



Supplementary Human Dimension Meeting

On the Role of Civil Society in the Promotion and Protection of International Human Rights Law and International Humanitarian Law

22-23 April 2024
(Vienna)

ANNOTATED AGENDA

BACKGROUND

OSCE participating States have declared their “*respect for human rights and fundamental freedoms to be irrevocable*”¹ and committed to be “*accountable to their citizens and responsible to each other for the implementation of their OSCE commitments*”².

While acknowledging that States and their governments are the bearers of the obligation to protect and respect human rights and remedy human rights violations, civil society organizations (CSOs) and human rights defenders (HRDs) are essential actors in the promotion, protection, and monitoring of international human rights law (IHRL) and international humanitarian law (IHL). Their work is especially important during times of conflict and humanitarian crisis, where their access to territories and affected persons is paramount.

OSCE participating States have acknowledged this in general terms already in Helsinki in 1975 where they stated that “*the participating States recognize the universal significance of human rights and fundamental freedoms (...) They confirm the right of the individual to know and act upon his rights and duties in this field. (...) They confirm that (...) organizations and persons have a relevant and positive role to play in contributing toward the achievement of these aims of their cooperation*”. More specifically, participating States highlighted the role of civil society in conflict prevention, conflict resolution, and post-conflict rehabilitation (for example in MC Decision 14/05 and MC Decision 3/11).

CSOs’ expertise and on-the-ground presence enables the collection of vital information, evidence, and testimonies, crucial for documenting IHRL and IHL violations and holding perpetrators of such violations accountable. The adoption of innovative tools and methodologies, such as the increasing collection and use of open-source information, has also transformed the landscape of human rights and humanitarian law monitoring, allowing for real-time documentation and response to violations. Civil society can also play a pivotal role in ensuring the fairness and transparency of criminal proceedings through providing objective and factual trial monitoring. Furthermore, civil society groups and defenders serve as watchdogs in safeguarding communities at risk, against discrimination and other forms of unequal treatment. Experience exchange, cross-border co-operation and international assistance is of a particular importance in this respect. Moreover, in times of conflict and humanitarian crisis, the

¹ Paris, 1990.

² Istanbul, 1999.

involvement of civil society often extends to providing essential services to asylum seekers, refugees, displaced persons and other persons on the move, offering direct humanitarian assistance to those in need and facilitating integration in the host country.

In the OSCE region, HRDs face mounting threats to their physical and digital security, with accountability efforts often lacking. These include criminalization of key aspects of HRDs' work, restrictive and stigmatizing legislation, the effects of which range from additional administrative burden on CSOs to real security risks to HRDs and their beneficiaries, and smear campaigns to counter or repress the HRDs' work or isolate them. An increasing number of HRDs live and work in environments that can be assessed as hostile, leading, in turn, to a growing community of HRDs forced to leave their home countries and continue their activities abroad.

This Supplementary Human Dimension Meeting (SHDM) aims to provide a forum for an exchange on the role of civil society in the promotion and protection IHRL and IHL, looking, specifically, at their essential contribution to the monitoring of IHRL and IHL violations, as well as their wider role in protecting and promoting rights in times of conflict and humanitarian crises. This SHDM is also expected to foster discussions on the multi-faceted challenges CSOs and HRDs, including those in exile, are currently facing in the OSCE region to conduct their work, a highly relevant topic when many, across the region, report an increasingly shrinking civic space.

