

**2018 Human Dimension Implementation Meeting**  
**Warsaw, 10 – 21 September 2018**

## **CONSOLIDATED SUMMARY**

## Table of Contents

<i>Table of Contents</i> .....	2
<b>I. EXECUTIVE SUMMARY</b> .....	6
<b>II. PARTICIPATION</b> .....	14
<b>III. Rapporteurs Reports</b> .....	17
Working Session 1: Democratic institutions, including: .....	17
– Democracy at the national, regional and local levels.....	17
– Democratic elections .....	17
Working Session 2: (specifically selected topic) Freedom of the Media .....	20
Working Session 3: Freedom of the Media.....	23
Working Session 4: Rule of law I, including: .....	26
Working Session 5: Rule of law II, including:.....	29
Working Session 6: Tolerance and non-discrimination I, including: .....	32
Working Session 7: Fundamental Freedoms I, including:.....	36
Working Session 8: Tolerance and non-discrimination I (continued), including:.....	40
Working Session 9: Tolerance and non-discrimination II, including: .....	43
Working Session 10: Fundamental freedoms I, including: .....	48
Working Session 11: Fundamental freedoms I (continued), including:.....	52
Working Session 12: (specifically selected topic): Rights of migrants.....	56
Working Session 13: (specifically selected topic): Rights of migrants.....	59
Working Session 14: Humanitarian issues and other commitments, including combating trafficking in human beings, refugees, and displaced persons, persons at risk of displacement .....	63
Working Session 15: Tolerance and non-discrimination II (continued), including: .....	66
Working Session 16: (specifically selected topic): Combating racism, xenophobia, intolerance and discrimination.....	71
Working Session 18: Discussion of human dimension activities (with special emphasis on project work).....	78
<i>Opening Plenary Session</i> .....	81
<i>Recommendations to participating States</i> .....	81
<i>Recommendations to the OSCE Institutions</i> .....	82
<i>Working session 1: Democratic institutions</i> .....	83
<i>Recommendations to participating States</i> .....	83
<i>Recommendations to the OSCE Institutions</i> .....	87
<i>Recommendations to the International Organizations</i> .....	88

<i>Recommendations to participating States</i> .....	89
<i>Recommendations to the OSCE Institutions</i> .....	89
<i>Recommendations to the International Organizations</i> .....	90
<b>Working session 2: (specifically selected topic): Freedom of the media</b> .....	90
<i>Recommendations to participating States</i> .....	90
<i>Recommendations to the OSCE Institutions</i> .....	96
<i>Recommendations to the International Organizations</i> .....	97
<b>Working session 3 (specifically selected topic): Freedom of the media</b> .....	98
<i>Recommendations to participating States</i> .....	98
<i>Recommendations to the OSCE Institutions</i> .....	101
<b>Working session 4: Rule of law I</b> .....	102
<i>Recommendations to participating States</i> .....	102
<i>Recommendations to the OSCE Institutions</i> .....	111
<i>Recommendations to the International Organizations</i> .....	112
<b>Working session 5: Rule of Law II</b> .....	113
<i>Recommendations to participating States</i> .....	113
<i>Recommendations to the OSCE Institutions</i> .....	119
<i>Recommendations to the International Organizations</i> .....	121
<b>Working session 6: Tolerance and non-discrimination I</b> .....	121
<i>Recommendations to participating States</i> .....	121
<i>Recommendations to the OSCE Institutions</i> .....	130
<i>Recommendations to the OSCE Field Missions</i> .....	132
<i>Recommendations to the International Organizations</i> .....	132
<b>Working session 7: Fundamental freedoms I</b> .....	133
<i>Recommendations to participating States</i> .....	133
<i>Recommendations to the OSCE Institutions</i> .....	141
<i>Recommendations to the OSCE Field Missions</i> .....	143
<i>Recommendations to the International Organizations</i> .....	144
<b>Working session 8: Tolerance and non-discrimination I (continued)</b> .....	145
<i>Recommendations to participating States</i> .....	145
<i>Recommendations to the OSCE Institutions</i> .....	149
<i>Recommendations to the OSCE Field Missions</i> .....	150
<i>Recommendations to the International Organizations</i> .....	150
<b>Working session 9: Tolerance and non-discrimination II</b> .....	150

<i>Recommendations to participating States</i> .....	150
<i>Recommendations to the OSCE Institutions</i> .....	155
<b>Working session 10: Fundamental freedoms I (continued)</b> .....	156
<i>Recommendations to participating States</i> .....	156
<i>Recommendations to the OSCE Institutions</i> .....	160
<i>Recommendations to the International Organizations</i> .....	163
<b>Working session 11: Fundamental freedoms I (continued)</b> .....	163
<i>Recommendations to participating States</i> .....	163
<i>Recommendations to the OSCE Institutions</i> .....	167
<i>Recommendations to the International Organizations</i> .....	169
<b>Working session 12: (specifically selected topic): Rights of migrants</b> .....	170
<i>Recommendations to participating States</i> .....	170
<i>Recommendations to the OSCE Institutions</i> .....	174
<i>Recommendations to the International Organizations</i> .....	175
<b>Working session 13: (specifically selected topic): Rights of migrants</b> .....	176
<i>Recommendations to participating States</i> .....	176
<i>Recommendations to the OSCE Institutions</i> .....	179
<b>Working session 14: Humanitarian issues and other commitments</b> .....	182
<i>Recommendations to participating States</i> .....	182
<i>Recommendations to the OSCE Institutions</i> .....	189
<i>Recommendations to the International Organizations</i> .....	193
<b>Working session 15: Tolerance and non-discrimination II (continued)</b> .....	193
<i>Recommendations to participating States</i> .....	193
<i>Recommendations to the OSCE Institutions</i> .....	195
<b>Working session 16 (specifically selected topic): Combating racism, xenophobia, intolerance and discrimination</b> .....	196
<i>Recommendations to participating States</i> .....	196
<i>Recommendations to the OSCE Institutions</i> .....	199
<b>Working session 17 (specifically selected topic): Combating racism, xenophobia, intolerance and discrimination “</b> .....	200
<i>Recommendations to participating States</i> .....	200
<i>Recommendations to the OSCE Institutions</i> .....	203
<b>Working session 18: Discussion of human dimension activities (with special emphasis on project work)</b> .....	204
<i>Recommendations to participating States</i> .....	204

<i>Recommendations to the OSCE Institutions</i> .....	204
<i>Closing reinforced plenary Session</i> .....	205
<i>Recommendations to participating States</i> .....	205

## I. EXECUTIVE SUMMARY

The 22<sup>nd</sup> OSCE Human Dimension Implementation Meeting (HDIM) took place in Warsaw, from 10 to 21 September 2018. This year, HDIM attracted 1,478 participants (47 percent of women and 53 percent of men), representing OSCE participating States, Partners for Co-operation, OSCE institutions and other executive structures, international organizations (IOs) and civil society representatives. Organized by the OSCE Office for Democratic Institutions and Human Rights (ODIHR) in co-operation with the Italian OSCE Chairmanship, and the offices of the OSCE High Commissioner on National Minorities and the OSCE Representative on Freedom of the Media as well as field operations, with the support of the Ministry of Foreign Affairs of Poland and the OSCE Secretariat, HDIM aimed at reviewing the implementation of the full range of OSCE human dimension commitments.



The HDIM provides a unique opportunity for OSCE participating States, OSCE structures and representatives of civil society to meet and exchange ideas.

### **Organization of the Meeting**

The discussions were organized in 20 sessions – opening and closing plenaries and 18 working sessions.

The opening plenary was chaired by Ingibjörg Sólrún Gísladóttir, Director of ODIHR, who also gave an opening statement. Jacek Czaputowicz, Minister of Foreign Affairs of the Republic of Poland gave an opening address as a representative of the host country, and Ambassador Alessandro Azzoni, Ambassador and Permanent Representative of Italy to the OSCE in Vienna spoke on behalf of the OSCE Chairperson-in-Office. This year HDIM opening plenary was also addressed by the President of the OSCE Parliamentary Assembly George Tsereteli, the OSCE High Commissioner on National Minorities Ambassador Lamberto Zannier, the OSCE Representative on Freedom of the Media Harlem Désir, and Ambassador Paul Bekkers, Director of the Office of the OSCE Secretary General.

The opening plenary also featured a keynote speech delivered by the Director of the EU Fundamental Rights Agency Michael O'Flaherty.

25 delegations of participating States delivered statements during the opening session.

There were nine working sessions in the first week, 10 to 14 September, and they focused on the following topics:

- **Working session 1:** Democratic institutions, including democracy at the national, regional and local levels, and democratic elections

- **Working session 2 and 3** (specifically selected topic): Freedom of the media
- **Working session 4:** Rule of law I, including independence of the judiciary, right to a fair trial, democratic law-making
- **Working session 5:** Rule of law II, including prevention of arbitrary arrest, detention or exile, and prevention of torture, exchange of views on the question of abolition of capital punishment, protection of human rights in the fight against terrorism
- **Working session 6:** Tolerance and non-discrimination I, including combating anti-Semitism, combating intolerance and discrimination based on religion or belief, including against Christians, Muslims and members of other religions
- **Working session 7:** Fundamental freedoms I, including freedom of thought, conscience, religion or belief
- **Working session 8:** Tolerance and non-discrimination I (continued), including rights of persons belonging to national minorities, and preventing aggressive nationalism, racism and chauvinism
- **Working session 9:** Tolerance and non-discrimination II, including Roma and Sinti issues, including implementation of the OSCE Action Plan on Improving the Situation of Roma and Sinti

In the second week, 17 to 21 September, there were also nine working sessions which addressed the following topics:

- **Working session 10 and 11:** Fundamental freedoms I (continued), including freedom of expression, freedom of peaceful assembly and association, national human rights institutions and the role of civil society in the protection of human rights, and freedom of movement
- **Working session 12 and 13:** (specifically selected topic): Rights of migrants
- **Working session 14:** Humanitarian issues and other commitments, including combating trafficking in human beings, refugees and displaced persons, persons at risk of displacement
- **Working session 15:** Tolerance and non-discrimination II (continued), including ensuring equal opportunity for women and men in all spheres of life, including through the implementation of the OSCE Action Plan for the Promotion of Gender Equality, prevention of violence against women

- **Working session 16 and 17** (specifically selected topic): Combating racism, xenophobia, intolerance and discrimination
- **Working session 18:** Discussion of human dimension activities (with special emphasis on project work)

LINK TO THE AGENDA

English and Russian: <https://www.osce.org/odihr/389471>

The HDIM was concluded by a closing plenary session. Closing addresses were delivered by the OSCE Secretary General, Ambassador Thomas Greminger, Ambassador Luca Fratini, Deputy Permanent Representative of Italy to the OSCE in Vienna, and ODIHR Director Ingibjörg Sólrún Gísladóttir. Eleven participating States also delivered statements at the closing session.

In terms of invited guests at working sessions, there were altogether 40 different introducers from 26 countries representing governmental and public structures, civil society, OSCE executive structures, international organizations and academia. 21 of them were men and 19 - women.

A detailed timetable can be accessed at:

<https://www.osce.org/odihr/393053>



## Statements at the sessions

Participants, altogether, delivered 780 statements during all sessions, and delegations of participating States used their right of reply 208 times. See the statistics below.

Sessions	total number of speakers on speaker list	total number of interventions (without RoR)	Delegations	NHR I	Partners for Co-operation	Civil society	OSCE institutions	International Organizations	Media	Right to reply
Opening	25	25	25							5
WS 1	41	41	14	1		24	1	1		12
WS 2	55	49	13			27	1		8	11
WS 3	58	50	8			37		1	4	16
WS 4	51	50	12	1		37				15
WS 5	59	50	10	1		38		1		9
WS 6	66	50	12		1	37				13
WS 7	60	53	13			40				10
WS 8	50	50	12			36	1	1		18
WS 9	24	24	7			15	1	1		7
WS 10	56	50	11	1		38				10
WS 11	53	50	8	1		39	1		1	18
WS 12	38	38	13		1	23	1			10
WS 13	30	30	4			25	1			11
WS 14	51	50	15			33	1	1		10
WS 15	38	38	17	2		16		1	2	5
WS 16	35	35	11			22		2		10
WS 17	30	30	6			23		1		10
WS 18	6	6	3			1	1	1		3
Closing	11	11	11							5
<b>Total</b>		<b>780</b>	<b>225</b>			<b>511</b>	<b>9</b>	<b>11</b>	<b>15</b>	<b>208</b>

Figure 1: Interventions per type of organization

Total number of speakers who registered on speakers list was the highest for working session 6 on *Tolerance and Non-Discrimination including combating anti-Semitism, combating intolerance and discrimination based on religion or belief, including against Christians, Muslims and members of other religions* – 66 speakers registered on speakers list, 50 of them made intervention.

The second most popular session, in terms of number of participants who registered as speakers, was the working session 5 on *Rule of law, including prevention of arbitrary arrest, detention or exile, and prevention of torture, exchange of views on the question of abolition of capital punishment, protection of human rights in the fight against terrorism* – 59 speakers registered.

The highest number of interventions (53) were made during working session 7 on fundamental freedoms, including freedom of thought, conscience, religion or belief.

Right to reply was used most extensively during working session 11 on *Fundamental freedoms, including freedom of expression, freedom of peaceful assembly and association, national human rights institutions and the role of civil society in the protection of human rights, and freedom of movement.*

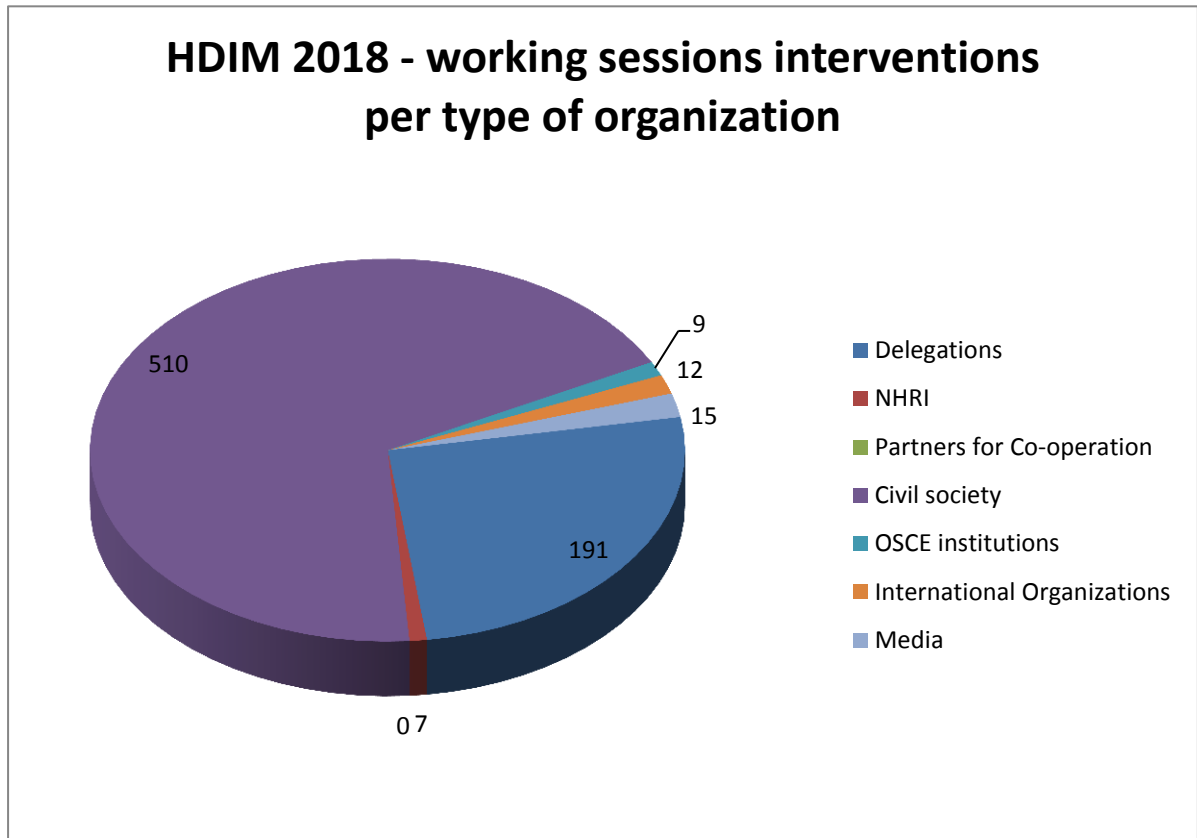


Figure 2: Working session interventions per type of organization

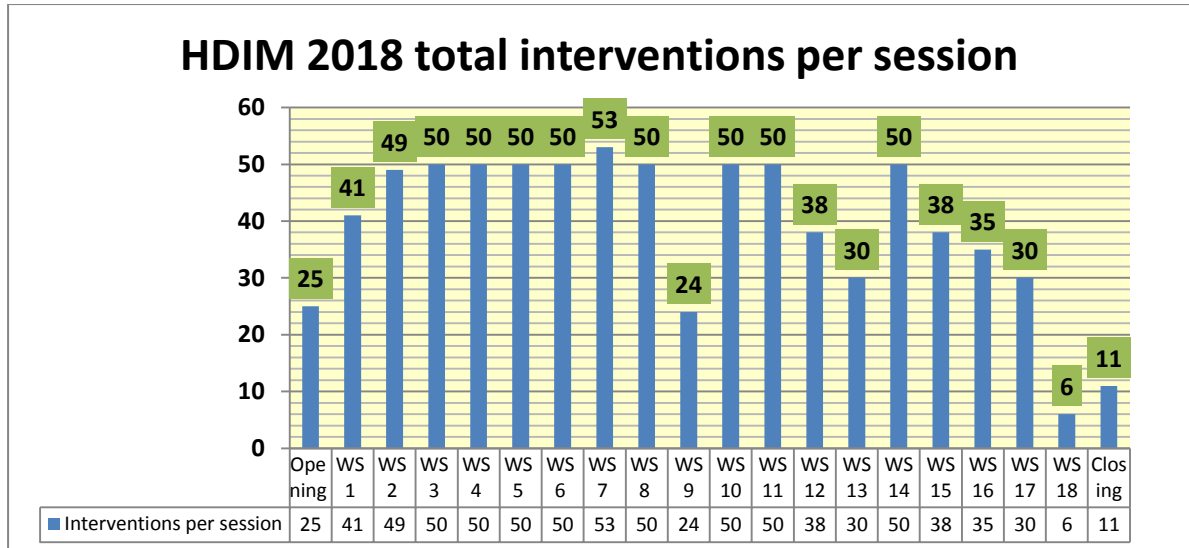


Figure 3: Total number of statements per session (without the right of reply statements)

### Side events

97 side events, meant to highlight and address a wide range of human dimension topics, were organized on the margins of the HDIM. The side events provided opportunities for governments, IOs and civil society (CS) to present good practices, to brief on their activities and for more in-depth and focused discussions on various issues related to democracy and human rights, in the OSCE area.

Full list of side events with descriptions is available here:

<https://www.osce.org/odihr/393092>

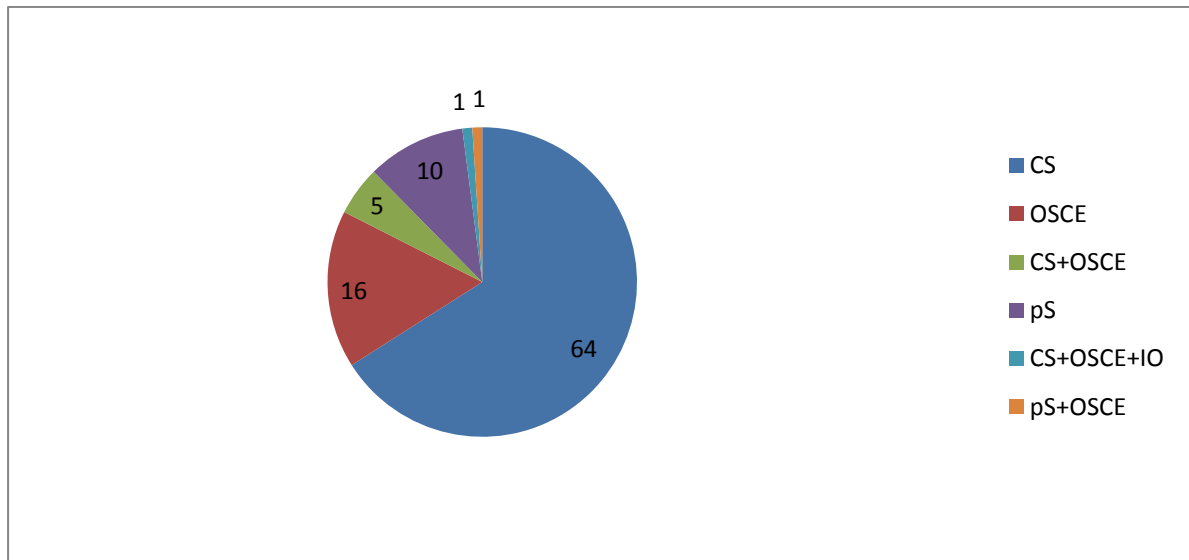


Figure 4: Side events per organizer

## **Recommendations**

Participating States, as well as NGOs, provided a wide range of recommendations on human dimension issues that addressed the implementation of OSCE commitments in participating States and relevant programmes for OSCE Institutions. These recommendations were compiled thematically by ODIHR for each working session and distributed to all participants. While the final compilation of written recommendations is included in this report, this does not constitute an endorsement by ODIHR.

## **Reports from the Working Sessions**

Written summaries by rapporteurs of the working sessions were submitted and distributed in advance of the closing plenary session. The summaries were made available to all participants as to allow them to review HDIM results and recommendations.

## **HDIM 2018: Social media & Livestreaming**

This year, ODIHR continued to focus on conference outreach in an effort to bring its impact to a wider audience. A dedicated [HDIM Highlights](#) page was created on the ODIHR website and a social media campaign was launched on Facebook and Twitter with the hashtag #HDIM2018 to stimulate interest around the conference and inform followers about the highlights and activities of the event. The outreach materials included, in particular, a media advisory and a press release on the opening of the event, 14 news items on side events organized and co-organized by ODIHR (published in English and Russian), an agenda infographic and a photo gallery. The social media campaign featured more than 100 Twitter posts and some 115 unique Facebook posts in English and Russian, including graphics with quotes and photos of more than 40 speakers, and a Facebook event. For the first time the conference was livestreamed on Facebook, in English and Russian, to an audience of more than 21,000, dramatically increasing viewership and bringing hundreds of new followers. The recorded sessions are accessible [here](#). A [Flickr photo album](#) from the event is also publically available to enable participants to share photos from the event.

## **Documents Distribution System**

As in previous years, ODIHR used its electronic Documents Distribution System (DDS). This tool allowed all documents and recommendations to be immediately displayed in electronic form on terminals available at the conference venue and accessible through the OSCE website. With the possibility of sending documents via e-mail directly from the terminals, the system facilitates additional input to and feedback from the debate. It also significantly reduces costs of the meeting. This year participants submitted more than 650 statements to the system. The list of documents distributed during the HDIM is attached to this report.

## **TANDIS, Legislationline and Hate Crime Reporting website**

During the meeting, participants also had the possibility to familiarize themselves with other tools developed and offered by ODIHR – the Tolerance and Non-Discrimination Information System (TANDIS), Legislationline and the Hate Crime Reporting website.

- TANDIS <http://tandis.odihhr.pl/> is a tool allowing ODIHR to serve as a collection point for information related to tolerance and non-discrimination as tasked by the 2003 Ministerial Council.
- Legislationline <http://www.legislationline.org/> is a free-of-charge online legislative database assisting the participating States in bringing their legislation into line with relevant international human-rights standards. Database is available in English and Russian.
- ODIHR's Hate Crime Reporting website contains data on hate incidents, and responses to these incidents, going back to 2009. The website also enables users to stay up to date on ODIHR's efforts to counter hate crime. For more information, [hatecrime.osce.org](http://hatecrime.osce.org).

## II. PARTICIPATION

Total number of participants – 1,478 (M: 776, F: 692, ND: 10)<sup>1</sup>, including:

**487 (M: 268, F: 216, ND: 3) participants from 54 participating States** (from: Albania (4; M: 1, F: 3, ND: 0), Andorra (1; M: 0, F: 1, ND: 0), Armenia (4; M: 4, F: 0, ND: 0), Austria (10; M: 5, F: 5, ND: 0), Azerbaijan (13; M: 10, F: 3, ND: 0), Belarus (5; M: 5, F: 0, ND: 0), Belgium (5; M: 3, F: 2, ND: 0), Bosnia and Herzegovina (2; M: 1, F: 1, ND: 0), Bulgaria (9; M: 4, F: 5, ND: 0), Canada (3; M: 2, F: 1, ND: 0), Croatia (6; M: 1, F: 5, ND: 0), Cyprus (3; M: 2, F: 1, ND: 0), Czech Republic (3; M: 2, F: 1, ND: 0), Denmark (6; M: 2, F: 4, ND: 0), Estonia (4; M: 0, F: 4, ND: 0), Finland (7; M: 1, F: 6, ND: 0), former Yugoslav Republic of Macedonia (3; M: 2, F: 1, ND: 0), France (8; M: 4, F: 4, ND: 0), Georgia (7; M: 1, F: 6, ND: 0), Germany (19; M: 12, F: 7, ND: 0), Greece (7; M: 3, F: 4, ND: 0), Holy See (5; M: 5, F: 0, ND: 0), Hungary (8; M: 3, F: 5, ND: 0), Iceland (1; M: 1, F: 0, ND: 0), Ireland (6; M: 3, F: 3, ND: 0), Italy (15; M: 8, F: 6, ND: 1), Kazakhstan (20; M: 16, F: 4, ND: 0), Kyrgyzstan (9; M: 4, F: 5, ND: 0), Latvia (4; M: 4, F: 0, ND: 0), Liechtenstein (1; M: 1, F: 0, ND: 0), Lithuania (4; M: 1, F: 3, ND: 0), Luxembourg (4; M: 3, F: 1, ND: 0), Malta (3; M: 2, F: 1, ND: 0), Moldova (2; M: 2, F: 0, ND: 0), Mongolia (1; M: 0, F: 1, ND: 0), Montenegro (4; M: 1, F: 3, ND: 0), Netherlands (7; M: 4, F: 2, ND: 1), Norway (10; M: 5, F: 5, ND: 0), Poland (29; M: 17, F: 12, ND: 0), Portugal (3; M: 3, F: 0, ND: 0), Romania (10; M: 4, F: 6, ND: 0), Russian Federation (32; M: 20, F: 12, ND: 0), Serbia (14; M: 6, F: 8, ND: 0), Slovakia (23; M: 11, F: 11, ND: 1), Slovenia (3; M: 2, F: 1, ND: 0), Spain (5; M: 4, F: 1, ND: 0), Sweden (12; M: 2, F: 10, ND: 0), Switzerland (6; M: 4, F: 2, ND: 0), Tajikistan (12; M: 12, F: 0, ND: 0), Turkmenistan (2; M: 1, F: 1, ND: 0), Ukraine (30; M: 21, F: 9, ND: 0), United Kingdom (13; M: 4, F: 9, ND: 0), United States of America (52; M: 24, F: 28, ND: 0), Uzbekistan (8; M: 5, F: 3, ND: 0)

**6 (M: 2, F: 4, ND: 0) representatives from 5 Partners for Co-operation:**

Algeria (1; M: 0, F: 1, ND: 0)  
Australia (1; M: 1, F: 0, ND: 0)  
Egypt (1; M: 0, F: 1, ND: 0)  
Morocco (2; M: 1, F: 1, ND: 0)  
Republic of Korea (1; M: 0, F: 1, ND: 0)

**32 (M: 13, F: 16, ND 3) representatives of 19 International Organizations:**

Commonwealth of Independent States Anti-Terrorism Center (1; M: 1, F: 0, ND: 0)  
Community of Democracies (4; M: 1, F: 0, ND: 3)  
Council of Europe (4; M: 2, F: 2, ND: 0)  
Council of Europe, Warsaw Office (2; M: 1, F: 1, ND: 0)  
European Union Agency for Fundamental Rights (2; M: 1, F: 1, ND: 0)  
International Institute for Democracy and Electoral Assistance (1; M: 0, F: 1, ND: 0)  
International Organization for Migration (1; M: 0, F: 1, ND: 0)  
Office of the United Nations High Commissioner for Human Rights (2; M: 0, F: 2, ND: 0)

---

<sup>1</sup> M – male; F – female; ND – not defined.

Office of the United Nations High Commissioner for Refugees (UNHCR) (5; M: 1, F: 4, ND: 0)  
Organization of Islamic Cooperation (1; M: 1, F: 0, ND: 0)  
UN Committee on the Elimination of Racial Discrimination (CERD) (1; M: 0, F: 1, ND: 0)  
UNHCR Liaison Office to Frontex (1; M: 1, F: 0, ND: 0)  
UNHCR Liaison Office to the OSCE and Vienna-based UN Agencies (1; M: 0, F: 1, ND: 0)  
UNHCR, Greece (1; M: 1, F: 0, ND: 0)  
United Nations Department of Political Affairs (1; M: 1, F: 0, ND: 0)  
United Nations Development Programme (1; M: 0, F: 1, ND: 0)  
United Nations Human Rights Serbia (1; M: 1, F: 0, ND: 0)  
United Nations Office on Drugs and Crime (UNODC) (1; M: 0, F: 1, ND: 0)  
United Nations Special Rapporteur on Minority Issues (1; M: 1, F: 0, ND: 0)

**75 (M: 36, F: 39, ND: 0) participants from the 9 OSCE Institutions:**

OSCE Secretariat (6; M: 2, F: 4, ND: 0)  
OSCE Secretariat; Action against Terrorism Unit (1; M: 1, F: 0, ND: 0)  
OSCE Secretariat; Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings (2; M: 2, F: 0, ND: 0)  
Office of the Co-ordinator of OSCE Economic and Environmental Activities (1; M: 0, F: 1, ND: 0)  
Office of the Representative on Freedom of the Media (7; M: 4, F: 3, ND: 0)  
OSCE Office for Democratic Institutions and Human Rights (43; M: 18, F: 25, ND: 0)  
OSCE High Commissioner on National Minorities (6; M: 4, F: 2, ND: 0)  
OSCE Parliamentary Assembly (8; M: 4, F: 4, ND: 0)  
OSCE Parliamentary Assembly, OSCE Parliamentary Liaison Office (1; M: 1, F: 0, ND: 0)

**61 (M: 22, F: 39, ND: 0) representatives of 13 OSCE Missions/Field Operations:**

OSCE Presence in Albania (1; M: 0, F: 1, ND: 0)  
OSCE Centre in Ashgabat (1; M: 0, F: 1, ND: 0)  
OSCE Programme Office in Astana (2; M: 1, F: 1, ND: 0)  
OSCE Programme Office in Bishkek (3; M: 1, F: 2, ND: 0)  
OSCE Mission to Bosnia and Herzegovina (8; M: 2, F: 6, ND: 0)  
OSCE Mission in Kosovo (3; M: 3, F: 0, ND: 0)  
OSCE Mission to Moldova (1; M: 0, F: 1, ND: 0)  
OSCE Mission to Serbia (7; M: 2, F: 5, ND: 0)  
OSCE Mission to Skopje (6; M: 3, F: 3, ND: 0)  
OSCE Programme Office in Dushanbe (4; M: 2, F: 2, ND: 0)  
Office of the OSCE Project Co-ordinator in Ukraine (17; M: 5, F: 12, ND: 0)  
Office of the OSCE Project Co-ordinator in Uzbekistan (4; M: 1, F: 3, ND: 0)  
OSCE Special Monitoring Mission to Ukraine (4; M: 2, F: 2, ND: 0)

**750 (M: 402, F: 345, ND: 3) representatives of 494 Civil Society**

**25 (M: 11, F: 13, ND: 1) representatives of 16 NHRI from:**

Armenia (1)  
Azerbaijan (1)  
Finland (1)  
France (1)  
Georgia (1)  
Italy (1)  
Kazakhstan (1)  
Poland (1)  
Romania (3)  
Serbia (1)  
Slovakia (2)  
Ukraine (1)  
Uzbekistan (1)

**42 (M: 22, F: 20, ND: 0) representatives of 35 Media participants from:**

Belgium (1)  
Cyprus (2)  
Czech Republic (1)  
Germany (1)  
Greece (1)  
Italy (1)  
Lithuania (1)  
Moldova (1)  
Norway (1)  
Poland (7)  
Russian Federation (9)  
Ukraine (7)  
United Kingdom (1)  
Uzbekistan (1)



### III. Rapporteurs Reports

#### *Working Session 1: Democratic institutions, including:*

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

Rapporteur: Susan Conlon, Deputy Head of Mission at the Permanent Mission of Ireland to the OSCE

#### **No. of statements: 41**

Delegations: 14

NHRI: 1

Civil Society: 24

OSCE Institutions: 1

International Organizations: 1

#### **Rights of Reply: 12**

Working Session 1 focused on ‘democratic institutions, including democracy at the national, regional and local levels, and democratic elections’ and was introduced by Ms Svetlana Artikova, Deputy Chairperson of the Senate of the Oily Majlis of the Republic of Uzbekistan and Mr Maarten Halff, Head of Policy, United Nations Electoral Assistance Division. The annotated agenda highlighted the importance of political participation, political plurality and a multi-party system, as well as the need to have a clear system of checks and balances to ensure the effective performance of democratic functions in a transparent and accountable manner. The importance of the electoral process was a key theme of the discussion, and the session was intended to explore the challenges faced in the OSCE region in ensuring independent democratic institutions, diverse and representative parliaments, and a free campaign environment.

Ms Artikova focused on the situation in Uzbekistan and on recent reforms designed to place the country on a path towards a democratic state based on the rule of law, with accountable government bodies. In ensuring the role of government to serve the people is fulfilled, officials must engage with the population. Media have a key role to play in the process. Ms Artikova outlined significant recent developments in Uzbekistan, and highlighted the importance of developing a new relationship with neighbouring countries.

The assistance of ODIHR and the Venice Commission had been noted in the context of a need for external expertise to codify the Electoral Code. Any revised electoral law needs to be in place for at least one year before the holding of elections, next expected in Uzbekistan in December 2019. In closing, Ms Artikova stressed the vital importance of the nature of the relationship between the state and the citizen.

Mr Maarten Halff of the UN Electoral Assistance Division detailed the role of the Division in providing support to Member States, and described how it acted as a system-wide focal point. Mr Halff gave an overview of lessons learned and stressed that the UN could provide

assistance only at the request of Member States: in that context, the Division places an importance on the assessments by ODIHR.

Mr Halff underpinned the importance of trust throughout the electoral process: for the process to be a trusted one, there is the need to see an emphasis on strong political leadership and the political space for opposition voices. For a truly credible electoral process, the approach must be technically good, but crucially, it must also provide an enabling environment.

Interventions from the floor expressed strong support for openness and transparency at governmental level, and the importance of the inclusion of civil society. Interventions took up the need for trust in the electoral process mentioned by the speakers, and the importance that the process be fair, credible, and transparent. Every effort to enable the broadest possible participation should be made. The role of ODIHR was mentioned repeatedly, as was the role that election monitoring plays in safeguarding the democratic process. The Council of Europe and the Venice Commission were referenced positively.

While several interventions referenced best practice and noted improvements, both participating States and civil society said that there continue to be areas where participating States fall short of their OSCE commitments, and where there is a restrictive political environment. This applied at national, regional and local levels, and also in respect to democratic elections. Interventions pointed to challenges in fulfilling OSCE commitments, and cited lack of opposition alternatives presented to the electorate, lack of freedom of the media, including attacks on journalists, and lack of inclusion of women, youth and minorities as particular obstacles. Interventions recalled reports where democratic practices are compromised in several OSCE participating States, and expressed concern about rise of populism in politics, the rise of extremism, increases in xenophobia, hate speech, and restrictions on free media and civil society. Issues surrounding safety of journalists and activists were raised, as were concerns over electoral fraud. Speakers cited flawed voter registration, and lack of independent appeals procedures on alleged irregularities.

**Recommendations** made by participants during this session include (non-exhaustive list):

**Recommendations to the OSCE participating States**

- Engage with citizens in order to promote an inclusive democratic process;
- Maintain dialogue with NGOs on these issues and support human rights defenders;
- Ensure that the election process engenders trust, both by being technically sound and by creating an enabling environment;
- Democratic institutions should take into account technological threats.
- Support the political participation of women and others currently underrepresented in political life;
- Actively engage with ODIHR's electoral follow-up activities;
- Advance freedom of expression/freedom of the media throughout the electoral process;

- Continue to work collaboratively with ODIHR, and participate in election observation missions;
- Take into account, and implement recommendations from ODIHR and HCNM;
- Ensure that the electoral process is democratic, with a plurality of voices;
- Abolish limits on participation of national minorities who are stateless.

**Recommendations to the OSCE/ODIHR:**

- OSCE and ODIHR should continue to seek out opportunities for participation of civil society in democracy;
- ODIHR should take into account foreign actors' efforts to undermine democracy;
- Observation criteria should be applied equally and missions deployed consistently in all participating States;
- Enhance co-operation with participating States;
- Continue work on promoting and protecting democracy and democratic institutions;
- Continue to be vigilant in compilation of accurate statistics and engage with participating States on evaluation systems;
- Seek to support UN and other treaty bodies;
- Continue to support civil society, taking into account modern media uses;
- To consider how the executive structures can better support OSCE.

## ***Working Session 2: (specifically selected topic) Freedom of the Media***

Rapporteur: Monsignor Fredrik Hansen, Permanent Mission of the Holy See to the OSCE

### **No. of statements: 49**

Delegations: 13

Civil Society: 27

OSCE Institutions: 1

Media: 8

### **Rights of Reply: 11**

Working Session 2 was the first of two sessions on the specifically selected topic “Freedom of the Media”. The annotated agenda highlighted that participating States have committed themselves “to ensuring the freedom of the media as a basic condition for pluralistic and democratic societies” (Istanbul 1999), and to condemn all attacks on and harassment of journalists and to endeavour to hold those directly responsible for such attacks and harassment accountable (cf. Budapest 1994).

To facilitate the session’s discussion, the annotated agenda further invited participants to focus on the current state of media freedom in the OSCE, best practices that ensure that the media can work freely and independently, the role of civil society (including journalists) in advancing media freedom and the quality of journalism, and the broader role of governments, intergovernmental organizations, non-governmental organizations and journalist associations in supporting safety of journalists.

Mr. Harlem Désir, OSCE Representative on Freedom of the Media (RFoM) presented a broad overview of the *status quo* of media freedom on the OSCE region and called on all participants to join forces in promoting and protecting freedom of the media. The RFoM underlined that pressure, threats and attacks against the media continue to be a common – even daily – occurrence in the 57 OSCE participating States. As examples, he referred to the murder of journalists in several participating States, as well as other violent attacks and the need for many journalists to have constant police protection. Mr. Désir concluded that it is “now a risk to be a journalist”.

The RFoM called on all OSCE participating States to investigate all attacks against journalists and to pay attention to the phenomenon of online threats, especially against women journalists – as all attacks against journalists pose a threat to the future of open and democratic societies. With particular reference to the murder of journalists, he identified impunity for attacks against journalists as “a scar on democracy”, noting that in only two out of 10 murder cases those responsible are brought to justice. Mr. Désir also expressed his concern over the many journalists that are imprisoned in OSCE participating States, observing that “a journalist behind bars is a part of democracy behind bars”. In this regard, he drew the HDIM participants’ attention to the continued use of accusations of terrorism and the needs of national security to target journalists.

In terms of the future work of the Office of the Representative of the Media, Mr. Désir highlighted an upcoming analysis on fake news and recommendations on this new challenge, the need to consider the impact of the digital situation on legacy media and how the economic situation and funding of media influence reporting and journalists' work, as well as the importance of advancing media literacy and media education.

Mr. Matthew Caruana Galizia, journalist presented a deeply personal tribute to his mother, the Maltese investigative journalist and anti-corruption activist Daphne Anne Caruana Galizia, who was killed by a car bomb on 16 October 2017. Referencing his mother's extensive and widely recognized reporting on corruption and cronyism, Mr. Caruana Galizia noted that she had been murdered simply for doing her job as a journalist, exercising the watchdog role so central to investigative journalism. Commenting on the investigation into the murder of his mother, Mr. Caruana Galizia highlighted the many calls for a complete and open investigation and a judicial process that would bring those responsible to justice, referring further Article 2 of the European Convention on Human Rights (ECHR), which guarantees effective investigation. He also drew the attention to a number of best practices and international standard that should be observed in any investigation into attacks on journalists, including engagement with the attacked journalist's family.

In concluding his introduction, Mr. Caruana Galizia called on the OSCE participating States to ensure changes to the current state of affairs, expressing his grave concern that if such changes are not made the murder of journalists like his mother might be repeated elsewhere in the OSCE region.

In the subsequent discussion among the delegations of OSCE participating States and other HDIM participants, interventions highlighted on the one hand, the notable interest in freedom of the media and its protection and advancement among participating States, journalists, media actors and civil society, and on the other, the number of current challenges to media freedom and concerns about attacks against journalists and violations of this freedom in the OSCE region.

**Recommendations** made by participants during this session include (non-exhaustive list):

#### **Recommendations to the Participating States**

- advance the implementation of all commitments and international obligations on freedom of the media
- fully respect their commitments on freedom of media and contribute to an enabling environment for the work of the media
- prevent and combat all forms of attacks on journalists
- ensure that any restrictions of freedom of expression are prescribed by law
- respect national minorities' access to media
- promptly investigate and prosecute crimes against journalists
- recognize social media as public space where freedom of expression is protected
- create within the OSCE a working group on emerging media

- implement recommendations presented by civil society prior to the Ministerial Council in Belgrade (2015)
- protect internet independence
- end surveillance of journalists not based in law, following the “Rabat Plan of Action”
- protect editorial independence
- address the new media environment
- impose more pressure of those who impede free media
- should investigate all attacks on journalists
- ensure that crimes against media workers are taken seriously, and perpetrators are brought to justice
- sign the Council of Europe Convention to Access on Official Documents
- increase media literacy training for youth
- consider the reasons why media freedom is violated

**Recommendations to the OSCE executive structures**

- promote media freedom in the OSCE region
- assist the participating States in their efforts to defend freedom of the media
- continue to speak out about harassment and attacks against journalists
- continue to draw attention to safety of journalists
- continue to work with participating States to ensure protection of journalists and end impunity for attacks on the media
- continue monitoring the state of media freedom in the OSCE region

### ***Working Session 3: Freedom of the Media***

Rapporteur: Helen Teasdale, First Secretary/Political-Human Dimension, United Kingdom Delegation to the OSCE.

#### **No. of statements: 50**

Delegations: 8

Civil Society: 37

International Organizations: 1

Media: 4

#### **Rights of reply: 16**

Mr Marcin de Kaminski, of the Swedish organisation, Civil Rights Defenders, stressed the positive role of journalists and the media, as the cornerstone of democratic processes. However, he noted the use of legislation that restricted freedom of expression in the OSCE region. He noted that legislation often used vague terms, such as “mass disorder”, but could lead to criminal charges against individuals. He mentioned the lack of rules in the online space, for example the use of content blocking, online surveillance, data retention, and weak rule of law online. Mr de Kaminski also noted the use of ‘encryption backdoors’ in online platforms that could violate users’ right to privacy. He noted instances in which journalists were arrested due to their use of secure communication channels. Mr de Kaminski then touched upon restrictions of media in the OSCE region, including a lack of independent media in some States. He noted that NGOs shared some challenges with media, such as being labelled ‘foreign agents’, or being affected by laws on public assemblies and gatherings. He also raised concerns that governments were not abiding by commitments to investigate attacks on journalists. Mr de Kaminski raised a number of individual cases, including: Afgan Mukhtarli and other journalists in prison in Azerbaijan; 70 journalists who received fines this year; Zhalaudi Geriev in the Russian Federation; and a case in Kyrgyzstan.

Ms Dilara Arstanbaeva, a Judge of the Supreme Court in Kyrgyzstan, noted that any restrictions imposed on freedom of expression for public order and the well being of the population must be proportionate and in line with the original goals. While Kyrgyzstan had been criticised in the past for measures that allowed for action against journalists, the legislation had been amended in 2011. Kyrgyzstan had also looked to international law to develop a framework for dealing with disputes of an individual’s honour and reputation, against freedom of expression and factual reporting.

