



HUMAN DIMENSION SESSIONS OF THE 2010 REVIEW CONFERENCE

**30 SEPTEMBER - 8 OCTOBER 2010, WARSAW, POLAND;
26 - 28 NOVEMBER 2010, ASTANA, KAZAKHSTAN**

ANNOTATED AGENDA

BACKGROUND

The *1992 Helsinki Document and the 1994 Budapest Document* mandate the OSCE with organizing review conferences before meetings of OSCE Heads of State or Government (Summits). On 3 August 2010, the OSCE Ministerial Council adopted a decision on the time and venue of the next OSCE Summit and Review Conference (MC.DEC/3/10). In accordance with this decision, an OSCE summit will be held in Astana on 1-2 December 2010, and an OSCE Review Conference will be held in three parts: in Warsaw from 30 September to 8 October 2010, in Vienna from 18 to 26 October 2010 and in Astana from 26 to 28 November 2010. In line with Permanent Council Decision No. 476, the 2010 Human Dimension Implementation Meeting (HDIM) has been cancelled due to the holding of the Review Conference in 2010, and implementation of human dimension commitments will be considered during the Warsaw and Astana parts of the 2010 Review Conference.

According to the 1992 Helsinki Document, review conferences will “review the entire range of activities within the CSCE, including a thorough implementation debate, and consider further steps to strengthen the CSCE process”. “These reviews of implementation will be of a co-operative nature, comprehensive in scope and at the same time able to address specific issues”. “The participating States will be invited to offer contributions on their implementation experience, with particular reference to difficulties encountered, and to provide their views of implementation throughout the CSCE area. Participating States are encouraged to circulate descriptions of contributions in advance of the meeting.” “Reviews should offer the opportunity to identify action which may be required to address problems. Meetings at which reviews of implementation take place may draw to the attention of the CSO [*currently Permanent Council*] any suggestions for measures to improve implementation which they deem advisable.”

The overall agenda for the 2010 Review Conference, including its human dimension parts, was adopted by the Permanent Council in its Decision No. 952 of 29 July 2010 on the agenda, organizational framework, timetable and other modalities of the 2010 Review Conference. The detailed work programme for the human dimension sessions, reflecting three special subjects to be dealt with in greater depth, is to be adopted by the Permanent Council or by the Review Conference as soon as possible, and no later than the first plenary session of the Review Conference (as part of the Indicative Work Programme of the entire Review Conference). An indicative work programme of the human dimension sessions, prepared by the Chairmanship-in-Office and based on extensive consultations, is contained in CIO.GAL/133/10/Rev.3 and serves as the basis

for this annotated agenda. This annotated agenda is intended to provide participants with guidelines to help them prepare for active and constructive participation in the working sessions of the meeting.

Information on the modalities for the conduct of discussions at the human dimension sessions of the Review Conference, to be based on the modalities established by PC.DEC/952 and, *mutatis mutandis*, on the modalities of the annual HDIM, as per PC.DEC/476, will be provided in the meeting manual and, in due course, at <http://www.osce.org>. A thematic compilation of human dimension commitments can be found at http://osce.org/odihr/item_11_16237.html.

SCHEDULE OF MEETINGS

THURSDAY, 30 SEPTEMBER

10:00-13:00 OPENING PLENARY SESSION OF THE REVIEW CONFERENCE

The Opening Plenary Session will be preceded by the formal opening of the Review Conference:

Statement by the representative of the OSCE Chairperson-in-Office
Statement by a high representative of the host country
Statement by the President of the OSCE Parliamentary Assembly
Statement by the OSCE Secretary General

Reports by:

The Director of the ODIHR
The OSCE High Commissioner on National Minorities
The OSCE Representative on Freedom of the Media
The President of the Court of Conciliation and Arbitration
Chairperson of the Human Dimension Committee of the Permanent Council

15:00-18:00 OPENING PLENARY SESSION (Continued)
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FRIDAY, 1 OCTOBER

10:00-13:00 WORKING SESSION 1

Democratic institutions including

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

Democratic Elections

The 1990 Copenhagen Document presents wide-ranging commitments agreed upon by all OSCE participating States for fostering the protection and promotion of human rights and fundamental freedoms, as well as for the promotion of democratic institutions and the rule of law. Furthermore, the OSCE participating States have, on many occasions, committed themselves to hold free elections at reasonable intervals, as established by national law, acknowledging that democratic elections can be conducted under a variety of different electoral systems and laws. Over the last two decades, the OSCE has placed great emphasis on promoting democratic elections as a key pillar of sustainable security and stability.

ODIHR is destined to assist participating States in the implementation of election-related commitments through long-term and short-term election observation, to the extent permitted by national law, and to provide follow-up assistance in implementing the recommendations made as a result of this observation. Participating States committed themselves to follow up promptly the OSCE/ODIHR's election assessment and recommendations.

Since the last HDIM, ODIHR has sent different election observation missions (full-scale, limited and election assessment missions) to elections in Austria, Azerbaijan, Bosnia and Herzegovina, Croatia, Georgia, Germany, Greece, Hungary, Kyrgyzstan, the Netherlands, Norway, Portugal, Romania, Slovakia, Tajikistan, Ukraine, the United Kingdom and Uzbekistan. ODIHR was also tasked by the OSCE Permanent Council to organize an Election Support Team for the 2009 presidential election as well as the 2010 parliamentary elections in Afghanistan.

While ODIHR is able to note examples of commendable election practices in keeping with OSCE commitments in some participating States and improvements in others, the following shortcomings have also been identified:

- Election legislation that is not in line with OSCE commitments;
- Deficiencies in voter registration;
- Limitations on the right to be elected;
- Limitations to a free campaign environment;
- Lack of fair, objective and balanced media coverage for election contestants;
- Lack of transparency and accountability during the counting and tabulation of the votes;
- Challenges to the secrecy of the vote;
- Lack of confidence in the impartiality of the election administration;
- Inadequate and ineffective complaints and appeals processes; and
- Limitations in the national law concerning international and domestic election observers.

Overall, these shortcomings require further attention and improvement in some participating States in order to bring election processes fully in line with OSCE commitments for the conduct of democratic elections as well as elaboration of unified election observation principles and rules agreed upon by the participating States.

Aside from election observation, ODIHR continues to address the implementation of OSCE commitments through follow-up activities, including targeted technical-assistance projects. For many years, ODIHR has specialized particularly in the review of election legislation, often carried out in co-operation with the Council of Europe's Commission for Democracy through Law ("Venice Commission"). It has focused on the

implementation of its comprehensive recommendations through the development of follow-up activities and attempts to ensure ongoing and constructive post-election dialogue upon the request of the participating States.

Questions that could be addressed:

- How the national election systems comply with the 1990 Copenhagen Document as the corner stone of the common OSCE commitments in the election sphere?
- How common election-related OSCE commitments correlate with the lack of common principles and rules of election observation?
- How are OSCE participating States working to meet their commitments to conduct democratic elections?
- What are the main challenges that OSCE participating States face in meeting their election-related commitments and election observation? What measures can OSCE participating States take to address these challenges?
- Recognizing that OSCE participating States hold primary responsibility for implementation of their election-related commitments, how can ODIHR further assist them in addressing these challenges and in meeting their commitments, taking into account the Decision № 19/06 of the Ministerial Council in Brussels 2006? How can participating States strengthen the observation methodology and practice of ODIHR?
- What are the forms of cooperation between participating States and ODIHR, in the view of follow-up activities concerning the implementation of ODIHR recommendations?
- How are participating States ensuring participation and representation of women and inclusion of minorities? Has progress been made in the area?
- How are participating States addressing challenges such as the establishment of election administration bodies that enjoy broad confidence; of effective voter- and candidate-registration procedures; of an equitable campaign environment, including access to media and campaign finance regulation; of accessible and timely complaints and appeals procedures; and of honest vote count and tabulation procedures; as well as upholding the rights of election observers, both international and domestic in accordance with national law?
- How are participating States addressing the introduction of new technologies in a manner that ensures the same transparency and accountability as traditional procedures?
- Do participating States see utility in reviving a discussion on additional commitments to supplement the existing ones?