Day 1

14.00 – 15.00

OPENING SESSION

Opening remarks

Introductory addresses

Technical information

15.00 – 17.00

SESSION I: The role of civil society in monitoring and ensuring accountability for violations of international humanitarian law and international human rights law in conflict

OSCE participating States have committed to “*ensure respect for general international humanitarian law and in particular for their obligations under the relevant international instruments, including the 1949 Geneva Conventions and their additional protocols, to which they are a party*”³. Along with States and intergovernmental actors, CSOs play a crucial and complementary role in monitoring and ensuring accountability for IHRL and IHL violations. This session will provide an opportunity to highlight the essential role of, and specifically explore the added value, of CSOs' monitoring activities and accountability work in situations of conflict, including those working with groups at risk of exclusion and discrimination. It will also look into best practices in terms of coalition-building between CSOs, but also co-operation with States' entities and intergovernmental bodies and ways participating States may facilitate the cross-border monitoring work of CSOs in times of conflict. Taking stock of the current landscape of human rights and humanitarian law monitoring, this session aims to focus on innovative tools and methodologies, including the increasing reliance on open-source monitoring and collection and discuss the best use of such information and potential evidence

³ Budapest, 1994.

for accountability processes. Recalling the commitment by OSCE participating States to “accept as a confidence-building measure the presence of observers (...) at proceedings before courts”⁴, this session will also provide an opportunity to discuss civil society’s pivotal role in contributing to the fairness, transparency and public trust in judicial proceedings through providing objective and impartial trial monitoring.

Questions to guide the discussions for this session:

- What has been the recent experience of CSOs' working on accountability and promotion of IHL/ IHRL and how can participating States and other actors support such work?
- What are the main needs and challenges encountered by CSOs in their monitoring work in situations of conflicts and ensuing humanitarian crises, as well as for CSOs working specifically with communities at risk of exclusion and discrimination in conflict contexts?
- Given the ever-growing need for co-ordination between CSOs and between CSOs and international organizations and accountability bodies, what are the best practices in terms of coalition-building, co-operation and exchange of information?
- What are notable new trends in terms of tools and methodology for monitoring and how can trial monitoring by CSOs contribute to respect for the right to a fair trial and the rule of law? What lessons can be learnt including good practice for states and other actors in supporting this work.

Day 2

10.30 – 12.30

SESSION II: The role of civil society in protecting rights during times of conflict and humanitarian crisis

While OSCE participating States acknowledge that it is their duty to “promote and encourage the effective exercise of civil, political (...) and other rights and freedoms all of which derive from the inherent dignity of the human person and are essential for his free and full development,”⁵ during times of conflict and humanitarian crisis, the role of civil society is paramount in safeguarding rights and ensuring the protection of displaced populations. OSCE participating States have recognized that “displacement is often a result of violations of CSCE commitments, including those relating to the Human Dimension.”⁶ They acknowledged the “need for international cooperation in dealing with mass flows of refugees and displaced persons.”⁷ OSCE participating States also reaffirmed their “commitment to respect the right to seek asylum and to ensure the international protection of refugees”⁸ and “to promote dignified treatment of all individuals wanting to cross borders”⁹. Moreover, the states committed to secure protection of Roma and Sinti refugees in line with the relevant international standards, and in a non-discriminatory manner.¹⁰

Amidst the numbers of forcibly displaced people around the OSCE region reaching a record high¹¹, CSOs and HRDs play a pivotal function in facilitating access to asylum and refugee

⁴ Copenhagen, 1990.

⁵ Helsinki, 1975.

⁶ Helsinki, 1992.

⁷ Helsinki, 1992.

⁸ Istanbul, 1999.

⁹ Ljubljana, 2005.

¹⁰ Maastricht, 2003.

¹¹ As of mid-2023, there were more than 22.9 million displaced or stateless people under UNHCR’s mandate

protection, particularly in upholding the rights and dignity of those fleeing persecution, violence, and crisis. Civil society works to address systemic barriers and challenges that hinder access to asylum, including restrictions to enter the territory, discrimination, and administrative challenges.

During conflict and humanitarian crisis, CSOs also often serve as frontline responders, offering essential services such as food, shelter, healthcare, education and psycho-social support to refugees and asylum seekers and facilitating their integration in host countries.

For example, civil society response to the unprecedented flows of refugees stemming from the war against Ukraine, highlights their key role in building inclusive and resilient communities, providing migrants and refugees with a dignified life and promoting social cohesion. By fostering solidarity and mobilizing resources, CSOs and HRDs contributes significantly to responses to conflicts and humanitarian crises. Moreover, civil society play a key role in monitoring, documenting, and reporting intolerance, hate and discrimination in the context of armed conflict, contributing towards accountability for perpetrators and justice for victims.