Ms Arstanbaeva noted that more people now had access to the internet, including on ‘smart phones’. Young people using digital technology did not know that freedom of expression was not absolute, or more generally about legislation. They needed to have a better knowledge of the law and how it applied to everyone. Ms Arstanbaeva added that religious extremism, fundamentalism and terrorism were difficult to define and hence to prosecute. She also noted the need to deal with hate speech, including using the Rabat Plan of Action as a way forward.

In the following interventions, a large number of participating States stressed the importance of human rights, including freedom of expression for security. They raised concerns over the use of disinformation (or propaganda), steps to brand journalists as ‘foreign agents’, and the use of censorship and restrictions on journalists.

A number of participating State raised concerns over searches and arrests of journalists in other participating States. A state stressed the importance of the issue of safety of journalists, and condemned persecution of bloggers.

Some civil society representatives raised concerns over a number of States’ actions to block websites and messaging applications, as well as States ceding responsibility to technology companies in relation to decision over content. Concern over financial pressures on media outlets, including as a result of decreasing advertising revenue was mentioned, as was state ownership of large proportions of the media. Some civil society representatives raised concern over a complete lack of independent media in their home state.

A participant noted the need for journalistic standards, responsibility, and self-regulation, and to ensure journalists had access to all parts of a country, even those under occupation. Another participant expressed concern over double standards in relation to criticism of journalists based on their content. Another participant noted the use of anti-blasphemy laws and counter terrorism laws to restrict free speech, stressing the importance of freedom of the media for social cohesion.

One participant noted that it was a journalist’s role to query decisions taken on national security grounds, and that in a mature society, journalists should be trusted not to reveal classified information.

Participants raised the need for fact checking and increasing media literacy in populations. One participant raised concerns over action against individual journalists working for a media provider in a range of OSCE countries. A participant noted the difference between hate speech and freedom of expression, and how the former could not be excused. A participant raised concerns about restrictions on journalists’ access to government events.

One civil society speaker stressed the positive aspects in their country, and the ease with which journalists could operate.

**Recommendations** made by participants during this session include (non-exhaustive list):

**Recommendations to the OSCE participating States**

- Cease blocking online applications and services
- Follow individual cases of journalists detained in other countries
- Release all falsely imprisoned journalists, revoke travel bans and cease harassment of family members.



- Investigate all harassment and attacks against journalists and bring perpetrators to justice.
- End criminal defamation
- Stop putting pressure on family members of journalists
- Refrain from criminalizing journalistic activities in conflict areas.
- Permit independent television channels
- Fully respect their international obligations and commitments on freedom of expression and media freedom, in particular to refrain from unduly and disproportionately restricting freedom of expression, online and offline, under the guise of fighting extremism or terrorism.
- Devote special attention to the phenomenon of disinformation campaigns.
- Respect the freedom of expression and refrain from propaganda for wars of aggression.
- Engage constructively with the Representative on Freedom of the Media and make use of his expertise and recommendations.
- Respect the mandate and autonomy of the Representative and provide him with the necessary resources to fulfil the mandate

**OSCE Institutions, executive structures and field operations should:**

- Field missions should provide training to journalists
- Recognise attempts to restrict access by journalists to conflict areas as an 'early warning' sign
- Develop guidelines on Access to Information for journalists

**To all**

- Improved cooperation between media and civil society on regulation of hate speech and hate crime.
- To protest restrictions on journalists travelling outside their home country
- To challenge new laws on extremism

**Working Session 4: Rule of law I, including:**

- **Independence of the judiciary**
- **Right to a fair trial**
- **Democratic law-making**

Rapporteur: Boštjan Širnik, Minister Counsellor, Permanent Representation of Slovenia to the UN, OSCE and other international organizations in Vienna

**No. of Statements: 50**

Delegations: 12

Civil Society: 37

National Human Rights Institutions: 1

**Rights of Reply: 15**

Working Session 4 on the rule of law addressed the issues of independence of the judiciary, the right to a fair trial and democratic law-making.

First introducer, Ms. Nina Betetto, Judge of the Supreme Court of the Republic of Slovenia and Vice President of the Consultative Council of European Judges of the Council of Europe emphasized the importance of independence of the judiciary. Judges have to respect the law and act without bias or partiality. She added that the judiciary must act independently from executive and legislative branches. While judges are sometimes portrayed as the enemies of the people and their rulings are sometimes unpopular, the functioning judicial system cannot work on the basis of what majority wants. She concluded that it is of utmost importance that judges are professional and that their work is exposed to public scrutiny.

Ms. Simona Granata-Menghini, Deputy Secretary of the Venice Commission stressed that states cannot opt out international legal standards. She reminded that Venice Commission in 2016 adopted "Rule of Law Checklist" that was, among others, endorsed by the Council of Europe Ministers' Deputies. Internal and external independence of judiciary is crucial as we are all equal before the law. This should not be seen as shield from public scrutiny, which is connected with public trust. If judiciary is not responsible towards public it becomes blind to its needs. She also said that judiciary must not be target of other branches of power. As crucial element she exposed legality, because all procedures must be in accordance with laws and public has to be consulted when legislation is being adopted. These procedures should not be quick, as legitimacy of laws is gained through transparent and gradual adoption of legislation.

Mr. Murray Hunt, Director of the Bingham Centre for the Rule of Law said that today rule of law is often being challenged and that judicial independence has found its way into the daily news, also by portraying judges as the enemies of the people. This is happening in the atmosphere of growing nationalism and xenophobia. One should not forget the independence of rule of law, democracy and human rights. He focused on connection between judicial independence and democratic lawmaking that are important parts of rule of law. He emphasized that (members of) parliaments must not

attack court decisions, refrain from having control over them and defend it, if necessary, from executive branch. Both should cooperate in the lawmaking process that converges with the judiciary, where courts can contribute by directing the government to consult with the parliament before making important decisions. This is an important role in strengthening democracy.

Several participating States affirmed that the rule of law is inextricably linked to protection of human rights and fundamental freedoms. They also emphasized that judicial independence and the rule of law are essential to democratic government, as well as that violations of rule of law principles are an indication of weakness of democracy. Access to justice must be universal and no group must be favored over another. They also highlighted that every person is entitled to equal protection by law and the right to a fair trial.

Many representatives of civil society and some participating States have pointed to negative trends in the OSCE area, including with regard to ill-treatment, torture, arbitrary arrest and (long) detention, as well as political (often closed) trials, political prisoners and their disappearances. Steps by some participating States to undermine rule of law, including separation of powers, were also highlighted. The discussion also touched upon people detained in the context of armed conflicts, as well as violations of the principle of independence of judiciary, appointments of judges by ruling authorities, as well as interference in their work, threats to lawyers defending human rights defenders, including of being disbarred and undermining the rights of marginalized populations (e.g. sexual minorities). Delegations and civil society representatives referred to many individual cases.

One National Human Rights Institution expressed high concern for the state of rule of law in one participating State, in particular with regard to the independence of the judiciary.

Several participating States outlined the state of play and judicial reform processes, as well as other steps taken in their countries in the field of rule of law and the independence of judiciary.

**Recommendations** made by participants during this session include (non-exhaustive list):

**Recommendations to the OSCE participating States:**

- Ensure full respect for the independency of the judiciary and the separation of powers in line with international standards and commitments.
- Respect the independence of lawyers in accordance with the international standards and cease adopting measures infringing on the independence of lawyers;
- Reinforce international mechanisms and standards that prevent violations of the rule of law;
- Monitor violations of the right to a fair trial within a reasonable time, especially in cases where defendant is in pre-trial custody;

- Create clear grounds for reviewing court decisions;
- Free all political prisoners.
- Bring the law on bar and legal aid in line with international standards;
- Not to misuse media to hinder the work of judges;
- Stop the practice of holding closed trials, as well as to have them without interpreters, where applicable;
- Use trial monitoring as a means to strengthen fair trial guarantees;
- Uphold the right to equality of arms and the procedural rights of detainees in practice.
- Support the involvement of civil society and other independent actors with regards to judicial and prosecutorial services, including through trial monitoring, in order to improve transparency and accountability;
- Step up the efforts in realizing the Sustainable Development Goals and in particular in promoting peaceful and inclusive societies;
- Establish appropriate legal and legislative frameworks to prevent and address all forms of discrimination and violence against women and to secure their empowerment and full access to justice.

**Recommendations to the OSCE institutions, executive structures and field operations:**

- ODIHR, together with civil society, should more closely monitor how participating States uphold commitments related to rule of law, the right to a fair trial and independence of the judiciary;
- The OSCE and ODIHR should give further technical assistance to participating States in reforming their judicial systems.

***Working Session 5: Rule of law II, including:***

- ***Prevention of arbitrary arrest, detention or exile, and prevention of torture***
- ***Exchange of views on the question of abolition of capital punishment***
- ***Protection of human rights in the fight against terrorism***

Rapporteur: Mr. John Svensson, First Secretary, Permanent Delegation of Sweden to the OSCE

**No. of statements: 50**

Delegations: 10

Civil Society: 38

International Organizations: 1

NHRI: 1

**Rights of Reply: 9**

Working session 5 was devoted to issues related to prevention of arbitrary arrest, detention or exile, prevention of torture, abolition of capital punishment, and protection of human rights in the fight against terrorism.

The session was introduced by Ms. Natalia Taubina, Coordinator of Torture Prevention for the Civic Solidarity Platform and Director of the Public Verdict Foundation, and Mr. Jago Russel, Chief Executive at Fair Trials.

Ms. Taubina addressed the meeting on behalf of the Civic Solidary Platform, a network of 90 human rights NGOs. She pointed out that the situation with torture and inhuman treatment in the OSCE region was in crisis. The number of torture victims was growing, as shown by the one-third increase in torture judgements by the European Court of Human Rights. The situation called for states to take stronger measures to combat torture as well as broaden the range of their obligations. Forced disappearances was one of the new challenges since the adoption of the Helsinki Accords 1975 which should be included in the package of obligations related to the prohibition of torture. As for combatting torture, Ms. Taubina highlighted three key issues: opportunity to complain against torture without fear of further pressure and reprisal; effective investigation and punishment of torture perpetrators; and effective civic oversight. She expressed her strong belief that the problem of torture and cruel treatment must be high on the OSCE agenda, and that a clear signal from the OSCE was needed. The Civic Solidary Platform very much hoped that consensus could be reached at the Ministerial Council on a strong resolution on the urgent need to put an end to torture in the OSCE region.

Mr. Russel stated that, while he recognized the very real threat from terrorism, he did not accept the damage done to human rights and freedoms in the name of fighting it. He pointed to the broader themes of exceptionalism, attacks on the outsider, prevention and the expansion of the criminal law, and attacks on civil society. He denounced the argument that the old rules were not fit for purpose, underlining that terrorism could

be effectively tackled while respecting human rights. Instead, the threat of terrorism had been used by some governments to support an anti-immigration agenda and fuel conflict. Further, the definition of acts of terrorism had all too often not been clearly and narrowly defined, making it impossible to know when actions might constitute criminal offences. Freedom of speech, in particular, had been in the firing line. Finally, counter-terror laws had become a favoured tool for politically-motivated prosecution of human rights defenders and others. Mr. Russel opposed the concept of balancing human rights and security, underlining it was neither necessary nor making us safer to sacrifice human rights in the name of fighting terrorism.

Several speakers from civil society raised that the political opposition as well as civil society were subject to arbitrary arrest and detention in their countries. Anti-extremism and anti-terrorism legislations were criticized for being unclear, and used to censor activists. The need for civic oversight and access to detainees, especially political prisoners, was raised. A number of interventions on behalf of participating States underlined that that human rights and fundamental freedoms must be safeguarded in the fight against terrorism.

Many interventions focused on the need to further combat torture and other forms of cruel, inhuman or degrading treatment or punishment, as there were serious problems in many parts of the OSCE area. Reference was made to several concrete countries and cases, in particular by civil society participants. One group of participating States underlined that the prohibition of torture was absolute and unconditional. Another participating State pointed to torture also being counterproductive to the security of the State. Several participants highlighted the importance of implementing the Nelson Mandela rules. The issue of enforced disappearances also received special attention by several participants, as well as the need to fight impunity for torture crimes and provide rehabilitation for victims.

Several interventions addressed the issue of the death penalty, most of them calling for its abolishment. One group of participating States described the death penalty as cruel, inhuman and degrading in nature and called for a global moratorium as a step towards its abolition. One participating State expressed respect for those advocating abolition, but stated that capital punishment was not prohibited under international law.

**Recommendations** made by participants during this session include (non-exhaustive list):

**Recommendations to the OSCE participating States:**

- Provide clear and narrowly phrased definitions of prohibited activities in any specific counter-terrorism and counter-extremism legislation, with robust and transparent enforcement and independent oversight;
- End impunity for violations of human rights while fighting terrorism and extremism ensuring effective investigation of all cases of alleged violations and bring perpetrators to justice;

- Contribute to the Convention against Torture Initiative and give strong consideration to ratifying all international conventions and protocols on torture and ill-treatment, the abolition of the death penalty and the prevention of enforced disappearances;
- Make use of ODIHR's expertise in their efforts to implement the OSCE commitments to prevent and combat all forms of torture and ill-treatment;
- Support ODIHR's efforts and ensure that torture prevention stays high on the OSCE agenda;
- Follow the global trend towards abolition of the death penalty;
- Abolish restrictions on reporting and ensure that jailed journalists be held in safe conditions;
- Use all possible mechanisms to look into crimes committed against persons based on their sexual and gender identity;
- Strengthen national mechanisms and cooperation between NGOs and the state;
- Stop prosecutions for political reasons;
- Ratify the Optional Protocol to the Convention against Torture;
- Pay special attention to the issue of enforced disappearances;
- Pay special attention to cases of persons detained because of extremism allegations;
- Decriminalize same-sex conduct and stop persecution and extortion of LGBT people;
- Abolish the death penalty by law.

**Recommendations to the OSCE institutions, executive structures and field operations:**

- Develop a database of those who have suffered from torture or been unlawfully imprisoned;
- Pay special attention to dialogue with civil society.

***Working Session 6: Tolerance and non-discrimination I, including:***

- ***Combating anti-Semitism,***
- ***Combating intolerance and discrimination based on religion or belief, including against Christians, Muslims and members of other religions***

Rapporteur: Ms. Aida Balganova, Deputy Permanent Representative, Permanent Mission of the Republic of Kazakhstan to the International Organizations in Vienna

**No. of statements: 50**

Delegations: 13

Civil Society: 36

International Organizations: 1

**Rights of reply: 13**

The first of three plenary sessions on promoting tolerance and non-discrimination was dedicated to reviewing the implementation of OSCE commitments related to combating anti-Semitism, combating intolerance and discrimination based on religion or belief, including against Christians, Muslims and members of other religions, the progress made as well as the challenges encountered, with a special emphasis on lessons learned and further potential developments and avenues of improvement.

The first introducer, Dr. Emilia Roigh, Director of the Center for Intersectional Justice, underlined the importance of adopting intersectional approach to the fight against intolerance, discrimination and xenophobia, called to address any kind of discrimination with the same level of intensity and inter-community solidarity.

The second introducer, Dr Zilka Spahic Siljak, TPO Fondacija, noted the need of overcoming secular divide, translating language of human rights, including freedom of belief, into practice through legal norms and court practices and being more constructive in applying those practices. She also noted significance of adopting the rational dialogism approach through connecting and reconnecting despite ethnic or religious differences, working together without diminishing each other's roles, and applying self-criticism.

Personal Representative of the OSCE Chairperson -in -Office on Combating Anti-Semitism, Rabbi Andrew Baker, noted that anti-Semitism is no less a problem than it was 15 years ago, but nowadays we have more tools at our disposal to address it while today's environment is not the same, more complicated by immigration policies. He pointed out some progress in applying comprehensive working definition of "anti-Semitism" by some participating States and civil society organizations, and called for building on the success of the Words into Action project and redoubling efforts to develop the proper and necessary programs to fight anti-Semitism, intolerance and discrimination against Muslims, Christians and other religions.



Prof. Salvatore Martinez, Personal Representative of the OSCE Chairperson-in-Office on Combating Racism, Xenophobia and Discrimination, also focusing on Intolerance and Discrimination against Christians and Members of Other Religions, said that restriction of freedom of religion or belief is becoming widespread, claiming that anti-Christian incidents are not perceived seriously and noting a problem of finding right balance between countering hate speech and guaranteeing freedom of expression and imposing control by participating States and bringing limits to social rights. He also underscored significance of multicultural community in addressing intolerance and discrimination.

Dr. Bülent Şenay, Personal Representative of the OSCE Chairperson-in-Office on Combating Intolerance and Discrimination against Muslims, stressed the urgent need to address demonizing Muslims in conditions of rising anti-Muslim trends in Europe especially in times of refugee crisis, pointing out facts of underreporting and non-recording anti-Muslim hate crimes. Claiming that hostility is blurred out to ground security and society departs from equal treatment, he noted 30 per cent rise of anti-migrant and anti-Muslim hate speech. He called on participating States not to forget country visits reports since only one report was published over last three years. Welcoming upcoming ODIHR Guidelines on Security of Muslims, he called to use civility, hospitality and responsibility for structural inclusion.

OSCE participating States and civil society representatives noted weakening of the freedom of religion or belief in the OSCE area, increasing number of hate speech and hate crimes incidents based on religious ground, and applying discriminatory measures against religious groups, giving concrete examples and providing relevant recommendations. Some participating States shared information on their experience and best practices in addressing intolerance and discrimination on religious ground, including strengthening cooperation with civil society organizations and OSCE executive structures, and informed participants about upcoming international events dedicated to promoting interreligious dialogue. One participating State called for embracing a working definition of anti-Semitism.

One large group of participating States stressed importance of improving reporting on hate crimes and applying cross-cutting and holistic approach to address all forms of prejudice and discrimination, instead of segmenting commitments on anti-Semitism; discrimination against Muslims; and racism, xenophobia, and discrimination against Christians and other religions.

Multiple participating States and non-governmental organizations noted that media and social networks are abused to target religious groups and underlined particular vulnerability of women and children, expressed concerns about using anti-Muslim rhetoric for political promotion and rise of populism.

Some participating States and civil society organizations attracted attention to the issue of silencing anti-Christian hate crimes incidents since it is historically considered as a dominant and majority religion and called for taking this problem more seriously and applying OSCE commitments to majority religions as well.

One non-governmental organization expressed anti-Muslim views during the session.

One international organization expressed its concern over increased incidents of anti-Muslim attacks and sentiments, reminding of Human Rights Council Resolution 1618 on global consensus on how to combat negative stereotyping, stigmatization and discrimination based on religious ground and introducing appropriate action plans.

Some civil society representatives called for equal protection against discrimination and intolerance to non-believers and LGBT representatives. Exchange of views on restricting FoRB in relation with current conflict situation in the OSCE area also took place.

One participating State called for not using the OSCE platform by organizations which propagate violence against Christians and Jews.

Hope for adopting (a) Ministerial Council decision(s) on tolerance and non-discrimination against Christians and Muslims in Milan was expressed.

**Recommendations** made by participants during this session include (non-exhaustive list):

**Recommendations to the OSCE participating States:**

- monitor cases of intolerance and discrimination based on religion or belief, including anti-Semitic, anti-Islamic, and all other discriminatory attitudes closely, and, when publicly expressed, to address them firmly in accordance with OSCE and other international human rights commitments;
- adopt strategies to combat intolerance and discrimination, hate speech and other forms of harassment, to draw on ODIHR's expertise and include measures to train law enforcement, prosecution, and the judiciary in rights-compliant responses to hate crime;
- advance FoRB domestically and internationally with the inclusion and respect for individuals and communities;
- continue to mobilise respect for right for FoRB as apposite approach to strengthening social cohesion reinforcing public trust and respect for human rights in enhancing national security and public safety;
- ensure legislation pertaining registration of religious organizations embracing principles of article 18 of ICCPR;
- embrace the working definition of anti-Semitism, partner with civil society, report the data diligently;
- better utilize ODIHR tolerance and non-discrimination instruments to put our common commitments into practice;
- respect rights of Muslims, discourage and prevent physical and verbal attacks, introduce new legislation measures to combat effectively Islamophobia;
- continue to improve efforts on data collection through measures such as increased involvement of civil society, disaggregated data and development of national action plans. To this end, the National Points of Contact are called upon to collect, maintain

and make public disaggregated data on hate crimes perpetrated against members of different religions, in accordance with Ministerial Decision No. 9/09;

- guarantee freedom of religion and belief by protecting the right to manifest those beliefs: through expression, speech, association, conscience, and parental rights;
- remove obstacles hindering full implementation of FoRB within the national territory of the states, by banning the imposition of greater obligations for minority religions in the dissemination of religious literature, opening of places of worship, the right to give children a religious, spiritual and philosophical education, the granting of spiritual assistance in prisons and facilities for hospitalisation and treatment;
- improve data collection and reporting on crimes against Christians;
- develop and adopt FoRB related legislation in accordance with the OSCE Guidelines on Freedom of Association;
- repeal blasphemy laws;
- combat discrimination of employees, and introduce penalties for a discriminatory treatment of hijab wearing employees in the private sector;
- introduce adequate protection against hate crimes, hate speech, discrimination and intimidation resulting from negative stereotyping of religions;
- adopt legislative, administrative and organizational measures to create effective anti-discriminatory institutions, mechanisms and procedures and adopt a definition of discrimination.

#### **Recommendations to the OSCE institutions, executive structures and field operations:**

- monitor and analyse in concrete terms violations of everyone's freedom of religion or belief and interlinked freedoms of expression, assembly and association in the OSCE region;
- mainstream freedom of religion or belief work within all human rights for all perspective;
- stress implementation of all fundamental freedoms, including to be free from torture;
- insist in line with human dimension commitments that the most effective challenge to intolerance and discrimination is to fully implement fundamental freedom commitments;
- use tools such as the EU Guidelines on the promotion and protection of freedom of religion or belief, the OSCE/Venice Commission Joint Guidelines on the Legal Personality of Religion or Belief Communities and on Freedom of Association, the OSCE Guidelines on Freedom of Peaceful Assembly, and on the Protection of Human Rights Defenders;
- remind participating States of their responsibility to act on their commitments;
- prepare the action plan on how to combat discrimination against Muslims;
- put instruments prepared within Words Into Action project into practice;
- collectively work on better reporting hate crimes and collecting comprehensive data;
- ODIHR should follow up to Yerevan Conference on preventing conflicts, hate crimes against Christians, members of other religious groups and its recommendations.

**Working Session 7: Fundamental Freedoms I, including:**

**- Freedom of Thought, Conscience, Religion or Belief**

**No. of statements: 53**

Delegations: 13

Civil Society: 40

**Rights of reply: 10**

Rapporteur: Olga Rakic, Political Adviser, Permanent Mission of Switzerland to the OSCE, the United Nations and to the International Organizations in Vienna.

Working Session 7 offered the opportunity for participating States and representatives of civil society to reflect on the scope of freedom of religion or belief and how to deal with challenges that participating States face in meeting their commitments related to the issues at hand. The discussion focused especially on the question how to advance freedom of religion or belief for all, while ensuring security, as well as on the state-imposed limitations on freedom of religion or belief in the OSCE region. The participating States and representatives of civil society shared their views on the current situation on freedom of religion or belief in the OSCE area, brought concrete examples and best practices and made their recommendations for improvement. The range of views and opinions expressed was often divergent.

The first introducer, Mr. Marco Ventura, Professor and member of ODIHR Panel of Experts on Freedom of Religion or Belief stressed that freedom of religion or belief is crucial to security and cooperation in Europe and belief minorities are of crucial value to the region and should be acknowledged as such. Moreover, he pointed out the 25<sup>th</sup> anniversary of the European Court of Human Rights *Kokkinaki* case decision and in that regard underlined that freedom of thought, conscience and religion is one of the foundations of a democratic society. As a consequence, minority believers need to be understood as an indispensable part of Europe. He stressed that the value of minorities is linked to the value of majorities and mutual learning and exchange is of great importance and contributes to the harmony of society. In conclusion Mr. Ventura reminded the plenary that in international law, “national security” poses no permissible ground for restricting the manifestation of religion or belief. Where minority religion or belief is discriminated the very essence of being European is at risk.

The second introducer, Ms. Mariam Gvartadze, Head of Legal Programs and Member of the Board of Directors of the Tolerance and Diversity Institute in Georgia, focused in her presentation on recent trends of impermissible restrictions to freedom of religion or belief in the OSCE region. She stressed that in some participating States dominant religious organizations enjoy special status while minority religious groups face discriminations created by the State. States often seek support by the dominant religious institutions for political purposes and legitimacy, in return those institutions enjoy special status and privileges (e.g. tax exemptions, state funding). Furthermore, the classification in traditional or non-traditional religious organizations can deepen discrimination.

Further Ms. Gavtadze explained that under international law it is not mandatory to register, but due to the fact, that various states give privileges to the registered institutions, it becomes important for the religious communities to have a legal status. Complicated registration criteria is often used in order to restrict or marginalize “undesirable” religious communities. Another common instrument used by some OSCE participating States is the denial to issue building permits for construction of new houses of worship. Such practice constitutes arbitrary interference by the state. Additionally, it is visible in the region that dominant religious groups negatively influence the public educational system and are spreading narratives of religious nationalism, while religious minorities are not properly represented in text books. She underlined also the problem that states use security as a tool to restrict some religious organizations (e.g. by adopting special legislation on terrorism). In conclusion she underlined that in those countries where civil society manages to mobilize and to exercise the freedom of expression, assembly and association despite restrictions, in those countries also freedom of religion or belief and minority rights seem to be more protected.

In the subsequent discussions, many speakers referred to the existing OSCE principles and commitments in the area of freedom of religion or belief and many interventions from the floor underlined the importance of the OSCE/Venice Commission Joint Guidelines on the Legal Personality of Religious or Belief Communities as a benchmark document and the Toledo Guiding Principles. A vast majority of speakers noted that despite the existing commitments there are many state imposed limitations and violations of the right of freedom of religion or belief across the OSCE region.

A number of interventions pointed out that new anti-terrorism and security related legislation was being used in some participating States as a pretext to proscribe the activities of certain minority religious organizations or ban them, such as for example the Jehovah’s Witnesses. Furthermore, they highlighted the link between respecting the right to freedom of religion or belief and security as acknowledged by OSCE participating States in Kyiv in 2013. The respect for freedom of belief would further strengthen security and enhance stability.

Some speakers were worried about the resurgence of anti-Semitism and underlined that immediate action is needed, in that context the ODIHR Words into Action program with its practical tools for implementation was mentioned and welcomed. Several interventions emphasized the crucial role that education in general plays in fostering respect of fundamental freedoms and in particular freedom of religion and belief.

Several speakers mentioned that participating States had decided in recent times to restrict by law the wearing of particular forms of faith apparel by women in public places, this poses according to the speakers a discrimination of the freedom of religion or belief.

Some interventions called upon states to return confiscated property and to abstain from national or local government interference in the internal governance of religious

organizations and therefore also refrain from impeding election processes of leaders. A speaker noted the importance of equality bodies that should be set up to better promote and protect rights of religious communities.

**Recommendations** made by participants during this session include (non-exhaustive list):

**Recommendations to the OSCE participating States:**

- Ensure the full implementation of OSCE commitments and international standards on freedom of religion or belief
- Respect the principle of autonomy of religious or belief communities
- Monitor and analyze in concrete terms violations of everyone's freedom of religion or belief and interlinked freedoms of expression, assembly and association – including the targeting by some States of women exercising these freedoms
- Mainstream freedom of religion or belief work within an all human rights for all perspective, stressing implementation of all fundamental freedoms.
- Insist that the most effective step to ensure security is to fully respect and implement fundamental freedom commitments and challenge the misuse of concepts such as “anti-terrorism”, “extremism” to disguise human dimension commitment violations
- Use existing OSCE/Venice Commission Joint Guidelines on the Legal Personality of Religion or Belief Communities, the Toledo Guiding Principles on Teaching about Religions and Beliefs in Public Schools the OSCE Guidelines on Freedom of Peaceful Assembly, and on the Protection of Human Rights Defenders.
- Refrain from impeding the election process of leaders of religious or belief communities
- OSCE participating States that have not yet set up equality bodies should consider doing so in order to contribute to better promotion and protection of the rights of religious communities and to tackle discrimination based on religion and belief
- OSCE participating States that have already set up national equality bodies should ensure that their mandate covers religion and belief in all fields of life and that there are sufficient guarantees of their independence and effectiveness including staff and financial resources, in line with standards set out by the European Commission and the Council of Europe
- Promote the creation of national human rights institutes, or reinforce existing ones, providing adequate resources and training on religious literacy and FoRB for government officials and civil servants
- Encourage interfaith and interreligious dialogue among churches and faith-based groups and set up regular government-sponsored platforms where religious leaders and civil society can share their privileged view of society and their unique contributions
- Consider hosting regional conferences on the topic of FoRB

**Recommendations to the OSCE institutions, executive structures and field operations:**

- Deploy special observers to regions with inter/intrareligious conflicts

- Extend the ODIHR Words into Action project
- Point out to participating States that laws should protect the right to FoRB for all
- Strengthen the scrutiny of legislation against the background of international standards
- Ensure the full implementation of OSCE commitments and international standards on freedom of religion or belief
- Respect the principle of autonomy of religious or belief communities
- Monitor and analyze in concrete terms violations of everyone's freedom of religion or belief and interlinked freedoms of expression, assembly and association – including the targeting by some states of women exercising these freedoms
- Mainstream freedom of religion or belief work within an all human rights for all perspective, stressing implementation of all fundamental freedoms.
- Insist that the most effective step to ensure security is to fully respect and implement fundamental freedom commitments and challenge the misuse of concepts such as “anti-terrorism”, “extremism” to disguise human dimension commitment violations.

***Working Session 8: Tolerance and non-discrimination I (continued), including:***

- ***Rights of persons belonging to national minorities***
- ***Preventing aggressive nationalism, racism and chauvinism***

Rapporteur: Anna Pogwizd, Second Secretary, Permanent Mission of the Republic of Poland to the OSCE in Vienna

**No. of Statements: 50**

Delegations: 12

Civil Society: 36

OSCE Institutions: 1

International Organizations: 1

**Rights of Reply: 18**

The Working Session 8, opened by Mr. Henrik Villadsen, Director of the Office of the High Commissioner on National Minorities (HCNM), focused on the review of implementation of commitments regarding the rights of persons belonging to national minorities, and preventing aggressive nationalism, racism and chauvinism. The topics touched upon during the session included the activities of the HCNM in assisting the participating States, HCNM's role as an early warning and conflict prevention tool, positive practices and challenges in designing and implementing integration strategies that ensure non-discrimination and protection of the rights of persons belonging to national minorities, as well as countering hate speech. The issue of statelessness and minority groups' relationships with kin states has also been addressed.

The session was introduced by Dr. Petra Roter from the University of Ljubljana and Dr. Fernand de Varennes, UN Special Rapporteur on Minority Issues.

Dr. Roter outlined a number of worrying trends with regard to minority related policies. These, according to Dr. Roter, include a strengthened perception of national minorities as "problematic"; a political instrumentalisation of diversity as threatening the identity, culture or religion of the majority communities, which is further exacerbated by aggressive nationalisms; an increasing bilateralisation of issues relating to minority rights, combined with moving away from multilateralism (particularly worrying as minority issues are matters of international concern and require universal norms). As discrimination, inequality and negative attitudes towards persons belong to minority groups lead to social disintegration, fundamental rights need to be guaranteed to all minorities. This requires joint efforts in the integration of society (as a two way, all-encompassing process), as a result of which minorities would no longer be seen as a "problem", but as equal participants of diverse societies.

Dr. De Varennes pointed to the growing erosion of human rights internationally, particularly affecting the persons belonging to marginalized and vulnerable groups. According to Dr. De Varennes, the denial of human rights of persons belonging to minorities (including by discrimination in areas such as citizenship, education, language, political participation, religion or belief) can contribute to tensions and



feelings of exclusion. The stability in many participating States is directly affected by these issues, as most of today's conflict today are linked to longstanding grievances around mounting intolerance and denial of human rights of groups such as national minorities. Peace, stability and justice are directly intertwined, and require addressing the core human rights basis for those grievances, as the rights of minorities are basic human rights. There needs to be a recommitment to what is central to the fundamental principles of tolerance and non-discrimination.

Many speakers stressed that the protection of human rights, including the rights of persons belonging to national minorities, is crucial for maintaining regional peace and stability. Some delegations outlined their national efforts in upholding their commitments in this regard. A number of delegations reaffirmed their support to the HCNM's active engagement throughout the OSCE region, aimed at providing early warning and early action in order to prevent tensions involving national minority issues from turning into conflict. They also welcomed the HCNM's continued engagement with regard to language and education issues, as well as efforts to improve sustainable integration of diverse and multi-ethnic societies, while at the same time preserving the respective ethnic identity of the communities concerned. One delegation referred to the issue of mass statelessness and violations of linguistic and educational rights of persons belonging to national minorities in participating States. Another delegation stressed that national minorities should not be objectified in the inter-state relations.

A number of delegations and CSOs representatives referred to systemic restrictions on language and education rights of persons belonging to national minorities in several participating States, as well as to policies sanctioning discrimination, including in political life and employment. A number of CSOs representatives spoke of the serious violations of human rights of persons belonging to national and ethnic minorities. One CSO raised violence and systemic violations of rights of LGBTI persons in several participating States. The role of parliamentarians in strengthening of cooperation and dialogue to counter all forms of discrimination and violence, as well as the role of youth as a catalyst of positive change, was also addressed.

**Recommendations** made by participants during this session include (non-exhaustive list):

**Recommendations to the OSCE participating States:**

- Persons belonging to national minorities should be able to exercise fully and effectively their human rights and fundamental freedoms without discrimination and in full equality before the law.
- Meet the commitment made by all OSCE participating States, without exception, to fully cooperate with the High Commissioner in order to enable the High Commissioner to fulfil its mandate. This includes granting HCNM full, free and unrestricted access.

- Make full use of the expertise of the HCNM. Quiet diplomacy, which the High Commissioner also implements, is complementary to public diplomacy and can help to bring results of lasting importance.
- A framework for education that provides capacity for youth and to foster spaces for communities that celebrate diversity needs to be ensured.
- The right to education in one's native language needs to be recognized.
- Hate crimes against persons belonging to minority groups must be persecuted strictly and effectively. The focus in politics should be more on preventative instead of remedial actions.
- Take the concerns of their citizens seriously, even when roughly worded. Participating States' governments should focus on protecting the interests of their own citizens and ensure the effective upholding of national laws.
- Withdraw all discriminatory legislations and policies and introduce anti-discrimination legislation and effective policies to promote tolerance and non-discrimination.
- Develop and implement a system of awareness raising of law enforcement agencies on issues of sexual orientation and gender identity, including through the inclusion of educational blocks on SOGI in the curricula of higher education institutions that prepare law enforcement officers in coop with LGBTI organizations.

**Recommendations to the OSCE/ODIHR:**

- Initiate a study which will effectively correlate human rights indexes with the findings of the Council of Europe ECRI country reports.

***Working Session 9: Tolerance and non-discrimination II, including:***

- ***Roma and Sinti issues, including implementation of the OSCE Action Plan on Improving the Situation of Roma and Sinti***

Rapporteur: Vahe Gevorgyan, Deputy Head of the Delegation of Armenia to the OSCE

**No. of statements: 24**

Delegations: 7

Civil Society: 15

OSCE Institutions: 1

International Organizations: 1

**Rights of Reply: 7**

The implementation of 2003 Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area (OSCE Action Plan) was a central theme of the Working Session 8. The first introducer Ms. Rita Izsák-Ndiaye, Member of the United Nations Committee on the Elimination of Racial Discrimination (CERD), presented the progress of the implementation of the Action Plan throughout the last 15 years. In this regard, a number of achievements were highlighted among them: mainstreaming Roma and Sinti issues into the multilateral political agendas and human rights monitoring mechanisms, increasing ownership of Roma and Sinti including women in protecting their rights through casting votes, campaigning, and involvement of Roma and Sinti professionals in ODIHR.

Additionally, Ms. Rita Izsák-Ndiaye identified areas wherein progress was limited and slow. Divisive public discourse, populist propaganda and simplistic stereotypes were raised as contextual challenges in safeguarding pluralism and rights of protecting Roma and Sinti, as an ethnic minority group. It was stressed that the low number of Roma and Sinti professionals in the Government structures, particularly in the senior positions, impeded participation and integration of Roma and Sinti. The need of open and systematic channels between decision makers and Roma and Sinti groups was recognized as important including in the realm of taking prompt action in case of early warning signs of violence and atrocities. The introducer paid particular attention to the necessity of encouraging Roma and Sinti women to get into the world of politics by overcoming societal prejudices and personal barriers.

The second introducer, Mr. Ciprian Necula, Political Analyst and Human Rights Activist, valued ODIHR Contact Point for Roma and Sinti (CPRSI), as an institution that has contributed to the Roma and Sinti representation and political participation. In this regard, the work and legacy of the Roma intellectual and leader, first CPRSI Senior Advisor, Nicolae Gheorghe, was acknowledged.

Mr. Necula highlighted that there is no significant improvement in participation of Roma and Sinti in the OSCE area, as Roma remain underrepresented, while vote buying,

the lack of legal housing and ID cards created obstacles for Roma and Sinti participation into the electoral processes. In this regard, the introducer recommended to legalize Roma and Sinti settlements, improve legislation, which will allow Roma and Sinti to get official registration and ID cards.

The speaker recalled several instances of inflammatory and racist rhetoric as well as violent hate crimes committed against Roma and Sinti in the OSCE area and stressed that Roma and Sinti civil movements protested these discriminatory practices.

Many delegations from participating States and representatives of civil society referred to the Action Plan as important tool in protecting rights of Roma and Sinti, particularly in the realm of political participation. They maintained that the 15<sup>th</sup> anniversary of the Action Plan provides an opportunity to enhance efforts at all levels for the inclusion of Roma and Sinti. They welcomed the persistent efforts of the CPRSI in enhancing effective participation of Roma and Sinti in public and political life.

Participating States, international organizations and civil society condemned anti-Roma hate crimes, including violent crimes and racist statements. Some delegations made a link between hate crimes, including incitement to violence and anti-Roma mob violence and pogroms. The violent events, which claimed human casualties in one participating State, were recalled by number of delegations. They also called on the government concerned to punish all perpetrators and prevent any further anti-Roma hate crimes.

A representative of the government concerned provided information on the state of investigation of some attacks and on measures taken to ensure full and impartial investigation of the crimes. The same delegation also reported on special measures taken, including devising a plan for countering conflict on ethnic grounds, creation of monitoring groups on preventing hate crimes by the police and increased patrolling in Roma settlements.

Several delegations referred to the suffering of Roma and Sinti people in the past, as one delegation underscored the importance of engaging with Roma youth groups involved in the commemoration of the upcoming 75<sup>th</sup> anniversary of the destruction of the Roma and Sinti camp in Auschwitz. One delegation linked anti-Semitism and anti-Roma discrimination and stressed the importance of education programme including raising awareness on combatting anti-discrimination.

Some delegations recognized anti-Roma discrimination as a contemporary form of racism and highlighted the need to tackle the issue in the overall framework of fighting all forms of contemporary racism.

A number of delegations presented good practices and challenges related to the implementation of the Action Plan. Better access to the education, health care, employment and political representation at local level were referred to by some delegations. The persistent obstacles towards meaningful participation of Roma and Sinti in public and political life was highlighted, such as wide spread poverty, lack of

education and identification documents. The underrepresentation of Roma and Sinti women was highlighted by some speakers.

Several delegations emphasized the need to improve data collection through national census.

Throughout the discussion the issue of ethnic profiling and biased motivation actions of law enforcement agencies was brought up by several delegations referring to this as discriminatory and racist practices.

The introducers wrapped up the session by making final remarks.

Ms. Rita Izsák-Ndiaye stressed the importance of overcoming existing skepticism towards multilateralism and ensuring mutual respect and equal dignity. In this regard, Rita Izsák-Ndiaye recalled the 70<sup>th</sup> anniversary of two international instruments: The Universal Declaration of Human Rights and Convention on the Prevention and Punishment of the Crime of Genocide.

Mr. Ciprian Necula emphasized the need to implement already existing commitments and called on Roma and Sinti politicians to run for elected office. He stressed that disparity between official data and unofficial estimations when it comes to the number of Roma and Sinti people living in participating States may indicate fear of self-identification as well as the existence of discriminative practices.

**Recommendations** made by participants during this session include (non-exhaustive list):

**Recommendations to the OSCE participating States:**

- Strengthen the co-operation with the ODIHR's Contact Point for Roma and Sinti issues taking advantage of its expertise;
- Systematically and univocally condemn any acts of violence against Roma and Sinti and take effective and immediate measures to investigate crimes effectively and hold perpetrators accountable
- Take measures to combat any form of violence motivated by racism or xenophobia and ensure vigorous, effective and independent investigation of racially motivated acts, as well as equal access to remedies, and to bring perpetrators of violent acts on Roma and Sinti to justice
- Make use of ODIHR's role in conflict prevention and identification of areas of early intervention and draw on the expertise of the HCNM ;
- Additional emphasis on education and employment, promoting training of mediators and training of trainers and strengthening community-based approaches;
- Take effective measures to enhance the participation of Roma and Sinti youth in public life;
- Pay particular attention to Roma and Sinti women and girls who often face multiple forms of discrimination;

- Develop comprehensive policies that address the factors that contribute to the low school attendance of Roma and Sinti children, including ensuring necessary documents for registration;
- Take effective measures to ensure respect for human rights, in particular improving access to education, employment, healthcare and housing;
- Enhance implementation of OSCE commitments on Roma and Sinti by local authorities;
- Ensure periodical review mechanism of strategies, policies and measures related to Roma and Sinti for better adjustment to the situation on the ground;
- Improve collection of disaggregated data based on voluntary self-identification to address inequities;
- Adopt and implement comprehensive anti-discrimination laws, prosecute hate-motivated violence and build a climate of tolerance, with the OSCE partnership;
- Develop preventive plans against pogroms and for the police to react rapidly and adequately to protect Roma and Sinti when they are in danger;
- Establish national truth and reconciliation commissions or expert commissions on antigypsyism;
- Endorse and respect the revised Charter of European Political Parties for a Non-Racist Society;
- Establish a parliamentary coalition for combating antigypsyism;
- Strengthen diverse leadership by engaging in dialogue and networks between political parties and Roma and Sinti civil society, including by reaching out to Roma to be politically active and to become members and candidates of political parties;
- Establish a network of Roma and Sinti women from OSCE states to act as a hub for sharing best practices, experiences and lessons learnt;
- Enhance capacities of Roma women on various topics, including leadership, gender equality and sharing of success stories, to promote political participation of Roma and Sinti women at all levels of decision-making;
- Design and implement programmes to educate on voting and to raise awareness on political participation of Roma and Sinti women and youth;
- Regularly collect data on the socio-economic situation of communities and the rights of Roma, including women, by national and local government;
- Provide financing for and enhance monitoring and evaluation of the existing policies and mechanisms;
- Provide opportunities to involve Roma men and women in political party life;
- Adopt a Ministerial Council decision to expand the mandate of ODIHR to monitor and combat antigypsyism and to enhance the political participation of Roma and Sinti as key priorities;

**Recommendations to the OSCE institutions, executive structures and field operations:**

- Consider elaboration of a new document combatting contemporary forms of racism;
- Recognize antigypsyism as a special form of racism, which is a root cause of the exclusion of Roma and Sinti and a key barrier to their participation of Roma;

- For OSCE Parliamentary Assembly to endorse and respect the revised Charter of European Political Parties for a Non-Racist Society and to establish a parliamentary coalition for combating antigypsyism;
- Enhance capacities of Roma and Sinti women to increase their political participation, including through training on running for elections, to launch awareness raising campaigns in media on political and civil participation of Roma and Sinti women and to support Roma and Sinti women with tools to become financially independent;
- Extend observation mission to local elections in all OSCE participating States;
- Consult Roma and Sinti in election observation missions;
- Support education programmes for Roma and Sinti voters and candidates in elections;
- Proceed with technical assistance for effective implementation of the Odesa declaration focusing on access to personal documents by Roma and Sinti;
- Support political development programmes that enhance the participation of Roma and Sinti women and youth as voters and candidates in future elections;
- Monitor antigypsyism as part of OSCE election observation missions;
- Ensure better co-ordination between various OSCE institutions and intergovernmental organizations working in this area;

**Working Session 10: Fundamental freedoms I, including:**

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

Rapporteur: Mr. Jürgen Heissel, Deputy Head of Mission for the Human Dimension, Permanent Representation of Austria to the OSCE

**No. of statements: 50**

Delegations: 11

Civil Society: 38

NHRI: 1

**Rights of reply: 10**

The first introducer, Ms. Ena Bavcic, Programme Officer and Country Representative of Civil rights Defenders in Bosnia and Herzegovina, presented independent monitoring of assemblies as a tool to promote respect for and protection of human rights and underlined the crucial watchdog role played by civil society organisations (CSOs), international organisations and National Human Rights Institutions (NHRIs). They must be permitted to freely observe public assemblies in line with the OSCE/ODIHR and Venice Commission Guidelines on Peaceful Assembly while observing the ‘do no harm’ principle. CSOs also play an active role in the implementation of positive and negative obligations of the state as they monitor all aspects of peaceful assemblies in relation to the legal framework and law enforcement as well as potential court procedures. While policing of assemblies is at the core of monitoring work, monitors need to follow whether state authorities are being held accountable. OSCE participating States should recognise and support monitoring by supporting relevant actors active in monitoring of peaceful assemblies. States can also support these efforts by facilitating the sharing of information and by providing support to watchdogs and independent bodies in their investigation efforts of alleged violations of human rights compliant policing.