Democracy at the National, Regional and Local Levels

The participating States undertook to “build, consolidate and strengthen democracy as the only system of government” (Charter of Paris, 1990), and have also recognized the value of considering local government and decentralization in the strengthening of democracy, while noting the diversity of constitutional systems across the OSCE region. The commitments recognize, however, that democracy at all levels of government is predicated on pluralism. The free and fair competition of ideas and programmes of government, expressed through a variety of political organizations, allows the electorate to participate in governance and exercise accountability, with a peaceful transfer of power as a mechanism for renewal. The equal participation of women and men in political life is an important element of political pluralism. The institutions and field

operations of the OSCE have been assisting participating States in various ways to strengthen democracy at all levels of government. Field operations have assisted parliaments to function with respect for the principles of democratic pluralism and assisted with the development of democratic local governance. Through its comments on draft laws and its work with local experts to foster discussion and analysis based on OSCE commitments and best practices, ODIHR has been working to ensure that relevant legislation strengthens and advances democracy at all levels.

How to foster democratic participation at all levels of government is an enduring challenge. There has been an increasing recognition that governance should be brought closer to the citizen and that this, in turn, fosters participation.

Questions that could be addressed:

- How can democracy be strengthened at the national, regional and local levels?
- What role should regional and local parties and political organizations play in regional and local democracy?
- How can legislation and regulations on political parties enhance political pluralism and participation?
- How can the OSCE – particularly ODIHR, the field operations and other institutions – support participating States in ensuring greater political pluralism at all levels of government?
- How can democratic participation and pluralism be enhanced within the work of parliaments? What practices exist for ensuring that parliamentary minorities are included in parliamentary processes and governance? What role should there be for political organizations and parties outside parliament?

Citizenship and Political Rights

Considerable progress has been made by participating States to better engage resident non-citizens to participate in public affairs, in particular at the local and regional levels of government. During this session good practices of participation of resident non-citizens in public affairs and in forming associations could be discussed. Question of restrictions on the political participation of individuals with dual or multiple citizenship could also be discussed.

Questions that could be addressed:

- What best practices exist for the participation in civic and political life (in particular at the local or regional level) of resident non-citizens?
- How can the civic and political rights of persons with dual or multiple citizenship be guaranteed?

15:00 -18:00 WORKING SESSION 2

Fundamental Freedoms I including

- **Freedom of thought, conscience, religion or belief**
- **Presentation of activities of the ODIHR and other OSCE institutions and field operations to implement priorities and tasks contained in the OSCE decisions and other documents**

Freedom of Thought, Conscience, Religion or Belief

Freedom of religion or belief is a fundamental human right that protects the transcendental dimension of the human being and includes the freedom for individuals to manifest their religion or belief through worship, teaching, practice and observance, both alone and in a community with others.

OSCE commitments, in particular the 1989 Vienna Concluding Document, give greater specificity to this right and emphasize its individual and communal dimensions. OSCE commitments enjoin participating States, *inter alia*, to: recognize religious or belief communities and afford them the legal status appropriate in their countries for this purpose, and to respect the right of communities to have places of worship, to organize themselves according to their own hierarchical structure in accordance with the tenets of their beliefs, to select, appoint and replace the personnel of their religious or belief community and train them in appropriate institutions, and to use sacred books and disseminate religious publications. OSCE commitments also guarantee the right of parents or guardians to have their children educated in a manner that respects their beliefs.

In addition, participating States are also committed to fostering a climate of mutual tolerance and respect among believers of different communities and among believers and non-believers, and to take effective measures to prevent and eliminate discrimination against individuals or communities on the basis of religion or belief.

The articulation of these OSCE commitments and arrangements for their practical realization can vary across the OSCE region, reflecting the different legal systems, traditions and approaches of participating States, especially with regard to church-state relations. This session will review the implementation of commitments undertaken by participating States related to freedom of religion or belief.

Questions that could be addressed:

- What are the main issues or obstacles faced by OSCE participating States when implementing the commitments on freedom of religion or belief? To what extent are OSCE participating States fulfilling their commitments regarding freedom of religion or belief?
- What measures are undertaken by participating States to foster a climate of mutual tolerance and respect among believers of different communities and among believers and non-believers?
- How can ODIHR and its Advisory Council and Advisory Panel on Freedom of Religion or Belief assist participating States? What synergies can be found among the OSCE institutions and field operations, and between the OSCE and other international actors, to promote the implementation of the commitments in the area of freedom of religion or belief?
- How the participating States can ensure and facilitate the freedom of the individual to profess and practice a religion or belief, alone or in community with others? How they can promote it as a positive factor for cultural and social life?

Freedom of Expression

In Copenhagen, 20 years ago, participating States reaffirmed that “everyone will have the right to freedom of expression including the right to communication. This right will include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers.” Freedom of expression is a basic requisite for many civil liberties and a fundamental component of a democratic society. It relates to the right to a fair trial and court proceedings, academic and artistic freedom, freedom of assembly and association, freedom of expressing ones religious preferences and is also intimately linked to free political debate. The discussion should consider good practices in protecting freedom of expression in all its aspects and identify ways on how it can contribute to a better guarantee of other fundamental freedoms and human rights.

Questions that could be addressed:

- How does freedom of expression contribute to a better guarantee of other fundamental freedoms and human rights?
- How to better implement existing OSCE commitments linked to freedom of expression?

Programmatic Activities

A presentation of general activities of ODIHR and other OSCE institutions and field operations to implement priorities and tasks contained in OSCE decisions and other documents.

MONDAY, 4 OCTOBER

10:00-13:00 WORKING SESSION 3

Fundamental Freedoms II including

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

Freedom of Assembly and Association

The rights to freedom of peaceful assembly and association are intrinsic to any democratic society. The right to assemble peacefully is an essential condition for the exercise of other human rights, such as the freedom of expression. Participation in peaceful assemblies helps ensure that all people in a society have the opportunity to express opinions that they hold in common with others. As a true foundation of democracy, the right to assemble is guaranteed by major human rights treaties and by a commitment made by OSCE participating States in 1990, in Copenhagen, reaffirming that “everyone will have the right of peaceful assembly and demonstration”. In addition to serving the interest of democracy, the ability to freely assemble is also crucial to creating a tolerant society in which groups with different – and possibly conflicting – beliefs, practices or policies can exist peacefully together.

Regulating freedom of assembly in domestic law still poses a challenge. Civil society actors in some participating States continue to report difficulties in exercising their right

to peaceful assembly. There is an inclination towards more regulations, more control and more bureaucratic hurdles that results in the *de facto* denial of the freedom. Furthermore, overly wide interpretations of anti-terrorism legislation and vaguely formulated laws on freedom of assembly, as well as excessive powers vested in local authorities as to the application of legislation, lead to a situation in which the freedom of assembly cannot be exercised effectively.

The right to freedom of association allows citizens to come together either on an informal or formal basis by forming or joining associations in order to express their views on matters of public concern. In the 1990 Copenhagen Document, the participating States expressed their commitment to “ensure that individuals are permitted to exercise the right to association, including the right to form, join and participate effectively in non-governmental organizations which seek the promotion and protection of human rights and fundamental freedoms, including trade unions and human rights monitoring groups”.

The implementation of relevant OSCE commitments related to freedom of association in national legislation and practices still poses a challenge. Civil society actors in some participating States continue to report difficulties in exercising their right to associate, either formally or informally.

Questions that could be addressed:

- Have participating States created a favourable environment for the exercise of freedom of assembly and association by means of laws and practices consistent with international standards?
- Have participating States implemented relevant recommendations from previous OSCE meetings? What challenges are they experiencing in the implementation process?
- When deciding on the legitimacy of any restrictions on the right to freedom of assembly, do participating States’ laws provide for a transparent and participatory decision-making process?
- How can the OSCE, its institutions and field operations assist OSCE participating States in the implementation of their commitments on freedom of association and freedom of assembly?

National Human Rights Institutions and the Role of Civil Society in the Protection of Human Rights

Independent National Human Rights Institutions (NHRIs) can contribute to the promotion and protection of human rights by processing individual complaints, identifying gaps in the respect of human rights, providing recommendations to the authorities, and engaging in human rights education. The importance of these institutions has been recognized in OSCE commitments, whereby OSCE participating States have pledged to “facilitate the establishment and strengthening of independent national institutions in the area of human rights and the rule of law...” (Copenhagen 1990).

OSCE participating States have also stated their commitment “to ensure effectively the rights of the individual to know and act upon human rights and fundamental freedoms, and to contribute actively, individually or in association with others, to their promotion and protection...” (Copenhagen 1990).