CSOs also play a key role in advocacy. They amplify the voices of people on the move and advocate for policy changes that prioritize their safety and well-being, striving to ensure that their rights are upheld and respected, even amidst the chaos of conflict and crisis. By developing multi-stakeholder co-operation and bolstering civil society efforts, States can enhance the effectiveness of responses to displacement crises and promote integration and sustainable solutions for affected communities.

This session aims to highlight the critical role of civil society in protecting the rights of displaced populations and to discuss how States can meaningfully support and work in partnership with civil society organizations during times of conflict and humanitarian crisis. This session will bring together representatives from CSOs and HRDs protecting the rights of people on the move in various contexts in the OSCE region.

Questions to guide the discussions for this session:

- What are the specificities of the role of CSOs in protecting the rights of displaced populations, including those at risk of intersectional discrimination, during times of conflict and humanitarian crisis, including by bridging the gap between protecting rights during crisis and identifying longer-term durable solutions and integration measures?
- What are the lessons learned and good practices from the response to the war against Ukraine and the ensuing humanitarian crisis? How can the lessons be used by CSOs to protect and advocate for the rights of other displaced populations in the OSCE region?
- What are the challenges faced by civil society in effectively fulfilling their role and how can collaboration between CSOs and governments improve in order to enhance the protection of rights? How can international organizations and other bodies support civil society in their efforts to ensure protection and assistance for those fleeing conflicts and humanitarian crisis?

within the OSCE area. It includes asylum-seekers, refugees, stateless and internally displaced people. This number has increased significantly since 2014, when it stood at just 5.2 million individuals. [Source: Factsheet](#) of the UNHCR Liaison Office to the OSCE and Vienna-based UN Agencies, February 2024. Data is extracted from the [Mid-Year Trends 2023](#).

14.30 – 16.30

SESSION III: Shrinking space: challenges faced by human rights defenders and civil society in the OSCE region

From the start, participating States confirmed the right of the individual to know and act upon their rights and duties in the field human rights and fundamental freedoms (Helsinki 1975). Further, they reaffirmed “*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). In Budapest (1994), OSCE participating States emphasized “*the need for protection of human rights defenders*”. Yet, in the OSCE region, HRDs face mounting threats to their physical and digital security, with accountability efforts often lacking. This session will explore disproportionate and unjustified restrictions on freedom of association that CSOs and HRDs face in an increasing number of pSs ranging from overly burdensome reporting and disclosure requirements with regard to the funding they receive, to criminalization of key aspects of their work. Such measures often lead to stigmatization of HRDs’ work and smear campaigns that in some instances, result in tangible and concerning risks to their physical safety and security.

This session will also provide a platform for a discussion on the needs of HRDs in exile. An increasing number of HRDs live and work in environments that can be assessed as hostile, leading, in turn, to a growing number of HRDs forced to leave their home countries and continue their activities abroad. In the process, they may encounter difficulties obtaining visas, accessing safe countries, securing residence permits, continuing the work of their organizations or starting new associations. HRDs in exile need protection and a safe and enabling environment, even if this environment is not their home country.

Online spaces, new technologies and networks across civil society are also providing an opportunity, in the face of challenges, to sustain collective organization and mobilization over time, which this session will also address.

Questions to guide the discussions for this session:

- What concrete actions can participating States take to better protect HRDs, including their safety and security?
- What is the impact of repressive legislation, or the threat of it, on the work of HRDs and enjoyment of fundamental rights, such as freedom of expression, association, peaceful assembly? How are human rights activists responding to the shrinking civic space?
- What are the main challenges that HRDs in exile face? How can participating States support HRDs who can no longer operate safely and freely in their home countries?

16.30 – 17.30

CLOSING SESSION

Reports from the working sessions

Comments from the floor

Closing remarks

17.30

Closing of the meeting

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