The second introducer, Mr. Arman Tatoyan, Human Rights Defender of the Republic of Armenia, stressed the importance of full respect for and the interdependence of fundamental freedoms for a peaceful society and elaborated on the complementarity of the role of NHRIs, civil society and international organisations. Mr. Tatoyan reported that the democratic developments in his country were accompanied by a task force comprising of ten subgroups covering the whole country, which allowed for the Armenian Human Rights Defender to cover all relevant human rights monitoring issues and the entire range of responsibilities of an NHRI. These responsibilities include inter alia human rights monitoring, receiving complaints, monitoring of detention facilities and assemblies, monitoring of rights of journalists and transferring complaints to the responsible law enforcement bodies. He particularly underlined the necessity for the NHRI to have the trust of all stakeholders and to be perceived impartial and de-politicised. Specific challenges relate to hate speech and intolerance generated through social media, which were successfully balanced by appeals to



keep the process peaceful and cooperation with the press. Finally, he underlined the need for close cooperation with international partners at regional or wider level, such as the European Network of National Human Rights Institutions (ENNHRI) and the OSCE.

Many delegations from participating States and representatives of CSOs expressed concern about the increasing restrictions on the freedoms of assembly and association, as well as expression and movement in the OSCE region, limiting the space for civil society, as well as the increasing attacks on human rights defenders. These restrictions and attacks, they said, are in violations of the OSCE principles and commitments.

Many different undue restrictions and challenges to the freedom of assembly across the OSCE region were highlighted, including the arrests and detention of peaceful participants to assemblies, the prohibition of peaceful assemblies, the intimidation of participants to assemblies or of their family members and the challenge to protect peaceful participants against attacks from counter-protesters.

With regards to the freedom of association, many concerns were raised pertaining to restrictive laws and administrative measures affecting the work of NGOs or forcing them to close down. The restrictions on freedom of association were also addressed in various interventions.

Many delegations reaffirmed the important role of mass media and journalists in informing the public, while some participants cautioned against the negative impact of vaguely framed anti-extremism laws on the freedom of expression for journalists or human rights defenders. Two participating States delegations reminded of the necessity to protect freedom of expression online and offline and raised the concern of increasing restrictions to the digital space. Some participants called for respect for the right to free speech without any limitations.

In relation to limits to the freedom of movement some interventions referred to the use of exit visa or travel bans negatively impacting on the activities of human rights defenders, including on the participation in multilateral meetings.

A number of interventions focused on the precarious situation of human rights defenders and journalists in various countries in the OSCE region, where they are subject to arbitrary detention, politically motivated trials, intimidation and threats online (with a disproportionate burden on female human rights defenders). Concerns were also raised about actions against lawyers who are defending human rights activists.

**Recommendations** made by participants during this session include (non-exhaustive list):

**Recommendations to the OSCE participating States:**

- Recognize and support monitoring in their own and developing states by supporting NHRI (Ombudsman and other independent institutions), local observers/CSOs and international bodies such as ODIHR;

- Encourage communication and information-sharing, as well as access to media and observers that enables them to monitor all aspects of an assembly consistently before, during and after the assembly
- Refrain from imposing undue limitations on monitoring activities, but ensure that monitors can operate effectively in the context of assemblies;
- Engage with monitors and follow their assessment of the facilitation of assemblies by the state authorities in order to learn of good practices and improve bad ones (lessons learned);
- Provide a special status for assembly monitors that would include support and protection of monitors in the context of their work and prevent abuses and hindrances. These commitments should acknowledge and formalize the role of monitors in order to effectively address the challenges faced by monitors and constitute a basis for co-operation between them and OSCE member state authorities;
- Ensure that access is provided to the greatest extent possible to assembly monitors and journalists (both traditional and citizen journalists) to all locations where they may carry out their activities, as well as to situations, including actions of law-enforcement authorities;
- Ensure that assembly participants, observers, media representatives or bystanders are able to photograph or otherwise record actions and activities at public assemblies, including law-enforcement operations or individual law-enforcement officials, and that such recordings can be accepted as evidence in related disciplinary, administrative or criminal proceedings;
- Ensure that law-enforcement officers are easily and clearly identifiable at all times while policing assemblies;
- Respect and facilitate the work of independent bodies and watchdogs to receive and investigate allegations of human rights violations and abuses in the context of assemblies and to monitor the implementation of the right to freedom of peaceful assembly;
- Do their own monitoring, by enhancing monitoring and peer review of the policing of assemblies by law-enforcement personnel, and explore possibilities for international co-operation and the exchange of good practices in this regard;
- Regularly educate law enforcement agencies on human rights principles for assembly policing and the role of monitoring in enhancing the democratic policing of assemblies;
- Refrain from harassing journalists and restricting the dissemination of information in the media.
- Refrain from excessive limitations on the freedom of assembly and association by applying anti-extremism legislation;
- Refrain from harassing journalists and restricting the dissemination of information in the media.
- OSCE participating States to remove all restriction and barriers to the free flow of information online and offline;

**Recommendations to the OSCE/ODIHR:**

- Address the lack of respect for OSCE commitments on freedom of assembly and association, expression and movement including by employing an early warning approach in line with its mandate.

**Working Session 11: Fundamental freedoms I (continued), including:**

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

Rapporteur: Ms. Narmin Ahangari, Second Secretary, Permanent Mission of Azerbaijan to the OSCE

**No. of statements: 50**

Delegations: 8

Civil Society: 39

NHRI: 1

OSCE Institutions: 1

Media: 1

**Rights of reply: 18**

First introducer Ms. Irina Dincu, Senior Programme Specialist at the Centre of Excellence for Civic Registration and Vital Statistics Systems in Canada, elaborated on the critical role of safe and secure civil registration and ID systems in the freedom of movement and gave an overview on the existing challenges of the lack of documents- especially for women and girls- which hampers their ability not only travel, but also to be protected as full citizens of their countries.

She emphasized that sophisticated border control and most importantly safe and secure travel documents issued on the base of safe and secure civil registration systems are paramount importance for fight against terrorism and building genuine security borders. Also she underlined that sophistication of design and standards of travel documents in itself does not mean the documents were given based on secure and safe civil registration system.

Birth registration is fundamental human right and important tool for human rights protection. She emphasized that the registration of a child immediately after birth is a prerequisite for enjoyments of rights put forth by the Convention on the Rights of Children, as well as for other important documents.

She also noted that legislation or custom which requires the father or male representative of the family to register the birth poses a serious barrier for women to register the births of their children, especially for unmarried women or women victims of violence. She recommended that birth certificate should be independent from marital status and identity of father.

She further touched upon on the issue that the lack of birth registration could result in risk of being stateless. She also noted with concern the emerging trend on obtaining secure documents based on false identity and provided that weak civil registration

systems, and dysfunctional justice systems, along with poverty often make possible for people to get real fake documentation.

Second introducer, Ms. Helen Darbishire, from NGO Access Info Europe, elaborated on the aspects of freedom of expression related to access to information. She emphasized that the access to information is an inherent part of freedom of expression. This has been defined through international bodies, including the UN Human Rights Committee, the European Court of Human Rights, and the Inter-American Court of Human Rights. She positively noted that, the European Court of Human Rights specifically referred to OSCE standards in developing its jurisprudence.

She underlined that currently 53 countries in OSCE has access to information law and commended the role of OSCE, in particular RFOM contributing to the process of developing these laws in past twenty-five years. She recommended four participating States of OSCE who has no laws on access to information to review adopting such laws. She also argued that quality of laws in practice and paper differs, especially in less developed democratic countries. Based on the data, she put forth that the independent information commissioners make a significant difference with implementation of laws and encouraged countries which do not have commissioners to consider establishing them.

She provided examples to show the important role of RFOM in monitoring responses to request of this right and as well as in conducting legal analysis, including monitoring positive and negative changes with regard to laws on access to information in participating States. In order to advance the access to information, she suggested OSCE participating States to sign and ratify Council of Europe Convention on Access to Official Documents.

She further noted how obtaining information permits members of the public to be better informed and hence allowing them to participate actively in decision making and contributing to better democratic governance. The importance of the delivering information on timely manner has been underlined in this regard. The average timeframe for responding to requests in the laws of the OSCE region is 17 working days, which she expressed that in practice takes are often much longer.

She also mentioned the role of journalist and NGO in making use of the access to information to expose corruption and violations of human rights. She also raised a concern over the possible negative consequences for journalists who make requests for information as part of investigations and called for better protection of “whistleblowers”.

Participating States and civil society representatives discussed several aspects of freedom of expression, freedom of peaceful assembly and association, freedom of movement and the role of national human rights institutions and the civil society in the protection of human rights. Several participating States shared the positive

developments with regard to the protection and ensuring the above mentioned rights in their countries.

Several participants touched upon on the issue of balance between hate speech and freedom of expression and highlighted the importance of ensuring that hate speech laws are not restricting the freedom of expression.

Concerns have been raised over the issues of targeting journalists as foreign agents, blocking websites, unduly and disproportionately restricting freedom of speech, including online. Some participants raised a concern with regard to the increasing radical state rhetoric, and promotion of xenophobic and neo-Nazi ideology.

Several civil society representatives highlighted that restrictions on the funding of NGO's and pressure put on journalists might result in self-censorship.

Defining and maintaining the balance between security and freedom of expression also was widely discussed during the session. Some concerns were raised with regard to the restrictions put on civil society by the false pretexts of protecting state security and preventing foreign interference in domestic affairs, fight against terrorism and extremism, protection of traditional values. Some participants noted that such restrictions must be prescribed by law.

Some civil society representatives expressed concern that there is incompatibility between the law of the State and that of a particular religious' doctrine. They called participating States to take actions against those who promote religious' doctrine and practices that are against democratic principles and values and human rights.

Freedom of expression during OSCE events was raised by some civil society representatives. They argued that the introduction the provisions on the "context based discriminations" to "Code of Conduct" by ODIHR might limit the freedom of expression during the human dimension events.

Some participants highlighted that the role of civil society does not limited only to the promotion but also strengthening the democracy and implementation of the rights provided by law. Especially the role of NHRI was highlighted in the protection of human rights, as well as raising public awareness.

Restrictions and challenges to the freedom of assembly across the OSCE region were discussed, including the arrests and detention of peaceful participants to assemblies, the prohibition of peaceful assemblies, the intimidation of participants to assemblies or of their family members. The right of minorities to freedom of assembly and associations was raised by several civil society representatives.

During the discussions on the freedom of movement, movement to and from conflict areas and laws governing such movements were also raised by some participating States and civil society representatives.

**Recommendations** made by participants during this session include (non-exhaustive list):

**Recommendations to the OSCE participating States:**

- promptly and effectively investigate all attacks against civil society activists and bring their perpetrators and masterminds to justice,
- recognize and support the role civil society plays in combating radicalisation and violent extremism by reaching out to include members from minority groups,
- urge governments to create a safe space for critical and constructive dialogue with civil society,
- continue monitoring the situation of human rights defenders and independent civil society organizations in the OSCE region and intensify efforts to empower and support them,
- consider advancing existing Human Dimension commitments, especially those with regards to the enabling and safe environment conducive for human rights work,
- review how the the OSCE Guidelines on the Protection of Human Rights Defenders are implemented and, if necessary, review the existing framework for implementation of the OSCE Guidelines to foster more effective implementation,

**Recommendations to the OSCE institutions, executive structures and field operations:**

- actively seek cooperation with NGOs that organize women with an independent voice,
- encourage the right of women to organize by allowing women's organizations to become natural partners in the OSCE's work in all three dimensions,
- consider mapping the situation of human rights defenders and the operating environment of civil society organizations in the OSCE region in order to identify best practices and positive examples with regards to an enabling environment,
- launch a report about legal and other obstacles which hinder the work of human rights defenders in the OSCE area and how these can be addressed.

## ***Working Session 12: (specifically selected topic): Rights of migrants***

Rapporteur: Elek Zsófia, Deputy Permanent Representative, Permanent Mission of Hungary to the OSCE, the UN and other International Organizations

### **No. of statements: 38**

Delegations: 14

Civil Society: 23

OSCE Inst./Int'l Org: 1

### **Rights of Reply: 10**

Working session 12 was devoted to one of specifically selected topic rights of migrants.

The first introducer, Ms. Monami Maulik, International Coordinator of the Global Coalition on Migration put the topic of the UN Global Compact for Safe, Regular and Orderly Migration (GCM) in the focus of her presentation. She stressed that the GCM brings a unique opportunity for Member States to promote concrete policies that can shift public narrative on migration away of policy of fear, division and xenophobia towards human-rights-based approach. From the 'ground' perspective, it is clear for civil society that migrants are facing human right crisis which is exacerbated by criminalization, deterrence and externalization of borders. Policies should focus on ensuring regular and safe channels for migrants instead of dangerous journeys. Out of the 23 objectives of the GCM, Ms. Maulik highlighted the following ones: end child detention, expand regular avenues for migration, search for community-based alternatives to detention, protect migrants in a vulnerable situation especially children, develop gender responsive policies, ensure labor and fundamental rights to migrants, invest in sustainable development, strengthen data collection. Above these, civil society recommends states not to criminalize migrants or human rights defenders and establish firewalls, access to basic services and provide full labor rights to irregular migrants. Finally she mentioned three areas where the active leadership of participating States is needed: developing labor migration programs, combating xenophobia, racism and discrimination of migrants, and putting emphasis on gender equality and the situation of women migrants.

The second introducer, Mr. Spyros Koulocheris, Head of Legal Research for the Greek Council for Refugees reported on his practical experience with migrants. He stressed that illegal migrants are more likely to become victims of crimes (trafficking of human beings, smuggling). Also on the way of seeking for legalization they may lose their lives during dangerous journeys, they may be detained under inhumane conditions, their rights may be restricted. There are positive examples of programs but majority of them are time-limited and long term funding is not secured. According to his analysis, the critical situation is caused by the lack of common policy of Member States or the non-implementation of legal framework. Also sometimes hate speech against migrants comes from high level government officials. Mr. Koulocheris voiced his concern with regard to international organizations that come to assist in crisis situations without proper recognition of local efforts already on the ground. Their messages are also



controversial; holistic approach is needed and the human dimension should be in the focus of all activities. He lastly said that all should accept that migration is a human need and a natural historical phenomenon.

During the session 38 interventions were delivered, including 14 by participating States, 23 by non-governmental organizations and one from an OSCE institution. In addition, 10 participating States exercised their right of reply.

The majority of participating States recognized that the current mixed migration flows pose a challenge in the OSCE area. Many of them referred to the UN GCM as a positive step on the international level and expressed hope that it will help harmonizing the global actions. While several delegations mentioned the positive contribution migrants can make to the host society, others highlighted the security aspect of migration. One delegation specifically mentioned national security concerns. Participating States referred to the MC Decision No.3/16 on OSCE's Role in the Governance of Large Movements of Migrants and Refugees, adopted at the Hamburg Ministerial Council, and appreciated the work of OSCE structures in connection with this document. The contribution of field operations along migration routes, and of ODIHR, was also welcomed. Delegations urged the OSCE to synchronize its actions with other international actors (especially the UN) in order to avoid duplications.

The importance of the protection of migrants was widely recognized by participating States and some NGOs as well. They emphasized that special attention should be given to the most vulnerable ones: women and children. One delegation asked for safe corridor for migrants in order to avoid dangerous journeys. The same participating State raised concerns with regard to the practice of separation of families. Many of those taking the floor asked for gender sensitive migration policy. Many delegations and civil society representatives underlined the importance of combatting hate speech, xenophobia and racism against migrants. Some found it extremely harmful that politicians use hate speech without consequences. Several delegation suggested to use OSCE as a platform for the exchange of good practices, for example in the field of integration. One delegation reminded of the importance of preserving the religious and cultural diversity of migrants.

A number of delegations made a presentation about development and implementation of their own national strategies and programs on refugees, IDPs and asylum seekers and reported on good practices.

The OSCE Parliamentary Assembly representative raised concerns in connection with discrimination in workplace which especially affects migrant women. Participating States should take steps to empower these women and promote their education.

The issue of crises and its impact on migration, including the aspect of forced migration, and IDPs as well as rights of those who left crisis areas was addressed in some civil society interventions. One NGO mentioned the difficulties of freedom of movement in the context of disputed territories. One NGO highlighted the difficult

situation of migrant sex-workers. Some NGOs raised the problems that economic migrants and refugees are facing in OSCE and non-OSCE countries. One NGO presented its program with regard to integration of Muslims.. Civil society organizations expressed their concern of recent trends of participating States to limit the operation of NGOs, including through attacks on NGOs by the media and politicians. One NGO highlighted the situation of migrants in Western European countries. Several civil society organizations stressed the need for migrants to respect the culture of host societies.

**Recommendations** made by participants during this session include (non-exhaustive list):

**Recommendations to the OSCE participating States**

- Participating States to fulfil their human dimension commitments in relation to migrants.
- Participating States encouraged to use the OSCE as a platform for dialogue and exchanging good practices.
- Participating States should use the expertise and support of ODIHR in the field of integration of migrants
- Participating States should terminate criminalize migrants or human rights defenders assisting them.
- Participating States should fight against/stop anti-migrant and xenophobic rethoric.
- Special attention should be given to the protection of children and women.

**Recommendations to the OSCE/ODIHR:**

- OSCE should ensure complementarity with the UN and other regional organizations on migrant rights including refugees in order to strengthen synergies and avoid duplications.
- OSCE and ODIHR continue studying migration systems and collect good practices to collectively engage on addressing migrants issues including their integration.
- OSCE should empowering OSCE field missions to play a supporting role.
- OSCE should prioritize the protection of host societies and not migrants and to re-examine concept on hate speech on migrants.
- OSCE should facilitate the recognition of Jazidis as refugees and prioritize them as such
- OSCE is recommended to support participating States to implement their commitments providing due attention to cultural and religious diversity of migrants.
- OSCE should elaborate on solutions for IDPs ensuring complementarity and avoid duplications with other organizations and should analyse conflict-cycle and migration.

### ***Working Session 13: (specifically selected topic): Rights of migrants***

Rapporteur: Mr. Daniel BARBARIE Counsellor (Human Dimension), Delegation of Canada to the OSCE

#### **No. of statements: 30**

Delegations: 4

Civil Society: 25

OSCE Institutions: 1

#### **Rights of reply: 11**

The second working session on the Rights of Migrants began with introductory remarks from Anastasia Crickley, Former Chairperson of the UN Committee on the Elimination of Racial Discrimination. Crickley noted that migration, by and large, benefits migrants, home countries, and host countries. Unfortunately, in Crickley's view, this fact contends with a toxic global discourse that has fanned the flames of racism, often with the endorsement of the highest levels in political parties. She noted that a humanitarian and rights based approach to the issue was key, and that much of this work had been done by the OSCE through its commitments. However, there is insufficient awareness regarding the issue of migration, which needs to be understood and articulated.

Crickley moved on to discuss the importance of integration, distinguishing it from assimilation and accommodation, noting that it was a two-way process, and that changes in our societies are inevitable. Crickley advocated for the implementation of OSCE commitments through ODIHR and the need to acknowledge and reinforce these commitments. She highlighted the importance of addressing migration commitments in an intersectional manner, noting that without such an approach human dimension commitments could conflict with commitments made in other dimensions. Crickley also noted that when discussing migrants they should not be treated as a homogenous group, but are often made up of marginalized or minority groups that face specific forms of discrimination.

On the subject of gender, Crickley noted that as 50 per cent of migrants are women, gender mainstreaming is a necessity, and cannot be relegated to a side issue. While the discrimination and fear of strangers are natural, Crickley reminded participants that all societies have always been multicultural and that denying this fact doesn't work. In her view, the participation of migrants is key to make a lasting difference. In conclusion, Crickley noted that while the process is challenging some progress has been made, and that the OSCE's work must continue to build on training, support integration, and combat hate crimes against migrants. Crickley called for participants to shrink the "other", and to enlarge the "us", in order to reconnect with our shared humanity.

The second introducer of the session was Tomas Bocek, Special Representative of the Council of Europe's Secretary General on Migration and Refugees. Bocek noted that while mass migration flows into Europe have been decreasing the topic is still high on the political agenda. He referred to the tools that the Council of Europe had in place to

help member states in addressing migration, but stated that this required sufficient political will, and that the current situation was not encouraging. He cited an increase in walls and fences, immigration detention centres, fewer rights for migration, more restrictions on family reunification, and less welfare and the consequent serious human rights concerns. Bocek warned that by not upholding shared fundamental values as it pertains to the treatment of migrants, this will lead to an erosion of the post-World War II system.

While Bocek believed that migration could be effectively managed, he stated that asylum procedures must function properly, regardless of immigration status, and that the right to seek asylum must be protected. In cases where removal procedures were undertaken, human rights must be protected. Turning to integration, Bocek called for the responsible development of integration policies, including improved access to the labour market, the provision of language courses, access to mainstream education, and the establishment of legal pathways for economic migration to reduce the attraction of illegal migration. Bocek concluded by stating that human rights must be at the heart of European migration policy, but that the critical condition is the requirement of willingness from EU member states to cooperate.

The majority of the statements in the session came from civil society participants. A number of civil society representatives noted the challenges of migration in their societies. Some criticized particular participating States for not doing enough to protect the rights of migrants and to ensure proper access to the food, water, and shelter, as well as proper documentation, education, and access to labour markets. Many civil society organizations noted the importance of regional action to address migration challenges.

Some civil society speakers called for additional ODIHR monitoring of the status of migrants in participating States. A number of speakers highlighted the contributions of labour migrants to their home countries, and the importance of protecting their rights. The issue of labour exploitation due to irregular migration was also raised by a number of civil society speakers, with calls for standards to be established and the training of NGOs. Some speakers raised the difficulty of movement in some participating States due to the cost of visas. The distinction between labour migrants and migrants fleeing challenging situations was raised by a number of speakers. Several civil society speakers raised difficulties of movement of migrants in conflict affected areas and the protection of their human rights.

Several civil society organizations criticized the use of child detention in a number of participating States. One participant stated that these actions were immoral and illegal, citing European Court of Human Rights rulings on child detention. Another participant called for better coordination and harmonization of OSCE participating States' procedures relating to migration, in order to ensure the protection of children, including appropriate foster care, facilities, and legal guardianship. Some argued that European security policies conflicted with human rights commitments and obligations.

Several civil society organizations raised the importance of a human rights based approach to migration, and noted worrying examples in some participating States of the absence of such an approach. State-sponsored anti-migrant campaigns were cited by some arguing that states must comply with human dimension commitments and rulings of the ECHR. The role of civil society in safeguarding migrants' rights was raised by a number of participants, including the concern that criminalizing the work of CSOs, as well as the harassment of CSOs, makes the situation worse.

A number of civil society speakers noted the challenges of integration and how to address perceived incompatible cultural practices. These speakers argued that both citizens and migrants had responsibilities. One participant called for the OSCE to combat the instrumentalization of religion as a security threat, arguing that the migrant challenge will not be resolved without first resolving the counter-productive reactions of political parties in Europe.

One participating State noted the positive conditions for migrants in its country, while criticizing the treatment of migrants in a number of other participating States. This state called for strategic solutions to migration issues and the need for increased joint efforts. Another participating State called for comprehensive and coordinated regional solutions to migration that account for security needs and human rights, while noting that migration was primarily the responsibility of each state. One participating State noted the leading role of the UN on migration and that the OSCE must complement UN activities, stating that within the OSCE focus should be placed on areas of OSCE expertise. This state also raised the subject of internally displaced persons (IDP) advocating for a comprehensive OSCE response to IDPs in line with the New York Declaration for Refugees and Migrants. Another participating State also addressed the issue of IDPs, advocating for a holistic approach when dealing with migration, and recommending the use of the UN International Organization for Migration's definition of migration. The state called on ODIHR to analyze the status of respective OSCE commitments on migration and to continue human rights sustainability training in OSCE participating State that have large inflows of refugees.

**Recommendations** made by participants during this session include (non-exhaustive list):

**Recommendations to the OSCE participating States:**

- Fully comply with all human dimensions commitments, particularly paragraph 23 of the Istanbul Document 1999 and paragraph 38 of the 2003 Maastricht document
- Stop public funded xenophobic campaigns against migrants.
- Revoke legislation which allows mass expulsions of Third Country Nationals.
- Respect the right to seek asylum and to ensure the right to liberty of asylum seekers and migrants
- Ensure detention is only used as a measure of last resort and in accordance to international obligations.
- Implement the judgement and interim measures from the ECHR pursuant to migrants.

- Disclose plans to integrate beneficiaries of international protection.
- End the detention of child migrants and humanize borders in accordance with human rights commitments and obligations
- Resist hate speech and scaremongering towards migrants and refugees and consider the consequences of such actions.
- Implement the resolutions adopted by the OSCE PA and in particular those from the Ad Hoc Committee on migration on issues such as unaccompanied minors and detention of children.
- Provide free primary and secondary education to migrant children regardless of status.
- Implement dialogue between civil society and state actors
- Mobilize resources in order to improve the management of migration.

**Recommendations to the OSCE/ODIHR:**

- Monitor the impact of legislation and other measures, including communication by state actors and government media, on civil society organizations that assist migrants.
- Ensure access of NGOs to accommodation facilities to ensure the rights of migrants are being respected.
- Provide training on the sustainability of human rights in communities hosting IDPs.
- Exchange best practices on IDPs.
- Combat the instrumentalization of religion in political rhetoric.
- Promote the reform of the Dublin Agreement.
- Protect and respect the rights of people on the move at borders.
- Promote the active participation of migrants in issues which affect their lives.
- Respect the right for nations to express their national identity.
- Monitor trials against migrants.
- Recognize that cultural practices of migrants can be incompatible with host societies.

**Recommendations to the OSCE Parliamentary Assembly should:**

- Conduct a comprehensive monitoring visit through the Ad Hoc Committee on Migration to one participating State with an extended mandate to observe the situation of third country nationals pushed back by this state to a neighbouring state, as well as assessing the situation of asylum seekers and beneficiaries of international protections in this state.

***Working Session 14: Humanitarian issues and other commitments, including combating trafficking in human beings, refugees, and displaced persons, persons at risk of displacement***

Rapporteur: Mr. Dustin DeGrande, Political Officer from the U.S. Mission to the OSCE in Vienna

**No. of statements: 50**

Delegations: 15

Civil society: 33

OSCE institutions: 1

International organizations: 1

**Rights of reply: 10**

This session examined the fight against trafficking in human beings, especially within vulnerable populations like refugees and displaced persons, as well as humanitarian considerations of persons at risk of displacement.

Moderator Valiant Richey, the OSCE Acting Coordinator for Combatting Trafficking in Human Beings explained that the session would prioritize identifying vulnerabilities from migration. He highlighted the need for better procedures for identifying trafficking victims, applying those procedures consistently, and encouraging bilateral and multilateral cooperation. He encouraged participants to make good use of guidelines being developed by ODIHR and its partners.

UNHCR Special Envoy for the Central Mediterranean Situation Vincent Cochetel reported on human trafficking trends along the Mediterranean routes, warned of a lack of progress in European states since the April 2018 trafficking in persons conference in Vienna, and offered recommendations for what participants could do from now. He noted a growth in trafficking in and around Libya due to the commoditization of migrant smuggling and need to monetize their investments or risk losing money. Special Envoy Cochetel called for restrictions on importing unsafe boats, which, he reported, have killed more people than Libya's civil war in 2012. He warned of gaps in effective care networks and lack of information for victims in Europe.

Survivors of Prostitution-Abuse Calling for Enlightenment (SPACE) International Founder Rachel Moran argued that every participating State has the responsibility to eradicate prostitution. She explained that trafficking is prevalent in prostitution, often because sex workers begin working as minors, falling under the Palermo Protocol definition of trafficking.

Interventions from participating States and civil society organizations debated the root causes and responsibility for displacement and displaced persons, and whether prostitution should be criminalized or sex workers protected. They noted that women and children were at particular risk. Several interventions voiced support for ODIHR's National Referral Mechanism Handbook. A majority of participating States described

their cooperation on a comprehensive law enforcement and protection network, with a special focus on human trafficking and a humanitarian approach. Many urged a focus on the “four P’s”: prevention, prosecution, protection, and partnerships. They noted that organized crime, smuggling, and trafficking often overlap, with the same perpetrators and requiring a combined response. They urged stakeholders to disrupt the business model while providing assistance to victims. Many delegations noted the leading roles played by UNHCR and IOM in the issues of displaced persons, refugees, and trafficking in human beings, with the OSCE playing a complementary role. Some participating States expressed appreciation for the work being done by the OSCE Office of the Special Representative and Coordinator for Combating Trafficking in Human Beings. There was general agreement that a holistic, cross-border approach is required, requiring capacity building within states and cooperation between them.

**Recommendations** made by participants during this session include (non-exhaustive list):

**Recommendations to the OSCE participating States:**

- Provide additional assistance to the criminal information cell in Sofia and/or the regional center in Khartoum.
- Make information available to potential trafficking victims, regardless of their status.
- Investigate the flow of financial transactions to identify perpetrators
- Ignore calls from some civil society organizations to decriminalize prostitution.
- Encourage participating States to create their own watchlists of traffickers and share these with others.
- Encourage the drafting and implementation of legislation to protect trafficking victims and enable the prosecution of traffickers.
- Support ODIHR’s project to update the National Referral Mechanism Handbook.
- Ensure the rights of internally-displaced persons for a safe voluntary return.
- Join the UN Call to Action.
- Implement existing OSCE commitments, and use the OSCE as a platform for sharing best practices.
- Train volunteers and officials in recognizing signs of trafficking.
- Address the underlying causes of migration and trafficking.
- Cooperate internationally across law enforcement bodies.
- Resist extradition if there is a risk of harassment or torture upon their return.
- Consider the needs of disabled persons in responding to migrants.

**Recommendations to the OSCE/ODIHR:**

- Continue to support the UN High Commissioner for Human Rights’ (UNHCR), International Organization for Migration’s (IOM), and the International Labor Organization’s (ILO) leading role in addressing displaced persons, refugees, migrants, and trafficking in human beings, with OSCE playing a complementary role.
- Develop with participating States and partners transnational mechanism to combat trafficking in human beings.
- Support the human rights of vulnerable groups.



- Focus efforts within the framework of the Four P's.
- Continue to coordinate with civil society.
- Conduct a review of OSCE commitments, followed by an ODIHR report.

***Working Session 15: Tolerance and non-discrimination II (continued), including:***

- ***ensuring equal opportunity for women and men in all spheres of life***
- ***implementation of the OSCE Action Plan for the Promotion of Gender Equality***
- ***prevention of violence against women***

Rapporteur: William Ekås Sæter, First Secretary, Permanent Delegation of Norway to the OSCE

**No. of Statements: 38**

Delegations: 17

National Human Rights Institutions: 2

Civil Society: 16

International Organizations: 1

Media: 2

**Rights of Reply: 5**

The first introducer, Ambassador Melanne Vermeer, Special Representative of the OSCE Chairperson-in-Office on Gender, stated in a video-address that gender equality is of special importance in the human dimension of security. Gender equality leads to progress for all and is a key part of the Sustainable Development Goals. Amb. Vermeer specifically noted the Women, Peace and Security Index developed jointly by the Georgetown Institute for Women, Peace and Security and the Peace Research Institute, Oslo.

Amb. Vermeer expressed concern for pushback against the Istanbul Convention due to its usage of the term gender. The opponents of the term have fielded unfounded criticism and misrepresented gender equality. Violence against women, and its manifestation in domestic violence, is not a private matter, neither traditional nor cultural, but criminal. In societies in which the lack of rule of law allows impunity for such crimes, there is greater tolerance for violence in general. In order to counter such violence, Amb. Vermeer held that men's participation is necessary, and that men must take part to address inequality as stakeholders and co-beneficiaries.

The second introducer, Ms Gordana Čomić, Deputy Speaker of the National Assembly of Serbia, noted the innovation that is female participation in politics, a domain from which women were previously excluded. However, even though the participation of women in politics now is a legal right in many states, the realisation of this right can still be difficult. Ms. Čomić specifically emphasised the experience of women in Serbia. She noted the importance of women politicians as agents of change and how the OSCE and ODIHR are indispensable for revitalising the discourse of human rights.

Drawing on experience from Serbia, Ms. Čomić argued that some issues relevant for women go above and beyond party lines. Among these are violence against women, representation of women in public bodies, female entrepreneurship, health care, and

grassroots organisation. The assistance of OSCE field operations has been important in addressing these issues.

Ms. Čomić also warned of the dangers of populism: a force that brings not harmony, but nightmarish images of enemies and fear. Women politicians must draw on the expertise of the OSCE and ODIHR in order to combat injustice, intolerance and populism in order to change our societies for the better.

The third introducer, Dr. Henri Myrttinen, Head of Gender and Peacebuilding at International Alert, opened by stressing the importance of a comprehensive approach to prevent and counter gender based violence. It is necessary to look at specific vulnerabilities and the root causes that drive perpetrators to violence. Among these are gendered expectations and norms. Moreover, gender intersects with socioeconomic conditions to create risks. As an example, Dr. Myrttinen explained how controlling behaviour from men is not caused only by male thoughts on how men are to behave, but from behavioural expectations from other men and women around them. These expectations are in part determined by social and economic conditions. To complicate matters, there is not always a clear cut line between survivors and perpetrators.

On violence against women in conflict, Dr. Myrttinen noted that such violence is an exacerbation of pre-existing violence in peacetime. Specifically concerning has been the rise of new types of violence, such as online misogyny and trolling, transcending the borders of the online sphere. There have been some recent horrific cases of violence with roots in online misogyny, such as mass shootings in Canada and Finland and the killing of British Member of Parliament Joanne Cox.

On a positive note, Dr. Myrttinen noted that much good work is being done towards preventing violence against women. He took specific note of work in the Western-Balkans on toxic masculinities, and in Tajikistan on changing gender dynamics through life skills training, economic empowerment and income-generating activities.

Many participating States spoke about the advances within their own domestic situation, including adoption of national legislation, ratification or signature of the Istanbul Convention, support to survivors of gender based violence, including practical measures such as helplines and shelters. Others reported on increased participation of women in politics and public life. In some participating the states, the Istanbul Convention was reported to recently have entered into force.

Several participating States held that gender equality has significant importance and is at the core of values of more than half of participating States. In order to address gender equality in the OSCE region, several participating states called for the full implementation of the OSCE Gender Action Plan. Some participating States also called for an update of the plan.

Several speakers spoke on the specific situations of women in several participating States. Some participating States congratulated other participating States on advances towards gender equality, but also expressed concern about backsliding in others.

One speaker expressed concern about the laws governing child protection services in one participating State and noted similar worries in others. Another speaker noted the specific situation of male, female and transgender sex workers in some participating States, including violence perpetrated by law enforcement.

More than one speaker drew attention to the issue of the amendment to legislation of one participating State that decriminalized domestic violence. In responding, the participating State claimed that the law is positive for society and that administrative action may be taken to counter such behaviour.

Multiple speakers noted the intersections forms of discrimination experienced by some groups, including groups such as the LGBT and the disabled. They called on participating States to address intersecting and double discrimination through legislative and practical measures.

Several speakers noted the importance of civil society to address gender equality. One speaker drew on the experience of a women's network in one participating State and recommended that similar networks be established in others. Other speakers called on stakeholders to avail themselves of the expertise of the OSCE and ODIHR.

One speaker expressed concern about international standards for sex education and the sex education curriculum in one participating State. In exercising its right of reply, the state in question indicated that the speaker's representation of the curriculum was inaccurate and that sex education has legitimate public health interest.

An international organisation explained that the aim of the Istanbul Convention is only to combat violence against women. Concern was also expressed for a widening gap between the rights afforded women and the implementation of these rights.

One national human rights institution (NHRI) emphasised the importance of national equality bodies and called on participating States to establish such bodies. Another NHRI reported on its mandate and on recommendations it has issued.

One media institution expressed concern that gender equality does not build a positive culture, while another devoted its intervention to the rights of the child.

In exercising their right of reply, participating States responded to specific criticisms directed at them and expressed gratitude for the recommendations offered. One participating State expressed dissatisfaction with interventions that were off-topic.

In wrapping up the discussion, Dr. Myrntinen was pleased to have heard many examples of mechanisms to prevent violence against women. He expressed his gratitude to civil society for doing important work and for highlighting the specific vulnerabilities of certain groups. Ms. Čomić indicated that there is a lack of mainstreaming of human rights in our societies and thanked the OSCE and ODIHR for

their persistent defense of human rights. In countering the forces of intolerance, xenophobia and populism, Ms. Čomić recalled the importance of the Universal Declaration of Human Rights.

**Recommendations** made by participants during this session include (non-exhaustive list):

**Recommendations to the OSCE participating States:**

- OSCE participating States should find their own solution to the universal problem of sexual violence or any other form of harassment;
- Participating States, which are currently involved in conflict mediation, should ensure that women take an active role in the development of peace settlements in keeping with UNSCR 1325;
- OSCE participating States should take meaningful action to implement the 2004 OSCE Action Plan for the Promotion of Gender Equality and to fulfil MC Decision 8/14 to elaborate an addendum to the Gender Action Plan;
- OSCE participating States should reach an agreement in Milan on an OSCE MC Decision on Combating Violence against Women;
- OSCE participating States recognize the pervasive and disproportionate abuse, harassment, and violence women face online, and that this recognition is followed by the adoption of policies and programs to address this serious human rights issue;
- OSCE participating States fully recognize the relevance and benefits to our collective security of women's full participation in all decision making processes and that UN resolutions on Women, Peace and Security are reflected in OSCE decision and commitments;
- OSCE participating States should partner with domestic and international civil society organizations to address systemic barriers that drive discrimination against women and girls;
- All participating States should fully implement our OSCE commitments with regard and furthermore ratify and implement the Istanbul Convention on Preventing and Combating Violence against Women and Domestic Violence;
- OSCE participating States need to pay particular attention to mobilizing men and boys in order to shift social norms and transform social roles towards greater equality;
- OSCE participating States should strengthen gender mainstreamed approach to emerging challenges by focusing strongly on prevention of violence and development of peaceful resolution skills from very early age; redevelop, foster and spread the culture of tolerance, mutual understanding, cooperation, inclusion and promotion of non-aggressive standards of living;
- OSCE participating States should advance efforts within the Organization to use adequate and clear language regarding "gender equality" which complies within the common, ordinary and generally accepted understanding of the expression;
- OSCE participating States should provide inclusive education to women with disabilities, address the lack of access to health care to women with disabilities in conflict zones and promote the inclusion of women with disabilities in political and public life;

- OSCE participating States to respect national independence and stop applying gender politics to interfere in national affairs;
- Participating States should reconsider sexual education programmes for children;
- Governments, who have not implemented UN Committee's recommendations, should decriminalize sex work, terminate police raids and forcibly testing on HIV and sexually transmitted infections and introduce mechanisms for monitoring violence against sex workers by the police. Also make decisions and develop laws related to sex workers and their meaningful participation.

**Recommendations to the OSCE institutions, executive structures and field operations:**

- OSCE should assist the participating States in fulfilling gender equality and eliminate violence against all groups of women, including sex workers;
- ODIHR in its next publication on violence against women, should devote particular attention to the harmful impact that today's hyper-sexualized culture has on women, especially young women and girls;
- ODIHR and the OSCE Gender Section should solicit best practices from around the OSCE region and assist participating States in implementation of such best practices regarding women's equal participation in public and political life and eliminating violence against women;
- ODIHR should continue supporting women's networks which is a very important tool in promoting gender equality. Especially this applies to countries where women's rights are being increasingly restricted;
- Measures should be taken to combat violence against women.

**Recommendations to OSCE institutions and participating States:**

- OSCE institutions and participating States should double efforts towards the achievement of gender equality;
- OSCE institutions and participating States adopt an OSCE Action Plan on Combatting Violence Against Women;
- OSCE institutions and participating States should focus more concretely on implementation of the Women, Peace and Security Agenda, most notably but not exclusively in the First Dimension, including through the adoption of OSCE-wide Action Plan on implementation of UNSC resolution 1325;
- OSCE institutions and participating States should elaborate the OSCE's gender markers system, compliant with OECD DAC standards in this regard as a central component of the Secretary General's annual report on gender equality, which should be shared with participating States to ensure full accountability and an effective reporting regime;

***Working Session 16: (specifically selected topic): Combating racism, xenophobia, intolerance and discrimination.***

Rapporteur: Ms Cordula Geinitz, First Secretary, Permanent Mission of Germany to the OSCE

**No. of Statements: 35**

Delegations: 11

Civil Society: 22

International Organizations: 2

**Rights of Reply: 10**

The first introducer, Mr Philippe Leclerc, UNHCR Representative in Greece, reported about experiences to combatting hate crime since 2011 and specifically since the influx of around one million migrants and refugees in 2015. Racism and xenophobia are violations of core principles of the UN and their exercise can have negative impact on the quality of asylum seekers' treatment and can threaten refugees and asylum-seekers throughout their displacement. The particular vulnerability of these groups and the mixed migration flow in the EU are specific challenges. He presented the UNHCR's strategic approach on racism, xenophobia and related intolerance (2009). Based on this and together with the Greek side, in 2011 a Racist Violence Recording Network (RVRN) was established. It provides a data collection system and a victim's centred support approach. Its effectiveness has been widely acknowledged, and in coordination with ODIHR it has been agreed to build similar coalitions in other countries and use RVRN as a best practice example. One particular challenge has been reporting with regards to undocumented migrants or asylum-seekers, another, reporting on attacks within the communities. A cooperative, bridge-building approach between police, justice authorities, NGOs, and victims has proved to be most effective, and the political will of a state to offer effective solutions is directly proportionate to the results. More needed to be done to work on attitudes.

The second introducer, Ms Nikica Hamer Vidmar, Ministry of Justice Croatia, Head of Independent Service for Victim and Witness Support, reported on national methods and steps to combatting racism and intolerance. With the aim of empowering victims, respect and the will of cooperation are at the core of all efforts; to achieve them, trust needs to be built up by open dialogue without prejudices. Several measures have been stipulated: campaigns and roundtables on countering hate speech and racism, monitoring implementation, introducing standardized procedures. Various stakeholders have been included, from ministries to Ombudsperson and a peace centre. Regular meetings of working groups and monitoring groups have been introduced. In the Criminal Procedure Act, the obligation to notify their rights to the victims has been introduced. The groups report to ODIHR (THACLE programme), and the EU-Fundamental Rights agency is acknowledging their work.

Many speakers made a link between the migration flows of recent years and the increased need to address racism, xenophobia and discrimination. OHCHR declared

migration the modern form of slavery and called on participating States and on ODIHR to implement the UN Durban Plan of Action to strengthen the rights of victims of racial discrimination.