Civil society contributes significantly to the promotion and protection of human rights and fundamental freedoms. It advances respect for human rights at the local, national, regional and international levels. Civil society actors collect and disseminate information about human rights violations; lobby their governments and advocate for greater efforts by states to implement their human rights obligations; mobilize public opinion on issues of concern; contribute to the implementation of human rights treaties; support victims of violations with legal advice, counseling and rehabilitation; and provide human rights education and training.

As the state has the primary responsibility for the protection of human rights at the national level, there is a need for continuous interaction between state organs and civil society. Several factors play an important role in ensuring that a vibrant civil society interacts positively with state bodies. These include respecting the freedoms of individuals to exercise their rights, consulting with civil society on important policy decisions that may influence the human rights situation, and providing protection to civil society actors.

Questions that could be addressed:

- How can NHRIs in the OSCE area be further strengthened in accordance with relevant OSCE commitments?
- How can the relationship between civil society and independent NHRIs be strengthened?
- How can NHRIs support civil society more effectively?
- What challenges do civil society actors face in the OSCE region?
- What opportunities do OSCE participating States create to facilitate the work of civil society? How can these opportunities be further reinforced?

Freedom of Movement

The principle of freedom of movement and choice of place of residence has been reaffirmed in numerous OSCE documents (Vienna 1989, Copenhagen 1990, Paris 1990). The principle of freedom of movement and choice of place of residence within the internal borders of a state stems from a number of internationally accepted human rights instruments, in addition to OSCE commitments. A central OSCE commitment regarding this principle is contained in the Document of the Moscow Meeting of the Conference of the Human Dimension of the CSCE, October 1991, which states in Chapter 3, paragraph 33: “The participating States will remove all legal and other restrictions with respect to travel within their territories for their own nationals and foreigners, and with respect to residence for those entitled to permanent residence, except those restrictions which may be necessary and officially declared for military, safety, ecological or other legitimate government interests, in accordance with their national laws, consistent with CSCE commitments and international human rights obligations. The participating States undertake to keep such restrictions to a minimum”.

Despite considerable progress over the last two decades, these commitments are not yet fully implemented across the OSCE region. Some participating States still have *de jure* or *de facto* restrictions such as exit visas and population registration regimes that restrict freedom of movement and freedom to choose one's place of residence or freedom to leave one's country. Also, in their fight against trafficking in human beings, some countries have introduced limitations regarding the right to leaving the country for particular population groups.

Participating States have long used the Helsinki process to encourage mutually beneficial steps to clarify rules and simplify procedures in order to facilitate legitimate cross-border travel. This is especially the case when it comes to humanitarian reasons and facilitating contacts in the fields such as business, education or science. While there are many positive trends in this area, challenges still exist relating to slow and bureaucratic procedures, high visa fees, and lack of clarity about relevant rules and procedures as well as gaps in transparency and consistency in their application.

Questions that could be addressed:

- Are participating States fully implementing their commitments concerning freedom of movement? What problems are they experiencing in the implementation process?
- How can a balance be found between national-security concerns and the right to freedom of movement? What criteria do participating States use in this regard?
- What are the challenges in developing efficient models of population registration in the participating States? How can the OSCE assist participating States in addressing internal registration issues?
- How can participating States assure that the need for administrative conditions required for registering a place of residence does not infringe on citizens' fundamental rights?
- Which steps may be taken by the participating States to address concerns that the application of visa requirements and related rules and procedures may serve to inhibit travel across borders for legitimate purposes?
- How can the OSCE, and in particular the ODIHR, assist the participating States in implementing best practices of cross-border co-operation in humane migration management?
- How can the OSCE enhance co-operation with other actors in this field at the national and international levels?
- How can the OSCE help to ensure that issues of migration and asylum are not confused with issues of terrorism and trafficking in human beings or narcotics?

15:00-18:00 WORKING SESSION 4

Rule of Law I including

- **Legislative transparency**
- **Independence of the judiciary**
- **The right to a fair trial**

Legislative Transparency

OSCE commitments call for legislative processes to be open and public. In order for laws to be widely accepted by citizens, and thus, effectively implemented, the law-making process must be open, inclusive and transparent. This means that the process must allow for public discussions and include mechanisms for ensuring that the views and input of those directly affected by a law or responsible for its enforcement are taken into consideration. Citizens and civil society groups should be offered opportunities to comment publicly on proposed legislation. Legislative agendas and timetables should be made public well in advance of the consideration of the proposed legislation, and access to parliamentary proceedings should be subject to reasonable conditions. Full

collections of legislation, both primary and secondary and currently or formerly in force, should be readily available, and copies of individual instruments should be easy to acquire for officials, legal representatives and members of the public.

To this end, participating States should have clearly defined rules concerning the preparation, discussion, adoption and publication of legislation that 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 may eventually help to ensure better implementation of OSCE human dimension commitments.

Questions that could be addressed:

- What are the main obstacles to implementing OSCE commitments that improve legislative transparency?
- How can participating States ensure that the public has access to the legislative process and public documents? What techniques and instruments can be used to this effect?
- How can public acceptance of legislative proposals be enhanced?
- How can access to legislation be secured? What measures can be taken to ensure the availability of legislation in a timely manner?
- How can the OSCE and its institutions and field operations support the efforts of participating States towards greater transparency of their law-making systems?

Independence of the Judiciary

An independent judiciary is at the core of a democratic order and the rule of law. Independence of the judiciary takes on special importance when courts exercise their powers of judicial review – i.e., scrutinize compliance of legislative and executive acts with the constitutional framework. It falls on the courts to ensure that no one is above the law, and independence is a pre-requisite for performing this function.

The process of selection and appointment of judges plays a great role in ensuring their independence. Judicial appointments should be made on the basis of qualifications and merit, through transparent procedures that exclude nepotism and corruption. Promotions in the judicial sector should be guided by fair competitions and disregard irrelevant criteria, such as conviction rates.

Case-assignment procedures are vital for good court administration and also have an impact on judicial independence. Cases should be assigned randomly or through a similarly objective system that precludes preferential treatment.

Administration of justice also entails accountability. Increasingly, many participating States are taking measures to ensure judicial integrity and prevent abuses of judicial office. Such measures must not undermine judicial independence. Adequate working conditions and remuneration for performance of judicial duties are essential. Financing of the judiciary should be allocated in a way that ensures its independence, especially from the executive. Due consideration should be given to the role of judicial self-government, as well as to the transparency and due process in the judicial disciplinary proceedings.

Questions that could be addressed:

- How do the participating States ensure the independence of judges *vis-à-vis* the

- executive and the legislative branches of government?
- Are judges appointed and promoted through a transparent procedure based on qualifications and merit?
 - What measures are taken to strengthen judicial integrity? What safeguards are taken to ensure that these measures do not undermine judicial independence?
 - How do the participating States ensure that cases are assigned randomly or through a similarly objective system to the judges?
 - How are transparency and due process ensured in judicial disciplinary proceedings? What steps are taken to ensure that these proceedings are not abused?

Right to a Fair Trial

The right to be tried fairly in accordance with OSCE commitments is essential to any democratic state governed by the rule of law. Equality of arms between the prosecution and the defence is central to the realization of fair trials. Another central aspect is bar-admission practices and the need to ensure that new lawyers are regularly admitted to the bar through open and transparent procedures. Recurring concerns relate to frequent instances where defence lawyers are penalized for the lawful performance of their duties.

The question of access to justice in remote or disadvantaged areas is often related to an insufficient number of qualified lawyers. Participating States should take measures to provide this access in order to guarantee that the entire population benefits from the justice system and the remedies it provides.

Trial monitoring has proven to be a valuable diagnostic tool to collect and disseminate objective information on the administration of justice in individual cases and to draw conclusions regarding the broader functioning of the justice system and the provision of fair trial.

Questions that could be addressed:

- What measures are being taken by the participating States to implement the right to access to a lawyer and the right to be represented by legal counsel after arrest or detention and during all stages of criminal proceedings?
- Is the procedural balance of powers between different actors sufficiently safeguarded? How are participating States ensuring that prosecutorial powers are in check?
- How do the participating States ensure transparent, merit-based admission to the legal profession?
- How do the participating States ensure that all geographic areas are covered by legal service providers?
- What independent-justice-system and trial-observation initiatives have been taken by the participating States and how have they contributed to the improvement of justice administration?

