States sometimes to take positive measures to guarantee it.

Questions that could be addressed:

- Are participating States implementing their OSCE commitments related to freedom of assembly?
- Does existing national legislation in OSCE participating States provide adequate guarantees for freedom of assembly?
- Is national legislation enforced in practice?

- What is the role of police forces in maintaining public order during assemblies?
- Which safeguards exist in the OSCE participating States vis-à-vis the conduct of law enforcement officials during assemblies?

Conclusions and recommendations related to discussions on Freedom of Assembly and Association

General questions that could be addressed:

- Are OSCE commitments and operational guidelines sufficient for the protection of freedom of assembly and association, especially when they are exercised by human rights defenders?
- Should the Council of Europe's Fundamental Principles on the Status of NGOs in Europe be incorporated into the body of OSCE Commitments?
- How could the OSCE Guidelines on Laws Relating to Freedom of Assembly, which would outline the basic principles on laws on freedom of assembly, assist the OSCE participating States?
- How could the work of all relevant actors be synergized/improved (coordination of projects, exchange of information at the political and field level, etc)?
- Should OSCE encourage and facilitate consultations between Governments and civil society on drafting laws that affect civil society as such, and NGOs in particular?

Note: The Modalities of OSCE Meetings on Human Dimension Issues (PC.DEC/476, Annex 1 of 23 May 2002) concerning "specifically selected topics" foresee, among other things, that particular attention should be paid in these sessions to providing contributions to the preparation of the next OSCE Ministerial Council.

THURSDAY, 14 OCTOBER

10:00 – 13:00 and 15:00 – 18:00

WORKING SESSIONS 16, 17

Specifically selected topic: Complementarity and co-operation between international organizations in promoting human rights

The internal agenda for this day's discussion will be distributed separately in due time

With a rapid increase in the number of actors in the area of human rights promotion, through both the creation of completely new actors and the expansion of others that were not traditionally active in the area of human rights (e.g. financial institutions), it is even more imperative for the successful intervention of the international community that the work of these organizations be better co-ordinated. Such co-ordination needs to take place on different levels, between headquarters and in the field. It must also include local counterparts, as a feeling of local ownership is key to any successful intervention of the international community. In this respect, it is of utmost importance that the complementarity of international organizations be recognized, as any rivalry or competition between international organizations will have severe negative consequences for the inclusion of local actors and will lessen the chances of achieving optimal results.

Moreover, the promotion of human rights must be seen in light of not only the words of international organizations but also their deeds. Any efforts to promote human rights will be undermined if members or representatives of international organizations are themselves involved in human rights abuses. Complementarity and co-operation should thus focus not only on the external efforts of organizations but also on the internal efforts to develop responsibility and accountability in the area of human rights.

This day is divided into two parts, which reflects the nature of the work done by the OSCE, its institutions, and its field activities: (1) human rights promotion as a tool for conflict prevention and achieving long-term stability; and (2) human rights promotion as a tool for sustainable reconstruction and rehabilitation to achieve lasting stability and peaceful development.

The ODIHR conducts a number of activities that focus on conflict prevention and post-conflict reconstruction, including human rights in armed conflicts. OSCE field presences have operated and continue to operate in situations of both conflict prevention and post-conflict reconstruction. The Human Dimension is an essential component of their work. In 1999, the OSCE held a Human Dimension Seminar on "Human Rights: the Role of the Field Missions." This day will expand on the recommendations made in that seminar, where the following guidelines for OSCE field missions in the area of human rights were discussed:

- 1. First and foremost, the responsibility for the promotion and protection human rights lies with the participating States.*
- 2. Human rights are an integral part of all field missions, reflecting the participating States' commitment to OSCE principles and obligations under international human rights law.*

3. *Human rights are an integral part of building long-term security and stability, which can be achieved best by co-operation and co-ordination within the OSCE family and among international and local actors.*

4. *The successful implementation of human dimension issues is inalienably linked to an overall integrated and consistent approach.*

Morning Session:

**Human rights promotion as a tool for conflict prevention
and achieving long-term stability**

Strong support from the international community is needed to address the root causes of conflicts and instability. Preventive strategies must promote human rights, protect minority rights, and institute inclusive political arrangements. Effective conflict prevention depends on diverse actors working together strategically. The OSCE (including its Institutions and relevant field presences) and its participating States; the United Nations and its specialized agencies; international financial institutions; regional organizations such as the Council of Europe and the European Union; non-governmental organizations; religious groups; the business community; the media; and scientific, professional, and educational communities all have a role to play.

This session will focus on co-operation among all of these actors but, in particular, among international organizations in the promotion of human rights for the purpose of preventing conflicts.

Questions to be addressed:

- How do we enhance co-operation in early-warning systems, e.g., enhance the information flow among different organizations?
- How can different actors and organizations better complement each other's work in promoting the rights of marginalized groups, thus preventing that such tension builds up that risks the stability in the region?
- How can we better include actors that can make important contributions to conflict prevention but that are not normally included, in particular, women?
- How can international organizations with different mandates reinforce each other's efforts in a more strategic way?
- What are the lessons learned from the OSCE's co-operation with other organizations in conflict prevention?

Afternoon Session:

**Human rights promotion as a tool for sustainable reconstruction and rehabilitation
to achieve lasting stability and peaceful development**

In order to achieve sustainable reconstruction and rehabilitation after a conflict, it is crucial that human rights promotion be at the forefront of international efforts. In the immediate aftermath of an armed conflict, there can be a large number of international actors working in

the same area. This situation often results in rivalries and mixed messages rather than co-operation. This may have a negative impact on the role of local actors, as there may be limited space for their own initiatives and activities. It is essential to strike a healthy balance between the responsibilities of international and local actors. International actors have the resources to help provide a secure environment and to begin the reconstruction process, but, at the same time, they must be careful not to dominate political responsibility and public discourse on the ground.

This session will focus on co-operation among international organizations in promoting human rights in the context of reconstruction and rehabilitation, with a special focus on the inclusion of local authorities and non-governmental actors in order to ensure sustainability.

Questions to be addressed:

- Lessons learned from the OSCE's co-operation with other international organizations in post-conflict reconstruction, most prominently in South-Eastern Europe.
- How do we better synchronize the efforts of different actors and organizations engaged in post-conflict reconstruction?
- How can we improve co-operation among international organizations and avoid rivalry and damaging competition?
- How do we ensure the inclusion of local actors in the efforts of international organizations?
- What efforts can be made to make sure that international organizations and their staff are not involved in human rights violations themselves?

Note: The Modalities of OSCE Meetings on Human Dimension Issues (PC.DEC/476, Annex I of 23 May 2002) concerning "specifically selected topics" foresee, among other things, that particular attention should be paid in these sessions to providing contributions to the preparation of the next OSCE Ministerial Council.

FRIDAY, 15 OCTOBER

10 a.m. – 1 p.m. Closing Reinforced Plenary Session

Reports and Recommendations from the Discussions on

- Human Dimension Activities,
- Tolerance and Non-Discrimination,
- Freedom of Assembly and Association, and
- Complementarity and Cooperation among International Organizations.

Remarks by participants, including Human Rights Directors and other Experts from Capitals.