The Council of Europe reminded that the European Convention of Human Rights puts individual rights at its heart including the prohibition of discrimination. It reminded of several specific instruments adopted throughout the last decades, such as the Framework Convention for the Protection of National Minorities, the European Charter for Regional or Minority Languages, the instruments of the European Commission against Racism and Tolerance (ECRI) with monitoring tasks and the Recommendation on measures to combat discrimination on grounds of sexual orientation or gender identity.

Many participating States put commitments to combat hate crimes such as contained in Athens 2009 at the centre of their approach and stated that hate crimes and attacks were unacceptable. Challenges were seen in improving the lack of reporting (the under-reporting issue) and the need to provide support to victims of hate crime, including through close cooperation and support for civil society. The issues of the use of the internet and social media for spreading hateful messages and the role of media in increasing or decreasing intolerance within a society were also discussed. The impact of education and media on children's attitude was also raised. Many participating States and CSOs stressed the need to better investigate and combat crimes committed with a bias motive and to that end, train for law enforcement staff.

Several delegations from various regions presented national steps and developments to improve tolerance within and integration of their national society. These measures included legislative hate crime regulation, or trainings and education measures for police officers but also for teachers, round table initiatives between several civil society groups, modern reporting methods e.g. via e-mail or monitoring of social media, medical and psychological support measures. Cooperation with HCNM was also highlighted as very useful. With regards to the example of one participating State, one NGO reminded that vague formulation of laws and their selective application by judicial authorities did rather contribute to discrimination than to combatting discrimination. Another delegation drew attention to the fact that not only minorities but also majority groups could be victims of hate crimes. With regard to the exercise of religion and belief, places of worship including those of Christians must be respected and acts of devastation not accepted.

ODIHR's activities in collecting and reporting on disaggregated hate crime data, supporting trainings for law enforcement and prosecutors and supporting civil society in addressing hate crimes were welcomed by many speakers; NGOs emphasized that the political will of governments to improve hate crime investigation and disaggregated reporting was crucial.

One participating State emphasized that neonacism was on the rise especially in some countries of Eastern Europe and that in one participating State legislation even allowed



glorification of nationalism. It was also mentioned that the prohibition of learning in one's mother minority tongue was discriminative. Several NGOs stated that the respective participating State must also respect all principles laid down in Helsinki Final Act and not discriminate certain groups of populations in certain areas, including with the very measures regarding language and culture.

Several NGOs from various regions highlighted the double discrimination of LGBT and national minority or ethnic groups, such as Roma and Sinti or people of African descent; other reminded of the disadvantaged situation of persons with disabilities in conflict areas. Other manifestations of discrimination such as the situation of orphanage children, or enforced labour migration were also mentioned.

In exercising their Rights of Reply, ten delegations replied to allegations or information provided by CSO and added information on national measures.

**Recommendations** made by participants during this session include (non-exhaustive list):

**Recommendations to the OSCE participating States:**

- collect and maintain hate crime data.
- pay attention to the fact that not only investigation is important but also follow-up after the incidents, improve mechanisms to support victims of hate crimes, their families, next-of-kin and to consider victims of hate crime as the first priority within the investigation of hate crime.
- adopt clear legislation against hate crimes.
- improve cooperation of police and NGOs supporting victims of hate crimes.
- provide all relevant data and to submit them to ODIHR and to support CSOs.
- take all appropriate measures to register and report hate crimes and to foster learning about diversity, tolerance, and to mobilise youth.
- make sure that combating hate crimes is a priority throughout the whole police system; adopt relevant recommendations and instructions on effective investigations and show the political will to convey the message that hate crimes need to be investigated.
- ensure that victims of hate crime are protected and to adopt preventive measures through training and educational programmes.
- promote respect for places of worship;
- join forces to eradicate hate crimes against minority groups, including ethnic minority.
- strengthen the response to hate crimes, especially towards Afro-American communities through robust and more disaggregated recording of hate crime acknowledging intersectionality and train the first state responders – police officers so that they are equipped to provide safe space for all individuals; and invest in CS providing with legal and social support to victims of hate crimes.
- launch the International Decade for People of African Decent, PAD, follow the Durban Declaration, implement the provisions of ICERD, strengthen or adopt national, regional and international frameworks for PAD, cooperate with the Special

Procedures of UN Human Rights Council that monitor the situation of PAD, especially the UN Working Group of Experts on PAD and the Special rapporteur on Contemporary forms of racial discrimination and xenophobia.

- utilize ODIHR's Contact Point for Roma and Sinti (CPRSI) not only for seeking advice but also services such as the well-developed training on human rights compliant policing in Roma and Sinti communities.
- address hate crimes against migrants of African descent and Afrophobia.
- involve people of African descent in the state institutions or through cooperating with CSOs.

**Recommendations to the OSCE/ODIHR:**

- raise the efficiency of the hate crime reporting tool by providing more disaggregated data including on religious groups, persons with disabilities, LGBT, Roma and Sinti, people of African descent in Europe, in order to address hate crimes constituting security threats
- address the problem of hate speech and radicalisation of youth through educational materials
- draft guidelines on hate crimes against Christians and on the security needs of Christian communities.
- strengthen its capacity-building activities with the focus on hate crimes targeting majority communities.
- continue and increase building capacity of CSOs and the police and law enforcement on hate crime prevention and investigation and to continue the dialogue with the CS and the police
- address vague statutes against hate speech and selective implementation of law against vulnerable groups and establish a formal working group to elaborate guidelines on how laws against hate speech should be formulated and applied.
- continue to host trainings for people of African descent activists.
- Including through its CPRSI, develop and implement national and regional training courses for CSOs on identifying and addressing hate crimes.
- address the rights of people with disabilities.
- include LGBT issue into its agenda, pay more attention to LGBT hate crimes and to introduce training programmes for law enforcement with regard to investigation of hate crimes based on homophobia and transphobia and on support to victims and to provide methodology to investigate these hate crimes.
- include the issue of glorification of Nazism.
- address laws against minority languages.

**Recommendations to RFoM:**

- monitor media with regards to hate speech against ethnic and religious groups.

***Working session 17: (specially selected topic) Combating racism, xenophobia intolerance and discrimination***

Rapporteur Ms. Milica Serdarevic, Ministry of Foreign and European Affairs of the Slovak Republic

**No. of Statements: 30**

Delegations: 6

Civil Society: 23

International Organizations: 1

**Rights of Reply: 10**

This second working session on combating racism, xenophobia intolerance and discrimination was opened by Mr. Andras Kovats, Director of Menedek, and Ms. Johnetta Elzie, US civil rights activist.

In his presentation, Mr. Kovats referred to immigration in Europe, where people are increasingly anxious about the future of their communities, and in several countries politicians take advantage of this: rather than concentrating on solving the problems caused by the sudden arrival of many immigrants or the problems caused by the failed integration of some communities, they themselves fuel the fear and anxiety, often scapegoating whole ethnic or religious minority groups. Possible reasons for this negative attitudes toward immigrants and minorities, defined by researchers, are psychological factors, or sociological, cultural aspects behind negative inter-group attitudes. A recent study on a Eurobarometer survey concludes on a relatively positive tone: The majority of Europeans have direct contact with or regular interaction with non-EU immigrants and quite a few of them have close ties with them. Europeans are broadly tolerant and accepting of immigrants and positively inclined towards initiatives aiming at ensuring their successful integration. However, there are countries where two third or even three quarter of the respondents said that they would feel uncomfortable with social relations with immigrants, whereas in others this proportion is less than ten percent. Regarding the perceived impact of immigrants on society, there are countries where less than a quarter of the people see it positive, and there are others where the overwhelming majority – over three quarters are satisfied with it. There is an interesting tendency: the more often people encounter immigrants (or the more immigrants there are in their countries) the less likely that they will maintain negative attitudes toward them. Interpersonal contact is one of the most effective ways to reduce conflicts between members of a majority and minority group but it doesn't happen automatically when people meet. Only if certain conditions are met. Both groups should have similar social and economic status, they should work for the same goals, they should work for their goals together, without competition. Only then comes personal interaction – that members of the groups should physically meet and interact with each other. Most important is the support of the authorities and the legal and political system. Both groups should feel that the government, the public administration, the law, the police, the education, health and economic institutions are

equally theirs – they are protected, represented and supported in their common endeavours.

The second introducer, Ms. Elzie, highlighted that it is important to identify solutions to the problem of racism, xenophobia, intolerance and discrimination, especially of people of African descent in America. She stressed the need to protect fundamental rights of all people which is a common charge and responsibility. She suggested two solutions, 1. governments can provide resources to support people who are most likely to be victims of hate crimes in telling their story, in speaking truth to power. 2. governments can also provide financial support and technical assistance to activists and protesters to sustain themselves outside of organizations, civil societies or non-profit organizations. She added that too often the lack of resources or social support provided to people most likely to be negatively impacted by racism, xenophobia, intolerance and discrimination result in weakened relationships, fractured communities and countries that as a result don't optimize national economic, and social security. When people are stressed and do not feel connected to one another the conditions for racism, xenophobia, intolerance and discrimination are ripe.

The majority of interventions focused on the importance of implementation of existing tools on combating racism, xenophobia intolerance and discrimination and on respect on human rights. There is a need to develop best practices on effecting and promoting social inclusion of all members of society.

**Recommendations** made by participants during this session include (non-exhaustive list):

**Recommendations to the OSCE participating States:**

- for OSCE participating States, notably for future Chairs to be ambitious and go beyond reactively responding to hate and discrimination, and to consciously and proactively foster inclusive approaches from the start.
- to eliminate laws and policies that discriminate against persons based on their sexual orientation, gender identity or expression, or sex characteristics, and to combat all acts of violence targeted towards LGBT persons.
- to re-examine the commitments that treat xenophobia, intolerance and discrimination as absolutes in light of the understanding that they are not.
- to ensure respect for cultural and national identities of countries in mutual relationships as a first condition of fight against xenophobia.
- to return to true and unrestricted freedom of expression and re-establish a marketplace of ideas rather than permitting "licensed speech".
- to cease prosecuting individuals, including members of the media, for holding dissenting views.
- to respect their commitments from the Ljubljana Ministerial Council Decision 10/05 on tolerance and non-discrimination.
- to remove speech restrictions known as hate speech laws, deal with crimes according to the law, without singling out an emotion.

- to introduce a clear, unambiguous standard for separating unacceptable discrimination from acceptable discrimination.
- In secondary educational institutions work can be done to educate future human rights defenders, to rise their awareness and to rise level of legal culture of adolescents.
- Public organizations should encourage secondary educational institutions in the design of training program and encourage them to pay attention to aspects related to prejudices and hatred and to implement programs to promote tolerance.
- Governments to collect disaggregated data
- to take into account needs of migrants when creating policies that affects them.
- to integrate refugees of African descent in their states and follow up and implement its obligations, including national action plans.
- To include OSCE's Parliamentary Assembly in fighting xenophobia, intolerance and discrimination.
- to develop strategies in order to combat hate crimes.

**Recommendations to the OSCE institutions, executive structures and field operations:**

- to continue their steady work to uproot racism, discrimination and exclusion of all kinds while also seeking and developing innovative and holistic approaches to prevent and tackle these issues.
- OSCE and its Institutions should focus on existing commitments, in line with the Organization's origin and nature, rather than delay the implementation of all commitments by attempting to cover too much ground.
- ODIHR to assist participating States to adopt anti-discrimination legislation, and also to include sexual orientation and gender identity as basis of discrimination. To conduct trainings of police and judiciary officials on this piece of legislation, and also on hate crimes, particularly hate crimes against Roma and Sinti.
- ODIHR to oppose imposition of any sort of speech code or restriction – apart from immediate incitement to violence. To pledge commitment to oppose all efforts, all laws, all systems that would abridge the natural right of free people to speak their beliefs, convictions, opinions without restriction.
- ODIHR to include representatives of national minorities in their structures/work of the organization.

***Working Session 18: Discussion of human dimension activities (with special emphasis on project work)***

Rapporteur: Mr. David Jan Bosschaert, Attaché, Permanent Representation of the Kingdom of Belgium to the OSCE

**No of statements: 6**

Delegations: 3

Civil Society: 1

OSCE Institutions: 1

International Organizations: 1

**Rights of reply: 3**

The session was opened by Mrs. Kateryna Ryabiko, Project Co-ordinator at ODIHR, who introduced the speakers, including a representative of the Ministry of Justice of Greece, a video presentation by the Representative on Freedom of the Media and a presentation by the Luhansk Regional Centre of Human Rights 'Alternative'.

The three presentations focused on practical aspects of their daily work with the respective participating States and ODIHR. They identified examples of tangible outcomes, good practices as well as remaining challenges and lessons learned.

Ms. Maria Giannakaki of the Ministry of Justice of Greece presented the outcome of ODIHR's project "Building a Comprehensive Criminal Justice Response to Hate Crime", which focused on three major lines of action: development of a national, inter-agency agreement on activities and policies to be implemented by relevant authorities and civil society to address hate crime; improving recording of hate crimes; training prosecutors to enhance their ability to address hate crime. A multidisciplinary approach was followed and ensured that national authorities fostered leadership on commitment to the fight against hate crimes.

An intervention by a video titled "Safety of Female Journalists Online" was made by the Representative on Freedom of the Media. This presentation outlined the double line of attack against female journalists, who are being criticized as both journalists and as women. Threats of rape, physical violence and graphic imagery show up in their inboxes and on their social media platforms as they go about their workday. In extreme cases these attacks lead to self-censorship or worse: women retreating from the public sphere, leaving the male-dominated field of journalism with even fewer female voices. The video is part of the the OSCE Representative on Freedom of the Medias online campaign, in close cooperation with International Press Institute (IPI).

Mr. Valeriy Novikov of the Luhansk Regional Centre of Human Rights 'Alternative' discussed the impact that ODIHR's project work had on the development of its own organization, which benefitted of the project "Strengthening Dialogue among Civil Society and with Key Government Stakeholders on Human Dimension Issues in Ukraine". As IDPs the organization ceased its activity in Alchevsk and moved to Kyiv

but the rights of consumers of housing and communal services in Alchevsk still form the main part of the work. Moreover, since the outbreak of hostilities, civil society in Ukraine lacked the knowledge, tools and resources to monitor and document violations of human rights in an area of armed conflict. It was necessary to document facts of human rights violations that could become evidence of violations of international humanitarian law. ODIHR's work positively impacted the work of the Ukrainian NGOs. Luhansk Regional Centre of Human Rights 'Alternative' organization has been involved in the implementation of more than 10 projects, a number of which are directly aimed at reducing the negative consequences of the conflict. Also, only this year the organization took part in the preparation of five reports related to the consequences of the armed conflict on the territory of Ukraine.

The delegations which took the floor expressed their strong support for the work of ODIHR, RfoM, HCNM and the field missions, stressing that their work is integral to underpinning democracy, rule of law and fundamental freedoms. ODIHR's election monitoring work was also endorsed. Geographical imbalances in the work of the OSCE executive structures were pointed out by one delegation. Another delegation pointed out that in countries of conflict, the OSCE should be allowed to operate in the entire territory.

The Project Co-ordinator in Ukraine Vaidotas Verba discussed the national dialogue project in Ukraine, including stakeholders from all around the country. Smaller dialogues were also held to identify issues at the community level, using professional facilitators to mutually search for solutions. This helps authorities to better understand citizens' issues and problems.

An international organization stressed the role of education in the promotion of democracy and human rights. The "Reference Framework of Competences for Democratic Culture" and the new education campaign "Free to Speak, Safe to Learn" were cited as good practices by highlighting commitments to democratic values in schools.

In view of one civil society organization, ODIHR should monitor participating States more closely in relation to implementing commitments regarding IDPs and electoral observation.

**Recommendations** made by participants during this session include (non-exhaustive list):

**Recommendations to the OSCE participating States:**

- Participating States should avail themselves of the services offered by the OSCE executive structures, in enhancing the implementation of commitments, including by facilitating visits and monitoring missions.

**Recommendations to the OSCE institutions, executive structures and field operations:**

- Executive structures should continue to coordinate closely with each other and as well as with other relevant international and regional organisations, such as the United Nations and the Council of Europe, in order to learn from one another's experiences and to exchange best practice with a view to avoiding duplication and to maximising the impact of activities, including project work.
- Executive structures should also continue to develop close cooperation with civil society when designing projects and activities to ensure increased participation of civil society in the implementation phase. There may be scope for 'pathfinder' projects to illustrate a particular issue and set an example.



## COMPILATION OF WRITTEN RECOMMENDATIONS

*This compilation contains recommendations submitted to the HDIM Documentation Centre in accordance with the established procedure. The compilation is organized by working sessions and by what was submitted by delegations / international organizations / civil society to participating States and, separately, to OSCE institutions / field missions or other international organizations. Recommendations are compiled in original language. This compilation contains recommendations from all documents received at the HDIM Documentation Centre by the end of working session 5; documents received after this time will be included later in the consolidated summary.*

**Monday, 10 September 2018**

### Opening Plenary Session

#### *Recommendations to participating States*

##### **Austria/European Union**

To Russia:

- The European Union is deeply concerned about the continuous deterioration of the human rights situation in the Georgian regions of Abkhazia and South Ossetia. The ongoing violations of freedom of movement, including the continuing “borderization” process and closures of crossing points, the restrictions of property rights and education in native language as well as severe obstacles to the rights of displaced persons are areas of particular concern. The European Union renews its call to the Russian Federation to reverse these trends.

##### **United States of America**

To Russia:

- As we open the 2018 HDIM, Mr. Sentsov is in perilous health on the 120th day of his hunger strike to protest Russia’s unlawful imprisonment of over 60 of his fellow countrymen. We call on Russia to release these prisoners. We are alarmed about the prospect of another innocent person dying in Russian custody

To Turkey:

- Over 50,000 citizens - including hundreds of journalists, writers, editors, publishers, translators, rights activists, lawyers, students and elected officials -- are being held on grounds that appear to be politically motivated. All those who have been detained for exercising their fundamental freedoms must be released. We again call on the Turkish government to immediately free Pastor Andrew Brunson, the other U.S. citizens it has detained, and our locally employed staff.

##### **Iceland**

To the participating States:

- We call for a better education for human rights and democracy, based on critical thinking and reflection on the basic values of society.

- Iceland has ratified all major international conventions and agreements on human rights and encourages other States to do the same, and advocates for the full implementation of such conventions and agreements.

### **Norway**

To participating States:

- As governments, we must do our utmost to ensure that journalists are safe and enjoy rightful protection in the OSCE area, and media is free to fulfil their independent societal mandate.
- We call on the participating States to support a Global Compact for Migration that will enable us to improve the governance on migration based on burden and responsibility sharing between countries of origin, transit and destination

### **Russian Federation**

To participating States:

- Для эффективного противодействия этим проблемам государствам участникам необходимо солидарно бороться со всеми формами нетерпимости на религиозной почве. Необходимо, наконец, выполнить поручение СМВД ОБСЕ в Базеле 2014 г. о разработке министерских деклараций о противодействии нетерпимости и дискриминации в отношении христиан и мусульман. Недопустимо блокирование отдельными странами работы ОБСЕ на данном направлении.

### **Ukraine**

To participating States:

- We must not allow the human dimension events to be abused by the aggressor state for the purposes of legitimization of the aggression and illegal occupation.

To OSCE:

- We call on the OSCE institutions to use all possibilities to secure the immediate release of the illegally detained Ukrainian citizens – political prisoners in Russia, including Oleg Sentsov, Oleksandr Kolchenko, Stanislav Klykh, Mykola Karpyuk, Roman Sushchenko, Pavlo Gryb as well as Volodymyr Balukh, Server Mustafaiev, Uzer Abdullaiev, Stanislav Aseev and others in the occupied Crimea and Donbas.

## ***Recommendations to the OSCE Institutions***

### **United States of America**

To ODIHR:

- To that end, the United States must object to certain provisions of the Code of Conduct promulgated by ODIHR. A number of the provisions amount to content-based restrictions on the participation of civil society. We need not—and do not—agree with all of the ideas espoused here to defend the right of civil society to participate. When we disagree with the ideas presented, we should respond with alternative viewpoints, not censorship. We are disappointed that the Code of Conduct appears to formalize the latter approach. It should be revised.

## **Ukraine**

To OSCE:

- We call on the OSCE institutions to use all possibilities to secure the immediate release of the illegally detained Ukrainian citizens – political prisoners in Russia, including Oleg Sentsov, Oleksandr Kolchenko, Stanislav Klykh, Mykola Karpyuk, Roman Sushchenko, Pavlo Gryb as well as Volodymyr Balukh, Server Mustafaiev, Uzer Abdullaiev, Stanislav Aseev and others in the occupied Crimea and Donbas.

***Monday, 10 September 2018***

## **Working session 1: Democratic institutions**

### ***Recommendations to participating States***

#### **Austria/European Union**

- Participating States shall take all appropriate measures to establish/consolidate the legal framework for credible, inclusive and transparent elections; and to ensure that all public institutions implement it effectively.
- We encourage participating States to further enhance accountability and transparency of elections, and to provide a genuine possibility for active civic participation, including persons belonging to vulnerable and under-represented groups.
- We invite participating States to support and promote the involvement in public sphere of women, youth, persons belonging to national, ethnic, religious and linguistic minorities, as well as persons with disabilities.
- Participating States shall further engage in promoting political pluralism, and the highest standards of electoral campaigns.
- We encourage participating States to strengthen local governments, and to ensure their effectiveness.
- We encourage them to cooperate with ODIHR EOMs, i.e. through extending early and unrestricted standing invitations, and to fully implement ODIHR recommendations.
- Participating States should refrain from imposing unnecessary limitations on activities of the civil society organizations, and pay special attention to protection of human rights defenders.
- Participating States should focus on tackling corruption with the aim to strengthen public institutions and promote equality.

#### **Russia**

To Ukraine:

- Также хотел бы напомнить об обязательстве Киева по минскому «Комплексу мер» согласовать в прямом диалоге с Донецком и Луганском модальности местных выборов и предоставить этим регионам особый конституционный статус. Однако Киев уже три с половиной года саботирует эти обязательства. Призываем Украину к их выполнению в полном объеме.

To USA and the European Union

- Призываем также США и Евросоюз использовать свое влияние, чтобы побудить Киев прекратить этот саботаж

## **Ukraine**

To Russia:

- I call on the authorities of the Russian Federation to recall the existence of universally accepted principles and norms of international law and to withdraw its armed forces from the territory of another sovereign state - Ukraine. It is about Crimea, the city of Sevastopol, as well as some districts and cities of Donetsk and Lugansk regions.

## **Civic holding “Group of Influence”**

To Ukraine:

- To the Committee on Legal Policy and Justice: Accelerate consideration of Draft Law No. 6240 and recommend it for adoption on first reading by the Verkhovna Rada;
- To the Verkhovna Rada of Ukraine: Adopt Draft Law No. 6240 and provide mechanisms for ensuring the voting rights of IDPs in all elections, including at local level.

## **Crimean Tatar Resource Center**

To Ukraine:

На уровне украинского государства

- Принять закон о коренных народах Украины, таким образом адекватно ввести Меджлис крымскотатарского народа в правовое поле Украины;
- Разработать Национальный план действий по улучшению положения крымскотатарского народа в Украине;
- Разработать механизм институционального представительства Меджлиса крымскотатарского народа в составе украинского представительства в межпарламентском сотрудничестве;
- Создать территорию администрирования Автономной Республики Крым в Херсонской области, с целью восстановления всех органов государственной власти Украины в АРК, а также предоставить благоприятные условия для возвращения крымских татар из мест депортации на данную территорию.

To Russia:

На уровне Российской Федерации и де-факто власти в Крыму

- Исполнить промежуточное решение МС ООН, от 19 апреля 2017 года т.е. отменить решение Верховного Суда России о запрете Меджлиса и позволить ему работать в качестве законного представительного органа коренного крымскотатарского народа на территории Крыма;
- Исполнять все свои обязательства как оккупирующей державы, осуществляющей фактический контроль над Крымом, в соответствии с применимыми нормами международного права;
- Обеспечить беспрепятственную работу представительным органам крымскотатарского народа Курултаю и Меджлису и другим органам Курултая;

- Прекратить преследования крымскотатарского народа и распространения языка вражды; прекратить преследование и незаконное задержание всех жителей Крыма, которые выступают против незаконной оккупации полуострова;
- Освободить политических заключенных в Крыму;
- Исключить из официальных документов и учебных пособий элементы языка ненависти в отношении крымскотатарского народа и украинцев.
- Расследовать насильственные исчезновения Эрвина Ибрагимова и десяти других крымских татар;
- Обеспечить проведение демократических выборов в представительные органы крымскотатарского народа Курултай под патронатом ОБСЕ и других международных организаций.
- To participating States:
- На международном уровне:
- Руководству и государствам-членам ОБСЕ необходимо на постоянной основе, в том числе во время двустороннего сотрудничества, требовать от России исполнения Промежуточного Решения МС ООН, Берлинской Декларации и Резолюций ПА ОБСЕ, резолюции КМ СЕ об отмене решения о запрете Меджлиса;

### **Human Rights Vision Foundation**

To Tajikistan:

- To review the: 2016 discriminatory amendments to the Constitution of Tajikistan, Law "On the election of the president and parliament", Law "On Advocacy", Law "On Public Associations" - and abolish those provisions that are contrary to democratic principles.
- To give representatives of civil society unhindered access to the nomination of their candidature for elections of all levels.
- To bring election procedures in full compliance with OSCE commitments and international standards for democratic elections. To give lawyers independence and freedom in the implementation of their professional activities. To withdraw the Qualification Commission from the control of the Ministry of Justice and assign responsibility for lawyers' qualification to the Union of lawyers.
- Amend the law "On public associations" to ensure the free activity of independent human rights groups with the active participation of civil society.
- To review the aforementioned laws and abolish those provisions that are contrary to democratic principles.
- To give representatives of civil society unhindered access to the nomination of their candidature for elections of all levels. Ensure the unhindered activity of political parties without the danger of persecution and release all arbitrarily detained representatives of the political opposition. To bring election procedures in full compliance with OSCE commitments and international standards for democratic elections.
- To withdraw the Qualification Commission from the control of the Ministry of Justice and assign responsibility for attorneys to attorneys at the Union. To give

lawyers independence and freedom in the implementation of their professional activities.

- Amend the Law "On public associations" to ensure the free activity of independent human rights groups with the active participation of civil society.

### **Latvian Human Rights Committee**

To Latvia:

- To grant to all permanent residents - including non-citizens of Latvia, stateless people recognized under 1954 Convention, and citizens of all OSCE participating states - the right to vote in local elections;
- To grant citizenship, unconditionally and immediately, to all "non-citizens" under age of 18;
- To simplify and accelerate the naturalization procedure;
- To repeal the provisions for depriving local councilors and MPs of their mandates for allegedly insufficient command of Latvian language;
- To adopt without further delay a bill on local referendums, allowing all permanent residents to participate;
- To cancel the prohibition for former activists of legal opposition organizations to run for elections.

### **Paris Bar Association**

To participating States:

- join the call of the OSCE Parliamentary Assembly's Resolution regarding Belarus and the USA, "to establish a moratorium on all death sentences and executions with a view to abolishing the death penalty";
- call on the two countries where a moratorium is in place, namely Russia and Tajikistan, to become full abolitionists in law;
- calls on participating states which are not party to the Second Optional Protocol to the ICCPR and to the Protocols 6 and 13 of the European Convention on the Protection of Human Rights and Fundamental Freedoms to ratify those treaties and to provide information about the ratification process.

### **Promo-LEX**

To Moldova:

- given the high risk of infringement of the international standard on elections, Promo-LEX calls upon the Moldovan authorities to identify solutions for the above mentioned deficiencies and to ensure a corresponding legal framework and social-political environment for the conduct of free, fair and democratic Parliamentary elections

To participating States:

- also addresses to the representatives of the participating states and other international stakeholders the recommendation to monitor the efforts of the Moldovan authorities towards ensuring the free, fair and democratic character of the upcoming Parliamentary elections as well as the implementation of the

recommendations of the Venice Commission and OSCE/ODIHR issued in connection with the recently amended electoral system.

### **Thinkout**

To participating States:

- we need to form a civil front to cooperate with all stakeholders and fractions, instead of searching confrontation.
- People need to reflect about the negative evolution to an anti-Muslim and anti-migrant culture.
- Focus on preventive laws and real prosecutions, instead of remedial action.

### *Recommendations to the OSCE Institutions*

#### **Canada**

- That the OSCE and ODIHR continue to seek opportunities to support civic space and democratic institutions, ensuring the broadest participation of NGOs and other civil society representation from across the OSCE in their events.
- That support for civic space and democratic institutions by the OSCE and ODIHR take into account technological threats as they emerge, and the means to address such threats.
- That OSCE and ODIHR take into account foreign actors' efforts to undermine democracy, and the ways in which we can address such foreign threats, as part of their efforts to ensure free and fair elections can be protected across the OSCE.

#### **Crimean Tatar Resource Center**

На международном уровне:

- Разработать План действий по улучшению положения крымскотатарского народа в регионе ОБСЕ;
- Секретариату ОБСЕ необходимо отказываться принимать официальные доклады или любые другие документы России, в которых Крым упоминается как часть ее территории. Особенно это должны делать секретариаты конвенционных органов, куда Россия подает свои национальные доклады;
- Включить вопрос защиты прав представителей коренных народов и нацменьшинств в Крыму (прежде всего крымских татар и украинцев) в повестку дня официального диалога СЕ – ОБСЕ;
- Необходимо укреплять институциональные возможности правоохранительных органов и общественных организаций Украины, привлеченных к расследованию (мониторингу) нарушений прав человека в Крыму;
- Руководству и государствам-членам ОБСЕ необходимо на постоянной основе, в том числе во время двустороннего сотрудничества, требовать от России исполнения Промежуточного Решения МС ООН, Берлинской Декларации и Резолюций ПА ОБСЕ, резолюции КМ СЕ об отмене решения о запрете Меджлиса;

- Необходимо создать системный диалог ОБСЕ с другими международными организациями и органами (ООН, ЮНЕСКО, Совет по правам человека ООН, СЕ) по ситуации с правами человека в Крыму с целью обеспечения синергии усилий;
- Оказать содействие в обеспечении свободных демократических выборов в представительные органы крымскотатарского народа под эгидой ОБСЕ.

### **Turkmenistan Helsinki Foundation for Human Rights**

To OSCE:

- Здесь модератор постоянно напоминает выступающим: „за ограниченного времени, даваемого для выступающих на данном Совещании просьба озвучивать рекомендации“. Предлагаем ОБСЕ не принимать во внимание многочисленные отписки туркменских чиновников на запросы международных организаций по ситуации с правами человека. Здесь звучат даже предложения считать подобные отписки как саботаж туркменской делегации. Пора искать другие механизмы разрешения ситуации. Предлагаем, не только ставить конкретные задачи и предложения, но и, строго оговорив сроки, следить за их реальным воплощением в жизнь. От имени тысяч и тысяч туркменистанцев, призываем вас быть более настойчивыми в своих требованиях к выполнению Туркменистаном взятых на себя международных обязательств.

### ***Recommendations to the International Organizations***

#### **Crimean Tatar Resource Center**

На международном уровне:

- Включить вопрос защиты прав представителей коренных народов и нацменьшинств в Крыму (прежде всего крымских татар и украинцев) в повестку дня официального диалога СЕ – ОБСЕ;
- Необходимо укреплять институциональные возможности правоохранительных органов и общественных организаций Украины, привлеченных к расследованию (мониторингу) нарушений прав человека в Крыму;
- Необходимо создать системный диалог ОБСЕ с другими международными организациями и органами (ООН, ЮНЕСКО, Совет по правам человека ООН, СЕ) по ситуации с правами человека в Крыму с целью обеспечения синергии усилий;

#### **Promo-LEX**

- also addresses to the representatives of the participating States and other international stakeholders the recommendation to monitor the efforts of the Moldovan authorities towards ensuring the free, fair and democratic character of the upcoming Parliamentary elections as well as the implementation of the



recommendations of the Venice Commission and OSCE/ODIHR issued in connection with the recently amended electoral system.

### **Turkmenistan Helsinki Foundation for Human Rights**

To the European Union:

- Наша рекомендация Комиссии ЕС по правам человека: не пора ли полностью публиковать все обсуждаемые вопросы с официальными представителями делегация Туркменистана в вопросах человеческого измерения? Иначе все это выглядит как Мюнхенский сговор.

***Monday, 10 September 2018***

## **Side Event: Human Rights beyond the Playing Field: example of the FIFA World Cup 2018 (Monday, 10 Sep, 13:15)**

### ***Recommendations to participating States***

#### **Youth Human Rights Movement**

Guidelines on Human Rights for the states to meet in order to host major international events must be discussed and developed, but before and meanwhile common approaches to address the current shortcoming should be sought. We believe that they may be based on the following assumptions:

- Large-scale international sporting events, especially in the countries with a questionable human rights record, regularly become a rationale for additional limitations of fundamental human rights like the freedom of assembly, freedom of expression and the liberty of movement.
- As our analysis shows, in many cases these restrictions are disproportionate to the declared goal of providing security for participants, fans and ordinary citizens and are used more as a pretext to silence dissent and thus constitute a derivation from international human rights obligations.

### ***Recommendations to the OSCE Institutions***

#### **Youth Human Rights Movement**

- Intergovernmental bodies and institutions having protection of human rights as part of their mandate (OSCE ODIHR among them) should enter into dialogue with international sports organizations on these issues and initiate the development of common approaches, standards and mechanisms in this area (for example, in the form of general recommendations / guidelines for all sports organizations) with mandatory involvement in this process of civil society experts.

## *Recommendations to the International Organizations*

### **Youth Human Rights Movement**

- International sports entities, which organize these events, do little to address such violations. No clear human rights guidelines exist for the organizers to meet in order to be legible and few oversight mechanisms in place look beyond administrative and technical capacity and focus on human security dimension of such events. It's symptomatic that FIFA, for instance, focuses more on guaranteeing beer sales at the stadiums, than on enforcing labour regulations or reacting to the jailing of dissenters or bans on assemblies. Therefore, the responsibility lays not only with the states but also with major sport entities, such as FIFA or IOC.
- As international sports organizations do not have their own expertise in the field of human rights, they should cooperate with relevant intergovernmental bodies and institutions, as well as with civil society, to monitor and prevent human rights violations that are either by the events they sponsor and organize or take place during such events and in relation to them.
- Joint efforts of intergovernmental bodies and civil society organizations should be aimed to develop specific human rights benchmarks to be met by the states applying to host international sports events and to introduce relevant oversight mechanisms.

*Tuesday, 11 September 2018*

## **Working session 2: (specifically selected topic): Freedom of the media**

### *Recommendations to participating States*

#### **Austria/European Union**

To participating States:

- Fully respect their international obligations and commitments on freedom of expression and media freedom, in particular to create and maintain a safe and enabling environment so that journalists may perform their work independently and without undue interference.
- Take active steps to prevent and respond to violence and harassment against journalists ensuring that all those responsible are brought to justice, paying special attention to gender based violence online and offline.
- Engage constructively with the Representative on Freedom of the Media and make use of his expertise and recommendations.
- Respect the mandate and autonomy of the Representative and provide him with the necessary resources to fulfil the mandate.

## **United States of America**

To participating States:

- We call on all participating States to implement their commitments on the safety of journalists and on advancing a free, independent, and pluralistic media.

To Malta:

- Investigative journalists seeking to expose crime and corruption tend to be at greatest risk. Daphne Caruana Galizia, a Maltese journalist known for her investigations into international organized crime and its connections to the Maltese government, was assassinated in October 2017 by a bomb planted in her car. She had been harassed and intimidated for years. Three suspects with links to organized crime are in pretrial detention, but it remains unclear who ordered the assassination. In February, Slovakian investigative journalist Jan Kuciak and his fiancée were shot dead in his home. Public outrage over his murder forced the resignation of multiple cabinet officials in Slovakia, but so far there have been no indictments. The United States calls on Malta and Slovakia to do everything possible to bring to justice all those responsible.

To Russia

- Russia stands out in the OSCE region for its long history of impunity for the killings of journalists. After all these years, we still call for justice in the cases of Paul Khlebnikov, Natalia Estemirova, Anna Politkovskaya, and at least 30 others who have been killed since 1992, according to the Committee to Protect Journalists. Just this April, Russian journalist Maxim Borodin died under suspicious circumstances, falling from a fifth-floor window. Borodin is one of several journalists who died this year while investigating the murky activities of the Wagner paramilitary group. The United States urges Russia to investigate these deaths, end impunity, and take steps to prevent future violence against journalists.

To Slovakia:

- Investigative journalists seeking to expose crime and corruption tend to be at greatest risk. Daphne Caruana Galizia, a Maltese journalist known for her investigations into international organized crime and its connections to the Maltese government, was assassinated in October 2017 by a bomb planted in her car. She had been harassed and intimidated for years. Three suspects with links to organized crime are in pretrial detention, but it remains unclear who ordered the assassination. In February, Slovakian investigative journalist Jan Kuciak and his fiancée were shot dead in his home. Public outrage over his murder forced the resignation of multiple cabinet officials in Slovakia, but so far there have been no indictments. The United States calls on Malta and Slovakia to do everything possible to bring to justice all those responsible.

To Ukraine:

- In Ukraine, the 2016 killing of renowned journalist and Russian citizen of Belarusian origin Pavel Sheremet remains unsolved. We urge the government to redouble its efforts to bring accountability for the murder and for other recent attacks on members of the press

## **Canada**

- OSCE participating States should respect their commitments and international obligations regarding freedom of the media, both online and offline, and should ensure that any restrictions on the freedom of expression are prescribed by law, transparent, and demonstrably justified as not undermining a free and democratic society.
- OSCE participating States should address the changes in the media environment and the threats that journalists now face, and should take steps to ensure that OSCE commitments are strengthened to meet these new challenges.

## **Finland**

In order to further promote freedom of the media and access to information:

- We call on participating States' authorities to ensure full and transparent investigation of all attacks against journalists.
- We appeal to all participating States to sign, ratify and implement the Council of Europe Convention on Access to Official Documents.
- We also call on all participants, governments and civil society alike, to actively promote provision of media literacy training for youth, both through formal and informal education, in order to build resilience to disinformation.

## **Switzerland**

To participating States:

- Le cadre légal international assurant la sécurité des journalistes et la liberté d'expression est bien développé. Nous recommandons à présent aux Etats-membres de l'OSCE d'accélérer et de renforcer sa mise en œuvre, notamment sur la base du plan d'action des Nations Unies sur la sécurité des journalistes et la question de l'impunité. La Suisse appelle également les Etats-membres de l'OSCE à faire cesser les attaques contre les journalistes, car elles mettent en péril l'accès à l'information, la liberté d'expression et la démocratie.

## **Crimean Tatar Youth Center**

To Russia:

- Adhere to their international obligations and fully comply with their obligations arising from the Charter of the United Nations, the Helsinki Final Act, other norms and principles of the international law, as well as the principles and commitments within the OSCE".
- To ensure unhindered work for independent journalists, bloggers, streamers and human rights defenders at court hearings in Crimea, during searches, detentions, etc.;
- To observe the rights of journalists while performing their professional duties;
- To stop the persecution of the Crimean Tatar people.

## **Human rights platform 'Uspishna Varta'**

To Ukraine:

General recommendations on the right to freedom of speech and opinion in Ukraine. In order to ensure the right to freedom of speech and opinion enshrined in Article 34 of the Constitution of Ukraine, as well as in Article 10 of the European Convention on Human Rights and Fundamental Freedoms and Article 19 of the International Covenant on Civil and Political Rights, ratified by the state of Ukraine, the following measures should be taken.

### The President of Ukraine:

- To take measures to stop pressure being put on the media and provide explanations for the intervention of the head of state or his subordinates in the activities of issuing licenses and the organization of media inspections.
- Recall the representatives of the National Council of Ukraine on Television and Radio Broadcasting, appointed by the quota of the President.
- In order to restore freedom of speech and exchanging information on the Internet, the prohibitions on accessing popular social networks and websites, which were introduced by the decrees of President Poroshenko in May 2017 and May 2018 within the framework of sanctions against Russia, should be lifted.
- To impose a moratorium on the use of "separatist" articles of the Criminal Code by the Security Service and law enforcement bodies in relation to media representatives, the blogosphere, and Internet users, as well as the tapping and surveillance of journalists by the SBU.
- To officially recognize the existence of political prisoners in Ukraine and to stop the prosecution of those whose cases are in the courts or at the pre-trial investigation stage; to promote amnesty and the rehabilitation of already convicted political prisoners.
- To abandon the informal support for bloggers and opinion leaders (the so-called "Porokhobot") who demonstrate hatred and the practice of cyber-bullying against journalists and bloggers expressing an alternative position;

### The Parliament (Verkhovna Rada Of Ukraine):

- To bring legislation in line with international standards and the recommendations of the Council of Europe, the quotas for the Ukrainian language on television and radio should be reduced to 50%. The legislation of Ukraine regarding the introduction of language quotas (laws No. 3822-d of June 16, 2016 No. 5313 of May 23, 2017) should be revised by the Parliament as it contradicts:
  - Article 34 of the Constitution of Ukraine, which guarantees the right to freedom of thought and speech, to freedom of expression and belief;
  - Article 10 of the Constitution of Ukraine, which guarantees the free development, use, and protection of Russian and other languages of national minorities of Ukraine;
  - Article 10 of the European Convention on Human Rights and Fundamental Freedoms and Article 19 of the International Covenant on Civil and Political Rights, ratified by the state of Ukraine;

- The obligations of the state of Ukraine under the European Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages
- To restore the right to the free exchange of information and to remove all restrictive measures, including bans and restrictions on the import of Russian books, broadcasting of Russian films, and the entry of Russian actors, introduced by the Ukrainian Parliament in 2015-2017. Such bans and restrictions violate the right to freedom of movement, information, and ideology, as well as the expression of one's own opinion, which are enshrined in the Constitution of Ukraine and in international acts ratified by Ukraine. In order to restore the right to the free exchange of information, all restrictive measures should be removed by amending the legislation:
  - Law of Ukraine No.1317 "on amendments to some laws of Ukraine concerning the protection of the information television and radio space of Ukraine" dated December 09, 2014;
  - Law of Ukraine No.3359 "on amendments to the Law of Ukraine 'on cinematography' (concerning films of the aggressor state)" dated 27 October 2015;
  - Law of Ukraine No. 5114 "on amendments to some laws of Ukraine concerning the restriction of the Ukrainian market's access to foreign printed materials with antiUkrainian content" dated December 8, 2016;
  - Law of Ukraine No. 6682 "on amendments to the Law of Ukraine 'on tour events in Ukraine' regarding the features of organizing and conducting tours with the participation of citizens of the aggressor state" of July 11, 2017, and others
- The law "on the condemnation of the Communist and national-socialist (Nazi) totalitarian regimes in Ukraine and the prohibition of propaganda of their symbols", better known as the "law on decommunization" (2015), should be finalized in accordance with the recommendations of the Venice Commission of 18-19 December 2015. In particular:
  - The law should contain a less extensive and exhaustive list of prohibited symbols; the concept of propaganda should be clearly defined;
  - Only those actions that constitute a real threat to society should entail criminal liability, which should be proportional to the severity of the crime committed, the mere display of symbols or the use of the name should not be punished by imprisonment;
  - The Law should make it clear that the prohibition of any association is a measure of last resort only in exceptional cases, in proportion to the gravity of the crime. This is especially true of political parties in light of their important role in a democratic society, and the like.
  - The law should regulate equally the scope and detail of the description of acts related to both ideologies – Communist and Nazi.
- Refuse to consider bills that threaten the free development of the Internet in Ukraine and create a threat of extrajudicial blocking of Internet resources.
- To hold parliamentary hearings on freedom of speech in Ukraine without delay.

- To regulate the activities of the National Council of Ukraine on Television and Radio Broadcasting:
  - Listen to the report and to recognize the unsatisfactory work of the National Council for 2017.
  - Recall the representatives of the National Council appointed by the quota of the Verkhovna Rada.
  - Ban the National Council for a period of one year from making unscheduled inspections of the media.
  - At the legislative level, to introduce a transparent examination procedure for the content of TV and radio channels, on the basis of which the National Council can make decisions.