TUESDAY, 5 OCTOBER

10:00-13:00 WORKING SESSION 5

Rule of Law II including

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

Exchange of Views on the Question of the Abolition of Capital Punishment

Out of 56 OSCE participating States, six retain the death penalty, of which two still carry out executions. In the Vienna Document of 1989, those participating States that retain the death penalty committed themselves to using capital punishment only for the most serious crimes and in a manner consistent with their international commitments. In addition, in the Copenhagen Document of 1990, OSCE participating States committed themselves to exchange information and inform the public regarding the use of the death penalty and on the question of the abolition of the death penalty.

Questions that could be addressed:

- Have any developments occurred in the OSCE region over the past year regarding the abolition of the death penalty or the introduction of moratoria?
- To what extent do OSCE participating States comply with the OSCE commitments on the death penalty, including in regard to the exchange of information?
- What steps are needed in law and practice to ensure that international legal obligations 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 standards and good practices should be observed by OSCE participating States that have in place a moratorium on executions?

Prevention of Torture

The OSCE participating States have, in the Vienna Document of 1989, undertaken to prohibit and take effective measures to prevent and punish torture. The absolute nature of the prohibition against torture was then reflected in the Copenhagen Document of 1990. In the Istanbul Charter of 1999, the OSCE participating States further committed themselves to the eradication of torture and other cruel, inhumane or degrading treatment or punishment in the OSCE area. However, torture and ill-treatment continue to exist in varying degrees in a number of OSCE states.

In the context of the fight against international terrorism, challenges have arisen to concepts such as the absolute prohibition against torture and the definition of torture, despite their firm roots in international law.

Questions that could be addressed:

- To what extent have participating States prohibited torture in their national criminal law as required by international law, and to what extent is the offence of torture defined in conformity with the relevant international instruments, rather than in a more restrictive manner?
- How are participating States ensuring in practice that torture prevention is incorporated into training for such sectors as law-enforcement personnel, the

judiciary and detention-centre staff?

- What mechanisms, including disciplinary proceedings, exist in participating States to ensure that allegations of torture and ill-treatment are investigated in a transparent and impartial manner and punished appropriately?

Protection of Human Rights and Fighting Terrorism

It is imperative that measures taken to prevent and combat terrorism and violent extremism comply with the rule of law and relevant provisions of international law, including, in particular, human rights and international humanitarian law. Counter-terrorism measures that violate human rights may have adverse, counterproductive effects: They may in fact increase support for violent extremism and, in doing so, diminish security and stability in the long term rather than enhance it.

Many human rights and fundamental freedoms have been impacted by counter-terrorism strategies and practices. The right to be free from torture and cruel, inhuman or degrading treatment or punishment is, for example, absolutely protected, yet continues to be debated. Another right that may be affected is the right to liberty and security of the person, which includes, *inter alia*, a prohibition on arbitrary or unlawful detention, the right to be informed of the reasons for arrest or detention, and the right to challenge the lawfulness of the detention and release where a court decides that the detention is unlawful (considered one of the most important safeguards of a person's freedom). Freedom of religion or belief, which protects an individual's right to practice her or his faith without the interference of state authority, may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, morals or the fundamental rights and freedoms of others. Each individual should be free to pursue the faith of his or her choosing without being suspected of extremism on the basis of that individual's religious beliefs. The OSCE participating States firmly reject identification of terrorism with any nationality or religion.

Other rights, such as the rights to equal treatment and non-discrimination; to due process; to a fair trial; to freedom of expression, association and assembly, as well as rights of privacy and property, may also be impacted. The full spectrum of these rights is covered by the OSCE human dimension commitments, and participating States have committed themselves to fully protecting them (Moscow Document of 1991, Para. 23, i-ix), including, specifically, within the context of combating terrorism (Bucharest Plan of Action for Combating Terrorism (2001) Para. I.3; OSCE Charter on Preventing and Combating Terrorism (2002), Paras. 5-7).

Questions that could be addressed:

What steps are being taken by participating States to ensure that:

- counter-terrorism practices do not violate the right to be free from torture and to ensure that there is no interference with the absolute protection afforded by this right?
- the principle of non-refoulement and the right to appear before a judge are respected in all extraditions or transfers of individuals between jurisdictions?
- persons suspected of terrorism are not being held in detention arbitrarily, unlawfully, incommunicado, without access to a lawyer or without remedy?
- counter-terrorism practices are subject to judicial review and/or parliamentary oversight?

- counter-terrorism practices respect human rights and fundamental freedoms, and limitations of these rights are legitimate and proportional to the situation?

15:00-18:00 WORKING SESSION 6

Humanitarian Issues and Other Commitments including

- **Refugees and displaced persons**
- **Treatment of citizens of other participating States**
- **Human rights education**

Refugees and Displaced Persons

According to international law, refugees should not be transferred to a place where they are at risk of torture, cruel or inhuman treatment or punishment, or of other serious human rights abuses. International protection can only be provided if asylum-seekers have access to the territory of states where their protection needs can be assessed properly. The plight of refugee women and children is an issue that the OSCE has been paying attention to in conflict-affected areas.

The primary responsibility for providing for the security and well-being of internally displaced persons (IDPs) lies with national authorities, who must protect and respect the human rights and fundamental freedoms of IDPs, including with regard to their physical security, in accordance with their obligations as parties to international human rights treaties and with states' OSCE commitments. Participating States should provide, in particular, adequate shelter, education, documentation, employment and opportunities for political participation, by developing strategies, laws, policies and relevant national institutions.

Questions that could be addressed:

- How are participating States implementing their commitments concerning refugees and IDPs? How can OSCE institutions, missions, and field operations best assist the participating States in that field?
- Which mechanisms have states set up to protect refugees and IDPs from forced return to unsafe conditions?
- What are states doing to make border controls more sensitive to the rights and safety of refugees?
- Which mechanisms have states set up to protect refugees in transit?
- Are there models of co-operation between state authorities and non-governmental organizations in the planning and framing of return and reintegration programmes for IDPs and refugees?
- How do participating States facilitate the voluntary return in safety and dignity, or, if IDPs wish, the resettlement and (re)integration of IDPs?
- How can participating States effectively address and resolve prorated refugee situations?
- How do states ensure access of displaced persons to adequate shelter, education, documentation, employment and political participation?
- How do participating States respond to cases of discrimination against displaced persons and violation of their human rights?
- How do participating States assure family reunification of displaced persons?

- How do states ensure that long-term IDPs enjoy equal rights with other citizens with respect to access to employment, health care, social services and education?
- What role is civil society playing in assisting governments in providing support to refugees and IDPs? How can this role be strengthened?
- In what way can states share the responsibilities for refugee protection?

Treatment of Citizens of Other Participating States

Free movement, free choice of place of residence and contacts among the citizens of participating States are important in the context of the protection and promotion of human rights and fundamental freedoms. Participating States have to ensure that their policies concerning entry into their territories and the presence and movement of citizens from other participating States on their territories are fully consistent with the aims set out in the relevant OSCE documents. Participating States have committed themselves to removing all legal and other restrictions, with the exception only of those that may be necessary and officially declared for state interests in accordance with national laws.

It is important to ensure that administrative authorities dealing with citizens of other states implement OSCE commitments on travel and freedom of movement and respect the personal dignity and human rights of people entering their respective countries.

Questions that could be addressed:

- Have the OSCE commitments on the treatment of citizens of other participating States been introduced into the legislation and migration policies of all participating States?
- Do participating States treat citizens of other participating States in accordance with their OSCE commitments? What factors can result in people being treated differently?

Human Rights Education

Human rights education is education, training and information aimed at building a universal culture of human rights. A comprehensive education in human rights not only provides knowledge about human rights and the mechanisms that protect them, but also imparts the skills needed to promote, defend and apply human rights in daily life.

OSCE commitments in the field of education and awareness-raising go back to the Helsinki Final Act, in which participating States committed themselves to publishing and disseminating the text of the Final Act. In the Moscow Document (1991), OSCE participating States agreed on the fundamental role of human rights education and recognized that educating their citizens about human rights and fundamental freedoms was essential. The relevant commitments on human rights and education on civil and political rights were further expanded in later OSCE documents: the Istanbul Charter for European Security (1999), the OSCE Strategy to Address Threats to Security and Stability in the Twenty-first Century, OSCE Ministerial Council Decision No. 4/03, on *Tolerance and Non-Discrimination*, OSCE Ministerial Council Decision No. 11/05 on *Promotion of Human Rights Education and Training in the OSCE Area*. Human rights education was particularly mentioned as an important means to “promote and enhance tolerance, co-existence and harmonious relations between ethnic, religious, linguistic and other groups, [to] provide early warning of and

appropriate responses to violence, intolerance, extremism and discrimination of these groups, [and to] promote respect for the rule of law, democratic values and individual freedoms”, which are key to the OSCE’s approach to combating and preventing terrorism (OSCE Bucharest Plan of Action, 2001).

During the 2008 and 2009 HDIMs, Special Days were dedicated to human rights education and awareness-raising in the promotion of human rights, allowing the participants to discuss a range of issues related to human rights teaching in schools and in non-formal settings. One of the main recommendations of these past human dimension events was that the OSCE institutions and field operations should continue bringing together governments and civil society on initiatives aimed at human rights education and training. This session provides an opportunity to review the recent work of the OSCE in the area of human rights education.

Questions that could be addressed:

- What are the main achievements in the implementation by the participating States of their key commitments in the area of human rights education and training?
- What particular features make a practice good in the field of human rights education?
- What has been the OSCE contribution to the first phase of the ongoing World Programme for Human Rights Education, and how can the OSCE’s involvement strengthen the planned second phase?
- What practical steps could be taken to ensure strategic thinking about human rights education and training in participating States?
- How can ODIHR address existing challenges and support the efforts of the OSCE participating States in the area of human rights education?

WEDNESDAY, 6 OCTOBER

10:00-13:00 WORKING SESSION 7

Tolerance and Non- Discrimination I including

- **Implementation of the OSCE Action Plan on Roma and Sinti**
- **National minorities**
- **Preventing aggressive nationalism, racism and chauvinism**

Implementation of the OSCE Action Plan on Roma and Sinti, Particularly in Improving Access to Quality Education

Enhancing access to quality education has been recognized as a key for Roma and Sinti to overcome the vicious circle of poverty and social exclusion. The right to education is a fundamental human right, guaranteed by a number of international human rights instruments, which stipulate that the right to quality education shall be exercised without discrimination of any kind.

Although comprehensive official data regarding the access of Roma and Sinti to education are available in very few participating States, research indicates that Roma and Sinti are disadvantaged in accessing quality education, and the number of Roma

and Sinti pupils who finish secondary or higher education remains low and below the average for pupils from majority populations. Roma and Sinti girls have a particularly high drop-out rate, while the phenomenon of engaging children in income-generating activities among Roma families living in poverty negatively impacts the right to education. Further, systemic discrimination against Roma and Sinti in education remains a concern. In three recent landmark decisions, the European Court of Human Rights unequivocally confirmed that school segregation and channeling Roma children to special-education programmes constitute discrimination.

OSCE participating States recognized the urgent need to enhance access to education in the *OSCE Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area* (OSCE Ministerial Council Decision No. 3/03) and committed themselves, among other things, to ban discrimination in education, to develop and implement comprehensive school desegregation programmes, and to take strong action to actively promote equal opportunities in the field of education. Further, in 2008, the participating States committed themselves in the Ministerial Council Decision No. 6/08 to enhance OSCE efforts for implementing the OSCE Action Plan by putting special emphasis on improving equal access to education and promoting early education for Roma and Sinti children. The need to ensure equal access to education and integrate Roma and Sinti into mainstream education was reinforced last year in Ministerial Council Decision No. 8/09.

The session will review progress made by participating States in implementing the OSCE Action Plan, with particular regard to educational policies enhancing access to quality education for Roma and Sinti. Particular attention will be paid to policies promoting Roma and Sinti early education and equal education opportunities for Roma and Sinti girls. In addition, the session will explore the effectiveness and challenges of desegregation policies in the field of education.

Questions that could be addressed:

- What are the results of policies/programmes implemented by OSCE participating States for improving the situation of Roma and Sinti in enhancing their access to quality education?
- How do OSCE participating States monitor progress with regard to the access to quality education for Roma and Sinti?
- What measures have been undertaken by participating States to increase the enrolment and participation of Roma and Sinti children in early education? What are the effective initiatives and the remaining obstacles?
- What are the challenges with regard to ensuring equal access to education for Roma and Sinti girls? What are the best practices/effective policies to promote access to education for Roma and Sinti girls?
- How do OSCE participating States meet their commitment to combat discrimination against Roma and Sinti in the area of education? How do they combat segregation of Roma and Sinti children in the area of education, including practices like separating Roma and Sinti children into special schools or separate school buildings and classrooms?

National Minorities

Resolving problems related to the specific needs of persons belonging to national minorities is not just in the interest of the minorities themselves but is also 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 that comprise the State and of the value of harmonious inter-ethnic relations strengthens the stability and the cohesion of the State. The development of constructive minority policies and policies that promote integration while respecting diversity are gaining increasing importance in the OSCE region. While 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, it is increasingly clear that an exclusively rights-based approach in the spirit of effective protection may not fully meet the need to provide for a broader inclusion of minorities. Effective protection of the human rights of persons belonging to national minorities requires States to develop sound integration policies.

The economic, social, and political exclusion and discrimination against persons belonging to national minorities is often entrenched in the existing institutional practices, so that legal standards and rights-based institutions cannot assure by themselves equal access of persons belonging to national minorities to the opportunities and benefits provided by the State or to human rights stated in constitutions or in specific laws.

As was evident from the discussions at the Supplementary Human Dimension Meeting on 22-23 July, disregarding the role of education as a tool for integration may hinder the development of a cohesive society. Integrated education is a very effective means of bringing communities together and developing mutual understanding. Segregated education can provide a breeding ground for stereotyping and the development of hostility between groups. In this context, creating the conditions for integration through education has strong conflict prevention potential.

It is necessary to develop institutional arrangements and mechanisms that will ensure full and active participation of persons belonging to national minorities. Such mechanisms are already in place or under development in different countries.

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?
- How can states ensure that minorities receive mother-tongue education and at the same time adequately learn the State language so that they can become active participants in the societies where they live?
- How to address the questions concerning national minorities that arise in the context of inter-State relations in a way that protects and promotes the rights of persons belonging to national minorities, prevents conflict, maintains interethnic harmony and strengthens good neighbourly relations between States.

Stateless Persons

As far as "stateless persons", including those among national minorities, are concerned the participating states reaffirmed on several occasions that "all aspects of nationality will be governed by the process of law." Likewise they committed themselves "to

further the international protection of stateless persons.” It follows that the participating States should, on the one hand, take measures to reduce cases of statelessness and, on the other hand, to contribute to the effective integration of stateless persons into the societies of their residence. The discussion should consider the effectiveness of naturalization procedures, their accessibility and transparency as well as examples of good practice designed for the needs of integration.

Questions that could be addressed:

- What measures have been taken by the participating States to ensure that acquisition of citizenship is governed by the rule of law?
- How the participating States ensure protection of stateless persons?
- What legislative, administrative and other measures and mechanisms are taken by the participating States to reduce cases of statelessness?
- What can be done by the participating States to encourage their kin-minorities to take available procedures for acquisition of citizenship of their country of residence and to become integrated in the society?

Preventing Aggressive Nationalism, Racism and Chauvinism

The determination of the OSCE participating States to combat aggressive nationalism, racism, 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 have committed themselves to combat these phenomena both by political and legislative means and by promoting awareness and understanding of the subject. Unfortunately, aggressive nationalism, racism and chauvinism still manifest themselves in the OSCE area.

This discussion should 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, while respecting the rights of freedom of expression, assembly and association. The special role of education and the media in promoting tolerance and non-discrimination is another area for discussion.

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, racism and chauvinism? How should states monitor and evaluate these measures to ensure their effective implementation?
- Which policies in OSCE participating States have been successful in promoting inclusiveness, understanding and tolerance?
- What are the possibilities and limitations for governmental policies? In particular, how can special attention 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 that seek to bring about new behaviour and attitudes and increase mutual understanding?
- How can governments and the media contribute positively to public perceptions

and attitudes?

- What can the OSCE do to assist governments in their efforts to prevent aggressive nationalism, chauvinism and ethnic-cleansing?