National Council of Ukraine on Television and Radio Broadcasting:

- To be guided in their decisions on imposing fines and depriving media licenses by objective criteria and not by political expediency and the unspoken orders of the Presidential Administration;
- Objectively consider the violations committed by the media close to President Poroshenko and his circle, including the proper assessment of the calls of journalists and guests of these media agencies of a xenophobic and anti-Semitic nature.

The Security Service of Ukraine and the National Security and Defence Council of Ukraine:

- Ensure that any restriction of freedom of expression is established only as a specific and individualized way of responding to an obvious threat and is necessary and proportionate;
- To stop the practice of deporting foreign journalists and banning them from entering Ukraine regulated by the decisions of the National Security and Defence Council and carried out by the SBU, which is a violation of the international obligations of Ukraine in the field of human rights. In particular, the participating States of the OSCE have committed themselves to provide conditions for the work of journalists from one of the participating parties in other participant parties.
- To apply the provisions of the legislation on combatting separatism in strict compliance with the obligations of States under Part 1 of Article 19 of the International Covenant on Civil and Political Rights, and should not be used to drown out opposition views or criticism or subject them to criminal persecution. In general, it is necessary to impose a moratorium on the use of the so-called "separatist articles" of the Criminal Code (state treason, encroachment on territorial integrity, overthrowing the constitutional system, etc.) in relation to media workers, journalists, and bloggers.

Prosecutor General's Office of Ukraine, Ministry of Internal Affairs:

- To ensure that the Prosecutor General's office and the National Police conduct a transparent, timely, and effective investigation into attacks against the media and their employees, threats of physical violence, and other criminal acts that may constitute hindering the legitimate professional activities of journalists;
- To provide an objective investigation into the attacks against journalists, including the cases of the murder of Pavel Sheremet and Oles Buzina;

- To provide an immediate, effective, and impartial investigation into possible violations in connection with the activities of the website "Mirotvorets";
- To investigate the activities of the leadership of the National Council on TV and Radio on the topic of preventing journalistic activities.

### **International Platform Global Rights of Peaceful People**

- немецкой делегации с привлечением всех возможных мер дипломатического воздействия поддержать нас, незаконно депортированных Украиной немецких журналистов и добиться отмены запрета на наш въезд в Украину. Предоставить возможность для нашей подачи немецким гражданам объективной информации .
- украинской делегации попытаться разобраться, почему нарушаются права иностранных журналистов и прекратить этот беспредел.

### **Federazione Italiana Diritti Umani - Comitato Italiano Helsinki (FIDU)**

To participating States

- We appeal to all OSCE member states to make a constant monitoring of the situation with the restriction of media freedom in the Republic of Kazakhstan.

### **Freedom Now**

To participating States

- We call on OSCE members to consider applying more focused pressure on governments that fail to respect press freedom, especially for those that are imprisoning journalists and harassing their family members. The mistreatment and harassment of journalists and independent media must not be allowed to silence criticism.

### **Thinkout**

To participating States:

- We need to form a civil front to cooperate with all stakeholders to create a positive sphere in the OSCE region. And the OSCE member states have to follow the footsteps of Germany in fighting against dangerous thoughts such as terrorism.

### **Wiener Akademikerbund**

To participating States:

- That social media platforms be legally to be treated as public areas, open to all
- That censorship, if needed, is done by the state, not by unaccountable organizations

## ***Recommendations to the OSCE Institutions***

### **Canada**

- The Representative on Freedom of the Media should continue to draw attention to the safety of journalists, and to work with OSCE participating States, who should ensure that crimes, violence, and threats against journalists and media workers are taken seriously, journalists are protected, and perpetrators are brought to justice.



### **Russian Federation**

- Мы призываем исполструктуры ОБСЕ обратить пристальное внимание на нарушения прав российских журналистов, защитить их права и законные интересы, а также пресечь порочную практику «чисток» информационного пространства от средств массовой информации, неугодных властям тех или иных стран.

### **Ukraine**

To ODIHR:

- The OSCE ODIHR must continue to be guided by respective OSCE decision that recognizes the legal status of Autonomous Republic of Crimea as integral part of Ukraine (note verbale #303/2018 of 3 August 2018).

### **International Platform Global Rights of Peaceful People**

Рекомендую БДИПЧ ОБСЕ

- призвать Украинские власти к ответственности за незаконную депортацию около 300 иностранных журналистов и провести специальное расследование, в котором наша International platform Global Rights of Peaceful People готова принять активное участие

### **Open Dialogue Foundation**

To OSCE:

- We call on OSCE to ensure that the Kazakhstani authority implement their international obligations concerning freedom of the media and pluralism, improving the number of independent media outlets, as well as ensuring the safety of journalists, bloggers and social media users in the country.

### **Wiener Akademikerbund**

- That OSCE establish a working group on protecting the right of emerging media

## ***Recommendations to the International Organizations***

### **Crimean Tatar Youth Center**

- To send an independent international monitoring mission to Crimea to monitor the situation with freedom of speech and the media;
- To develop an Action Plan to improve the situation of the Crimean Tatar people in the OSCE region;
- To establish a system dialogue of the OSCE with other international organizations and bodies (UN, UNESCO, UN Human Rights Council, CoE) on the situation with human rights in Crimea, including on the situation with freedom of speech and the mass media, in order to ensure synergy of efforts;
- To respond promptly to illegal actions against journalists in Crimea.

*Tuesday, 11 September 2018*

## **Working session 3 (specifically selected topic): Freedom of the media**

### *Recommendations to participating States*

#### **Austria/European Union**

To participating States:

- Fully respect their international obligations and commitments on freedom of expression and media freedom, in particular to refrain from unduly and disproportionately restricting freedom of expression, online and offline, under the guise of fighting extremism or terrorism.
- Devote special attention to the phenomenon of disinformation campaigns.
- Respect the freedom of expression and refrain from propaganda for wars of aggression.
- Engage constructively with the Representative on Freedom of the Media and make use of his expertise and recommendation
- Respect the mandate and autonomy of the Representative and provide him with the necessary resources to fulfil the mandate.

#### **Azerbaijan:**

To participating States:

- States must ensure that their citizens engaging in journalistic activities must comply with laws, rules and regulations in countries they work, including travel restrictions to certain areas within their territories, in case of Azerbaijan which are under military occupation. These restrictive measures are in full conformity with the national legislation and Covenant on Civil and Political Rights.

#### **Centre de la protection international**

To Russia:

- we urge the Russian authorities to fully respect the right to disseminate and receive information in Russia. We also call upon the Russian authorities to follow the recommendations on the role and responsibilities of internet intermediaries made following the second joint OSCE Conference on Internet Freedom on 13 October 2017 and the recommendation of the Committee of Ministers of the Council of Europe on media pluralism and transparency of media ownership.

#### **Human Rights Vision Foundation**

To Tajikistan:

- Not to restrict the activities of independent media and stop harassment and intimidation of independent journalists for their professional activities.
- To put an end to the practice of arbitrary blocking access to news sites, social networks and mobile communication services, and to provide residents of the country with unhindered access to information.

- Abolish the provisions on libel and insult that remain in the Criminal Code, and not to hold accountable for the expression of opinions on socially important issues.
- Abolish the rule adopted in 2015, according to which the media should report on the actions of the government and its policies with a mandatory reference to the messages of the National Information Agency of Tajikistan "Khovar".
- Observe the freedom of information and tolerance for all kinds of legitimate statements and guarantee the fulfilment of the obligations of the Government of Tajikistan entrusted to it by an international legal treaty regarding freedom of speech.

### **Set My People Free**

To participating States:

- We should not immune narratives from debates and critical thinking.
- We should not censor social media.
- We should not alienate people because of their opinion, thought, conscience and belief.
- We need to have the public space open for debate, criticism and analytic thinking and we need to win people through logic, facts and common-sense not through censoring, terrifying or bullying them.

### **SOVA Center for Information and Analysis**

To Russia:

Legal framework undermining freedom of expression online and offline

- Amend legislation aimed at countering violent extremism, to ensure that complies with international standards on freedom of expression:
  - Amend vaguely-termed provisions, including 'extremist activity', 'ideology of terrorism', 'label against USSR policy in WW2', 'degrading human dignity' on various basis, and 'calls aimed at violating the territorial integrity of the Russian Federation', and replace with language in line with international law, prohibiting only actual incitement to violent acts.
  - Repeal provisions introduced by the "Yarovaya package" requiring communications providers to store Internet users' data and grant access to security services without a court order.
- Repeal Article 148 parts 1 and 2 of the Criminal Code on 'insulting religious feelings'.
- Decriminalise defamation, by repealing Articles 128.1, 298.1 and 319 of the Criminal Code.
- Amend the Right to be Forgotten Law to ensure that information already in the public domain is not removed unless this is strictly necessary to avoid harm, and to safeguard against the removal of information in the public interest.

Digital developments affecting freedom of expression and access to information

- Guarantee internet users' right to publish and browse anonymously and ensure that any restrictions to online anonymity are subject to a court order, fully comply with Article 19(3) of the ICCPR:

- Reform the SORM Programme to ensure that security services do not have direct access to communications data;
- Repeal provisions in the Yarovaya package requiring ISPs to store telecommunications data for up to six months and imposing mandatory cryptographic backdoors, and the 2015 Data Localisation law, which grant security service easy access to users' data without sufficient safeguards. Desist from requiring messaging services, such as Telegram, to provide decryption keys in order to access users private communications.
- Repeal Federal Laws № 241-FZ and № 276-FZ, which ban anonymity for users of online messaging applications prohibit Virtual Private Networks and Internet anonymisers from providing access to websites banned in Russia respectively.
- Ensure the free flow of information along and reform legislation and practice to prevent arbitrary and/or politically-motivated blocking of websites, including by:
  - Amending Federal Law 149-FZ on Information, IT Technologies and Protection of Information so that the process of blocking websites meets international standards: any website blocking should be undertaken by an independent court and be limited by requirements of necessity and proportionality. No system can ensure that legitimate content is not wrongfully restricted and as has already happened in Russia, legitimate sites may be blocked because they use the same IP address as "unlawful" sites.
  - Repealing Federal Law 208-FZ requiring search engines to check the truthfulness of public information, and refraining from introducing new legislation imposing liability on search engines for third party content.
  - Repealing Federal Law 327-FZ enabling the General Prosecutor or his/her Deputies to block, without a court order, access to any online resources of a foreign or international non-governmental organisation labeled as 'undesirable', 'information providing methods to access' any resources banned under the "Lugovoi Law", including hyper-links to sites with announcements about unapproved rallies.
- Cease politically motivated prosecutions of Internet users, including those supposedly "justified" on the grounds of preventing extremism, separatism and offending religious believers, and those administrating anonymising services. Immediately and unconditionally release those currently imprisoned on such charges.

#### Media freedom and safety of journalists

- Guarantee media freedom by refraining from stigmatising independent media outlets through terms such as 'foreign agent' and amending legislation to ensure that it complies with Article 19 of the ICCPR, which states everyone has a right 'to seek, receive and impart information and ideas through any media and regardless of frontiers.' In particular by:
  - Repealing Federal Law 239-FZ, restricting foreign ownership of media outlets to 20%.

- Repealing the “Foreign Agents Law”, including the 2017 amendments extending this law to foreign media outlets) and refraining from adopting new legislation that is unnecessary for state and public security.
- Prevent and protect against threats and violence against journalists, media workers, human rights defenders and activists, and end impunity for such crimes, including by:
  - Ensuring impartial, prompt, thorough, independent and effective investigations into all alleged crimes and holding those responsible to account.
  - Public authorities should publicly, unequivocally and systematically condemn all violence and attacks against all journalists and other media workers, as well as against activists;
  - Dedicate the resources necessary to investigate and prosecute attacks. Particular attention should be paid to investigating past murders.
- Immediately and unconditionally release all journalists held on politically motivated charges as a result of their work. Refrain from further politically motivated prosecutions.

### **Wiener Akademikerbund**

To participating States:

- To suspend the “Hate Speech” approach to controlling speech, pending review.
- That OSCE ps’ abstain from condemning inconvenient news as “Fake News”.
- That a working group be established to draft lenient regulations of online speech.

## ***Recommendations to the OSCE Institutions***

### **Russian Federation**

To OSCE Representative on Freedom of Media

- В связи с этим хотели бы обратиться к офису Представителя ОБСЕ по вопросам свободы СМИ с призывом в рамках своего мандата использовать все свои возможности и потенциал для содействия обеспечению безопасности журналистов и уделить этой проблематике особое внимание. Считаем, что данный институт должен в равной степени отмечать и подвергать объективной критике случаи притеснения и насилия в отношении журналистов безотносительно их национальной принадлежности и страны пребывания.

### **Belarusian Association of Journalists**

To OSCE Representative on Freedom of the Media:

- Выразить протест в связи с произвольными ограничениями права журналистов на выезд из Беларуси;
- Призвать страны-участники ОБСЕ выполнять свои обязательства в рамках организации, в том числе о содействии распространению информации между странами;

- Проанализировать изменения в законодательство, регламентирующее деятельность Интернете, и в антиэкстремистское законодательство и практику их применения в странах-участниках ОБСЕ;
- Организовать миссию офиса в Беларусь для изучения ситуации в сфере СМИ и обсуждения ее с медийными организациями и государственными органами;
- И последнее. В связи со спорами о регламенте и сомнительном статусе некоторых организаций (созданных на непризнанных территориях, ГОНГО и фейковых организаций, государственных структур, работающих под вывесками государственных медиа) на предварительной стадии регистрации консультироваться с международными организациями и платформами гражданского общества, такими, как платформа «Гражданская солидарность», объединяющая около 70 НГО стран региона ОБСЕ.

### **Turkmenistan Helsinki Foundation for Human Rights**

- В этих условиях у большинства туркменистанцев вся надежда остается на международное сообщество. Они предлагают ОБСЕ давать оценку действиям туркменских властей по реальным результатам, а не по обещаниям, декларациям, отдельным указам и законам, которые на деле не работают.
- ОБСЕ и БДИПЧ взяли на себя обязательство следить за выполнением своих Руководящих принципов, за выполнением государств-членов ОБСЕ своих обязательств. Мы предлагаем давать оценку режиму по количеству зарегистрированных и работающих независимых СМИ, НПО, по возможностям, которые власть дает им для полноценной деятельности. По конкретным фактам, например количеству блогеров, фрилансеров или по конкретным шагам в деле отмены черных списков невыездных, по возможности захватить диссидентам в страну, по созданию условий для туркменистанцев обжаловать несправедливые обвинения ...

### **Youtube-channel 'Olga Sharij'**

To OSCE:

- Поэтому моя рекомендация для ОБСЕ – присмотреться внимательнее, контролировать украинскую власть. Потому что только такие организации боятся в Украине. Потому что только вы способны нас защитить.

*Wednesday, 12 September 2018*

## **Working session 4: Rule of law I**

### *Recommendations to participating States*

#### **United States of America**

To Albania:

- We encourage Albania to bolster its efforts to address systemic corruption, tackle organized crime, and ensure that justice institutions function properly and fairly

To Azerbaijan;

- After prominent opposition leader Ilgar Mammadov served five and a half years of his seven year sentence, an appeals court in August ordered his release, with two years' probation. We note the European Court of Human Rights rulings that determined Mammadov had been illegally detained and denied a fair trial. We urge Azerbaijani authorities to release all those incarcerated for exercising their fundamental freedoms and to lift foreign travel bans on Mammadov and other opposition figures such as Ali Kerimli, lawyers like Intigam Aliyev, activists such as Anar Mammadli, and journalists like Khadija Ismayilova. We also call for thorough investigations into credible reports of abuse in custody, including torture. For example, there was no investigation after prominent blogger Mehman Huseynov stated police had abused him in custody; instead he was charged with criminal defamation and sentenced to two years in prison. Nor has there been accountability for the reported torture last year in prison of Muslim Unity Movement figures Abbas Huseynov and Jabbar Jabbarov.

To Kazakhstan:

- We encourage the government of Kazakhstan to comply with the Working Groups' opinion and recommendations.

To the former Yugoslav Republic of Macedonia:

- to continue its progress in improving the integrity of its judicial system, especially by strengthening the independence of its judiciary and prosecuting corruption wherever it is discovered.

To Romania:

- we are concerned that changes in June and July to Romania's criminal code and code of criminal procedure will weaken the rule of law and the ability to fight crime and corruption, including human trafficking.

To Serbia:

- The United States encourages Serbia to remain focused on judicial reform, utilizing its European Union accession negotiations as a catalyst to improve the independence of the judiciary and to address concerns about lengthy pre-trial detention.

To Turkmenistan:

- We repeat our call for access to and information on disappeared prisoners in Turkmenistan

To Turkey:

- We urge Turkey to immediately release unjustly detained persons, especially U.S. citizens Pastor Andrew Brunson and NASA scientist Sekan Golge, as well as three Turkish national employees of the U.S. Mission in Turkey.

To Ukraine:

- Ukraine must do more to address systemic corruption and move forward with other necessary reforms.

To participating States:

- We urge the governments of Serbia, Kosovo, Croatia, and Bosnia to stop politicizing justice, engaging in historical revisionism regarding the 1990s, and protecting those responsible for atrocities.

- The need to bolster the rule of law and root out corruption must remain significant reform priorities for the countries of the Western Balkans. We also urge the governments of the region to ensure equal access to justice for all, resist historical revisionism, promote reconciliation, and fully prosecute those responsible for war crimes and other serious crimes.

### **Austria/European Union**

To participating States:

- Participating States should ensure full respect for the independency of the judiciary and the separation of powers in line with international standards and commitments.
- Participating States need to support the involvement of civil society and other independent actors with regards to judicial and prosecutorial services, including through trial monitoring, in order to improve transparency and accountability.
- Participating States should step up their efforts in realizing the Sustainable Development Goals and in particular Goal 16.
- Participating States need to establish appropriate legal and legislative frameworks to prevent and address all forms of discrimination and violence against women and to secure their empowerment and full access to justice.

### **Canada**

- That OSCE participating States reinforce international mechanisms and standards that prevent the violation of the rule of law in our region, whilst assiduously upholding their existing obligations and commitments to the principles of fair trials and judicial independence.

### **Commissioner for Human Rights of Poland**

To Poland:

- immediately stop the nomination procedure in the Supreme Court and repeal all recent changes regarding the Supreme Court;
- start the real discussion on the necessary changes in the judiciary in Poland,
- avoid actions and discourse which may discredit the judiciary or undermine its independence, including actions aimed at initiating disciplinary proceedings against those judges who just make use of all procedural possibilities to protect the rule of law.

### **All-Ukrainian European Foundation "The League of Law"**

To Ukraine:

- we urge the Ukrainian law enforcing authorities to stop the office abuse and ensure the right of Ivan Sherstyuk as well as other illegally accused to a fair trial within a reasonable time and freedom from illegal criminal prosecution and imprisonment.

To participating States:

- Also we urge OSCE state members to monitor the developments in Ivan's case and express the concern regarding the human rights violations in this case in particular.



Ivan has been defending human rights all his adult life, however now he needs others to defend his before it is too late.

### **Association of Central Asian Migrants**

To Russia:

- усовершенствовать уголовный кодекс и привести в соответствии с международными правами и прекратить произвольные аресты, необоснованные осуждения невинных лиц, фальсифицировать уголовные дела и перейти от статистики на реальные оценки ситуации.
- Соблюдать взятые на себя обязательства от ОБСЕ в области защиты прав и основных свобод граждан РТ.
- Освободить всех политзаключенных.
- Обеспечит реальную независимость, судебной власти от исполнительной власти.

### **Centre de la protection international**

To participating States:

- Centre de la protection internationale calls upon all the OSCE contracting States to use every and all means to urge the Russian authorities to change the practices against Russian lawyers and fully respect their professional rights, as otherwise, protection of internationally recognized human rights and freedoms in the territory of the Russian Federation will be under risk.

### **Charity Fund Stabilization Support Services**

To Russia:

- We call the representatives of the Russian Federation to liberate immediately the territory of Ukraine from their troops, as well as the economic and tactical support of the armed forces established in the east of Ukraine. Occupation administrations under the Russian Federation ensure the provisions for civilians and especially retirees affected by the occupation, and they return to the legal field of Ukraine.

To participating States:

- We urge the OSCE participating States to call the parties to reinstate the rights of the affected population, identify mechanisms to reinstate social and economic ties, such as pension payments, and to restore taxation within the legal field of Ukraine.

### **Commission of Protection of the Illegally Accused**

To Ukraine:

- состав преступления в ст. 375 определен ревниво, с помощью оценочного суждения, создавая таким образом условия для злоупотреблений. Этот недостаток законодательства может быть устранен путем внесения соответствующих изменений в ст. 375 УК Украины.

### **Crude Accountability**

To Turkmenistan:

- We call on the Government of Turkmenistan to immediately halt this abhorrent practice and on international governments and members of the OSCE to hold Turkmenistan to account for its flagrant violations of its international human rights commitments.

### **Federazione Italiana Diritti Umani - Comitato Italiano Helsi**

To participating States:

- The Italian Federation for Human Rights appeals to all OSCE member states to make a constant monitoring of the situation with the restriction of rule of law in the Republic of Kazakhstan to prevent systematic violation of the international obligations, and deliberately use torture and politically motivated prosecutions.

### **Freedom House**

Calls on the governments of Azerbaijan, Tajikistan, Kazakhstan, the de facto authorities of occupied Crimea, as well as other States that are considering statutory and punitive restrictions of the legal profession to:

- immediately restore licenses and bar memberships to lawyers disbarred or suspended due to their professional assistance to victims of human rights abuses and abuse of power;
- immediately cease prosecution and fully restore the constitutional and professional rights of lawyers prosecuted or convicted on spurious charges and through faulty adjudication processes because of their work with human rights defenders, journalists, civic or political actors critical of the government;
- live up to the commitments made under the Final Helsinki Accord, by developing justice systems that guarantee the respect of everyone's fundamental rights and freedoms in a fair and independent manner;
- seek assistance from the Office for Democratic Institutions and Human Rights to review existing and draft legislation seeking to reform the justice system or regulate its actors, and implement proposed recommendations in good faith;
- make every effort possible to guarantee full independence of lawyers in accordance with the UN's Basic Principles on the Role of Lawyers.

### **Freedom of Speech Center**

- we call on to the Government of Ukraine to adhere to their obligations under the Convention on Protection of Human Rights and Fundamental Freedoms in order to minimize compensations paid for these violations from the State Budget of Ukraine, since we still have journalists being detained under such groundless charges.

### **Human Rights Vision**

To participating States:

- We call upon the OSCE participating countries to pay attention to Tajikistan's failure to comply with its obligations regarding the UN Basic Principles on the independence of the judiciary, non-interference in the activities of the courts, open access to court information and court sessions, the possibility of giving equal rights

to lawyers and public prosecutors, participating in the trial in accordance with the principle of adversariality of the parties.

### **Hungarian Helsinki Committee**

To participating States:

- Continue monitoring the situation of judges and the independence of the judiciary in Hungary and support judicial self-administration bodies as well as members of the judiciary who face public shaming for publicly criticizing interference into the independence of the judiciary.
- Engage with the Government of Hungary to encourage meaningful dialogue between the Government, all affected parties within the judiciary, legal professionals and civil society, in order to ensure that institution-building, development and other programmes are human rights compliant.
- Monitor the impact of legislation as well as other measures and related actions (including communication) by state actors and the media targeting judges, judicial self-administration and operations of civil society organisations in Hungary.

To Hungary:

- Urge the Government of Hungary to fully comply to its Human Dimension commitments, including the 1991 Moscow Document as well as to fully implement OSCE-ODIHR's 2010 Kyiv Recommendations on the independence of the judiciary. Most notably, the government should be urged to (1) make meaningful public consultations on new laws on courts inclusive and open for all affected parties (including the general public, members of the judicial self-administration bodies and civil society) and (2) publicly condemn accusatory and labelling rhetoric against judges and independent civil society organisations who speak up for the protection of judicial independence; moreover, it should be encouraged to take proactive steps to counter discrediting of judges and human rights defenders by political leaders and the media.

### **International Platform Global Rights of Peaceful People**

To Ukraine

- Рекомендуем украинской делегации слушать выступления и отвечать на реальные вопросы, а не вычитывать «темники» своего министерства с нападками на Россию. Нам это не интересно. Здесь не детский сад и надо отвечать за то, что творится в ВАШЕМ государстве.

### **Non-Government and Non-Commercial Organizations' Association**

To participating States:

- to recommend the OSCE countries making some proposal to the legislation to conduct, when adopting the laws, an expert evaluation on the possible exclusion of dangerous norms that may indirectly or directly affect the political decisions.
- to consider the issues on supporting projects implemented not by one NCO, but by a block of NCOs protecting human right within the country, involving internationally-known lawyers and representatives of the international organizations to monitor

cases similar in this statement. To provide maximum support at the level of the OSCE countries to open and mass information among the population.

### **Open Dialogue Foundation**

To participating States:

- We call on OSCE and its Members states to act towards the guarantee of the right to be defended and to ensure the right to defend, as well as to punish any undue political interference in the judicial system.

### **Ordre des Avocats de Paris**

To the authorities of Belarus:

#### Concerning the protection of human rights defenders in Belarus:

- End all forms of judicial harassment against human rights defenders in Belarus, including human rights lawyers.
- End restrictions on freedoms of expression, association and peaceful assembly of human rights defenders in Belarus, including human rights lawyers.
- Allow relevant Special Procedures of the United Nations Human Rights Council access to the country, including the Special Rapporteurs on the Situation of Human Rights Defenders, on the Situation of Human Rights in Belarus and on the Independence of Judges and Lawyers.
- Comply with the provisions of the UN Declaration on Human Rights Defenders, adopted by the United Nations General Assembly on 9 December 1998, in particular Articles 1 and 12.2.

#### Concerning the protection lawyers and human rights lawyers in particular:

- Allow bar associations to operate without any interference from the authorities relating to the regulation of the profession, including access to the profession, application of disciplinary measures and the organisation of training.
- While it is permissible to have a qualification or certification procedure, it should only relate to the professional skills of lawyers and sanctions must only be applied by professional bodies without interference from public authorities. This is fundamental to ensure the independence of lawyers.
- Allow free elections of presidents of bar associations in Belarus by their peers without interference from or control by the Ministry of Justice, including by approving the list of candidates as currently required.
- Ensure that lawyers can exercise their professional duties free from any obstruction, intimidation or pressure.
- Guarantee the confidentiality in all circumstances of both verbal and written communications between lawyers and their clients.
- Ensure lawyers have access to relevant information, files and documents in sufficient time to allow them to provide effective legal support.
- Work in consultation with NGOs, both registered and unregistered, as well as other civil society actors, to identify areas in need of reform, and prepare and implement recommendations to improve the judicial system in accordance with international standards.

To the European Union and its Member States:

- Implement the European Union Guidelines on Human Rights Defenders, including by taking all protective, preventive and response measures necessary, in particular:
  - by meeting human rights defenders on a regular basis and providing visibility to the activities of independent civil society;
  - by meeting, as and when possible, human rights defenders who have been harassed and criminalised;
  - by attending all public hearings in proceedings against human rights defenders, including human rights lawyers.
- Continue monitoring the situation of human rights defenders in Belarus, including human rights lawyers, and systematically and publicly condemn any act of harassment carried out against them.
- Plan enhanced financial and technical support for the benefit of such actors and in particular strengthen the capacity of bars and lawyers' associations, in coordination with the Council of Bars and Law Societies of Europe (CCBE).
- Reaffirm the European Union's expectations at the highest level, two years after the conclusions of the EU Foreign Affairs Council of February 2016 which identified "tangible steps taken by Belarus to respect universal fundamental freedoms, rule of law and human rights" as "key for the shaping of the EU's future policy towards Belarus".
- Make clear in future Council conclusions and the political dialogue held within the EU-Belarus Coordination Group that relations cannot be normalised (including by lifting the outstanding sanctions and finalising the Partnership Priorities) as long as the following measures have not been achieved:
  - the adoption of a moratorium on the death penalty;
  - the release of political prisoners;
  - the reform of laws and practices restricting the activities of NGOs, human rights defenders and lawyers;
  - the reform of the judicial system, in particular putting an end to unfair trials;
  - the reform of the electoral framework as recommended by the OSCE.
- In accordance with the request of the European Parliament (Resolution of 19 April 2018 on Belarus), work with the authorities of Belarus on setting up a roadmap in the form of benchmarks and a timeline for the implementation of such commitments to precisely define progress expected within the framework of the Partnership Priorities which are currently being negotiated. This roadmap should be defined in consultation with civil society and international mechanisms (including the United Nations Special Rapporteur on Belarus). The European Union should also ask the authorities of Belarus to publish details of progress achieved and the future stages of implementation of the Inter-Agency Plan on Human Rights (2016-2019) to identify the opportunities for coordination with the roadmap.
- Concerning the reform of the justice system in particular, within the framework of the definition of the "governance" component of the Partnership Priorities, recommend that the authorities of Belarus set-up a consultation process open to all relevant actors: judicial authorities at all levels, experts (including the UN Special Rapporteur on the Independence of Judges and Lawyers), bars, lawyers'

associations, NGOs from Belarus and the EU. This consultation process should serve as a basis for identifying the reforms necessary to ensure the conformity of the judicial sector and regulations governing the legal profession. This is a prerequisite to any judicial cooperation between the EU and Belarus and to the provision of any technical or financial support to the State of Belarus in this field

To Member States of the OSCE:

- Implement the OSCE Office for Democratic Institutions and Human Rights (ODIHR) Guidelines on human rights defenders, including by taking all protective, preventive and response measures necessary, in particular:
  - by meeting human rights defenders on a regular basis and providing visibility to the activities of independent civil society;
  - by meeting, as and when possible, human rights defenders who have been harassed and criminalised;
  - by attending all public hearings in proceedings against human rights defenders, including human rights lawyers.

### **Penal Reform International**

To participating States:

- Penal Reform International therefore calls on States to implement the Mandela Rules by reviewing and reforming prison rules and regulations, investing in staff training and prioritising significant gaps in their systems accordingly.

### **Public Organization Porada**

To Ukraine:

- We call on you to support Ukraine and take under personal control the situation with violation of the right to a fair trial in the Crimea, and Russia - to adhere to its international obligations, including the provisions of the Geneva Convention, the International Convention for the Protection of All Persons from Enforced Disappearance and the Convention for the Protection of Human Rights rights and fundamental freedoms.

To Russia:

- We also call on Russia to stop the massive political and cultural persecution of Ukrainians and Crimean Tatars in the Crimea.

### **Religious Society Path Guru Jara**

To Czech Republic:

My recommendations for the Czech Republic in the case of Jaroslav Dobes (aka Guru Jara), Barbora Plaskova and former Poetrie esoteric institute:

- Take immediately effective measures for the fulfilment of fair trial guarantee such as the right to access the court, the case to be judged by an independent and impartial court, court hearing to be public, and right to effective defence.
- The court should without delay decide about cancellation of the arrest warrant as its prolongation is against EU jurisprudence and is causing arbitrary detention of Jaroslav Dobes (aka Guru Jara), Barbora Plaskova for more than 3 and half years.

- Promote and assure between judges respect of the European Convention of human rights; judgements of ECHR and rule of law respecting democratic principles and not repeat practices reminding treatment of cases in the communist era

### **Ukrainian Independent Maritime Trade Union**

To Russia:

- We strongly demand Russian authorities to release the “Nord” and” яМК-0041” crew members, so as crew members of other Ukrainian fishery vessels captured by Russian military ships in 2018 in Azov and Black Seas.

To participating States:

- We ask all the OSCE participating States evaluate the violations by the Russian Federation the Human Rights conventional and OSCE standards in Azov and Black Seas.

### **Western Thrace Minority University Graduates Association**

To Greece:

- To implement the provisions of international and bilateral treaties that She is a party,
- To have a concrete dialogue with the Turkish Minority representatives during the legislation process,

## ***Recommendations to the OSCE Institutions***

### **Canada**

- That both violations of, and progress related to, the rule of law be monitored more closely by ODIHR, with the support of civil society and other appropriate international organizations, and reports of these issues be made on a periodic basis.
- That the OSCE and ODIHR give further technical assistance to participating States that are trying to make positive reforms to their judicial systems to further strengthen their democracies and better protect the rights of their citizens.

### **Freedom House**

- urges the OSCE to hold the responsible governments accountable for this systematic harassment of lawyers. In particular, the OSCE should utilize trial monitoring to strengthen fair trial guarantees and encourage participating States to implement reforms based on rule of law.

### **Hungarian Helsinki Committee**

To ODIHR:

- closely follow the developments with regards to judicial self-administration as well as the establishment of a separate court system on administrative justice, and provide support and assistance to Hungary to promote a system for judicial administration that is in compliance with Hungary’s OSCE human dimension commitments, including by observing the extent to which the right to a fair trial, the separation of powers and the independence of the judiciary are safeguarded;

- review upcoming amendments to cardinal laws on the judiciary in light of Hungary's OSCE human dimension commitments and, more specifically, the OSCE-ODIHR Kyiv Recommendation on Judicial Independence;

To OSCE Representative on Freedom of Media:

- closely follow the developments with regard to the establishment of the administrative court system and the Administrative High Court vis-à-vis its powers to adjudicate in cases relating to decisions made by the National Media and Infocommunications Authority, especially those that affect the allocation of broadcasting licenses and media pluralism.

### **International Platform Global Rights of Peaceful People**

- Рекомендуем отделу по свободе слова и СМИ ОБСЕ назначить для общения с нашей платформой конкретного человека, с которым можно будет обсудить план нашей правозащитной работы. **Ordre des Avocats de Paris**

To the Organization for Security and Cooperation in Europe (OSCE) and in particular:

To ODIHR

- Continue monitoring the situation of human rights defenders in Belarus, including human rights lawyers, and systematically and publicly condemn any act of harassment carried out against them.
- Monitor proceedings against human rights defenders and lawyers subject to judicial, administrative and/ or disciplinary harassment in Belarus.
- Undertake a visit to Belarus to assess the situation of human rights defenders, including human rights lawyers.

To the Permanent Council of the OSCE

- Regularly denounce violations of the rights of human rights defenders in Belarus, including human rights lawyers, and ensure regular follow-up on measures taken.

To the Ministerial Council of the OSCE

- Adopt a decision on the situation of human rights defenders in the OSCE area, with particular attention to Belarus, during the forthcoming Ministerial Council.

### **Russian School Defense Staff**

To participating States:

- Therefore we, linguistic minorities of Latvia, count on the help of OSCE. We urge you to watch closely the events in Latvia, not to give in on the deception of the ethnocratic authorities and not to weaken the attention to human rights violations.

### **World Macedonian Congress**

To OSCE:

- Wir fordern die OSZE mit aller Deutlichkeit auf, dem drohenden kulturellen Genozid mit allen gebotenen Mitteln entgegenzutreten. Dies sollte deutliche Interventionen im Hinblick auf die makedonische Regierung sowie gegenüber den entsprechenden Organen der EU und der NATO beinhalten, die hier ungerechtfertigterweise eine Politik der Einschüchterung betreiben.

## ***Recommandations to the International Organizations***



## **Ordre des Avocats de Paris**

To the United Nations:

To Special Procedures of the United Nations Human Rights Council, including the Special Rapporteurs on the Situation of Human Rights in Belarus, on the Situation of Human Rights Defenders, on the Independence of Judges and Lawyers, on the Rights to Freedom of Peaceful Assembly and of Association and on the Promotion and Protection of the Right to Freedom of Opinion and Expression:

- Ensure follow-up, in cooperation with other relevant Special Procedures, on individual cases of human rights defenders and lawyers who have suffered harassment on the basis of their human rights activities in Belarus.
- Send a request for invitation to the authorities of Belarus with a view to conducting an official visit in the country.

To the Office of the High Commissioner for Human Rights:

- During discussions with the Government of Belarus regarding technical assistance and the establishment of a post for the provision of technical assistance, focus inter alia on priority areas for the reform of the judicial system in accordance with international standards and set benchmarks and a realistic timetable to bring internal practices in line with international standards.

To Member States of the United Nations:

- Work with the Government of Belarus to improve sharing of domestic experiences and train judicial actors including in specific training on international human rights law and implementation at the domestic level.

## **Paris Bar Association**

To OSCE:

- Paris Bar calls on the OSCE to ensure compliance with the Basic Principles on the role of Lawyers, and in particular to encourage the independence of the Bars so that they can be strong enough to play their role of protection for individual lawyers.
- End the harassment of family members of prisoners.

## **Working session 5: Rule of Law II**

### *Recommendations to participating States*

#### **United States of America**

To Russia:

- We condemn the government's actions this year to imprison several dozen Jehovah's Witnesses on baseless "extremism" charges, and we again call for their immediate release.
- Numerous credible reports during the year indicate that Russian law enforcement and prison personnel continue to engage in widely practiced torture and other forms of abuse. We were particularly troubled by the emergence in July of

horrifying video footage of prison guards in Yaroslavl torturing inmate Evgeniy Makarov. We urge Russian authorities to provide full accountability for this and other documented cases of torture and to ensure the safety of the human rights defenders who brought the footage to light.

To Uzbekistan:

- We are encouraged by Uzbekistan President Mirziyoyev's reform efforts since coming to power, including abolishing the use of evidence obtained by torture, removing thousands of individuals from blacklists, and releasing dozens of prisoners of conscience. We urge further progress and encourage Uzbekistan to invite the UN Special Rapporteur on Torture to visit.

To Turkey:

- We also call on Turkey to enforce laws prohibiting torture and promote a law enforcement culture that upholds and protects human rights.

To participating States:

- The United States urges all States to address and prevent human rights violations that may result from the improper imposition and application of capital punishment.

### **Austria/European Union**

To participating States:

- The EU recommends all participating States to review counter-terrorism laws and national security related policies, online and off-line, and reverse all measures that do not live up to OSCE and international commitments.

### **Russian Federation**

To participating States:

- Дальнейшее совершенствование международно-правовой базы сотрудничества, включая предотвращение безнаказанности и неотвратимость правосудия.
- Максимально возможное сближение национальных законодательств и реализация международных стандартов в сфере противодействия терроризму, в том числе в сфере контроля и пресечения его пропаганды в сети Интернет.
- Развитие правоприменительной практики, чтобы минимизировать основания для отказа в сотрудничестве, в первую очередь, по делам о преступлениях экстремистского и террористического характера.
- Формирование международных банков данных, содержащих сведения о признанных террористическими и запрещенных в соответствии с национальным законодательством организациях, а также о лицах, причастных к террористической деятельности.
- Взаимодействие в области подготовки кадров, передача накопленных знаний и потенциала, специализирующихся на борьбе с терроризмом национальных правоохранительных органов.

## **Holy See**

To participating States:

- that participating States continue their discussions on a possible Ministerial Council decision on torture prevention;

## **Eurasian Dialogue**

To Canada:

- As a Canadian with Tajik roots I urge the government of Canada, particularly, the Right Honourable Justin Trudeau, Prime minister of Canada to show his leadership, humanism, determination, courage to resettle Tajik refugees in the democratic and free Canada.

To Tajikistan:

- Without any pre-conditions to release the detainees and convicts of representatives of the Tajik opposition and their lawyers and the other political groups;

## **Human Rights Movement "Bir Duino-Kyrgyzstan"**

To Kyrgyzstan:

- Для МВД: в основу оценки деятельности работников
- Противодействие пыткам невозможно без повышения требований к профессиональной пригодности оперативных работников, оптимизации кадровой работы
- МВД исключить из ведомственной отчетности запланированные показатели («палочную систему оценки»)
- Для прокуратуры: по заявлениям в суде о том, что были применены пытки, прокурорам провести проверки и решать вопрос о возбуждении уголовного дела.
- Верховному суду КР: Рекомендовать судьям при санкционировании ареста и в начале судебных рассмотрений по уголовным делам задавать вопрос подсудимым о том, не подвергались ли они пыткам; в случае заявления в суде о пытках, вынести определение, которым поручить прокурору провести проверку по такому сообщению.
- Омбудсмену: Обратиться в Верховный суд с предложениями о рассмотрении судебной практики и даче судам руководящих разъяснений по вопросам применения законодательства по выявлению недопустимых доказательств и их исключения по уголовному делу, обратив особое внимание исключению доказательств, полученных под пытками.
- Для НЦПП: Внести в государственные органы - Правительство, Верховный суд, Генеральную прокуратуру КР предложения о порядке исполнения Соображения Комитета ООН по правам человека, в которых указываются о примененных пытках, произвольном аресте, жестоких, бесчеловечных и унижающих достоинство обращения в отношении конкретного лица.
- По статье 299-2 УК Кыргызской Республики: Рекомендовать Жогорку Кенешу, рассмотреть вопрос об исключении этой статьи из уголовного кодекса.

- Усиление деятельности центров оказания гарантированной правовой помощи и качества работы адвокатов для предоставления эффективной и своевременной помощи уязвимым группам населения
- По независимости деятельности адвокатов: Совету адвокатов Адвокатуре КР прекратить продвижение принятия Устава Адвокатуры КР и Кодекса профессиональной этики адвокатов КР, противодействующих принципам международного права, Конституции КР, законодательству КР.
- Для ОГО: Постоянный мониторинг исполнения рекомендаций подкомитета против пыток по установлению независимого и эффективного механизма для упрощения подачи жалоб органам власти жертвами пыток и жестокого обращения; а также обеспечение наличия механизмов подачи жалоб и осуществление на практике защиты заявителей жалоб от злоупотреблений и запугивания вследствие их жалоб или любых показаний, а также мониторинг исполнения Плана мероприятий по противодействию пыткам и другим жестоким, бесчеловечным или унижающим достоинство видам обращений и наказаний в Кыргызской Республике

### **Human Rights Vision**

To Tajikistan:

- it is necessary to resolutely demand that Tajikistan, as an OSCE member, unswervingly fulfill its obligations in the sphere of human rights protection and fight against torture, not create artificial interference in the work of a lawyer, without the participation of a lawyer, investigative actions, judges should not be taken as proof of evidence given at an early stage of the investigation conducted without the participation of a lawyer. Each statement about the use of torture should be investigated objectively and immediately, and the responsible persons should be brought in regardless of their positions. To open access of the public and mass-media to litigations.

### **Independent human Rights Protectors (IHRP)**

To Tajikistan:

- Немедленно освободить политических заключенных, особенно тех по ком УВКБ ООН по правам человека вынес решение обязывающее Таджикистан к их скорейшему освобождению в числе которых есть мой коллега и подзащитный Бузургмехр Ёров и моего другого коллегу Нуриддина Махкамова.
- Прекратить давление и пытки политических заключенных и других заключенных находящихся во временных изоляторах и тюрьмах Таджикистана.
- Вести строгую контроль над следственным органами по поводу насилия и пыток и виновных лиц в таких бесчеловечных отношениях к гражданам наказать по всей строгости закона.
- Я так же считаю своевременным прозвучавшего здесь предложения от моих коллег по поводу составления списка чиновников таджикских силовых ведомств виновных а практике пыток и нечеловеческого отношения к

подозреваемым и осужденным, а также судьям вынесшим вердикты по заведомо ложным обвинениям следствия.

### **International Partnership for Human Rights (IPHR)**

To Uzbekistan:

- ensure an appropriate level of transparency and public oversight regarding all trials of officials on charges of torture and ill-treatment;
- allow independent forensic medical examinations;
- and ensure that torture investigations are carried out by independent mechanisms.

### **Non-Government and Non-Commercial Organizations' Association, Kyrgyzstan**

To President of the Kyrgyz Republic:

- To conduct an extended discussion at the level of specialists and lawyers of practitioners of all state structures.
- Completely rework criminal, criminal procedural legislation, as well as the Code of Misdemeanors, in the version that is now infringed upon human rights in terms of access to justice, and this is the constitutional right of every citizen.
- Find the primary source of the Constitution of the Kyrgyz Republic, where the norm of a permanent change in the structure of executive power with the resignation of premiers on the basis of an unconstitutional coalition agreement is excluded. To complete the reform of law enforcement agencies, to pass a law on "Internal Affairs Bodies", to clearly define at least the structure of law enforcement bodies for the next five years, and again if any structure is disbanded, and the articles of the Criminal Code functional for them will remain ownerless unnecessary ballast and tools or the use of negligent officials and judges as the drug control body is now disbanded and eight articles have remained so.
- Quite a serious buffer period must pass, to prepare a subordinate regulatory framework that determines the organizational basis for the functioning of criminal proceedings; it takes time for retraining law enforcement officers, time for equipping units with a Single Registry.

To Kyrgyzstan:

- I recommend to the country's leadership, for the time until all errors have been corrected, refrain from introducing changes only on the basis of developed and adopted comprehensive measures to introduce a new version of the Criminal Proceeding Code and the Criminal Code to avoid the destruction of mechanisms for protecting the rights of ordinary citizens and reducing corruption risks.

### **Open Dialog Foundation**

To participating States:

- it necessary for the OSCE states to apply personal sanctions on officials of Members states who are responsible for systematic violation of international obligations, and deliberately use torture and politically motivated prosecution. We believe that the Magnitsky Global Act should serve as an example of effective measures that is able to stop impunity and prevent it.

### **Promo-LEX Association**

To participating States:

- we ask the member state urgently, seriously and responsibly to solve the systemic problems of arrests, conditions of detention and lack of medical care, and to investigate the grave human rights violations committed by state authorities in the case of 7 Turkish teachers.

### **Public Observation Commission for the North-Kazakhstan Region**

To Kazakhstan:

- Гражданское общество в лице общественных наблюдательных комиссий предлагает Правительству Республики Казахстан сохранить общественную наблюдательную комиссию, как независимый институт общественного контроля в целях обеспечения соблюдения прав лиц, содержащихся в закрытых учреждениях.
- Комитет уголовно-исполнительной системы вывести из подчинения МВД РК в отдельное ведомство или агентство.
- Провести реформирование органов МВД РК возможно со «снятием погон».
- Снабдить видеорегистратором сотрудников полиции с момента задержания, а также оснастить кабинеты дознавателей и следователей видеосистемой.
- Аналогично ввести видеонаблюдение в исправительных учреждениях без возможности вырезать или уничтожать фрагменты пыток и жестокого обращения с осужденными.
- Искоренить всякое поощрение сотрудников полиции за раскрываемость преступления в виде повышения по службе и материального вознаграждения.

### **Public Union Labrys**

To Uzbekistan:

- Uzbekistan to decriminalize same-sex conduct by withdrawing article 120 from the Criminal Code.

To Tajikistan:

- The Tajik government to stop persecution and extortion of LGBT people and dismantle any official and unofficial lists of LGBT individuals.

To participating States:

- Guarantee equal access to justice and provide effective legal protection to LGBT people by law enforcement bodies.
- Develop and implement a system of awareness raising of law enforcement agencies on issues of sexual orientation and gender identity, including through the inclusion of educational blocks on SOGI in the curricula of higher education institutions that prepare law enforcement officers in cooperation with community LGBTIQ organizations.

## **Rights and Freedoms of Turkmenistan Citizens**

To Turkmenistan:

- Необходимо прекратить практику насильственных исчезновений
- Прекратить создавать видимость соблюдения законов,
- Дать возможность проведения честных судебных заседаний
- Прекратить незаконные аресты и пытки, с целью получения признательных показаний
- Допустить международные комиссии в тюрьмы страны, особенно в концлагерь Овадан-Депе
- Прекратить умалчивать информацию о судьбе уже пропавших людей.
- Дать возможность гражданам страны спокойно въезжать и выезжать из Туркменистана не опасаясь попасть в списки невыездных

## **Russian LGBT Network**

To participating States:

- Use all existing mechanisms to protect the victims of the crimes committed on the territory of the Russian Federation and provide these victims with access to justice

## **SOVA Center for Information and Analysis**

To Participating States:

- provide clear and narrowly phrased definitions of prohibited activities in any specific counter-terrorism and counter-extremism legislation, with robust and transparent enforcement and independent oversight. Any restrictions on human rights (such as freedom of expression or freedom of assembly) should be proportionate and demonstrably necessary to protect the rights of others, national security or public order;
- strictly follow international standards for fair trials and for the treatment of detainees;
- end impunity for violations of human rights while fighting terrorism and extremism ensuring effective investigation of all cases of alleged violations and bring perpetrators to justice;
- promote regular independent monitoring of the quality of counter-terrorism policies and practices in all OSCE participating States against OSCE human dimension commitments, as this is a matter of concern for and may have direct impact on all States.

## ***Recommendations to the OSCE Institutions***

### **Holy See**

To ODIHR:

- that ODIHR continue its reporting on capital punishment in the OSCE area.

### **Eastern-Ukrainian Center for Civic Initiatives**

To ODIHR:

- To use all possible diplomatic and economic means of influence in order to stop the Russian Federation in its conduct of the hybrid war in Donbas and its support of the illegal armed groups of the so-called LPR and DPR. Such common actions of the international community are most likely to reduce gross and systemic violations of human rights, in particular, torture, sexual violence, cruel and inhuman treatment of hostages and prisoners of war.
- To constantly demand from the representatives of the armed groups of the so-called LPR and DPR, as well as the Russian Federation, compliance with the Minsk Agreements in relation to the exchange of “all for all”; to publicly condemn the disgraceful practice of taking civilians hostage, torture, sexual violence, cruel and inhuman treatment of hostages and prisoners of war.
- To conduct immediate visits to all places of illegal detention in Eastern Ukraine in order to verify information about detention of people in these places and provide prisoners with necessary assistance. There has to be a detailed inspection, categorization, and assessment of all the indicated places of illegal detention for the purpose of documenting the crimes committed in the course of the armed conflict in Eastern Ukraine.

### **Centre de la protection internationale**

To OSCE:

- requests the OSCE to call upon Russia and Azerbaijan to guarantee the rights of arrested and detained persons under their jurisdictions as well as to identify and prosecute all the perpetrators of the violations.

### **Non-Government and Non-Commercial Organizations' Association, Kyrgyzstan**

To OSCE:

- Strictly monitor the publication of the emblems of any international and other organizations on government documents that automatically must be recognized as invalid.
- No representative of an international organization, private or public, should be part of the expert and working groups set up by the state.
- The management of such organizations should instruct their security services to monitor public messages about such actions. Publications about financial and project support are enough to hold in the media, as well as print on handouts. Without imposing their ideas, being part of the state-formed commissions.
- Involve only those professionals who know the rules of the law of a particular region while attracting consultants at the international level.

### **Public Verdict Foundation**

We believe that OSCE needs to develop a strategy for uprooting torture in the region. This strategy should include measures to increase the effectiveness of:

- monitoring of detention facilities; investigation and documentation of torture cases; system of punishment; ensuring recovery of torture victims, including compensations and implementation of their right to rehabilitation; and system for preventing new incidents of torture.



## *Recommendations to the International Organizations*

### **Eurasian Dialogue**

- International bodies, state-actors, to demand the Tajik government to fulfill its International obligations on the main points, especially on human rights and democratic changes;
- The UN, the OSCE and International community should demand from the Tajik government to end the shameful behaviour of the state to take hostages of children, parents and relatives of the political opponents.
- We urge the Office of the High Commissioner for Refugees of the United Nations draw attention to the situation of the supporters of former United Tajik Opposition and other opposition parties and movements.
- According to the Geneva Convention from 1951, we sincerely ask the governments of EU states to provide protection for Dr. Muhiddin Kabiri and his family.

*Thursday, 13 September 2018*

## **Working session 6: Tolerance and non-discrimination I**

### *Recommendations to participating States*

#### **United States of America**

To participating States:

- We urge participating States to better utilize OSCE Tolerance instruments to put our common commitments into practice. We commend the contributions of the Chair's Tolerance Representatives. The United States remains committed to working with governments, businesses, faith communities, and civil society across the OSCE region to condemn and combat intolerance based on religion or belief.

#### **Austria/European Union**

- Condamner de façon systématique les appels à la haine, quels qu'en soient les auteurs, les motifs ou les individus visés ; encourager à ce que les crimes de haine soient rapportés ;
- Coopérer activement avec le BIDDH pour prévenir et combattre toutes les formes d'intolérance, notamment en contribuant à ses statistiques sur les crimes de haine ;
- Maintenir une approche inclusive de la lutte contre l'intolérance et les discriminations, basée sur l'universalité des droits de l'Homme et la lutte contre toutes les formes de discriminations sans distinction ;
- S'assurer que les activités de l'OSCE en matière de lutte contre l'intolérance et les discriminations réaffirment notre cohésion sur la base de principes communs, dont la lutte contre toutes les formes d'intolérance et l'égalité de dignité de tous les êtres humains sans exception ;
- Encourager une meilleure articulation des travaux des représentants personnels de la présidence entre eux, ainsi qu'avec le BIDDH, dans le cadre d'une approche

inclusive pour permettre une meilleure cohérence et efficacité de la lutte contre l'intolérance.

### **Canada**

- That OSCE participating states continue to advance freedom of religion or belief, both domestically and internationally, in an effort to ensure greater inclusion and respect for individuals and communities of all faiths and beliefs.
- That OSCE participating States ensure that legislation pertaining to registration of religious organizations embraces and upholds the principles of Article 18 of the ICCPR, and that legislation is not used to interfere with, obstruct, or otherwise curtail the activities of religious communities.

### **Ukraine**

To participating States:

- Хотелось бы рекомендовать другим государствам-участникам также обеспечивать выполнение соответствующих обязательств ОБСЕ.

### **Morocco**

- Il recommande à cet effet que tous les acteurs concernés, ainsi que la communauté internationale s'engagent à faire face aux intolérances sous toutes leurs formes, et aux violences et aux extrémismes de tous bords.

### **B'nai B'rith International**

To participating States:

- We must continue to affirm commitments made at the landmark 2004 conference and reiterated at subsequent conferences and assess the implementation of those commitments.
- We must enhance funding for ODIHR's Tolerance and Non-Discrimination unit, which has now become a fixed and integral part of the OSCE's work. We must enable the TND unit to sustain and expand its critical activities, which include the Words into Action project and educational programs on anti-Semitism in more than a dozen countries.
- We must extend, for the foreseeable future, the terms of the three personal representatives on intolerance.
- Member-states must fulfill their reporting requirements with respect to hate crimes data. Far too few governments have done so until now.
- Finally, we must strongly reinforce the crucial principle declared at the 2004 Berlin Conference – That no political position, cause or grievance can ever justify anti-Semitism – and make clear that the demonization and delegitimization of the Jewish state is often none other than a pretext for the hatred of Jews themselves.

### **Coordination des Associations et des Particuliers pour la Liberté de Conscience**

To the Russian Federation:

- to implement the following reports :
  - Human Rights Committee Report, Kazakhstan, CCPR/C/Kaz/Q/1, 2 September 2010,

- Report, UN Special Rapporteur, Freedom of Religion or Belief, Para 25, HRC 19/60, 22 December 2011,
- OSCE and Venice Commission Guidelines for Review of Legislation Pertaining to Religion or Belief, page 16.
- European Union Guidelines on the Promotion or Protection of Religion or Belief, Para. 40 -41.
- to respect the article 18 of the UDHR, and to respect the religious plurality.

### **CESNUR (Center for Studies on New Religions)**

To participating States:

- We recommend that serious and fair consideration be given to religion-based asylum requests by Chinese refugees, including those from The Church of Almighty God, in all participating States, and that nobody should be deported without seriously evaluating the risks he or she would face in China, which may include incarceration, torture, and even death.

### **Core Issues Trust**

To UK:

- Corrective measures should be undertaken to listen to those who have benefitted from therapeutic and counselling support for unwanted same-sex attractions and gender confusions. The National LGBT Survey deselected non-LGBT people. Yet SSA people helped by counselling and therapy are unlikely to retain an LGBT identity.
- Support, via the UK's Professional Standards Authority, for practitioners operating according to agreed practice guidelines should be given to those offering counselling and therapeutic support for unwanted same-sex attractions and gender confusions. The IFTCC is an emerging organising provider of such professional standards.
- Recognition and development of UK case law highlighting "other" sexual minorities such as "ex-gay" or those once gay or previously transgendered so that they are actually and not theoretically protected under the Equality Act of 2010 so that discrimination is unlawful.
- Acknowledgement that under-radar and clandestine operations are the product of bans. Training, collegiality and accountability in cross-disciplinary learning environments are the best investment if harm is genuinely the government's concern.
- Resources should be deployed to support this minority group to access suitably trained practitioners who historically are denied access (because of the de facto ban) to professional certification, supervision, collegiality, continuing professional development and professional indemnity insurance.

### **European Association of Jehovah's Witnesses**

To Armenia:

- Ensure that Jehovah's Witnesses are able to exercise their fundamental right to freedom of assembly and are allowed to build modest places of worship

- Provide compensation to Jehovah's Witnesses for the oppressive payments of VAT they were required to make to import donated religious literature in the years 2007–2015
- Enforce media standards prohibiting libel and slander

To Azerbaijan:

- Grant full registration to Jehovah's Witnesses in Baku and in other parts of the country
- Stop interfering with their worship and public manifestation of belief
- Recognise the right to conscientious objection and provide an alternative civilian service programme conforming to international standards
- Cancel and refund all fines resulting from the exercise of the right to religious freedom

To Belarus:

- Grant registration to all communities of Jehovah's Witnesses throughout Belarus
- Grant Jehovah's Witnesses construction permits for their houses of worship
- Grant Jehovah's Witnesses occupancy permits to hold their religious meetings in rented venues
- Respect the right of Jehovah's Witnesses to share their beliefs with others

To Bulgaria:

- Abide by standards set by the European Convention on Human Rights and the Charter of Fundamental Rights of the European Union regarding the free exercise of religion
- Strike down discriminatory municipal by-laws that restrict peaceful religious expression
- Prosecute those who harass and harm Jehovah's Witnesses and vandalize their places of worship
- Enforce media standards by holding responsible those who publicly slander others and incite religious hatred

To Kazakhstan:

- End the arrest, prosecution and harassment of Jehovah's Witnesses for so-called unregistered missionary activity
- Lift imposed bans on religious publications of Jehovah's Witnesses and restrictions on distribution
- Fulfil its obligations under international law to guarantee freedom of religion, expression, assembly and association for all citizens, including Jehovah's Witnesses
- Enforce media standards prohibiting libel and slander

To Kyrgyzstan:

- Consider redrafting the amendments to the religion law to allow for religious freedom.
- Allow Jehovah's Witnesses to register their local religious organisations in the southern regions of Kyrgyzstan.

To Lithuania:

- Respect the right to conscientious objection by providing either a complete exemption from military service or a genuine alternative civilian service that is not under military control or punitive in character.

To Moldova:

- Allow Jehovah's Witnesses to construct and use houses of worship without interference
- Protect the Witnesses' right to freedom of assembly
- Respect the Witnesses' right to manifest their faith publicly

To Russia:

- End the persecution of Jehovah's Witnesses in Russia and stop all raids, arrests, interrogations and criminal investigations for peaceful religious activity
- Annul the April 2017 Supreme Court decision that banned and liquidated all properties owned or used by the Witnesses
- Release Dennis Christensen and other Witnesses in detention
- Remove the Witnesses' religious literature, including the New World Translation of the Holy Scriptures, from the FLEM
- Apply international standards as recommended by the Venice Commission to legislation on extremism
- Abide by Russia's Constitution and respect international law, including the judgments of the European Court of Human Rights

To Tajikistan:

- Grant full registration to Jehovah's Witnesses
- Allow Jehovah's Witnesses to worship without interference and to have the freedom to share their beliefs with others
- Allow Jehovah's Witnesses to import and use religious literature
- Recognise the right to conscientious objection and provide an alternative civilian service program conforming to international standards

To Turkey:

- Recognize the right to conscientious objection to military service and provide for alternative civilian service
- Apply zoning laws correctly to allow them to build and register places of worship

To Turkmenistan:

- Release Bahram Hemdemov, imprisoned for peaceful religious activity
- Release all conscientious objectors, imprisoned for deeply held beliefs
- Recognise the right to conscientious objection to military service and provide alternative civilian service programme conforming to international standards
- Grant full registration to Jehovah's Witnesses
- Stop interference with their worship and public manifestation of belief
- Cease illegal searches of Witnesses' private homes and seizures of personal items
- Allow the Witnesses to legally import Bibles and Bible-based literature

To Ukraine:

- Investigate, prosecute and appropriately punish those who harass and harm Jehovah's Witnesses and vandalize their houses of worship
- Respect the Witnesses' right to manifest their belief publicly
- Eliminate interference with constructing, renovating and occupying houses of worship

To the authorities in the Donetsk and Luhansk regions of Ukraine:

- Allow Jehovah's Witnesses to assemble for worship
- Allow Jehovah's Witnesses to share their faith with others
- Return all illegally seized Kingdom Halls

- Legally register the activity of Jehovah's Witnesses, in harmony with the European Convention on Human Rights

To Uzbekistan:

- Grant full registration to Jehovah's Witnesses throughout the country
- Stop arrests and prosecutions of Witnesses for peacefully meeting together
- Stop arrests and prosecutions of Witnesses for respectfully sharing their faith with others
- Cease illegal searches of Witnesses' private homes and seizures of personal items
- Uphold fundamental freedoms guaranteed by the Constitution and the International Covenant on Civil and Political Rights

### **European Federation for Freedom of Belief (FOB)**

Calls on the state parties to the international community, in accordance to and under the provisions of the current legislation, to take concrete actions in order to:

- Remove the obstacles hindering the full implementation of the freedom of belief, thought, conscience and religion within the national territory of the states, by banning the imposition of greater obligations for minority religions in the dissemination of religious literature, the opening of places of worship, the right to give children a religious, spiritual and philosophical education, the granting of spiritual assistance in prisons and facilities for hospitalisation and treatment, and by also ensuring, with a view to respecting the freedom of expression of all individuals, the non-interference of anti-religious and anti-spiritual groups in the freedom of belief, thought, conscience and religion for spiritual and religious groups and individuals;
- Favour and perform actions to allow the concrete implementation of the freedom of belief, thought, conscience and religion within the national territories of the state, facilitating the knowledge of religious facts by way of studies and comparisons of the different religious and spiritual traditions, including the modern and contemporary ones, with documents elaborated by impartial scholars; and by adopting and implementing any agreement between states and churches or spiritual groups, or the adoption of other measures recognising religious and spiritual groups in order for these to operate legally within the national territory;

### **European Muslim Initiative for Social Cohesion (EMISCO)**

Nous appelons les États participants à:

- Réexaminer leurs lois, pratiques gouvernementales et tendances sociétales pour lutter par tous les moyens contre le discours haineux et les discriminations à l'encontre des communautés musulmanes.
- Renforcer et appuyer les travaux du BIDDH en faveur d'une meilleure connaissance des nouvelles formes de haines basées sur l'appartenance culturelle et religieuse par l'octroie des financements nécessaires notamment pour l'élaboration de guidelines.
- Envisager l'acceptation d'une définition claire du phénomène d'intolérance et de discrimination envers les musulmans par le biais d'un travail mené par le BIDDH en coopération avec d'autres organisations intergouvernementales de même type.

## **Federation of Western Thrace Turks in Europe**

To Greece:

- To establish bilingual minority kindergartens in region in line with the minority schooling system and allow the Turkish community in Western Thrace to establish private kindergartens where the language of education will be Turkish and Greek.
- To respect the freedom of religion and act on its commitments derived from international treaties such as the 1913 Treaty of Athens, Treaty of Lausanne and its OSCE commitments.
- To restore the educational and religious autonomy of the Turkish community of Western Thrace enshrined in the 1923 Lausanne Treaty and implement policies in line with the OSCE Hague Recommendations regarding the Education Rights of National Minorities. We urge the Government of Greece to revise its policies concerning the minority primary and secondary schools, including their number and their location, the training and hiring of teachers, curriculum and textbooks to be used.

## **Forum 18**

To participating States:

So to assist the implementation of commitments, participating States, OSCE institutions and field operations, and civil society could:

- monitor and analyse in concrete terms violations of everyone's freedom of religion or belief and interlinked freedoms of expression, assembly and association in the OSCE region – including the targeting by some participating States of women exercising these freedoms;
- mainstream freedom of religion or belief work within an all human rights for all perspective, stressing implementation of all fundamental freedoms, including to be free from torture;
- insist in line with human dimension commitments<sup>1</sup> that the most effective challenge to intolerance and discrimination is to fully implement fundamental freedom commitments;
- challenge the misuse of concepts such as “anti-terrorism”, “extremism”, “religious tolerance”, and “dialogue” to disguise human dimension commitment violations;
- use tools such as the EU Guidelines on the promotion and protection of freedom of religion or belief, the OSCE/Venice Commission Joint Guidelines on the Legal Personality of Religion or Belief Communities and on Freedom of Association, the OSCE Guidelines on Freedom of Peaceful Assembly, and on the Protection of Human Rights Defenders.

## **Observatory on Intolerance and Discrimination against Christians in Europe**

To participating States:

Here are two concrete recommendations to address both hate crimes and intolerance and discrimination:

- First, we respectfully remind participating States to continue to improve their efforts on data collection through measures such as increased involvement of civil

society, disaggregated data and development of national action plans. To this end, the National Points of Contact are called upon to collect, maintain and make public disaggregated data on hate crimes perpetrated against members of different religions, in accordance with Ministerial Decision No. 9/09.

- Secondly, we urge participating States to guarantee freedom of religion and belief by protecting the right to manifest those beliefs: through expression, speech, association, conscience, and parental rights

### **Order of St. Andrew**

To Turkey

- First, the Government of Turkey should reopen and extend the August 27, 2012 Decree deadline for the submission of applications to recover seized property, which did not give applicants sufficient time to respond. The Decree should be expanded to include all seized properties that were excluded. The Government should also revamp the manner by which the Decree is implemented. A public advocate, who is not a Government bureaucrat, should be employed to ensure that the Decree is implemented in a fair and expeditious manner.
- Second, the Government of Turkey should adopt a policy which enables election of Orthodox Christians to be board members of minority foundations, in a manner which assures that all the minority foundations will be able to manage returned property effectively.
- Third, the Government of Turkey should allow the Halki School of Theology to reopen and operate with its own theologians and in a manner consistent with its own Christian beliefs.
- Fourth, the Government of Turkey should refrain from interfering in the internal affairs of the Ecumenical Patriarchate. The 1923 and 1970 directives of the local Istanbul Government, relating to the citizenship of those who are entitled to vote for, or be elected as, a new Ecumenical Patriarch, should be rescinded.
- Fifth, the Government of Turkey should desist from its recent policy of converting museums which were historic Christian sites into mosques, especially when there is no overriding need for additional mosques in such locations. This policy is an impediment to harmony among religious groups.
- Sixth, the Government of Turkey should desist from its policy of referring to the Ecumenical Patriarch as the Fener Greek Patriarch and should recognize him as the Ecumenical Patriarch, which reflects his true status worldwide.

### **Public Organization "Public Advocacy"**

We recommend that:

- the OSCE and its participating States, as well as international community at large immediately pay attention to this new type of international religion-based crime and prepare a resolution to eliminate its dissemination.



## **Representation of the Ukrainian Orthodox Church to European International Organisation**

To Ukraine:

As a specific action, I propose to the authorities of Ukraine to:

- provide for state registration of 3 diocesan administrations, 2 synodal departments, 8 monasteries of the UOC;
- remove all official and unofficial restrictions on registration and amendment of statutes of the UOC communities in the regions of Ukraine;
- ensure proper and effective investigation of all crime incident reports against believers of the UOC;
- ensure the return of illegally seized churches and other property assets to legitimate owners and proprietors – religious organizations of the UOC;
- refuse to consider and remove from the agenda of the Parliament of Ukraine bills Nos. 4128, 4511, 5309;
- refrain from promoting the creation of the Single Local Church by the forces of the state establishment, thus enabling religious leaders to freely and independently resolve issues relating to the Church;
- curb hate speech towards believers of any faith in speeches of civil servants and decisions of state authorities, since such rhetoric leads to increased aggression in society and creates prerequisites for committing mass crimes.

### **Russian School Defense Staff**

To Latvia:

- Step up measures to decrease the number of persons without nationality by continuing to facilitate access to naturalization;
- Should find ways and means to phase out the separate legal category of “non-citizens”;
- Reiterates its previous recommendation (CERD A/54/18 (1999), para. 448) to recommend that the State party consider allowing non-citizens who are long-time permanent residents to participate in local elections;
- Prevent discrimination of these individuals in access to public services;
- Continue to remove any remaining barriers to naturalization and facilitate naturalization for individuals wishing to partake in it;
- Intensify efforts to ensure that all children have access to a nationality at birth, including by successfully amending the Citizenship Law to automatically grant citizenship to children born in Latvia who would otherwise be without nationality. Consider ratifying the 1997 European Convention on Nationality (2001) and the Council of Europe Convention on the avoidance of statelessness in relation to State succession (2009).

### **Sakarya University**

To participating States:

- Auch in den Statistiken vom Jahre 2016 ist zu lesen, dass über 1.000 Straftaten mit islamfeindlichen Hintergründen durchgeführt wurden. Anhand dieser Informationen erkennt man, dass es an der Zeit ist, dringende polizeiliche

Maßnahmen und Strategien zu etablieren, um öffentliche Einrichtungen der Moslime und auch die Moslime selbst zu schützen.

### **US Holocaust Memorial Museum**

To participating States:

- We call on all member states to redouble their efforts to combat anti-Semitism in all of its forms and to promote historical accuracy and open debate as part of their OSCE commitments on Holocaust remembrance and education.

### **Western Thrace Minority University Graduates Association**

We urge Greece to:

- Respect religious rights of Muslims across the country
- Discourage and prevent any physical and verbal Islamophobic attack including the ones coming from Greek politicians and clergy
- Introduce new legislative measures and a mechanism of monitoring to combat effectively with Islamophobia in Greece

### **Wiener Akademikerbund**

To participating States:

- That OSCE and the pS' explicitly declare the introduction of Sharia Law undesired.
- That organisations promoting Sharia be categorized as political, not religions.
- That enforcing law incompatible with democracy and human rights be criminalized.

## ***Recommendations to the OSCE Institutions***

### **Canada**

- That the OSCE and ODIHR continue to mobilize respect for the right to freedom of religion or belief as a positive approach for strengthening social cohesion, reinforcing public trust, and reconciling respect for human rights as a means of promoting national security and enhancing public safety.

### **B'nai B'rith International**

- calls on the OSCE to continue its support of Words into Action and insists that it not downgrade the project or diminish its specific focus on anti-Semitism.

### **Constantinopolitan Society**

OSCE / ODIHR are called upon to urge Turkey -as OSCE participating State- to:

- Grant full legal personality to the Ecumenical Patriarchate, so that the latter may enjoy, inter alia, ownership rights and exercise property ownership, administration and management.
- Reopen the Halki Seminary for the sake of the community's survival as well as for the survival of the Ecumenical Patriarchate itself.
- End Turkish citizenship requirements for the Ecumenical Patriarch and the Holy Synod of the Greek Orthodox Church, and permit them to select and appoint their leadership and members in accordance with their internal guidelines and beliefs.

- Return immediately the three churches of Panayia Kafatiani, Aya Yani and Aya Nikola in the district of Karakoy - Galata in Istanbul, as well as their immovable properties, which have been illegally and forcibly occupied by the self - declared and nonexistent “Turkish Orthodox Patriarchate (TOP)” to their legal owner, which is the Ecumenical Patriarchate, and grant full legal status so as to be able to elect their governing bodies and freely administer and manage its own foundation.
- Fully comply with ECtHR rulings on freedom of religion or belief.
- Implement the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights by withdrawing reservations that negatively impact religious freedom, and interpret the 1923 Lausanne Treaty so as to provide equal rights to all religious minority communities.

### **Federation of Western Thrace Turks in Europe**

- We call on ODIHR Advisory Panel of Experts on Freedom of Religion or Belief to remind the participating States of their responsibility to act on its commitments in accordance with Vienna 1989.

### **Forum 18**

So to assist the implementation of commitments, participating States, OSCE institutions and field operations, and civil society could:

- monitor and analyse in concrete terms violations of everyone’s freedom of religion or belief and interlinked freedoms of expression, assembly and association in the OSCE region – including the targeting by some participating States of women exercising these freedoms;
- mainstream freedom of religion or belief work within an all human rights for all perspective, stressing implementation of all fundamental freedoms, including to be free from torture;
- insist in line with human dimension commitments<sup>1</sup> that the most effective challenge to intolerance and discrimination is to fully implement fundamental freedom commitments;
- challenge the misuse of concepts such as “anti-terrorism”, “extremism”, “religious tolerance”, and “dialogue” to disguise human dimension commitment violations;
- use tools such as the EU Guidelines on the promotion and protection of freedom of religion or belief, the OSCE/Venice Commission Joint Guidelines on the Legal Personality of Religion or Belief Communities and on Freedom of Association, the OSCE Guidelines on Freedom of Peaceful Assembly, and on the Protection of Human Rights Defenders.

### **Public Organization "Public Advocacy"**

- the OSCE and its Participating States, as well as international community at large immediately pay attention to this new type of international religion-based crime and prepare a resolution to eliminate its dissemination.

## **Russian School Defense Staff**

To OSCE:

- I suggest OSCE to join efforts of UN committee on elimination of racial discrimination and to support them with their authority. I ask the High Commissioner of OSCE to pay special attention to the processes with ethnic minorities in Latvia, and also to visit Latvia to find out what the situation is, and to make additional recommendations.

## ***Recommendations to the OSCE Field Missions***

### **Forum 18**

So to assist the implementation of commitments, participating States, OSCE institutions and field operations, and civil society could:

- monitor and analyse in concrete terms violations of everyone's freedom of religion or belief and interlinked freedoms of expression, assembly and association in the OSCE region – including the targeting by some participating States of women exercising these freedoms;
- mainstream freedom of religion or belief work within an all human rights for all perspective, stressing implementation of all fundamental freedoms, including to be free from torture;
- insist in line with human dimension commitments<sup>1</sup> that the most effective challenge to intolerance and discrimination is to fully implement fundamental freedom commitments;
- challenge the misuse of concepts such as “anti-terrorism”, “extremism”, “religious tolerance”, and “dialogue” to disguise human dimension commitment violations;
- use tools such as the EU Guidelines on the promotion and protection of freedom of religion or belief, the OSCE/Venice Commission Joint Guidelines on the Legal Personality of Religion or Belief Communities and on Freedom of Association, the OSCE Guidelines on Freedom of Peaceful Assembly, and on the Protection of Human Rights Defenders.

## ***Recommendations to the International Organizations***

### **European Federation for Freedom of Belief (FOB)**

- REMOVE the obstacles hindering the full implementation of the Freedom of Belief, Thought, Conscience and Religion within the National territory of the States, by banning the imposition of greater obligations for minority religions in the dissemination of religious literature, the opening of places of worship, the right to give children a religious, spiritual and philosophical education, the granting of spiritual assistance in prisons and facilities for hospitalisation and treatment, and by also ensuring, with a view to respecting the freedom of expression of all individuals, the non-interference of anti-religious and anti-spiritual groups in the Freedom of Belief, Thought, Conscience and Religion for spiritual and religious groups and individuals;

- FAVOUR AND PERFORM actions to allow the concrete implementation of the Freedom of Belief, Thought, Conscience and Religion within the National territories of the State, facilitating the knowledge of religious facts by way of studies and comparisons of the different religious and spiritual traditions, including the modern and contemporary ones, with documents elaborated by impartial scholars; and by adopting and implementing any agreement between States and Churches or spiritual groups, or the adoption of other measures recognising religious and spiritual groups in order for these to operate legally within the National territory;
- AT THE SAME TIME the EUROPEAN FEDERATION FOR FREEDOM OF BELIEF reiterates its commitment to the full implementation of the Freedom of Belief, Thought, Conscience and Religion for religious and spiritual groups and human beings, working closely with International, European and National institution; and also by providing advice and assistance to public entities, and by organising conferences, meetings, study days and seminars to inform and assist religious and spiritual groups or individuals who believe to be victim of a violation of their right to freedom of religion or belief and/or need a highly-qualified advice on this matter.

#### **Public Organization "Public Advocacy"**

We recommend that:

- the OSCE and its Participating States, as well as international community at large immediately pay attention to this new type of international religion-based crime and prepare a resolution to eliminate its dissemination.

*Thursday, 13 September 2018*

## **Working session 7: Fundamental freedoms I**

### *Recommendations to participating States*

#### **United States of America**

To Kazakhstan:

- We encourage Kazakhstan to utilize ODIHR's expertise in its consideration of draft amendments to its religion law that could impose more restrictions. We call on the government to release all those imprisoned for their faith.

To Turkey:

- The United States calls for the immediate release by the Government of Turkey of Pastor Andrew Brunson, who has been under house arrest since July following his prolonged and unjust detention on baseless terrorism charges.

To France, Belgium, Austria, the Netherlands, Denmark and Switzerland:

- We stand behind the right of all persons to practice or manifest their beliefs, through wearing – or not wearing – religious attire and symbols. Similarly, we encourage governments to eliminate impediments for members of religious communities to gather for worship and construct places of worship. Such impediments have at times appeared to target members of minority faiths, as in the case of the ban on mosque minarets in Switzerland.

We commend Cyprus, France, Germany, Luxembourg, and Poland for enacting religious exemptions to general requirements on animal slaughter.

### **Austria/European Union**

To participating States:

- Participating States should fulfil their commitments by facilitating groups, associations and communities built upon religious and/or non-religious beliefs to peacefully operate and publicly manifest their beliefs, and respecting their autonomy. We underline the importance of establishing fair and clear rules and procedures which do not infringe upon OSCE commitments and international human rights standards, as outlined in the OSCE/ODIHR “Guidelines on the legal personality of religious or belief communities”.
- States have an obligation to guarantee human rights protection, and to exercise due diligence to prevent, investigate and punish acts of violence against persons based on their religion or belief. Violence or the threat thereof – such as killing, execution, disappearance, torture, sexual violence, abduction and inhuman or degrading treatment – are widespread phenomena that have to be addressed.
- We assert that violence against persons, groups or communities, and against the right of individuals to freedom of thought, conscience, religion or belief, is unacceptable under any circumstances, and strongly encourage state and other influential actors in a society, whether religious or not, to speak out against acts of violence and to publicly denounce such acts at the highest level.
- The promotion of religious tolerance, respect for diversity and mutual understanding are of utmost importance with a view to creating an environment conducive to the full enjoyment by all persons of freedom of religion or belief. The EU calls on states to promote, through the educational system and other means, respect for diversity and mutual understanding by encouraging a wider knowledge of the diversity of religions and beliefs within their jurisdiction.
- States have a duty to protect all persons within their jurisdiction from direct and indirect discrimination on grounds of religion or belief, whatever the reasons advanced for such discrimination. This includes the duty to rescind discriminatory legislation, implement legislation that protects freedom of religion or belief, and halt official practices that cause discrimination, as well as to protect people from discrimination by state and other influential actors, whether religious or non-religious.
- States must fight against violations of freedom of religion or belief in an inclusive manner, whereby avoiding any discrimination in favour of the detriment of a particular religion or belief.
- Freedom of religion or belief and the freedom of expression are interdependent, interrelated and mutually reinforcing rights. Taken together, freedom of religion or belief and freedom of expression play an important role in the fight against all forms of intolerance and discrimination based on religion or belief. We highlight the positive role that free and independent media can have on preventing the increase of bias and prejudice based on religion and in promoting mutual respect and understanding, including through specific educational and awareness-raising programmes.

- We stress the important role of political leaders, elected and state officials, as well as civil society and religious leaders, in denouncing in a clear and timely manner public manifestations of intolerance based on religion or belief.
- Freedom of religion or belief is also an essential pillar of safe and peaceful societies. It is linked to freedom of opinion and expression, to freedom of association and assembly, without which there can be no freedom of religion or belief, as well as other human rights, and fundamental freedoms, all of which contribute to the establishment of pluralistic, tolerant and democratic societies. Conversely, violations of freedom of religion or belief are often early warnings of potential tensions or conflicts.
- We are concerned about the persistence of cases of violations of freedom of religion or belief in the OSCE area. These violations, whether committed by state or non-state actors, may take various forms: acts of discrimination or violence on the basis of religion or belief or committed in the name of religion, undue restrictions on freedom of religion or belief. Restrictions often imposed by States include the denial of legal personality to religious or belief communities, denial of access to places of worship, assembly and burial, repression of unregistered religious activities, the outright banning of a religion on the pretext of the fight against terrorism or extremism.
- We encourage the OSCE countries to invite UN Human Rights Special Procedures, particularly the Special Rapporteur on Freedom of Religion or Belief, and to accept and implement UN recommendations, including from treaty monitoring bodies and the Universal Periodic Review.
- We support the promotion of opportunities for an open dialogue among representatives of religious and non-religious groups and policy makers on all relevant issues.

## **Poland**

We would like to recommend taking following actions:

- providing an enabling environment for freedom of religion or belief by fostering tolerance and respect for religious and cultural diversity within and among societies;
- keeping the freedom of religion and belief on top of the agenda of our cooperation with international organizations;
- raising the issues of prosecution, discrimination and violence towards religious minorities;
- using and encouraging direct financial contributions to provide humanitarian and development assistance to the members of persecuted minorities;
- protecting those minority groups that are still suffering from severe consequences of brutal violence that have experienced;
- bringing to justice the perpetrators of murders of members of religious minorities and fighting the culture of impunity.

## **Ukraine**

To Russia:

- The Russian Federation must immediately stop the persecution of religious organizations in the Crimea, release all those who were imprisoned for their religious beliefs.
- The Russian Federation should provide international organizations and Ombudsman of Ukraine with access to the Crimea for systemic monitoring of the situation, both with freedom of religion in the Crimea, and with other fundamental rights.

## **Center for Human Rights Studies Akjayik**

To Kazakhstan

- Ensure the non-selective right to freedom of worship that will guarantee shifting way from the arbitrary application of legislation in this area;
- Introduce amendments to the legal acts and regulations aimed at reducing the size of administrative fines imposed on believers;
- Abandon any form of discrimination against religious association regardless of their official status and state registration;
- Continue creating enabling environment for constructive dialogue between the subjects of religious relations and the state.

## **Christian Concern**

To participating States

- We call on the OSCE member states to reject calls for banning so-called 'conversion therapies', and to reaffirm a clear and unwavering commitment to freedom of thought, conscience and religion in relation to people who want to leave behind LGBT attractions, self-image and identities, and for those counsellors and therapists who wish to work with them.

## **De Kerk van Almachtige God (The Church of Almighty God)**

To France

- We urge the French authorities not to deport the members of the Church of Almighty God but to grant them political asylum. None of them has committed any illegal act in France. At the same time, we call for the support of OSCE, to ensure our basic human rights in France and other OSCE participating States.

## **Equinet - European Network of Equality Bodies**

- Therefore, it is suggested that OSCE participating States that have not yet set up equality bodies consider doing so in order to contribute to better promotion and protection of the rights of religious communities and to tackle discrimination based on religion and belief.
- OSCE participating States that have already set up national equality bodies are requested to ensure that their mandate covers religion and belief in all fields of life and that there are sufficient guarantees of their independence and effectiveness,



including staff and financial resources, in line with standards set out by the European Commission and the Council of Europe.

- Second, there is a need to further legal certainty as the case law on religion or belief of the two courts at the European level (the Court of Justice of the EU and the European Court of Human Rights) and between different countries appear to be utterly contradictory on occasions.
- Finally, it is of utmost importance that a strong and protective legal framework is in place and is consistently applied in all countries. Equinet's report underlines that even at the EU level there continues to be a gap in protection against discrimination on the ground of religion and belief, with only the field of employment and occupation covered, given the delay in adopting the so-called 'Horizontal Directive' proposed in 2008, that is, ten years ago.

### **European Muslim Initiative for Social Cohesion (EMISCO)**

We call upon the participating States to:

- Reexamine their laws, governmental practices and societal trends to combat the discrimination against Muslim communities and minorities.
- Implement a monitoring on the level of hate speech against Muslim communities especially under the cover of Freedom of Expression.

### **Federation of Western Thrace Turks in Europe**

- We call upon Greece to apply the same standards regarding the election of religious leaders as it applies for other religious groups including the Jewish Central Board or the Catholic and Protestant Church in Greece, therefore to allow the Turkish community in Western Thrace to elect freely its own religious leaders and freely run the Mufti offices.

### **Forum 18**

To participating States:

So to understand and address implementation gaps, as well as to assist OSCE participating States to advance freedom of religion or belief for all while ensuring security, participating States, OSCE institutions and field operations, and civil society could:

- monitor and analyse in concrete terms violations of everyone's freedom of religion or belief and interlinked freedoms of expression, assembly and association in the OSCE region – including the targeting by some participating States of women exercising these freedoms;
- mainstream freedom of religion or belief work within an all human rights for all perspective, stressing implementation of all fundamental freedoms, including to be free from torture;
- insist in line with human dimension commitments that the non-negotiable most effective step to ensure security is to fully implement fundamental freedoms commitments;
- challenge the misuse of concepts such as “anti-terrorism”, “extremism”, “religious tolerance”, and “dialogue” to disguise human dimension commitment violations;

- use tools such as the EU Guidelines on the promotion and protection of freedom of religion or belief , the OSCE/Venice Commission Joint Guidelines on the Legal Personality of Religion or Belief Communities and on Freedom of Association, the OSCE Guidelines on Freedom of Peaceful Assembly, and on the Protection of Human Rights Defenders.

### **Human Rights Vision Foundation**

calls on the Government of Tajikistan

- to stop creating restrictions on their citizens' fundamental rights and freedoms at both the legislative and practical levels for their citizens and ensure that their obligations are fulfilled in accordance with international instruments signed with respect to the rights and freedoms of Tajik citizens.
- To abolish by-laws that contradict the norms of international acts.
- To repeal or amend the legislative provisions imposing disproportionate restrictions on the rights protected by Article 18 of the International Covenant on Civil and Political Rights and to abolish the discriminatory prohibition on registration of certain religious communities.
- To create democratic conditions for the development of the younger generation, so that they, in conditions of free choice, learn to distinguish between good and evil.

### **Human Rights Without Frontiers**

To Russia

Like all of the main independent Russian human rights organizations, some of which were brutally persecuted by the Soviet Union but have illuminated principles that should inform civil society human rights activity, we demand that the Russian Federation

- put an end to the prosecution of Jehovah's Witnesses;
- release from custody of all charged with extremism under Article 282.2 of the Criminal Code;
- overturn the Supreme court ruling prohibiting the activity of Jehovah's Witness organizations.

To participating States:

- we urge all participating States to make the same points and to back them up with bilateral policies that make clear that no democratic state that truly honors human rights can have a normal relationship with the Russian Federation as long as its persecution of the Jehovah's Witnesses persists.

### **La Chiesa di Dio Onnipotente (The Church of God Almighty)**

To Italy

- We urge the Italy authorities not to deport the members of The Church of Almighty God but to grant them political asylum. None of them has committed any illegal act in Italy. At the same time, we call for the support of OSCE, to ensure our basic human rights in Italy and other OSCE participating states.

### **Order of St. Andrew**

To Turkey:

The Order, therefore, respectfully submits that in order to comply with the tenants of the OSCE, to which the Turkish Government has committed, the Turkish Government, without further delay, must undertake the following

- Officially recognize that the Ecumenical Patriarchate and its institutions, as well as the institutions of other non-Muslim religious denominations and faiths in Turkey, have legal personality and standing, with rights to acquire, own, build and repair property. If necessary, the laws related to minority foundations should be amended.
- Fairly and expeditiously implement the August 2011 decree allowing for the return of confiscated property. The decree should be converted into settled law, and a truly independent body should be appointed to implement the law.
- Allow the Ecumenical Patriarchate to reopen the Theological School of Halki.
- Continue the reform process in connection with the election of a new Ecumenical Patriarch and abstain completely from any national or local government interference related to the internal governance of the Ecumenical Patriarchate or any other non-Muslim religious body.
- Fully implement the 1948 Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, to which Turkey has subscribed, and interpret the 1923 Lausanne Treaty so as to provide equal rights to all religious minority communities.
- Publicly commit that Hagia Sophia will remain a museum, as it has since 1935.