15:00-18:00 WORKING SESSION 8

Tolerance and Non- Discrimination II including

- **Promotion of gender balance and implementation of the OSCE Action Plan and relevant commitments**
- **Preventing and responding to hate crimes in the OSCE area**
- **Combating intolerance and discrimination**

Promotion of Gender Balance and Implementation of the OSCE Action Plan and Relevant Commitments

Significant reforms have been undertaken by many OSCE participating States towards the promotion of gender balance, including the adoption of legislation for combating gender-based discrimination and violence against women, the development of various policy instruments, and the establishment of national institutions mandated to promote gender equality and undertake comprehensive gender-mainstreaming of all public policies and programmes. Nevertheless, in many parts of the OSCE region, concerns still remain in the field of women's enjoyment of *de facto* equality in public and private spheres, and these are often compounded by the under-representation of women in governance structures. Comprehensive measures are necessary to identify and eliminate gender-based discrimination and to develop effective policy mechanisms to implement, monitor and evaluate actions for promoting a gender balance in all areas of public and private lives.

The OSCE Action Plan for the Promotion of Gender Equality is the key document that provides for a comprehensive framework for action to promote equality of rights and opportunities among women and men and to ensure effective gender-mainstreaming of all activities and structures across the Organization.

This session will serve to identify a number of recurrent challenges in the OSCE participating States in promoting effective equality of rights and opportunities among women and men. It will also address achievements and challenges in the implementation of the Action Plan and provide insights into the ongoing process of gender-mainstreaming of the Organization's internal structures and policies across all dimensions. Important lessons learnt and recommendations for enhancing the promotion of gender balance and the implementation of the Action Plan will be identified.

Questions that could be addressed:

- What are the achievements and challenges of the OSCE participating States in promoting gender balance in all areas of public and private spheres and in implementing the Action Plan for the Promotion of Gender Equality?
- What is the experience of participating States in developing effective legal and non-discriminatory policy frameworks and functioning national mechanisms for equal opportunities among men and women?

- What measures are participating States taking to ensure that women are fully enfranchised in the democratization process, in particular through participation in the political parties?
- What are the particular good practices in this field that may serve as models for gender equality reforms elsewhere?
- How can the OSCE ensure, in practice, systematic and consistent integration of a gender perspective in all its activities, policies and decisions, including all three dimensions of the Organization's work?
- What procedures has the OSCE put in place to monitor and evaluate progress on implementation of its Action Plan for the Promotion of Gender Equality?
- How can the OSCE Action Plan be strengthened and should consideration be given to instruments such as quantitative targets, time-bound objectives, and monitoring mechanisms.

Preventing and Responding to Hate Crimes in the OSCE Area and Combating Intolerance and Discrimination

Participating States have repeatedly condemned intolerance, discrimination and hate crimes and pledged to take action against them. Today, there are a broad range of commitments to combat intolerance and discrimination and promote mutual respect and understanding, including to prevent and respond to hate crimes. The OSCE commitments acknowledge that racism, xenophobia, anti-Semitism, discrimination and intolerance, including against Muslims, Christians, Jews is a major challenge to social cohesion and human rights across the OSCE region. The OSCE Ministerial Council decisions include commitments to take positive steps such as awareness-raising, developing educational tools, encouraging the establishment of national institutions and specialized bodies, and cooperating with civil society. In 2009, the OSCE Ministerial Council adopted its first decision specifically devoted to the problem of hate crimes, stressing the need to review legislation, to assist civil society efforts, to collect reliable data, and to train police to respond to hate crimes.

The aim of this session is to review the implementation of OSCE commitments related to tolerance and non-discrimination, by examining challenges, good practices and lessons learned in this area. In particular, the measures taken to prevent and respond to hate crimes, including strengthening hate crime legislation, data collection, training of law enforcement officers and co-operation with non-governmental organizations, will be assessed. A forward-looking approach will be adopted in order to discuss how the existing frameworks, approaches and mechanisms of participating States can be improved in order to more effectively combat violent manifestations of intolerance and discrimination.

Questions that could be addressed:

- How do participating States follow up on implementation of OSCE Ministerial Decision No. 9/09 on *Hate Crime* and OSCE Permanent Council Decisions 607 and 621 on *Tolerance and the Fight against Racism, Xenophobia and Discrimination*, as well as other related commitments established by Ministerial Council decisions between 2003 and 2007?
- What are the existing initiatives and planned activities of participating States to promote tolerance and non-discrimination and combat racism, xenophobia, anti-Semitism?

- In particular, what steps have recently been taken by participating States to strengthen their legislation, data-collection mechanisms and law-enforcement responses pertaining to hate crimes? What are the barriers participating States face in this area? How can these be overcome?
- How can participating States improve their understanding of the relationship between hate on the Internet and hate-motivated incidents? How can states promote ways of using the media, particularly the Internet, that are conducive to a climate of tolerance? What role could public-private partnerships play in this regard?
- What challenges do participating States face in preventing and responding to violent manifestations of prejudice and intolerance? How are these challenges being met?
- How can ODIHR and other OSCE institutions, including the three Personal Representatives of the Chairperson-in-Office on tolerance and non-discrimination issues, better support OSCE participating States in implementing their commitments on tolerance and non-discrimination?

THURSDAY, 7 OCTOBER

10:00-13:00 Plenary Session

The first part of the Human Dimension sessions of the Review Conference, the review of the implementation of all OSCE principles and commitments held in accordance with PC.DEC/952, agenda item 6(a), will be concluded by a Plenary Session chaired by the Director of the ODIHR. In line with section I(A) of PC.DEC/952 and paragraph 6 of PC.DEC/476, this Plenary Session, as the last plenary session in Warsaw, will address agenda item 7 of the Warsaw part of the Review Conference – “Reports by the rapporteurs and the Chairperson’s summary”, and will be devoted to the presentation of the outcome of the Working Sessions and to a preliminary discussion of the recommendations made during these sessions in order to prepare for the Reinforced Plenary Session which will take place in Astana on 28 November 2010.

‘FORWARD-LOOKING DISCUSSIONS’

THURSDAY, 7 OCTOBER

15:00-18:00 WORKING SESSION 1

Freedom of Media

Numerous OSCE commitments are aimed at ensuring the individual's freedom of information and, generally, freedom of the media.

The strategic objective of these commitments is to guarantee individuals the right to express their opinions without interference and place the media in the hands of society instead of the custody of the state.

Acts impeding media freedom, including harassment, imprisonment or violence against journalists

This session raises attention to the frequent occurrence of violent acts committed against journalists in the OSCE region and discusses the role of the authorities in carrying out successful investigations and thereby protecting journalists and free media.

Over the past few years, an unprecedented surge in murders of journalists dominated the news about media in the OSCE region. The majority of these victims were deliberately targeted in retaliation for their journalistic work.

The authorities' handling of such cases has not always been encouraging. Attempts at silencing critical voices by means of violence should be seen and handled by law enforcement not as ordinary crimes, but as acts aimed to undermine the basic democratic values of free media.

Furthermore, in the recent past, only a few cases of murdered journalists resulted in charges being brought against the masterminds. In most cases, the perpetrators could not be found or punished. Unless law enforcement undergoes a major overhaul of the treatment of these cases of violence, true freedom of the press will remain jeopardized by journalists' fear of covering issues such as corruption and human rights violations.

The discussion will raise attention to the fact that impunity in cases of violence against journalists will only provoke further violence against media and will become a major obstacle to uninhibited journalism.

Questions that could be addressed:

- How can authorities efficiently resolve cases of violence against journalists in the OSCE region and protect the safety of journalists and thus contribute to greater media freedom?
- How could the role of the civil society be increased to more strongly advocate media freedom?
- How to better implement existing OSCE commitments on media?
- How to ensure that commitments are interpreted in the same way by participating States?
- What measures are necessary to avoid the promotion of racism, religious intolerance and child pornography in the media?

FRIDAY, 8 OCTOBER

10:00-13:00 WORKING SESSION 2

Intolerance against Migrants

The OSCE participating States have committed to tackling intolerance against migrants, as part of a broader campaign to promote tolerance and non-discrimination. The MC Decision 10/07 “calls on participating States to protect migrants legally residing in host countries and persons belonging to national minorities, stateless persons and refugees from racism, xenophobia, discrimination and violent acts of intolerance and to elaborate or strengthen national strategies and programmes for the integration of regular

migrants, which also requires active engagement of the latter”. The session will assess issues related to, challenges arising from and solutions to:

- Hate-motivated crimes and incidents
- Intolerant discourse and scapegoating of migrants

Hate-motivated Crimes and Incidents

Governments, intergovernmental organizations, NGOs and victims report that migrants experience hate-motivated crimes and incidents on a regular basis. In many instances, the information points to increasingly violent and frequent attacks. As a consequence, it is reported that migrants live in a climate of fear and, thus, are prevented from exercising fundamental rights, such as freedom of movement, freedom of assembly and freedom of expression.

Additionally, it appears that incidents are greatly under-reported. Many of the victims are reluctant to go to the authorities due to their status which, for many, is tenuous and, in particular, due to fear of deportation. This is compounded by a fear of the police or a lack of trust that the authorities will treat their cases seriously. Under-reporting contributes to creating a climate of impunity for perpetrators and of fear for victims' communities. It also prevents authorities from designing adequate and effective policies, since the nature, scope and frequency of these incidents remains unknown.

The aim of this session is to review the implementation of the OSCE commitments on the protection of the human rights of migrants and to assess the current situation and challenges within the OSCE region, as well as to explore possible intervention by participating States, intergovernmental organizations, NGOs and other stakeholders.

Questions that could be addressed:

- How can participating States ensure full implementation of OSCE commitments on combating hate crimes with regards to migrants?
- How can participating States address underreporting? How can outreach initiatives that are more gender sensitive be strengthened?
- What is the role of civil society in preventing and combating hate targeting migrants? How could civil society be supported by the OSCE and states in these activities?
- What informational and educational activities on migration and tolerance-related issues are targeted at the general public and potential offenders? What is the role of migrant associations, both formal and informal, in the process of preventing and combating hate crimes?
- How can intolerance against migrants be addressed more comprehensively through migration policies?
- What good practices exist in the area of raising state officials' awareness related to combating intolerance in the OSCE region?
- How can the OSCE and its institutions and field operations support the efforts of participating States towards the development of policies combating intolerance against migrants, refugees and asylum-seekers? What further steps can OSCE participating States undertake to raise the awareness of law-enforcement agencies, prosecutors and judges on how to respond to hate crimes?

Intolerant Discourse and Scapegoating of Migrants

In 2005, the OSCE Ministerial Council recognized that bias and prejudice are rooted in a wider social context. This tasked states with adopting measures to counter prejudice, including against migrants, without endangering or unduly restricting freedom of information and expression and while ensuring a free flow of information. In 2006 and 2007, OSCE participating States expressed deep concern at the use of racist, xenophobic and discriminatory public discourse, and particularly the rise of political parties and movements advocating violence. Ministerial Decisions Nos. 10/05 and 13/06 stressed the importance of having political representatives take a leadership role and speak out against hate-motivated acts and incidents. They also encouraged the media to use their influence to counter, rather than exacerbate, misperceptions and prejudices communicated by various actors.

During this session, the role of the media in countering misperceptions will be discussed, along with different self-regulatory measures that can be undertaken to enhance professionalism and adherence to ethical standards among journalists, including the adoption of voluntary professional codes of conduct by journalists and editors.

This session will also examine the positive role that political representatives and public officials can play in defusing tensions within societies by speaking out against hate-motivated acts and by recognizing the positive contributions that migrants can make to a pluralistic society.

Questions that could be addressed:

- How are participating States implementing OSCE Ministerial Decision No. 9/09 on *Hate Crime*, OSCE Permanent Council Decision No. 633 on *Promoting Tolerance and Media Freedom on the Internet*, as well as other related commitments in other Ministerial Council decisions.
- How can participating States work to effectively combat rhetoric from political parties, movements and groups that incite violent acts of hatred against migrants while respecting the freedom of expression?
- How can the media improve the public perception of diversity within our societies? How can the media facilitate inclusive participation in public discourse? Is there a need to further enhance existing voluntary codes of conduct, capacity-building among journalists and awareness-raising initiatives?
- What is the impact of intolerant discourse upon migrants' access to their rights, such as the rights to education, housing, health care and work? What measures can be taken to counter these effects?
- How could migrants themselves and civil society be empowered to play a role in countering intolerant discourse?
- How can OSCE executive structures, including ODIHR, the Representative on Freedom of the Media and the High Commissioner on National Minorities, the OSCE field operations and the Personal Representatives of the Chairperson-in-Office on Tolerance provide support to OSCE participating States in implementing their commitments in the field of tolerance and non-discrimination while respecting freedom of expression and freedom of the media?
- How can co-operation with other intergovernmental organizations be made more effective?

15:00-18:00 WORKING SESSION 3

Combating Trafficking in Human Beings, with Particular Focus on Trafficking in Children

This specifically selected topic will allow participating States to take stock of the implementation of commitments and developments in relation to combating child trafficking (for example, *Roadmap for Achieving the Elimination of the Worst Forms of Child Labour by 2016*, adopted in May 2010 at the The Hague Global Child Labour Conference 2010). The first session will focus on exploring trafficking of children for labour exploitation, an issue that has so far not received much attention within the OSCE. The second session will allow participating States to review and exchange policies, mechanisms and challenges in ensuring that their child protection and social welfare systems effectively protect one of the most vulnerable groups of children in the context of child trafficking: migrant children, undocumented children, separated, unaccompanied children and asylum seeking children.

In 2005, in the Addendum to the OSCE Action Plan to Combat Trafficking in Human Beings (PC.DEC/685), OSCE participating States committed to establishing and/or strengthening effective policies and programmes to prevent trafficking in children and to facilitate research and gathering data on the extent of all forms of child trafficking in their countries. In 2007, States recognized 'the vulnerability of children to trafficking for labour exploitation and the special needs of child victims' and committed to intensifying efforts to prevent child labour (MC.DEC/o8). In this context, states committed to consider signing and ratifying 1999 ILO Convention on the Worst Forms of Child Labour and, those that are already parties to it, to implement its provisions.

Practice nevertheless shows that child trafficking, including for the purpose of labour exploitation, continues to exist throughout the OSCE region and responses at the national and local level fail to effectively protect children from being trafficked as well as to adequately identify and protect child victims. In particular, many countries still have neither adequately explored nor addressed child trafficking for labour exploitation.

Questions that could be addressed:

- What measures have participating States taken to implement the OSCE Action Plan and its Addendum on child trafficking with a particular view on labour trafficking?
- What research have States conducted or supported to identify forms of child trafficking for labour exploitation, including in agricultural work, domestic work, factory work or for begging and illicit activities?
- Which measures have put in place to prevent and raise awareness about child trafficking for labour exploitation?
- Which measures have States put in place to eliminate the worst forms of child labour in their countries?
- What policies and practices have States put in place to identify children trafficked for labour exploitation and adequately protect their rights?
- What good practices have States developed to create gender sensitive safe labour and migration opportunities for young people and to make them public?
- Which lessons, if any, learned from the fight against child trafficking for the purposes of sexual exploitation, which comprises mostly prostitution and pornography, could serve as good practice and guidance in the work against child trafficking for labour exploitation?

ASTANA

FRIDAY, 26 NOVEMBER

15:00-18:00 WORKING SESSION 4

This Session will include a formal opening by a representative of the OSCE Chairperson-in-Office and a high representative of the host country.

Freedom of media (continuation)

The development of electronic media and its implications for media freedom and pluralism, including the digital switchover in broadcasting and free flow of information on the Internet

This session will discuss the main developments related to new media, such as media freedom implications of the digital switchover in broadcasting, media pluralism and Internet.

It will also reiterate previous commitments in the field, such as PC Decision No. 633, endorsed by MC Decision No. 12/04 of 7 December 2004, saying that participating States should take action to ensure that the Internet remains an open and public forum for freedom of opinion and expression.

The session will address how new technologies demand new approaches to safeguarding existing OSCE commitments on media freedom. It will address the governments' handling of challenges posed by new technologies.

The discussion will also discuss the upcoming comprehensive matrix on Internet legislation that the FOM Office is currently working on. This matrix will include an overview of legal provisions related to freedom of the media on the Internet, the free flow of information and media pluralism on the Internet in the OSCE region. The study is expected to be finalized in January 2011. The preliminary findings will be outlined to the participants of the HDIM.