### **Public Organization "Public Advocacy"**

To Montenegro:

we recommend that:

- the public authorities of Montenegro comprehend that the right to the freedom of religion is one of the fundamental human rights and that believers cannot be secondclass citizens because of their religious convictions;
- the public authorities protect the legal order and rights for all, including the Orthodox Church;
- the rule of law is applied in cases when attacks on the Orthodox Church are committed;

To participating States:

we recommend that:

- the OSCE and its Participating States pay careful attention to the above evidence of human rights violations and take effective action for their protection;
- the OSCE and its Participating States, as well as international community at large make every effort in order to prevent the Ukrainian Parliament from the adoption of the discriminatory Draft Laws
- the OSCE and its Participating States, as well as international community at large immediately intervene into the evolving religious confrontation in Ukraine, which might entail massive grave crimes against the faithful and religious organizations of the UOC in Ukraine.

### **Set My People Free**

To participating States:

- Protection of former Muslims and assure their freedom to live as x-Muslims.
- The application of Islamic apostasy and blasphemy laws should be openly condemned and criminalised by OSCE countries.
- Islamic Institutions should condemn Islamic apostasy and blasphemy laws.
- That this subject will be brought up as an issue of concern by one of the introducers in HDIM plenary sessions.

### **Soteria International**

- recommends ODIHR and the OSCE member states to explore how to guarantee the universality of human rights as universal principles, rather than cultural expressions.
- recommends ODIHR and the OSCE member states to explore how religion and spiritual systems from a universal perspective may provide answers to fundamental human needs and tools for developing human potentials.
- recommends the OSCE member states to the educational system to play a major role in reintegrating religion and belief as a constructive part of our lives. By integrating and understanding religions and belief systems by their universal principles, we overpass the differences between cultures, traditions and religions.

### **SOVA Center for Information and Analysis**

To Russia:

Мы вновь призываем российские власти:

- Отменить дискриминационное решение о запрете Свидетелей Иеговы и отказаться от практики преследования последователей этой религии за приверженность своей вере.
- Отменить «антимиссионерские» поправки из «пакета Яровой», ограничивающие конституционное право на распространение религиозных убеждений.
- Пересмотреть в целом политику в отношении протестантских организаций и новых религиозных движений, поскольку наблюдаемая легитимация «антисектантских» настроений не только противоречит принципу свободы совести, но и угрожает безопасности общества.
- Исключить из Уголовного кодекса норму об оскорблении религиозных чувств как избыточную и неуместную для светского государства.

### **The European Union Office of The Church of Jesus Christ of Latter-day Saints**

On behalf of the Church of Jesus Christ of Latter-day Saints, I would like to share the following recommendations:

- that the OSCE participating States promote the creation of national human rights institutes, or reinforce existing ones, providing adequate resources and training on religious literacy and FoRB for government officials and civil servants; To this effect, the importance of partnerships and collaborations with civil society organizations and churches cannot be overstated;

- that the OSCE participating States encourage interfaith and interreligious dialogue among churches and faith-based groups; Similarly, set up regular government-sponsored platforms where religious leaders and civil society can share their privileged view of society and their unique contributions;
- that the OSCE participating States consider hosting regional conferences on the topic of FoRB following the example of the Ministerial to Advance International Religious Freedom recently hosted by the United States;
- that leaders of the OSCE participating States, churches, philosophical and nonreligious organizations set high standards in promoting a responsible and respectful public discourse, based on mutual respect and willingness to learn from one another.

### **University of Marmara**

Recommandations afin d'assurer un équilibre juste entre sécurité et liberté religieuse

- Privilégier des politiques de lutte contre le terrorisme et de radicalisation, non pas électoralistes et de court terme, mais en collaboration avec les autorités et dirigeants musulmans;
- Effectuer des sanctions pour lutter contre les infractions liées au terrorisme sur la base de motifs clairs et précis et sur des preuves tangibles de comportements criminels ;
- Rejeter le principe de restriction des droits pour la garantie de la sécurité pour privilégier la garantie de la sécurité afin d'assurer la pleine réalisation des droits de tous les citoyens;
- Etre à l'écoute des difficultés des citoyens musulmans, difficultés non seulement d'ordre socio-économique mais également relevant des questions de reconnaissance, d'identité et de culte.

### **Western Thrace Minority University Graduates Association**

To Greece:

- Respect the bilateral and international binding documents that has already been signed and ratified that safeguard religious rights of the Muslim Turkish Minority in Western Thrace
- Cease appointing religious elites and clergy to posts of muftiates, religious charitable foundations and mosques
- Develop the mechanism of collaboration with the Muslim Turkish minority so as to find possible solutions for the old and new problems regarding freedom of religion, conscience and belief inside Western Thrace

### ***Recommendations to the OSCE Institutions***

#### **Austria/European Union**

To ODIHR:

- We encourage the ODIHR to address the issue of freedom of religion or belief, including its connection to the issue of tolerance and non-discrimination, in the

framework of its wider work on the fight against all forms of intolerance and discrimination.

To OSCE:

- We express our full support for the work of the ODIHR and its Advisory Panel on Freedom of Religion or Belief, which provides legal support to participating States in the implementation of their OSCE commitments. We also encourage cooperation between the OSCE, the Venice Commission, the Council of Europe and the United Nations Special Rapporteur on freedom of religion or belief.

### **ADF Internationally**

- strongly urges the OSCE to clearly reject a standard of religious freedom that would require individuals to live their faith privately and discreetly and recommit itself to the recognized standard in law – that is the right to freely and publicly manifest one’s religion.

### **European Center for Democracy Development**

- We need a new convention, a new international instrument on the prohibition of forced assimilation of minorities, because in the world today there are no real binding instruments in this field. I call on the OSCE to pay attention to the absence of such a legal instrument today, and to start working on a new document that can block the path of forced assimilation.

### **Forum 18**

To OSCE institutions:

So to understand and address implementation gaps, as well as to assist OSCE participating States to advance freedom of religion or belief for all while ensuring security, participating States, OSCE institutions and field operations, and civil society could:

- monitor and analyse in concrete terms violations of everyone’s freedom of religion or belief and interlinked freedoms of expression, assembly and association in the OSCE region – including the targeting by some participating States of women exercising these freedoms;
- mainstream freedom of religion or belief work within an all human rights for all perspective, stressing implementation of all fundamental freedoms, including to be free from torture;
- insist in line with human dimension commitments that the non-negotiable most effective step to ensure security is to fully implement fundamental freedoms commitments;
- challenge the misuse of concepts such as “anti-terrorism”, “extremism”, “religious tolerance”, and “dialogue” to disguise human dimension commitment violations;
- use tools such as the EU Guidelines on the promotion and protection of freedom of religion or belief , the OSCE/Venice Commission Joint Guidelines on the Legal Personality of Religion or Belief Communities and on Freedom of Association, the OSCE Guidelines on Freedom of Peaceful Assembly, and on the Protection of Human Rights Defenders.

### **Human Rights Vision Foundation**

- We call upon all international human rights organizations, the OSCE and the UN Human Rights Committee to pay closer attention or strengthen control over the fulfillment by the Republic of Tajikistan of its obligations under the International Covenant on Civil and Political Rights.

### **International Platform Global Rights of Peaceful People**

To OSCE:

- в случае признания Киевского патриархата поместной церковью срочно направить на территорию Украины своих специальных наблюдателей по делам религии с целью не допустить войны

### **Public Organization "Public Advocacy"**

we recommend that:

- the OSCE and its Participating States pay careful attention to the above evidence of human rights violations and take effective action for their protection;
- to ensure that actions are taken to protect the rights of Orthodox believers in Ukraine and prevent interreligious clashes and help put an end to political, administrative and power pressure on the religious faith of the Ukrainian Orthodox Church.
- that the OSCE and its Participating States, as well as international community at large make every effort in order to prevent the Ukrainian Parliament from the adoption of the discriminatory Draft Laws
- the OSCE and its Participating States, as well as international community at large immediately intervene into the evolving religious confrontation in Ukraine, which might entail massive grave crimes against the faithful and religious organizations of the UOC in Ukraine.

### **Soteria International**

- recommends ODIHR and the OSCE member states to explore how to guarantee the universality of human rights as universal principles, rather than cultural expressions.
- recommends ODIHR and the OSCE member states to explore how religion and spiritual systems from a universal perspective may provide answers to fundamental human needs and tools for developing human potentials.

### ***Recommendations to the OSCE Field Missions***

#### **Forum 18**

OSCE field operations:

So to understand and address implementation gaps, as well as to assist OSCE participating States to advance freedom of religion or belief for all while ensuring security, participating States, OSCE institutions and field operations, and civil society could:

- monitor and analyse in concrete terms violations of everyone’s freedom of religion or belief and interlinked freedoms of expression, assembly and association in the OSCE region – including the targeting by some participating States of women exercising these freedoms;
- mainstream freedom of religion or belief work within an all human rights for all perspective, stressing implementation of all fundamental freedoms, including to be free from torture;
- insist in line with human dimension commitments that the non-negotiable most effective step to ensure security is to fully implement fundamental freedoms commitments;
- challenge the misuse of concepts such as “anti-terrorism”, “extremism”, “religious tolerance”, and “dialogue” to disguise human dimension commitment violations;
- use tools such as the EU Guidelines on the promotion and protection of freedom of religion or belief , the OSCE/Venice Commission Joint Guidelines on the Legal Personality of Religion or Belief Communities and on Freedom of Association, the OSCE Guidelines on Freedom of Peaceful Assembly, and on the Protection of Human Rights Defenders.

### *Recommendations to the International Organizations*

#### **Human Rights Vision Foundation**

- We call upon all international human rights organizations, the OSCE and the UN Human Rights Committee to pay closer attention or strengthen control over the fulfillment by the Republic of Tajikistan of its obligations under the International Covenant on Civil and Political Rights.

#### **Public Organization "Public Advocacy"**

We recommend:

- that the OSCE and its participating States, as well as international community at large make every effort in order to prevent the Ukrainian Parliament from the adoption of the discriminatory Draft Laws
- that the OSCE and its participating States, as well as international community at large immediately intervene into the evolving religious confrontation in Ukraine, which might entail massive grave crimes against the faithful and religious organizations of the UOC in Ukraine.



*Friday, 14 September 2018*

## **Working session 8: Tolerance and non-discrimination I (continued)**

### *Recommendations to participating States*

#### **Austria / European Union**

- Persons belonging to national minorities should be able to exercise fully and effectively their human rights and fundamental freedoms without discrimination and in full equality before the law.
- Participating States meet the commitment made by all OSCE participating States, without exception, to fully cooperate with the High Commissioner in order to enable the High Commissioner to fulfil its mandate. This includes granting HCNM full, free and unrestricted access.
- Participating States extend an invitation to the HCNM and make full use of the expertise of this Institution. Quiet diplomacy, which the High Commissioner also implements, is complementary to public diplomacy and can help to bring results of lasting importance.
- We welcome the High Commissioner's continued focus on thematic work, and encourage the participating States to make full use of the rich body of advice thematic guidelines provide.

#### **Hungary**

- Ukraine fully implements the recommendation on the Education Law of the Council of Europe's Venice Commission, including regarding the transition period, and finding a balanced approach to guaranteeing the right to mother tongue education for national minorities;
- Participating States adopt, in close cooperation with national minorities, a structured approach in implementation of commitments and obligations undertaken at international level concerning the rights of national minorities, with a view to ensure the peaceful cohabitation among communities and to prevent further assimilation of national minorities;
- Participating States adopt a coherent and consolidated legal framework related to minority rights protection, fully respecting the acquired rights of national minorities.

#### **Russia**

To Canada:

- судя по информации СМИ, украинские праворадикалы получают поддержку из Канады, правительство которой не только поддерживает с ними постоянный контакт (например, с батальоном «Азов»), но и поставляет упомянутой группировке крупнокалиберное оружие. В этой связи хотели бы призвать канадскую сторону прекратить поддерживать националистов.

### **Baha'i International Community**

- we would like to encourage member States to ensure a framework for school education that provides for building capacity in youth to jointly transform their communities.

### **Constantinopolitan Society**

To Turkey:

- To take seriously into consideration the recommendations by EU and international organizations pertaining to minorities human rights and act upon them and make more strenuous efforts to prevent discrimination and intolerance

### **Federation of Western Thrace Turks in Europe**

- We call upon Greece to take, without any further delay, all necessary measures so that the applicants benefit from proceedings in compliance with the ECtHR's judgments. Moreover, we call on Greece to provide tangible information on changes in the domestic courts' case law concerning registration of associations in Thrace following the adoption of the above-mentioned law, in light of the judgment (no.96/2018) of the Thrace Court of Appeal.

### **Forum der Tadschikischen Demokratischen Freidender- Forum of Tajik Democratic Freethinkers (FTDF)**

To Tajikistan:

- Создать условия для создания и регистрации на территории автономии радио и телеканалов и печатных изданий;
- снять все ограничения в использование памирских языков в государственных учреждениях на территории автономии;
- прекратить практику информационного очернения отдельной группы населения путём трансляции фильмов снятых и распространяемых МВД о совершенных преступлениях представителями этого меньшинства создав образ криминального региона. Уважать презумпцию невиновности;
- создавать на государственном уровне программы по трудоустройству населения на территории автономии и прекратить дискриминацию этого населения при приёме на работу в государственные органы как на территории автономии так и по стране в целом.
- Снять искусственные барьеры на посещение автономии иностранцами в том числе туристами.

### **Human Rights Vision Foundation**

- calls for establishing cooperation with Kyrgyzstan to improve the conditions for obtaining secondary education in schools in Tajikistan with the Kyrgyz language. Provide schools with educational materials in the Kyrgyz language and develop a plan to attract teachers.
- Turning to international institutions and Western countries, while establishing and maintaining relations with the government of Tajikistan, we call for a more rigid link between granting grants and other assistance with respect for human rights.

## **International Platform Global Rights of Peaceful People**

To Ukraine:

- Указать властям Украины о недопустимости ограничения конституционных прав на участие в выборах временно перемещенным жителям Донбасса и Крыма.

## **Latvian Human Rights Committee**

For OSCE participating States:

- To use the existing OSCE human dimension mechanisms to promote implementation of the OSCE Copenhagen Document and Hague recommendations in Latvia;

For Latvia:

- To withdraw the language-related amendments of 2018 to the Education Law and to the Law On Institutions of Higher Education;
- Should some of the Education Law amendments mentioned above remain on the books for now, to invite UN, OSCE, UNESCO and Council of Europe experts to express their opinion in the Constitutional Court case on the issue;
- To accept the longstanding country visit request from the UN Special Rapporteur on minority issues, in line with the standing invitation issued by Latvia for the UN Special Procedures;
- To abolish statutory preferences given to the EU official languages in education laws, by applying the same flexibility to other languages as well;
- To make a declaration allowing the UN Committee on Elimination of Racial Discrimination to consider individual complaints;
- To ratify the additional protocol to the UNESCO Convention against Discrimination in Education and the protocol No. 12 to the European Convention on Human Rights;
- To train sufficient numbers of teachers and prepare sufficient range of textbooks for bilingual education;
- To distinguish Latvian language exam requirements for graduates of minority schools and Latvian-language-only schools;
- To stop the policy of disproportional closure and downgrading of minority schools;
- To restore the option of using Russian language in school graduation exams and statewide inter-school competitions;
- To reject the bills Nos. 901/Lp12, 1166/Lp12 and 1167/Lp12 and the language related provisions of the bills Nos. 1250/Lp12 and 1280/Lp12;
- To make the OSCE Hague recommendations the basis for the language policy in education.

## **Miko Imre Association for the Protection of Minority Right**

Recommendations to the OSCE participating States:

- Commit to a more comprehensive approach toward ensuring the use of minority languages in relations with the public administration and within the judicial system.
- Set linguistic rights within a legislative framework that also specifies concrete measures for implementation.

- Ensure that sanctioning mechanisms are also codified within the relevant laws on the implementation of linguistic rights for national minorities.
- Adopt positive measures to ensure the use of minority languages, most importantly by allocating the necessary human and financial resources to these projects.

### **Public Union "Labrys"**

with the following recommendations we call on Kyrgyzstan, Kazakhstan, Tajikistan and Uzbekistan to:

- Withdraw all discriminatory legislations and policies and introduce antidiscrimination legislation and effective policies to promote tolerance and nondiscrimination.
- Develop and implement a system of awareness raising of law enforcement agencies on issues of sexual orientation and gender identity, including through the inclusion of educational blocks on SOGI in the curricula of higher education institutions that prepare law enforcement officers in cooperation with LGBT organizations.
- Guarantee equal access to justice and provide effective legal protection to LGBT people by law enforcement bodies.
- Work with anti-corruption agencies to combat acts of blackmailing and extortion of LGBT people by police officers.

### **Russian School of Estonia**

To Estonia

- We call on the Estonian government not to ignore own and international legislation and to execute all available national minorities rights.

## *Recommendations to the OSCE Institutions*

### **Constantinopolitan Society**

To ODIHR:

#### Property Rights

- Issue immediately new regulations for the arbitrary suspended elections within the minority foundations and permit conduct of elections of board members in all foundations
- Terminate the fragmentation of minority Foundations (65 in number), thus allowing for the unification of the various minority Foundations by establishing a Body of Coordination of minority Foundations, as a key to their survival, efficiency and cost-effective functioning.
- Put an end to the expropriation of the real estate of the Greek minority.
- Solve the question of property that was seized and sold to third parties.
- Return the archives and the library of 50,000 valuable volumes of the Hellenic Literary Society of Constantinople – which has been illegally confiscated in 1925 – to a Greek Minority Foundation in Istanbul. The library represents the intellectual heritage of the Hellenism of Constantinople.
- Ensure the Greek citizens are able to fully enjoy their rights over inherited patrimonial property, by implementing as of March 2010 recommendations of the Council of Europe Venice Commission on the protection of property rights. Turkey should conform to the relevant rulings of the European Court for Human Rights.

#### Educational rights

- Support financially minority schools, as it is foreseen by the 1923 Lausanne Treaty
- Delete all-minority references from schoolbooks used for teaching in turkey, as it forges historic realities, fosters discriminatory behavior against members of the minority and incites hate actions.

#### Human rights, non-discrimination issues

Ensure that Greek citizens are able to fully enjoy their rights over inherited patrimonial property.

- Restitute Turkish Republic citizenship to Greek minority members living abroad and issue permanent residence and work permit to those who are willing to return to Turkey.
- Fully implement the Universal Declaration of Human Rights and interpret the 1923 Lausanne Treaty so as to provide equal rights to the Greek Minority in Turkey.

### **European Center for Democracy Development**

- I would like to turn to the leadership of the Office for Democratic Institutions and Human Rights to take under control the situation with developing Russophobia in Europe.

### **Miko Imre Association for the Protection of Minority Right**

Recommendations to the OSCE, in particular the High Commissioner on National Minorities:

- When monitoring the situation of the rights of national minorities in OSCE participating States, the HCNM should put particular emphasis on studies and data regarding implementation, considering that States often stop at codifying minority rights, including linguistic rights in laws, while doing little to ensure proper application

### *Recommendations to the OSCE Field Missions*

#### **International Platform Global Rights of Peaceful People**

To OSCE:

- Прекратить преследование и насилие по языковому принципу русскоговорящих граждан Украины. Мониторинговой миссии ОБСЕ отслеживать случаи такого насилия. Обеспечить достойное существование вынужденных мигрантов

#### **Latvian Human Rights Committee**

For OSCE institutions:

- To conduct a fact-finding mission to Latvia, with participation of the Office of the High Commissioner on National Minorities and with a view to express recommendations;

### *Recommendations to the International Organizations*

#### **Human Rights Vision Foundation**

- Turning to international institutions and Western countries, while establishing and maintaining relations with the government of Tajikistan, we call for a more rigid link between granting grants and other assistance with respect for human rights.

#### **Independent human Rights Protectors (IHRP)**

- I call international community to investigate at the international level the crimes committed by the Rahmon's regime and to call upon the regime to respect its international obligations and to abide by international law

## **Working session 9: Tolerance and non-discrimination II**

### *Recommendations to participating States*

#### **Austria/European Union**

To participating States:

- Call on participating States' authorities to systematically and univocally condemn any acts of violence against Roma and Sinti persons and take effective and immediate measures to thoroughly investigate crimes and to hold the perpetrators accountable.
- Take measures to combat any form of violence motivated by racism or xenophobia and ensure a vigorous, effective and independent investigation of racially motivated

acts, as well as equal access to effective remedies (judicial, administrative, conciliation and mediation procedures). Perpetrators of violent acts on Roma and Sinti should be brought to justice.

- In this regard, encourage OSCE participating States to make use of the ODIHR's role in conflict prevention and identification of areas of early intervention, and draw on the expertise of the OSCE High Commissioner on National Minorities in this regard.
- Put greater emphasis on actions in the areas of education and employment; promote the training of mediators and training-of-trainers, as well as a useful tool to strengthen community based approaches and human rights.
- Take effective measures to enhance the participation of Roma and Sinti youth in public life.
- Pay particular attention to Roma and Sinti women and girls who often face multiple forms of discrimination.
- Education is an important precondition to the participation of Roma and Sinti persons in the political, social and economic life of their respective countries on a footing of equality with others. Encourage pS to develop comprehensive policies that address the full range of factors that contribute to low-school attendance by Roma and Sinti children. This includes, inter alia, ensuring that Roma and Sinti families have the necessary documentation for registration. Ensuring access to birth registration, identity documents for Roma persons is a key to improving their lives.
- Encourage participating States to take effective measures to ensure respect of fundamental rights, in particular improving access to education, employment, healthcare and housing.
- Promotion of policies and measures to tackle the persistent challenges the Roma community still faces, social exclusion and discrimination.
- Enhance a better implementation of the OSCE commitments with regard to Roma and Sinti by local authorities.
- Pay particular attention to Roma and Sinti migrants, refugees and IDPs and ensure that they are treated in accordance with the relevant international norms and standards of protection, without any discrimination.
- Ensure a periodical review mechanism of strategies, policies and measures related to Roma and Sinti persons, for a better adjustment to the situation on the ground.
- Continue and enhance cooperation among international organizations with regard to improving the situation of Roma and Sinti persons.
- Continue activities of the OSCE field operations with regard to improving the situation of Roma and Sinti persons.

## **Russia**

- Вопросы защиты прав цыган постоянно поднимаются в рамках ОБСЕ, однако, к сожалению, мы не видим должной реакции на конкретные случаи их преследования. В этой связи хотели бы призвать государства-участники принять действенные меры по выполнению своих обязательств, касающихся защиты национальных меньшинств, в том числе с целью улучшения положения цыган в Европе.

## **OSCE Parliamentary Assembly**

To participating States:

- Bien que la Réunion de Mise en Oeuvre de la Dimension Humaine évalue la situation de la 3ème Dimension dans la région de l'OSCE, le problème de discrimination des Roms et des Sinté est étroitement lié avec les autres dimensions de l'OSCE. Il est impératif que nous voyions le problème dans un contexte plus large d'environnement économique et de sécurité afin de développer une approche multidimensionnelle efficace.
- Un élément crucial afin d'espérer améliorer la situation est d'assurer un accès égal à l'éducation pour les enfants Roms et Sinté, en particulier pour les jeunes femmes. L'éducation représente l'outil le plus important pour permettre aux jeunes générations de Roms et de Sinté de gagner leur vie indépendamment. De plus, l'éducation est un facteur-clé pour l'émancipation des femmes dans les communautés Roms et Sinté. La Résolution de l'AP OSCE de Belgrade de 2011 sur les Roms et les Sinté reconnaît également l'importance de l'aspect mis ici en évidence et appelle les Etats participants à modifier et améliorer leurs politiques nationales de manière à donner priorité à l'éducation en détruisant le fossé d'exclusion intergénérationnel rencontré par les Roms et les Sinté.
- Comme déjà mentionné, une attention particulière devrait être fournie afin d'assurer à la jeunesse, et en particulier aux jeunes femmes, la continuité de leur éducation.
- Les Etats participants doivent développer davantage de programmes d'éducation efficaces traitant des problèmes des Roms et des Sinté.
- Au niveau international, nous devons assurer une meilleure coordination entre les différentes institutions de l'OSCE ainsi que les autres organes du cadre international (Nations Unies, Union Européenne, Conseil de l'Europe) afin de mieux traiter les défis existants.

## **Anti-Discrimination Centre "Memorial"**

calls the national governments

- to come up with developed preventive plans against pogroms and collective groundless blame of ethnic groups for a crime. Police must be able to react rapidly and adequately to protect Roma when they are in a dangerous situation.

## **Central Council of German Sinti and Roma**

calls upon the OSCE Participating States

- To establish national Truth and Reconciliation Commissions, or Expert Commissions on Antigypsyism in order to analyse the long-lasting, structural barriers to the equal public and political participation of Roma and Sinti, and in order to develop counter-strategies;
- To sanction antigypsyism as well as antisemitism with all available legal and political tools.



### **European Center for Democracy Development**

- We need to adopt amendments to the existing Convention on the elimination of all forms of racial discrimination, we need to adopt binding documents within the OSCE and other international organizations that prohibit contemporary forms of racism, including the forms carried out under the pretext of the integration of minorities.
- I call upon the OSCE to think about the creation of a new document directed against new forms of Racism.

### **Human Rights Watching Group**

To Ukraine:

- To adopt an anti-discrimination law that would include detailed information on protection and corresponding procedures, in particular, in relation to racial or ethnic discrimination.
- To take effective measures to prevent, detect racially motivated discrimination in the judiciary and law-enforcing spheres.
- To ensure effective legal aid in cases of discrimination against Roma in the fields of education, employment, health care, social services and access to civil rights.
- To ensure the safety of the inhabitants of the Roma communities and settlements, to protect their inhabitants from enforced evictions as a traditional local authorities' practice.
- To facilitate the correction of existing statistics on the provision of social services, access to education, employment, health care, social security and justice to Roma population.
- To develop and implement comprehensive training programs for officials of all levels in order to provide civil servants with understanding of international and national standards that prohibit discrimination, and use them at work in order to ensure that they fulfill their duties regarding the protection of Ukrainian citizens from the discrimination.
- To disclose information on combating racial discrimination against Roma at all levels, and to formulate a clear understanding that tolerance towards racism in the country will never be acceptable.
- To establish cooperation between the leaders of Roma communities and representatives of the Ministry of Internal Affairs in each region and in the places of compact residence of the Roma.

### **National Roma Centrum (NRC)**

For the Member States

- To strengthening the existing legislation in order to ensure political representation of Roma especially Roma women and young people in the mainstream political parties.
- To implement voting education and awareness raising for political participation and representation on permanent bases, voting and electoral education to be part of the school curricula and not just part of campaigning during the electoral process usually implemented by Civil Society organizations. Special designed programmes shall be designed and implemented by the government.

- Regular collection of updated data on the socio-economic and educational status of members of communities in order to improve the participation of smaller communities at the local level as a precondition for developing effective measures to promote effective equality;
- Increasing the level of awareness of language and manner understandable to all, including the members of the small(er) communities for access to the basic services and rights;
- Political representatives to have the opinion and needs of citizens, to work devotedly on a lawful and proper implementation of the responsibilities and obligations;

### **Polish Roma Union based in Szczecine**

Recommendations to the Republic of Poland authorities' and OSCE Member States

- Even though the Roma in Poland are a small community it is recommended for all local and regional authorities to include Roma inhabitants' needs as well as their suggestions in the all issues associated with the settlements and districts they live in.
- It is very important to ensure the presence and participation of Roma minority members as a Roma voice and a Romani point of view representatives in all kinds of public events devoted to any Roma minority issues.
- The authorities of the Republic of Poland as well as other OSCE Member States should continue at least on lower scale the so far and similar kinds of programs and initiative oriented at multi field assistance for Romani minority based on OSCE, Council of Europe and the EU frameworks and recommendations.

### **RomanoNet**

Recommendation for participating states:

- The political parties should formulate their positions on addressing the area of Roma inclusion and provide opportunities to involve Roma men and women in party life. A positive vision, one of development, as opposed to the current discourse of restrictions, would support voter participation by Roma men and women.

### **Roma Women Fund "Chiricli"**

To the Ukrainian Authorities

- To ensure that the effectiveness of the existing inter-ministerial coordination mechanism for the implementation of the National Roma Strategy and NAP is improved and expanded;
- To revise the National Roma Strategy and the Action Plan, articulating clearly-defined objectives, indicators and a realistic budget, as well as paying particular attention to the representation of Roma women and their needs;
- To maximize ownership of Roma in policies affecting them at the national and local levels and to promote the active role and participation of Roma communities in decision-making processes;
- Organize election-awareness campaign so as to increase participation of the Roma electorate in electoral processes.

## *Recommendations to the OSCE Institutions*

### **Center of Equal Rights Expertise**

- Monitoring of all forms of profiling, especially ethnic profiling, should be organized in the OSCE region.

### **Central Council of German Sinti and Roma**

calls upon the OSCE

- To follow the Council of Europe and European Union to recognize antigypsyism as a specific form of racism, which constitutes the root cause of the exclusion of Roma and Sinti and a key barrier to their political participation;
- To adopt a Ministerial Council decision that strengthens the mandate of ODIHR to monitor and combat antigypsyism and to enhance the political participation of Roma and Sinti as key 2 priorities for an effective implementation of the OSCE Action Plan for Improving the Situation of Roma and Sinti;
- To monitor antigypsyism as part of the OSCE election observation missions, and to respond with its institutions.

calls upon the OSCE Parliamentary Assembly, Members of Parliament of the Participating States and political parties

- To endorse and respect the revised Charter of European Political Parties for a Non-Racist Society;
- To establish a Parliamentary Coalition for Combating Antigypsyism in order to confront antigypsyism by condemning prejudice, discrimination, hate speech and hate crimes in the public discourse, in particular by refraining from and condemning stigmatization of Roma and Sinti during electoral campaigns;
- To strengthen diverse leadership by engaging in dialogue and networks between political parties and Roma civil society; also by reaching out to Roma to be politically active and to become members and candidates of political parties.

### **National Roma Centrum (NRC)**

To OSCE

- To create mechanism for Political parties should design measures to promote minorities' participation, including Roma women's and young people in elections, including through the inclusion of quotas. Quotas are a powerful tool to achieve better political representation. Member states should consider setting strong quota laws or parity systems (with high quota percentage, rank order rules, strict sanctions).
- Electoral systems and the geographical boundaries of electoral constituencies matter. Proportional electoral systems with closed lists have shown to increase women's political representation, and countries should consider switching to such systems.
- To promote minority participation, the legal threshold for parties under proportionate representation systems should be low enough.

- Voting mechanisms should be designed to provide the possibility for Roma women to be voted all over the country in those countries where the minorities are scattered.
- Participation of Roma, especially young people and women, as voters should be increased in order to act as a powerful electoral constituency.
- Funding should be made available for Roma women and youth who want to campaign in elections. In every country where there is a law regarding the use of election funding, financial resources should be available also to the Roma candidates in equal proportion.

To ODIHR:

- To organize political empowerment for the Roma representatives in the parliament where in order to educate them about the political skills and methods of presenting and lobby for Roma communities

### **RomanoNet**

Recommendation for the OSCE

- To extend the observation missions on local elections in all member states of OSCE, as the Local elections are most violated by bribes activities of political parties and different lobbying groups.

### **Roma Women Fund "Chiricli"**

To ODIHR

- To support education programs targeting both Roma voters and candidates
- To proceed with the technical assistance for the effective implementation of the Odesa Declaration on access to identity documents by Roma
- To support political development programs that enhance Roma women and youth participation as voters and candidates, as an investment in future generations

***Monday, 17 September 2018***

## **Working session 10: Fundamental freedoms I (continued)**

### ***Recommendations to participating States***

#### **Austria/European Union**

To OSCE participating States:

- OSCE participating States must avoid using security concerns as a justification for restricting peaceful assembly when those restrictions are not prescribed by law and consistent with international standards. Participating States must avoid the excessive use of force and the use of pre-emptive detentions when engaging with the organisers and participants of peaceful assemblies.
- Participating States should actively engage with ODIHR in ODIHR's work to monitor peaceful assembly. Participating States should recognise the benefits of systematic

monitoring of peaceful assembly, including benefits to the State, the organisers and the participants.

- States should take advantage of tools such as the ODIHR/Venice Commission guidelines on the Freedom of Peaceful Assembly, Freedom of Association and the ODIHR guidelines on the Protection of Human Rights Defenders.
- States should allow civil society (meaning both individuals and organisations) the freedom to maintain contacts and cooperate with other individuals and organisations within their own country and abroad, as well as with foreign governments and international organisations.
- Participating States, in accordance with OSCE commitments, must permit organisations and individuals associated with them to seek, receive, manage and administer financial support from domestic, foreign and international entities without undue restrictions.
- Participating States should limit the use of legislation designed to restrict civil society activity and the increasing criminalisation of peaceful activity by individuals from the civil society sector. Legislation should be drafted with the purpose of facilitating the establishment of associations and enabling them to pursue their objectives.
- States should ensure that associations have the right to exercise their freedom of expression and opinion with respect to their objectives and activities. Associations should have the right to participate in matters of political and public debate, regardless of whether the position taken is in accord with government policy or advocates a change in law.
- Participating States must respect dissenting views and recognise that human rights defenders face specific risks and are often targets of serious abuses as a result of their human rights work. States must refrain from any act that violates the rights of HRDs, protect HRDs from abuses by third parties (and investigate fully any abuses against HRDs), and take proactive steps to promote the full realisation of the rights of HRDs, including specifically the right to defend human rights.

### **Canada**

- That participating States fully respect their OSCE commitments and international obligations with regards to the rights to freedoms of association and peaceful assembly, as well as freedom of expression, in both physical and digital contexts.
- That OSCE participating States ensure that laws, regulations, and practices do not unduly restrict the composition and activities of civil society, and that they promote and enable an active and effective participation of civil society in multilateral forums, such as HDIM.

### **Russian Federation:**

To participating States:

- Мы вновь призываем Украину и ряд других государств-участников ОБСЕ прекратить гонения на журналистов и порочную практику «зачисток» информационного пространства от средств массовой информации, неугодных властям.

## **Ukraine**

To Russia:

- We demand from the Russia to execute its humanitarian and human rights obligation in Crimea, refraining from punishing Crimean residents for acts committed or opinions expressed before the occupation also as for social media comments or posts that do not constitute calls for discrimination or violence and to release all Crimean residents detained for such acts.
- We also demand from the Russia to execute its humanitarian and human rights obligation in Crimea and in waters of Black and Azov Seas guaranteeing the safety of Ukrainians engaged in shipping and fishery and to release all Ukrainian fishermen detained by Russia as hostages in 2018.
- We demand from the Russia to stop the ban and discrimination the independent and pluralistic media outlets and civil society organizations, to ensure the unimpeded access of Ukrainian and foreign journalists, human rights defenders and other civil society actors to Crimea, to ensure freedoms of expression, peaceful assembly, association, thought, conscience and religion can be exercised by all in Crimea, without discrimination on any grounds.
- We demand from the Russia to stop the policy of arbitrary illegal violation of the freedom of movement between Crimea and mainland Ukraine, including detaining, threats, total corruption, mental and physical violence from Russian punitive bodies` representatives; to stop the policy of the arbitrary illegal deportations of Ukrainian citizens from Crimea.

To participating States:

- We recommend for the OSCE participating States to fix and evaluate the violation by Russia the OSCE standards in Crimea in particular the oppression of the freedoms of expression, freedom of peaceful assembly, freedom of movement, with special attention to the coherent recommendation of the 2015 Report of the Human Rights Assessment Mission on Crimea, prepared by ODIHR and the OSCE HCNM, that were still not executed by the aggressor-State.
- We recommend for the OSCE participating States to pay special attention on the situation with current politic activities of Russian Ombudsman related to the events in Crimea and to the Crimean prisoners and hostages being under Russian control that are totally not in compliance with OSCE standards.

## **Amnesty International**

To Russia:

- The persecution of human right defenders in Russia must end immediately.
- The Russian authorities should publicly acknowledge the importance of human rights work and ensure that human rights defenders are able to undertake it without harassment, smear, intimidation, physical attacks and arbitrary prosecution.
- Russia is required under international legal obligations to respect, protect and fulfil human rights, and we expect no less.

### **Buergerbewegung (Citizens' Movement) PAX EUROPA e.V.**

To Germany:

- Repeal the Netzwerk DG. This would restore freedom of speech.

To participating States:

- remove all restrictions and barriers to the free flow of information to restore freedom of speech
- Return to the already present laws against harassment, etc., as so-called hate crimes are actually crimes against public morality, as defined by lawmakers.

### **Charitable Women's Foundation Astra**

To Russia:

- Обеспечить свободу ассоциации для участия секс- работников в политической и общественной жизни, включая роль секс-работников на всех уровнях законодательной и исполнительной власти.
- Отменить дискриминационное решение Министерства юстиции, которое не позволило Серебряной Розе представлять интересы секс-работников и их союзников и зарегистрироваться.

### **European Center for Artsakh (EUCFA)**

To participating States:

- Take necessary and adequate measures to ensure the safety of journalists, human rights activists and representatives civil society involved in peace initiatives;
- Promote and facilitate contacts and inclusive dialogue between journalists and civil society representatives representing all parties to conflict;

### **Human Rights Watch**

To participating States:

- We urge all OSCE participating the renew and demonstrate their commitment to implement the recommendations of such bodies and revise legislations that deeply affect their compliance with their obligations on freedom of association.

### **International Civil Liberties Alliance**

- Que les états participants de l'OSCE s'engagement à mettre en place dans un délai de cinq ans des mécanismes de référendum d'initiative populaire à effet contraignant, inspirés des bonnes pratiques largement éprouvées en Suisse. Ces référendums permettraient aux populations de proposer ou de modifier des lois, y compris avec effet de veto sur des décisions gouvernementales.
- Pour ceux qui seraient choqués par une telle idée, je rappelle que démocratie signifie «Forme de gouvernement dans laquelle la souveraineté appartient au peuple» et non pas «captation du pouvoir par une élite n'écouter qu'elle-même et ceux qui la financent».
- Nul gouvernement ou organisation internationale n'a de légitimité à juger ou censurer un peuple sur ce qu'il désire pour lui même, c'est à la nation souveraine qu'appartient le droit inaliénable de juger et de censurer son gouvernement.

## **Political Movement "Group 24"**

To participating States:

- Not to believe fabricated charges issued by the Tajik government toward members of the Group 24.
- We kindly request from the international community to pressure the Tajik government to release political prisoners such as Maksud Ibragimov, Umedjon Solikhov, Ekhsan Odinaev etc...

To Russia:

- We kindly request from the Russian Federation to investigate in Mr. Maksud Ibragimov's case who had Russian citizenship and release political activists such as Zulfiqahor Kholov, Saidmatzoda Olimjon, Davlatov Shokir, Nuriddin Bafoev, Qamarov Nizomiddin, Kholov Fakhriddin, Sharipov Saidamir etc...

To Turkey:

- We kindly request from the Turkish authorities to release Mr. Suhrob Zafar and reveal the assassin identity of Mr. Umarali Kuwatov.

## **Redut Law Company**

To Ukraine:

- We recommend that the relevant Ukrainian authorities prosecute the members of the Municipal Guard of Odessa for their illegal actions and to prohibit, at the legislative level, the right of the municipal authorities of all Ukraine to form their own municipal guards.

## **Western Thrace Minority University Graduates Association**

To Greece:

- Ensure that the right to freedom of peaceful assembly and association is enjoyed by the whole society, either individually or as a group, without discrimination and restriction on the basis of ethnic or social origin,
- To respect and implement the provisions of the international human rights instruments in which the freedom of assembly and association is safeguarded.

## ***Recommendations to the OSCE Institutions***

### **Armenia**

To ODIHR and the RFOM:

- Severe limitation of the freedom of expression and freedom of peaceful assembly and association create conducive environment for radicalization of society, in particular youth. Limitation of space for democratic public debate creates serious risks of growth of intolerance, discrimination and hate crimes, which can be diverted against ethnic or religious group. Therefore continuous and systematic violation of fundamental freedoms poses serious security risks. We recommend the ODIHR and the RFOM to thoroughly monitor and examine such violations and address in line with their early warning mandate.



## **Ukraine**

To OSCE Representative on Freedom of Media:

- We recommend for the OSCE Representative on Freedom of the Media to enforce monitoring and reaction on the media situation in the occupied Crimea and for OSCE High Commissioner on National Minorities to evaluate the situation with the Indigenous Peoples, National Minorities and ethnic Ukrainians in Crimea.

To Special Monitoring Mission in Ukraine:

- We recommend for the OSCE Special Monitoring Mission in Ukraine, whose mandate covers the whole territory of Ukraine, including Crimea; make closer attention to the above problems of the oppression of the freedoms of expression, freedom of peaceful assembly, freedom of movement by Russian occupation powers in territories adjacent to the occupied Crimea.

To ODIHR:

- We do strongly expect from ODIHR OSCE finalized recommendations elaborated on grounds the OSCE expert meeting held on the current human rights situation in Crimea and the challenges faced by human rights defenders working on and in Crimea on 14 June 2018 in Kherson by the OSCE ODIHR in co-operation with our Mission.

## **Center for Security Policy**

- The Center for Security Policy urges the OSCE, ODIHR, and this HDIM 2018 meeting to reaffirm their own long-asserted commitment to freedom of speech, unconstrained by capricious submission to suppression of free, honest, open expression of our sincerely held beliefs, opinions, and positions on the issues of such importance before us today.

## **European Center for Artsakh (EUCFA)**

To OSCE Representative on Freedom of Media:

- Consider inviting to its freedom of expression and media freedom events participants from all parties to conflict in a status-neutral manner.

## **Gatestone Institute**

To OSCE Chairmanship:

- Gatestone Institute recommends the OSCE Chairmanship should place restrictions on Turkey's participation by excluding them from consensus decision-making until the Turkish government releases all jailed journalists and guarantees the right to free speech for all citizens of Turkey.

## **Human Rights Centre Tajikistan**

To OSCE:

- Last week the Tajik security services interrogated two brothers of Abdusattor BOBOEV and wife of lawyer Jamshed YOROV, both HDIM 2018 participants, who are now present in this hall. So, I urge OSCE to condemn this shameful activity publicly
- and call Tajikistan to stop using relatives as hostages and provide freedom of movement for all citizens.

### **International Platform Global Rights of Peaceful People**

- Рекомендуем БДИПЧ ОБСЕ обратить внимание, что существуют взаимные обязательства о соблюдении прав национальных меньшинств зафиксированные в базовом договоре заключенном между Украиной и Румынией в 1997 году.

### **Legal Information Centre for Human Rights**

To OSCE:

- Обращаем внимание ОБСЕ на признаки наличия «двойных стандартов» в правоприменительной практике не только в отдельных государствах, но и в международных правозащитных организациях.
- ОБСЕ, как организация, стоящая на страже защиты от проявления всех форм ксенофобии и дискриминации по этническому признаку, должна выразить обеспокоенность в связи с возрастающим числом проявлений практической русофобии не только при решении проблем в отдельно случаях в отдельных государствах, но и в международных правозащитных организациях, а также в правозащитной среде в целом, и принять соответствующие меры.
- Обращаем внимание на ситуацию с наличием произвольных «чёрных списков» в государствах Балтии, которая не способствует соблюдению норм и принципов международного и европейского права.

### **Salut et Misericorde**

To ODIHR:

- L'association Salut et Misericorde souhaite que le BIDDH rappelle aux Etats européens le devoir de respecter la liberté d'expression, et organise avec eux une réflexion au sujet de propos du président Erdogan annonçant que L'islam est l'avenir d'Europe, et ce en regard du jugement de la CEDH déclarant la charia incompatible avec les droits de l'homme

### **Secure Freedom**

To OSCE :

- That OSCE allow those concerned about Sharia “to participate in the discussion of the selected topics and to provide their suggestions and recommendations;
- The OSCE Ministerial require ODIHR to allow freedom of thought, belief, conscience, and expression, especially with respect to concerns about Sharia, which is incompatible with democratic institutions, as the European Court of Human Rights has ruled;

To ODIHR:

- That ODIHR staff think seriously about whether they can in good faith continue to sacrifice Fundamental Freedoms of those critiquing Sharia on the altar of Sharia itself.