The session will introduce the updated guide to the digital switchover, commissioned by the FOM Office. The guide, so far available in English and Russian electronically, offers a step-by-step guide to participating States when dealing with the challenges of the digital switchover and its media freedom implications. The document is available on the website of the FOM Office and will be published as a booklet in the coming months.

Also, this session will discuss experiences in the development of self regulation mechanisms for the media, emphasizing its role as an additional guarantee for freedom and effectiveness of the media, highlighting specific aspects such as the role of ethical codes, principles, norms and other mechanisms having an impact on the responsibility of representatives of the media.

Questions that could be addressed:

- What is the situation regarding freedom of new media in the OSCE region, such as digital broadcasting and Internet?
- What measures can be provided by the relevant players, i.e., governments of participating States, international governmental organizations, non-governmental

organizations, journalists' associations and media organizations to support the development and independence of new media, such as digital broadcasting and Internet?

- How could the role of the civil society be increased to more strongly advocate media freedom ?
- How to better implement existing OSCE commitments on media freedom?
- How to ensure that commitments are interpreted in the same way by participating States?
- How to protect privacy, personal data and the ownership of intellectual property? How legal frameworks should be designed in a manner that furthers freedom and should not go beyond what is necessary in a democratic society?

SATURDAY, 27 NOVEMBER

10:00-13:00 WORKING SESSION 5

Intolerance against Migrants (continuation)

The second session on intolerance against migrants will focus on forward-looking approaches with regards to education. Focus will be placed on the implementation of commitments and the exchange of information on best practices, achievements, lessons learnt, obstacles encountered and solutions to overcome them;

Education to prepare young people to live in increasingly pluralistic societies can be fundamental in terms of promoting mutual respect and understanding and countering intolerance against migrants. Efforts to foster an appreciation for the positive contribution of cultural and religious diversity to society, such as awareness-raising campaigns, intercultural educational initiatives and inter-religious dialogue, play a key role in maintaining social cohesion and mutual understanding. Education systems have a responsibility to address specific national or local manifestations of discrimination and intolerance – whether historical or current – and to combat prejudice and negative stereotypes. Formal curricula, textbooks and supplementary materials, extra-curricular activities, the school environment itself, and teacher-training programmes are all crucial instruments in achieving positive results.

This session will highlight educational practices within participating States that are aimed at creating an appreciation for cultural and religious diversity. Ways to evaluate the effectiveness of educational programmes in changing attitudes, challenging stereotypes and prejudices and promoting intercultural dialogue and understanding will be discussed, as well as measures to share identified good practices throughout the OSCE area.

This session will also examine the progress made by participating States in implementing OSCE commitments to promote educational programmes for promoting tolerance and mutual understanding. This session aims to explore the importance of developing rights-based educational programmes that take into account the specific forms of intolerance against migrants, refugees and asylum-seekers. Therefore the session will consider following issues:

Questions that could be addressed:

- How are participating States following up on implementation of OSCE Permanent Council Decisions Nos. 607 and 621 on *Tolerance and the Fight against Racism, Xenophobia and Discrimination*, as well as the other related commitments established in Ministerial Council decisions between 2003 and 2009?
- To what extent have OSCE participating States implemented educational programmes for combating racism, xenophobia, anti-Semitism and intolerance, including against Muslims, Christians and members of other religions? How can these programmes be implemented or adapted in order to combat intolerance against migrants?
- What best practices have OSCE participating States developed to support the promotion of mutual respect and understanding through education? How can existing models and recommendations be effectively implemented, evaluated and assessed?
- How can rights-based educational methodologies be developed that are gender sensitive and take into account the specific forms of intolerance that migrant women face?
- How can develop human rights capacity-building initiatives be developed further to provide education and training for state practitioners (i.e., school teachers, civil servants, police personnel, social workers and immigration officers)?
- How can state institutions and NGOs co-operate effectively on human rights education and education combating intolerance against migrants, refugees and asylum-seekers?
- How can OSCE executive structures, including ODIHR, the Representative on Freedom of the Media, the High Commissioner on National Minorities, and OSCE field operations, as well as the Personal Representatives of the Chairperson-in-Office on Tolerance, provide support to OSCE participating States in implementing their commitments in the field of education with a view to promoting mutual understanding and respect for diversity.
- How can co-operation with other intergovernmental organizations be made more effective?

15:00-18:00 WORKING SESSION 6

Combating Trafficking in Human Beings, with a Particular Focus on Trafficking in Children (continuation)

The fundamental importance of comprehensive child protection and social welfare systems for the prevention of child trafficking and the protection of vulnerable and exploited children has been clearly acknowledged by international, national and local actors working with children. Studies and work throughout the OSCE regions, however, still show that in many countries comprehensive child protection systems - able to guarantee sustainable social solutions for vulnerable and exploited children and based on the best interest of the child - are not yet in place or not effective.

Many children, in particular those belonging to particularly vulnerable groups, such as migrant children, undocumented children, separated, unaccompanied and asylum seeking children, face difficulties in accessing existing child protection and social welfare systems. Equally, instances of such particularly vulnerable children leaving, being excluded or disappearing from care institutions and finding themselves in situations of trafficking have also been repeatedly reported (See for example Platform

for International Cooperation on Undocumented Migrants (PICUM), *Undocumented Children in Europe: Invisible Victims of Immigration Restrictions*, Brussels, 2008).

They often are deprived of their basic rights, such as to develop to the fullest; to protection from harmful influences, abuse and exploitation; and to participate fully in family, cultural and social life (See UN Convention on the Rights of the Child also referenced in the Final Report on the OSCE Supplementary Human Dimension Meeting "On Combating the Sexual Exploitation of Children", Vienna, 18-19 October 2007). In fact, in particular undocumented minors who are being trafficked, are often punished and criminalized, detained or forcefully returned without best interest determination instead of being protected and assisted. This not only results in the denial of basic rights, but sometimes also leads to discrimination and to risks of further abuse and re-trafficking.

Furthermore, many vulnerable and exploited children do not trust local authorities, in particular law enforcement, or are not aware of the protective obligations these have towards them. In this context, States need to ensure that outreach to vulnerable children is improved and that all authorities who come in contact with children are adequately trained and able to provide child friendly services. In addition, the role of civil society actors in reaching out to vulnerable children and establishing a relationship of trust between the children and state service providers should be acknowledged and strengthened.

Questions that could be addressed:

- How do participating States ensure that their existing child protection mechanisms are able to provide effective assistance to all vulnerable and trafficked children, including those undocumented or in conflict with the law?
- Which targeted child protection and anti-trafficking measures have participating States put in place to reach out to particularly marginalized and vulnerable categories of children?
- How do States ensure that their laws and policies do not criminalise and punish but protect vulnerable and trafficked children regardless of immigration status?
- How are States addressing the issue of children being excluded or disappearing from care institutions and ending in situations of trafficking?
- Which procedures and guidelines have States put in place to ensure that decisions on the return of trafficked children are taken on the basis of and respect the best interests of the child?
- How do participating States involve civil society actors in the development and implementation of child trafficking policies and measures?

SUNDAY, 28 NOVEMBER

<p>10:00-13:00 Reinforced Plenary Session (formal closure of Review Conference)</p>
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Based on OSCE Permanent Council Decisions No. 952 on the agenda, organizational framework, timetable and other modalities of the 2010 Review Conference and No. 476 on the modalities for OSCE meetings on human dimension issues, the 2010 OSCE Review Conference will be concluded by a Plenary Session that is reinforced by the participation of senior officials of the participating States, OSCE ambassadors and the

heads of the OSCE institutions. This plenary session will consider items 3 and 4 of the agenda of the Astana part of the Review Conference, namely (3) "Reports by the rapporteurs and the Chairperson's summary" and (4) "Formal closure of the entire Review Conference".

Therefore, apart from concluding the work of all three parts of the Review Conference (to be held in Warsaw, Vienna and Astana), this Plenary Session will also include presentation of the reports of rapporteurs on the working sessions "Forward looking discussion of the three topics specifically selected by PC.DEC/933" (i.e. six HDF sessions held in Warsaw and Astana).

The closing Reinforced Plenary Session will look at how direction can be given with regard to the effective follow-up on the discussions in the different working sessions and the recommendations that came out of these discussions, in light of further discussions in the Permanent Council on the results of the Review Conference and with regard to the preparations for the OSCE Summit in Astana on 1 and 2 December 2010.