### **Salut et Misericorde**

- La CEDH doit bientôt rendre des jugements importants sur l'application de la charia dans la région grecque de Thrace occidentale, et sur le droit de critiquer et caricaturer Mahomet. C'est pourquoi l'association Salut et Misericorde que l'OSCE intervienne pour que M. Gutteriez soit remplacé par l'initiateur et le précédent rapporteur de ce projet, M. Pieter Omtzigt (Omchirt)

### ***Recommendations to the International Organizations***

#### **Promo-LEX Association**

- We recommend that the international support for capacity building offered to the Moldovan Police should focus more on consolidating tools, skills and attitudes that rely on human rights based approach.
- We also call on the international community to watch closer the evolution of the situation of freedom of assembly in the Republic of Moldova.

***Monday, 17 September 2018***

## **Working session 11: Fundamental freedoms I (continued)**

### ***Recommendations to participating States***

#### **Armenia**

- Participating States should comply with their commitment to facilitate free and secure movement of persons through ensuring open and secure borders.
- Participating States should remove the illegal restrictions imposed on the freedom of movement of all individuals residing in the conflict affected areas.
- Participating States should ensure freedom of movement for representatives of governmental bodies, international organizations, including OSCE and NGOs wishing to visit conflict areas. Any restrictions on freedom of movement should be in line with international standards.

#### **Austria/European Union**

recommendations to participating States:

- Fully respect their international obligations and commitments on freedom of expression and media freedom, in particular to refrain from any restrictions on freedom of expression which are not prescribed by law and in line with international law.
- Engage constructively with the Representative on Freedom of the Media and make use of his expertise and recommendations.
- Respect the mandate and autonomy of the Representative and provide him with the necessary resources to fulfil the mandate.

## **United States of America**

To Russia:

- We repeat our call for the release of Memorial's imprisoned Chechnya office head Oyub Tityev. We also call for an end to the prosecution of Yuriy Dmitriev, the head of Memorial's Karelia office and a renowned historian of the Soviet gulag.

## **Russian Federation**

To Bulgaria, Estonia, Latvia, Sweden and Ukraine:

- Призываем власти перечисленных государств перестать прикрываться ссылками на право на свободу выражения мнения и на свободу мирных собраний и перестать потакать праворадикалам, а также поддержать в ходе 73-й сессии Генассамблеи ООН проект традиционной резолюции о борьбе с героизацией нацизма.

## **Ukraine**

To Russia:

- to invite an OSCE Human Rights Assessment Mission to thoroughly examine the situation and elaborate respective recommendations in line with the OSCE commitments and international standards;
- demand from the Russian Federation the immediate and unconditional release of Oleg Sentsov and other Ukrainian citizens, who are political prisoners. Among them also Roman Sushchenko – a Ukrainian journalist, sentenced to 12 years in prison on fabricated charges of “espionage”.

## **Buergerbewegung Pax Europa e.V.**

- That OSCE pS act decisively against anyone seeking to intimidate and silence others.

## **Center for Civil Liberties**

To participating States:

- stop referring to civil society groups critical of government policies as political tools of foreign interference in domestic affairs,
- refrain from describing civil society groups critical of government policies as a threat to “traditional values” and stability,
- stop engaging in smear campaigns and making discrediting statements against civil society groups and activists;
- repeal “foreign agents” laws” and lift restrictions on international funding of civil society activities;
- promptly and effectively investigate all attacks against civil society activists and bring their perpetrators and masterminds to justice,
- stop conflating civic activism and extremism and imposing excessive and disproportionate restrictions of freedoms of association, assembly, and expression in the name of security, including countering terrorism,
- stop criminalising non-violent expression to suppress critical voices and prevent

- accountability of governments,
- recognise and support the role civil society plays in combating radicalisation and violent extremism by reaching out to include citizens and residents from minority groups,
- stop using the judicial system as a means of repression and pressure on civil society, including through unfair trials, politically motivated convictions, approval of surveillance and travel bans (denial of exit from the country),
- stop using economic mechanisms, including tax, financial, anti-money-laundering, and other regulations, to restrict civil society activities,
- stop using “collective punishment” to intimidate and repress civil society activists by targeting their relatives, and vice versa, support them in every possible way.

### **Human Rights Movement "Bir Duino-Kyrgyzstan"**

- We urge Central Asian governments to create a safe space for critical and constructive dialogue with civil society actors.

### **Hungarian Helsinki Committee**

To participating States:

- Continue monitoring the situation of human rights defenders and independent civil society organisations in Hungary and in the OSCE region and intensify efforts to empower and support them, including through political, legal and financial assistance.
- Consider advancing existing Human Dimension commitments, especially those with regards to the enabling and safe environment conducive for human rights work with particular attention given to the need for participating States making positive and proactive steps to advance the environment.
- Review how the the OSCE Guidelines on the Protection of Human Rights Defenders are implemented and, if necessary, review the existing framework for implementation of the OSCE Guidelines to foster more effective implementation.
- Urge the Government of Hungary to fully implement the OSCE Guidelines on the Protection of Human Rights Defenders. Most notably, the government should be urged to refrain from using accusatory and labelling rhetoric against human rights defenders and independent civil society organisations; instead, it should be encouraged to take proactive steps to counter discrediting of human rights defenders and independent civil society organisations by political leaders and in the media.
- Engage with the Government of Hungary to encourage meaningful dialogue between the Government and civil society, in order to ensure that institution-building, development and other programmes are human rights compliant.
- Explore and strengthen non-governmental, alternative sources and means of funding for independent civil society, with a view to ensuring free and non-politicized access to funding for all civil society organizations.

- Monitor the impact of legislation as well as other measures and related actions (including communication) by state actors and the media targeting the funding and operations of civil society organisations in Hungary.

### **Newspaper Public Surf - Obshestvennyi Priboi**

To Ukraine:

- Несмотря на опубликованные материалы и обилие доказательств вопиющих и незаконных действий со стороны «Муниципальной стражи», в частности Евгения Мирошниченко, Приморская прокуратура Одессы до сих пор не вручила подозрения лицам, которые участвовали в похищении и избииении. По неизвестным мне причинам прокуроры Анатолий Хаменчук и Юрий Реут затягивают расследование этого резонансного дела. Прошу представителей Украинской делегации поставить под контроль расследование этого дела и не дать представителям местной власти спустить дело на тормозах. В конце хочу повторить своё первоначальное предложение о запрете на законодательном уровне «Муниципальных страж» на территории Украины. Сегодня эти структуры представляют из себя частные вооружённые армии и являются реальной угрозой для граждан Украины.

### **Sea Jay Foundation**

To participating States:

- That the “necessary restrictions” on free speech be paired back drastically
- That the whole concept of “hate speech” be recognized as unworkable
- That to restore public civility, there needs to be return to the Golden Rule

### **Secure Freedom**

- That America, Hungary, Slovakia, Czechia, Poland, Austria, and Italy speak out in favor of free speech and their own policies on terror and migration.

### **Shah-Aiym Public Association**

To Russia, Kyrgyzstan and Tajikistan

- Implement the UN recommendations to decriminalize sex work, introduce mechanisms for monitoring violence against sex workers by the police
- Terminate the practice of police and public raids in places where sex workers are located
- Respond to the appeals of sex workers about crimes committed against them, conduct thorough checks and investigations on these cases, and bring to justice those responsible
- Recognize the crimes committed against sex workers as hate crimes
- Thoroughly investigate of discrimination of sex workers in other spheres and bring to justice those responsible
- Taking effective measures to reduce stigma against sex workers among the population

### **Ukrainian Association of Correctional Teachers**

- We call on the country of the invader to stop the Russian Federation from persecuting Ukrainians and Crimean Tatars in the Crimea for their views.

### **Unconstrained Analytics, Inc**

To participating States:

- reconsider the corrosive nature of the dominant “diplomatic speak” on the legitimate aspirations and requirements of the nations they represent? In truth and in fact, national identity is not racism and a healthy patriotism and national pride is not bigotry.

### **Western Thrace Minority University Graduates Association**

To Greece:

- To respect the right to self-identification of the persons belonging to Turkish minority whose rights are protected by the 1923 Peace Treaty of Lausanne and other international human and minority rights instruments and to promote the collective usage of this right;
- To discontinue dictating newly created identities to the members of the Turkish Minority and respect and safeguard the individual and collective rights of its members;
- To implement the decisions of the European Court of Human Rights regarding re-opening the Turkish Associations without any further delay;
- To allow the establishment of new associations containing the word “Turkish” or “Minority” and respect the choices of the founding members while defining their associations either ethnic or any other type;
- To respect the freedom of expression of the Turkish minority in order to protect and promote the diversity of opinions;
- To amend the recent law regarding the associations that was put into practice on 13<sup>th</sup> October 2017, in such a way that it allows the implementation of the European Court of Human Rights’ decisions related to the freedom of association.
- To ratify, without delay and reservations, the Council of Europe’s Framework Convention for the Protection of National Minorities that Greece signed in 1997.

## ***Recommendations to the OSCE Institutions***

### **Armenia**

- ODIHR should further build upon its Baseline Study on Cross-Border Mobility in the OSCE area, in particular study correlation between ensuring freedom of movement and situation with tolerance and non-discrimination.

### **Ukraine**

- To the OSCE Chairmanship, its Special Representatives, and the OSCE Institutions to use all available assets and instruments to monitor and react to the developments in Russia.

### **Buergerbewegung Pax Europa e.V.**

- That OSCE review the current "Hate speech" regulations for harm to our freedoms, and investigates approaches of regulations that do not use prior restraint.
- That OSCE make it clear that speaking the documentable truth can never constitute "Hate Speech".

### **Center for Security Policy**

- The Center for Security Policy once again urges the OSCE ODIHR and this HDIM 2018 conference to stay true to your and our own principles as articulated from Helsinki, through Paris, Istanbul and Astana. We must hold fast together against the Organization of Islamic Cooperation (OIC)'s rejection of the United Nations Universal Declaration on Human Rights and in defense of individual liberty, equality before man-made law, government by consent of the governed, and the right to speak freely, whether or not such speech might be perceived as "offensive" by some.

### **Hungarian Helsinki Committee**

To ODIHR:

- Closely follow the developments with regards to freedom of association as well as the environment in which civil society organizations operate, and provide support and assistance to Hungary to promote an operational environment that is in compliance with Hungary's OSCE human dimension commitments.
- consider mapping the situation of human rights defenders and the operating environment of civil society organizations in the OSCE region in order to identify best practices and positive examples with regards to an enabling environment, including registration and reporting requirements, government responses to protect human rights defenders against media smear-campaigns, the inclusion of CSOs and human rights defenders in the legislative procedures with regards to regulations that affect their work, and funding.
- The EU's Fundamental Rights Agency launched its civil society report in January 2018. We recommend ODIHR to consider a report on legal and practical obstacles that hinder the work of human rights defenders in the OSCE region and how the better implementation of the Guidelines on the Protection of Human Rights Defenders.

### **International Association of Independent Democrats Against Authoritarian Regimes**

To ODIHR:

- OSCE, ODIHR has the obligations to respect NGOs and OSCE, ODIHR must explicate the new activity, first of, the reason for news method holding of HDIM.
- OSCE, ODIHR must stop all case aggressions of the state delegation to NGOs.
- OSCE, ODIHR don't forget about Human Rights Education and support t have it for states-members.
- OSCE, ODIHR must see the problem the chauvinism in states members, in states of EU, first of all.



## **International Platform Global Rights of Peaceful People**

Рекомендации к БДИПЧ

- Потребовать от украинских властей
- Прекратить насилие к гражданам Украины, требующим свободы выражения мнения.
- Прекратить давление на левые силы Украины и предоставить им возможность беспрепятственно участвовать в выборах в парламент Украины в 2019 году
- Принять к сведению мнение делегатов Форума национальных меньшинств, выраженную в резолюции
- Провести специальное расследование, чтобы прекратить политическое преследование Левых Сил, обеспечить равное осуществление прав и участие в политической жизни всех партий и общественных организаций на Украине

## **Legal Information Centre for Human Rights**

To OSCE:

- Обратит внимание ОБСЕ на различия в юридическом статусе неграждан в разных странах Европы.
- Поддержать петицию, поданную в Комитет по петициям Европейского парламента о правах неграждан Эстонии и Латвии.
- Добиваться уравнивания прав неграждан Эстонии и Латвии с правами других лиц, относящихся к категории долговременных жителей Европейского Союза.

## **Secure Freedom**

To ODIHR:

- Permanently rescind content-based speech restrictions in the HDIM Code of Conduct;
- Acknowledge that restrictions on fundamental freedoms violates the OSCE Code of Conduct for Staff/Missions;

## **Shah-Aiyam Public Association**

To OSCE:

- in the guidelines and programs on gender equality the sections on measures to prevent and to protect sex workers from violence
- in the programs for the humanization of police work the sections on the observance of the human rights of sex workers

## ***Recommendations to the International Organizations***

### **Amnesty International**

- We call on the international community to address the issue of politically motivated prosecution in Azerbaijan. It should acknowledge and support the work done by frontline Azerbaijani human rights defenders in documenting politically motivated prosecutions and other violations, and engage with the Azerbaijani authorities on

every case of politically motivated prosecution in the country, demanding victims' release or prompt reviews of their case in proceedings that are fully compliant with international law and standards relating to fair trial.

**Tuesday, 18 September 2018**

## **Working session 12: (specifically selected topic): Rights of migrants**

### ***Recommendations to participating States***

#### **Armenia**

- For participating states to implement OSCE commitments in the field of migration and border control, in particular the Ljubljana Commitments on open and secure borders.
- OSCE platform should be utilized to develop regional cooperation between countries of origin, transit and destination.

#### **Austria/European Union**

- The EU calls all OSCE participating States to fully cooperate with ODIHR and request assistance to the institution when needed

#### **Canada**

- That OSCE participating States continue to examine ways in which the OSCE can act in complementarity to the UN and other regional organizations in promoting the rights of migrants.

#### **Norway**

To participating States:

- We urge all participating States to contribute to the follow-up of the Astana Declaration, and to identify areas where the OSCE uniquely can contribute. In this way, we can ensure complementarity and avoid overlap with the work of other multilateral organizations.

#### **Russian Federation**

- Мы призываем государства-члены Евросоюза обеспечить адекватные условия содержания детей-мигрантов и беженцев, их доступ к медицинскому обеспечению и образованию, а также скорейшее воссоединение с родственниками. Напоминаем, что обеспечение наилучших интересов ребенка прописано во всех основных профильных международных договорах, а также в обязательствах в рамках ОБСЕ.

## **Holy See**

To participating States:

- That participating States further consider how to implement the existing OSCE commitments on migrants

## **Switzerland**

To participating States:

- The concluding recommendations of the report of the Chisinau conference address key challenges related to integration policies, welcome programmes and education, access to employment and health care as well as funding of integration measures. Switzerland invites all participating States to consider these recommendations

## **OSCE/ODIHR**

To participating States:

Objectives for Safe, Orderly and Regular Migration

- Collect and utilize accurate and disaggregated data as a basis for evidence based policies
- Minimize the adverse drivers and structural factors that compel people to leave their country of origin
- Provide accurate and timely information at all stages of migration
- Ensure that all migrants have proof of legal identity and adequate documentation
- Enhance availability and flexibility of pathways for regular migration
- Facilitate fair and ethical recruitment and safeguard conditions that ensure decent work
- Address and reduce vulnerabilities in migration
- Save lives and establish coordinated international efforts on missing migrants
- Strengthen the transnational response to smuggling of migrants
- Prevent, combat and eradicate trafficking in persons in the context of international migration
- Manage borders in an integrated, secure and coordinated manner
- Strengthen certainty and predictability in migration procedures for appropriate screening, assessment and referral
- Use migration detention only as a measure of last resort and work towards alternatives
- Enhance consular protection, assistance and cooperation throughout the migration cycle
- Provide access to basic services for migrants
- Empower migrants and societies to realize full inclusion and social cohesion
- Eliminate all forms of discrimination and promote evidence-based public discourse to shape perceptions of migration
- Invest in skills development and facilitate mutual recognition of skills, qualifications and competences
- Create conditions for migrants and diasporas to fully contribute to sustainable development in all countries

- Promote faster, safer and cheaper transfer of remittances and foster financial inclusion of migrants
- Cooperate in facilitating safe and dignified return and readmission, as well as sustainable reintegration
- Establish mechanisms for the portability of social security entitlements and earned benefits
- Strengthen international cooperation and global partnerships for safe, orderly and regular migration

#### **Charitable Women's Foundation Astra**

To Russia:

- Implement the recommendations of the UN Committees on the decriminalization of sex work, introduce mechanisms for monitoring of violence against sex workers by the police.
- To stop the practice of police and public raids.

#### **International Platform Global Rights of Peaceful People**

To Ukraine:

- Указать властям Украины о недопустимости преследования и насилия Русин по языковому принципу
- Выполнить рекомендации ООН 2006 года.
- Официально признать русинскую национальность на Украине;
- Ввести национальность «русин» в официальный перечень национальностей Украины с предоставлением ей отдельного кода;
- Прекратить практику информационной блокады русинства в государственных СМИ
- Прекратить практику негласного преследования сторонников русинского движения, которые работают в государственных структурах;
- Открыть при Ужгородском государственном университете кафедру русинского языка и литературы;
- Создать научный центр русинистики для исследования истории, народоведения, литературоведения, лингвистики, фольклора Карпатского регион

#### **Public Organization "Public Advocacy"**

To participating States:

- provide real practical support to the religious leaders of the Middle East, in particular to John X, Greek Orthodox Patriarch of Antioch and all the East, Ignatius Aphrem II, Syrian Orthodox Patriarch of Antioch and all the East, who promote the ideas of peaceful coexistence of different religions and can effectively contribute to the improvement of the situation in the region;
- develop effective programs and projects for the restoration of the countries of the Middle East and return migrants to their historical homeland.

### **Regional Center of Human Rights**

Recommendations directed to the OSCE, ODIHR, NGOs and delegations of all participating states

- To ensure that the Russian Federation upholds to all obligations under international law as an occupying state, in particular to the rules of the international humanitarian law embedded in the Fourth Geneva Convention of 1949;
- To provide access for international organizations, including but not limited to the OSCE and the Council of Europe, to the Crimean Peninsula for the further objective analysis of the situation;
- To redress consequences of the imposition of the Russian citizenship over people residing on the territory of the occupied Autonomous Republic of Crimea and the city of Sevastopol. Imposition of the citizenship of the Russian Federation causes changes in the conditions of the Ukrainian citizens, stateless persons and foreigners residing on the territory of the occupied Crimean Peninsula. Therefore, such negative changes shall be stopped and reversed.
- To bring an end to the expulsion of the Ukrainian citizens, stateless persons and foreigners who have been residing on the territory of the Crimean Peninsula before and after the occupation from this territory based on the decisions of the courts acting under the authority of the Russian Federation and in accordance with its legislation for the alleged violations of the migration legislation of the Russian Federation;
- To bring an end to the displacement of persons from the Crimean Peninsula to the Russian Federation including those who have been sentenced to imprisonment and who happened to be under the control of the authorities of the Russian Federation;
- To stop and desist subsequent adverse effect of the migration processes in Europe caused by the above listed actions of the Russian Federation in the relation to the occupied territory of the Crimean Peninsula.

### **Sea Jay foundation**

To participating States:

- The Sea Jay Foundation recommends that the OSCE participating states reexamine their multicultural assumptions. Several decades of experience should provide enough data from which to make a sound and realistic judgment.

### **Secure Freedom**

To participating States:

- That OSCE participating states revisit commitments to “the right of migrant workers to express freely their ethnic, cultural, religious and linguistic characteristics,” to recognize instead multiculturalism’s utter failure and the value of integration and unity or repatriation instead; and
- That it is necessary in order to meet new risks and challenges to further develop OSCE commitments with respect to rights of migrants, and thus that the incoming Slovakian Chairmanship, and all those in the agenda-setting process for it, choose to focus on commitments to address “concern at mass migratory movements” (Budapest 1994).

## *Recommendations to the OSCE Institutions*

### **Armenia**

- OSCE platform should be utilized to develop regional cooperation between countries of origin, transit and destination.
- OSCE Secretariat and Institutions should build their activities in migration area, by clearly distinguishing topic of migrants from the conflict cycle issues, which are covered by agreed negotiation formats.

### **Canada**

- That the OSCE and ODIHR study migration systems to collect best practices that can be shared with participating States, particularly in assisting states in building partnerships to broaden collective engagement on addressing migrations issues and effectively fostering long-term integration of migrants within societies.

### **Holy See**

To ODIHR:

- That ODIHR in its future work on issues facing migrants give due attention to respect for the cultural and religious diversity of migrants

### **Switzerland**

- In view of the large numbers of refugees, IDPs, asylum-seekers and stateless people in the OSCE region, the OSCE has to stay engaged in elaborating appropriate responses to the challenges resulting from forced displacement.
- In addition to that, the OSCE should also continue working in close cooperation with other international and regional actors in order to build synergies and avoid duplications.

### **Charitable Women's Foundation Astra**

To OSCE:

- We appeal to the OSCE to recognize crimes against sex workers as hate crimes.

### **Gatestone Institute**

- I recommend that the OSCE chairmanship should dedicate its resources to raise awareness about the plight of the Yazidis and help them return to a safe and free Sinjar. As for Yazidis who want to be migrants in the West, the OSCE should constantly emphasize on international platforms the urgent need to facilitate Yazidi migration and urge all civilized nations to help first the Yazidis, these most beleaguered, persecuted and most benign of immigrants.

### **Human Rights Movement "Bir Duino-Kyrgyzstan"**

To OSCE:

- Необходимы широкие диалоги и консультации внутри КР для адаптирования, (локализации) ключевых принципов миграционной политики ОБСЕ в рамках министерских договоренностей и руководящих принципов по продвижению и обеспечению безопасности женщин и детей мигрантов

- Мы призываем ОБСЕ проводить ежегодный follow up тех ключевых рекомендаций странам грубо попирающих права мигрантов и членов их семей, что сделано по выполнению обязательств по Человеческому измерению, включая фундаментальное Право граждан, Право на Жизнь.

### **Mission Europa**

- That the OSCE aim to be a leader in distinguishing between needy refugees, economic migrants and unfriendly migrants who are unwilling to integrate.

### **Regional Center of Human Rights**

Recommendations directed to the OSCE, ODIHR, NGOs and delegations of all participating states

- To ensure that the Russian Federation upholds to all obligations under international law as an occupying state, in particular to the rules of the international humanitarian law embedded in the Fourth Geneva Convention of 1949;
- To provide access for international organizations, including but not limited to the OSCE and the Council of Europe, to the Crimean Peninsula for the further objective analysis of the situation;
- To redress consequences of the imposition of the Russian citizenship over people residing on the territory of the occupied Autonomous Republic of Crimea and the city of Sevastopol. Imposition of the citizenship of the Russian Federation causes changes in the conditions of the Ukrainian citizens, stateless persons and foreigners residing on the territory of the occupied Crimean Peninsula. Therefore, such negative changes shall be stopped and reversed.
- To bring an end to the expulsion of the Ukrainian citizens, stateless persons and foreigners who have been residing on the territory of the Crimean Peninsula before and after the occupation from this territory based on the decisions of the courts acting under the authority of the Russian Federation and in accordance with its legislation for the alleged violations of the migration legislation of the Russian Federation;
- To bring an end to the displacement of persons from the Crimean Peninsula to the Russian Federation including those who have been sentenced to imprisonment and who happened to be under the control of the authorities of the Russian Federation;
- To stop and desist subsequent adverse effect of the migration processes in Europe caused by the above listed actions of the Russian Federation in the relation to the occupied territory of the Crimean Peninsula.

### ***Recommendations to the International Organizations***

#### **Unite States of America**

- United States reiterates its position that UNHCR, IOM, ICRC, and other relevant international organizations and civil society groups must play the principal roles supporting the efforts of sovereign states to address their immigration issues. The OSCE can continue to play a helpful, complementary role by discussing trends that

affect countries and by empowering OSCE field missions to play a supporting role in their host countries.

**Tuesday, 18 September 2018**

## **Working session 13: (specifically selected topic): Rights of migrants**

### ***Recommendations to participating States***

#### **United States of America**

To participating States:

- All states should work to strengthen their border security capabilities and enforcement activities, to support the humane return of foreign nationals who are ineligible to remain in host countries and can safely return to their places of origin, to provide relevant protections to those fleeing persecution and torture, and to work together to seek political solutions to conflicts around the world that cause displacement.

#### **Ukraine**

To Russia:

- to the delegation of the Russian Federation not to mislead HDIM participants on “2 million Ukrainian refugees” as a result of ongoing Russia’s aggression against my country as, according to the Federal Service of State Statics of the Russian Federation, there are only 166 refugees from Ukraine registered in Russia as of January 1, 2018.

#### **Buergerbewegung Pax Europa e.V.**

To Austria:

Daher sprechen wir folgende Empfehlungen an Oesterreich aus:

- Migration muss auf legalem Weg erfolgen. Daher hat Abschiebung aller nicht legal in Oesterreich lebenden Personen zu erfolgen.
- Neue Rechtskonventionen, die durch die Hoehstgerichte erfolgte Ausweitung der Asyl- und Bleibemoeglichkeiten wieder ganz auf den Wortlaut der Fluechtlingskonvention zurueckfuehren.
- Oesterreich soll die Initiative ergreifen, die Genfer Fluechtlingskonvention dahingehend abzuaendern, dass nur Fluechtlinge des eigenen Kontinents als Asylberechtigte zu behandeln sind.

#### **Hungarian Helsinki Committee**

We call on OSCE Participating States to:

- Urge the Government of Hungary to fully comply with its Human Dimension commitments, including § 22 of the 1999 Istanbul Document on the rejection of mass expulsions and on the respect of the right to seek asylum, as well as § 38 of the 2003 Maastricht Document on counteraction of violence, intolerance, extremism



and discrimination against asylum-seekers and on the respect of individual freedoms of asylum-seekers and migrants. Most notably, the government should be urged to (1) halt publicly financed xenophobic campaigns against asylum-seekers and migrants; (2) revoke legislation that allows the mass expulsion of third country nationals from Hungary; (3) respect the right to seek asylum, and (4) respect the right to liberty of asylum-seekers and ensure that detention is used only as a last resort and in accordance with Hungary's existing international obligations, especially in regard to effective remedy against formal detention orders.

- Urge the Government of Hungary to grant access to civil society organisations to open and closed facilities where asylum-seekers and migrants are accommodated or held in order to ensure that the provision of services and that human rights of asylum-seekers and migrants are respected. Most notably, regular human rights monitoring of closed facilities, including the transit zones, must be resumed immediately.
- Urge the Government of Hungary to respect and fully implement the judgments and interim measures of the European Court of Human Rights.
- Urge the Government of Hungary to disclose its plans for integrating beneficiaries of international protection.
- Monitor the impact of legislation as well as other measures and related actions (including communication) by state actors and the media targeting asylum-seekers, beneficiaries of international protection, and civil society organisations assisting migrants in Hungary.

#### **Non-Government and Non-Commercial Organization's Association**

- Рекомендовать странам участникам ОБСЕ продвижения законодательства о двойном гражданстве, как института связи для возвращения на родину.
- Дать возможность им участвовать активно при принятии ключевых решений в своей стране. Например, в выборных процессах, в референдумах или конкурсных объявлениях на вакантные должности. Рекомендовать правительствам стран региона ОБСЕ проработать механизм такого участия в общественно-политических процессах страны дистанционно через идентификацию их мобильных телефонов и мобильные приложения. Необходимо национальным правительствам стран региона ОБСЕ. Принять такие обязательства о содействии и полноценной реализации их избирательных прав.
- Рекомендовать руководствам стран о необходимости искать пути диалога по вопросам миграции политического характера и связанных с судебными и другими решениями вопросам свободы слова, самовыражения и каких-либо преследований. В данном случае надо искать вопросы диалога по таким лицам под эгидой руководства ОБСЕ, также по защите их прав на местах.

#### **Proactiva Open Arms**

To participating States:

- To use all its capacity to contribute to stop, prevent and fight the criminalization of human rights defenders.

- To ensure the right for the people in movement to claim asylum, respect the principle of non-refoulement and the right of the rescued migrant people to disembark as soon as possible to a place of safety
- To protect and contribute to ensure the continuation of NGO's Search and Rescue activities at sea in the Central Mediterranean.

To Italy:

- We formally ask to the Italian delegation about the need to stop the members of Italian Parliament's members showing to its citizens the false idea of Libya as safe port and place of safety: UNHCR declares Libya a place of high risk for the migrant people, which has been denounced from several NGO's reports as well.

### **Regional Center of Human Rights**

Recommendations directed to the OSCE, ODIHR, NGOs and delegations of all participating states:

- To provide adherence of the Russian Federation to all obligations under international law as an occupying state, especially to the rules of international humanitarian law;
- To ensure access for international organizations, including but not limited to the OSCE and the Council of Europe;
- To reverse consequences of the extension of the legislation of the Russian Federation over the territory of the occupied Autonomous Republic of Crimea and the city of Sevastopol. In particular, expulsion of the Ukrainian citizens, stateless persons and foreigners who have been residing on the territory of the Crimean Peninsula before and after the occupation from this territory;
- To cease the discrimination of the population of the Crimean Peninsula on the basis of the retainment of Ukrainian citizenship. Especially, to cease persecution and repressive actions of the authorities against people loyal to the Ukrainian authorities on the territory of the occupied Crimean Peninsula that brings to the increase of the number of IDPs;
- To cease and to prevent further the policy of the Russian Federation on the transfer of the Russian civilian population from its mainland to the territory of the occupied Crimean Peninsula. In particular, to redress the causes in the form of economic, labour and other incentives suggested by the authorities of the Russian Federation in order to encourage civilian population from the federal units of the Russian Federation to move to the Crimean Peninsula. These actions of the Russian Federation cause change of the demographic situation on the Peninsula and constitute an example of a migration process resulted from the occupation of the Crimean Peninsula. Therefore, such policy of the Russian Federation shall be ceased.

### **Quaker Council for European Affairs**

- The Quaker Council for European Affairs calls on European governments to have the political and moral courage to end the detention of child migrants, and to humanise Europe's borders, as a matter of urgency and in the name of human rights.

### **Secure Freedom**

To participating States:

- Participating States focus on the rights of OSCE-region native-born populations, rather than facilitating mass migratory movements and focusing on the rights of migrants who are disproportionately convicted of terrorist crimes in America, and/or jihadis, who kill an ever-more-wildly disproportionate share of Europeans.

### **Unconstrained Analytics, Inc**

- Unconstrained Analytics recommends that the OSCE and all participating States – respect the genuine and legitimate rights of a people, a nation, to express its identity in its own nation; recognizing that they have the right not to participate in “international” machinations that seek a form of cultural genocide through withering dialectics of negation seeking that end.

### **Vasa prava BiH**

- we call for strengthening and upholding the solidarity and burden-sharing principles between countries. Neither Bosnia and Herzegovina, nor any other country, should be forced to endure the harsh winter of a humanitarian crisis alone.

## ***Recommendations to the OSCE Institutions***

### **Russian Federation**

To OSCE:

- ОБСЕ также могла бы разрабатывать документы, посвященные миграции, развивать контакты со странами-партнерами из Южного Средиземноморья и Афганистаном. Исполнительные структуры ОБСЕ могли бы изучать ситуацию и формулировать рекомендации по соблюдению прав человека для стран, которые принимают беженцев из соседних с ОБСЕ регионов. Убеждены, что активизация подобных совместных усилий позволила бы серьезно продвинуться в работе на миграционном треке.

### **Ukraine**

- to the Italian OSCE Chairmanship to convene a conference to analyze the status of implementation of the respective OSCE commitments and guarantees of existing international human rights and humanitarian law relevant to IDPs – 3 million citizens of participating States;
- to the OSCE Secretariat, ODIHR and other OSCE Institutions to use UN/IOM definitions of “migration” and “migrant”;
- to the OSCE Secretariat to analyze and share the best practices of the OSCE field missions on supporting of the IDPs;
- To ODIHR in cooperation with other OSCE Institutions and executive structures to assist participating States in support of the sustainability of the national bodies and local communities with the big influx of IDPs due to natural disasters or political reasons.

### **Gatestone Institute**

- I recommend that OSCE chairmanship should promote an immigration system that will not endanger the safety, freedoms, and democracies in the West. The Western immigration laws should instead aim to protect these values as well as the security of the genuine refugees such as Bennetta Bet-Badal, who was murdered in San Bernardino

### **Hungarian Helsinki Committee**

We call on the OSCE to:

- Urge the Government of Hungary to fully comply with its Human Dimension commitments, including § 22 of the 1999 Istanbul Document on the rejection of mass expulsions and on the respect of the right to seek asylum, as well as § 38 of the 2003 Maastricht Document on counteraction of violence, intolerance, extremism and discrimination against asylum-seekers and on the respect of individual freedoms of asylum-seekers and migrants. Most notably, the government should be urged to (1) halt publicly financed xenophobic campaigns against asylum-seekers and migrants; (2) revoke legislation that allows the mass expulsion of third country nationals from Hungary; (3) respect the right to seek asylum, and (4) respect the right to liberty of asylum-seekers and ensure that detention is used only as a last resort and in accordance with Hungary's existing international obligations, especially in regard to effective remedy against formal detention orders.
- Urge the Government of Hungary to grant access to civil society organisations to open and closed facilities where asylum-seekers and migrants are accommodated or held in order to ensure that the provision of services and that human rights of asylum-seekers and migrants are respected. Most notably, regular human rights monitoring of closed facilities, including the transit zones, must be resumed immediately.
- Urge the Government of Hungary to respect and fully implement the judgments and interim measures of the European Court of Human Rights.
- Urge the Government of Hungary to disclose its plans for integrating beneficiaries of international protection.
- Monitor the impact of legislation as well as other measures and related actions (including communication) by state actors and the media targeting asylum-seekers, beneficiaries of international protection, and civil society organisations assisting migrants in Hungary.

We call on the Ad Hoc Committee on Migration of the OSCE PA to:

- Conduct a comprehensive monitoring visit to Hungary with an extended mandate that would include the observation of the situation of third country nationals pushed back from Hungary to Serbia, as well as the situation of asylum-seekers and beneficiaries of international protection in Hungary.

### **International Platform Global Rights of Peaceful People**

- Указать властям Украины о недопустимости ограничения конституционных прав на участие в выборах временно перемещенным жителям Донбасса и Крыма

- Прекратить преследование и насилие по языковому принципу русскоговорящих граждан Украины. Мониторинговой миссии ОБСЕ отслеживать случаи такого насилия. Обеспечить достойное существование вынужденных мигрантов

### **Mission Europa**

I would like to recommend that the OSCE:

- Be leaders in upholding the rights of citizens in their free democratic societies; their rights to safety, freedom and tolerance; balanced with the human rights of incoming migrants to integrate peacefully.
- That the OSCE advance the same expectation of responsibility from migrants as it does from the citizens of host societies.
- That the OSCE recognize that there are cultures being imported into host societies through migration that bring practices with them that should not be tolerated when we consider genuine advocacy for all human rights.

### **Regional Center of Human Rights**

Recommendations directed to the OSCE, ODIHR, NGOs and delegations of all participating states:

- To provide adherence of the Russian Federation to all obligations under international law as an occupying state, especially to the rules of international humanitarian law;
- To ensure access for international organizations, including but not limited to the OSCE and the Council of Europe;
- To reverse consequences of the extension of the legislation of the Russian Federation over the territory of the occupied Autonomous Republic of Crimea and the city of Sevastopol. In particular, expulsion of the Ukrainian citizens, stateless persons and foreigners who have been residing on the territory of the Crimean Peninsula before and after the occupation from this territory;
- To cease the discrimination of the population of the Crimean Peninsula on the basis of the retainment of Ukrainian citizenship. Especially, to cease persecution and repressive actions of the authorities against people loyal to the Ukrainian authorities on the territory of the occupied Crimean Peninsula that brings to the increase of the number of IDPs;
- To cease and to prevent further the policy of the Russian Federation on the transfer of the Russian civilian population from its mainland to the territory of the occupied Crimean Peninsula. In particular, to redress the causes in the form of economic, labour and other incentives suggested by the authorities of the Russian Federation in order to encourage civilian population from the federal units of the Russian Federation to move to the Crimean Peninsula. These actions of the Russian Federation cause change of the demographic situation on the Peninsula and constitute an example of a migration process resulted from the occupation of the Crimean Peninsula. Therefore, such policy of the Russian Federation shall be ceased.

## Secure Freedom

To OSCE:

- The OSCE Ministerial Council replace the Porto 2002 OSCE CHARTER ON PREVENTING AND COMBATING TERRORISM,” p. 9, paragraph 2 with a measure that acknowledges that today by far and away the greatest driver of what the West calls terrorism, as well as of the loss of the rights of migrants and all other citizens as well, is Sharia

**Wednesday, 19 September 2018**

## Working session 14: Humanitarian issues and other commitments

### *Recommendations to participating States*

#### **United States of America**

- The United States strongly encourages other participating States to take action to deprive human traffickers of a market for selling their victims.
- We urge all states to participate by creating their own registries and sending, receiving, and acting on alerts.
- We also urge all states to prosecute their own citizens when there is credible evidence that they have travelled abroad for child sex tourism.
- We strongly encourage **Ireland, Armenia, and Mongolia** to give priority to increasing prosecution efforts; in **Mongolia**, we urge the authorities to do this by ensuring that cases previously thrown out following passage of the new criminal code are reassessed for applicability under amended provisions and reopened accordingly.
- We also encourage **Mongolia** not to make victims wait for care and shelter until prosecutors initiate a case against the alleged traffickers, and to cease criminalization of child victims of commercial sexual exploitation arrested during anti-prostitution raids.
- We urge the **Kyrgyz Republic and Tajikistan** to continue investigating and prosecuting government officials complicit in trafficking and to combat the endemic corruption that enables many to do so with impunity.
- We encourage **Hungary** to adopt and implement a non-punishment provision to ensure trafficking victims are not inappropriately criminalized for unlawful acts committed as a direct result of being.
- We urge **Bosnia and Herzegovina** not to excuse forced labor, forced marriage, or begging by children as “traditional practices” when the victims are Romani children.

#### **Armenia**

- The participating States should ensure availability of all possible durable solutions to their displaced population, including integration.

- For participating states to refrain from distorting displaced population data in pursuit of political interests and prevent impeding the local integration of displaced population.

### **Austria/European Union**

- Participating states should continue to disrupt the traffickers' business model and to untangle the trafficking chain. Providing better access to and realising the rights for victims as well as intensifying a coordinated and consolidated response should also be encouraged.
- Dialogue and cooperation with civil society should be enhanced.
- The effectiveness of investigations and prosecutions of perpetrators should be improved, including a strengthening of police and judiciary cooperation against traffickers.
- The OSCE should equally strengthen international cooperation for addressing THB and contribute to improving data collection on trafficking in human beings in coordination with relevant international organizations. In doing so it should avoid duplication of efforts and promote the adherence to international standards, enshrined not least in the Palermo Protocols, which we encourage all participating States to sign, including its Protocol to prevent, suppress and punish trafficking in persons.
- The OSCE participating States should ensure gender- and age-specific provision of specialized services to victims of trafficking that is proportionate to their needs, which are different according to the form of trafficking to which they have been subjected and, hence, gender-specific.
- Regarding refugees and displaced persons as well as persons at risk of displacement we should make sure that conceptual clarity is introduced everywhere. We also call upon the participating States to ensure the right of IDPs to a safe, dignified and voluntary return, as stipulated in the UN Guiding Principles on Internal Displacement.

### **Azerbaijan**

- In line with the decision of Lisbon Summit (1996) and other relevant commitments pS and OSCE structures and institutions should condemn any policy of 'ethnic cleansing' or mass expulsion and focus on practical implementation of the commitment to facilitate return, in safety and in dignity, of refugees and IDPs;
- to apply a comprehensive approach and, by doing so, to integrate the issue of refugees and IDPs into all three dimensions (politico-military; economic and environmental; and the human);
- to authorize the Conflict Prevention Centre to integrate the protection of rights of displaced persons in its activities within the framework of post-conflict rehabilitation element of "conflict cycle";
- to conduct review on the implementation of relevant OSCE commitments on refugees and IDPs in the region and task ODIHR with preparing a respective report;
- to task ODIHR with stimulating exchange of the best practices and information among the OSCE participating states and other international organizations;

- to task ODIHR, at the request of states, with providing expert opinion during preparation and implementation of refugees and IDPs' return programs.

### **United Kingdom**

To participating States:

- That all OSCE participating States demonstrate their commitment to Ending Forced Labour, Modern Slavery and Human Trafficking by joining the UN Call to Action, launched last year by our Prime Minister and the UN Secretary General;

### **Uzbekistan**

To participating States:

- В качестве рекомендации Узбекистан предлагает государствам членам ОБСЕ организацию диалоговой площадки по обмену лучшими практиками для судей и прокуроров на пространстве ОБСЕ в сотрудничестве с ШОС.

### **Russian Federation**

- Необходимо бороться с первопричинами торговли людьми, а именно прекратить дестабилизацию положения в странах происхождения мигрантов и оказывать содействие урегулированию социально-экономического положения в государствах исхода. Согласно докладом правозащитников, Ливия так и не оправилась от вторжения коалиции НАТО в 2011 году, и теперь в этой стране процветает торговля людьми. Беженцы оттуда либо попадают в ужасающее положение по прибытии в Европу, либо работают за еду на родине. Таковы последствия безответственной политики США и их союзников по свержению неугодных режимов.
- Нужно бороться со спросом на «живой товар» в государствах приема жертв трэфикинга. К примеру, во Франции показатели судебного преследования лиц, занимающихся торговлей людьми, и вынесения им обвинительных приговоров крайне низкое. В стране нет систематических мер по реабилитации жертв.
- Важен комплексный подход – учет особенностей стран исхода, транзита и спроса.
- Особое внимание необходимо уделять детям из уязвимых слоев населения, которые зачастую становятся жертвами торговли людьми. Для этого государство должно обеспечивать социальную поддержку женщин и детей. Это одна из основных превентивных мер.
- Для эффективной борьбы с торговлей людьми требуется повышать эффективность взаимодействия как на двусторонней, особенно между правоохранительными органами, так и на многосторонней основе, в рамках профильных международных организаций.



## **Holy See**

To participating States:

- That participating States continue to discuss how to deal with the many migration related issues on which the OSCE has a complementary role to play, ensuring that these issues are not excluded due to politicization;
- That the participating States that the OSCE executive structures have the necessary funding and staff to comply with the tasking given to these structures in last year's two MC decisions on anti-trafficking efforts;

## **Ukraine**

- рекомендует Организации по безопасности и сотрудничеству, а также всем государствам-участникам и странам – партнерам объединиться в поиске и разработке механизма противодействия новому виду торговли людьми – вовлечение в незаконную деятельность.
- Также необходимо разработать механизм защиты прав граждан, которые находятся на временно оккупированных территориях, поскольку как показывает практика, действующие международные нормативно – правовые акты не эффективны.

## **Amnesty International**

- The Russian Federation exercises effective control in Abkhazia and South Ossetia, via its significant military presence, considerable financial contributions to the breakaway regions' budgets and through the performance by its representatives of certain government functions. Consequently, we call on the **Russian Federation** to ensure that human rights in these territories are fully respected and protected without discrimination on ethnic or other grounds. All those displaced from their homes in Abkhazia and South Ossetia must be given the option to return in safety and dignity.

## **Avrupa Demokrasi Vakfi**

- we recommend that the **European Union** complies with its commitments in dealing with especially the refugee problems, which puts a large burden on Turkey. And this not just for sake of being true to the commitments, but for the very security of Europe itself.

## **Center of political analysis and forecasting "Crimea"**

To participating States:

- Разработать План действий по улучшению положения крымскотатарского народа в регионе ОБСЕ;
- Включить вопрос защиты прав представителей коренных народов и нацменьшинств в Крыму (прежде всего крымских татар и украинцев) в повестку дня официального диалога СЕ – ОБСЕ;
- Необходимо создать системный диалог ОБСЕ с другими международными организациями и органами (ООН, ЮНЕСКО, Совет по правам человека ООН,

СЕ) по ситуации с правами человека в Крыму с целью обеспечения синергии усилий;

- Разработать План гуманитарного реагирования по Крыму

To Ukraine:

- Разработать Национальный план действий по улучшению положения крымскотатарского народа в Украине;
- Создать территорию администрирования Автономной Республики Крым в Херсонской области, с целью восстановления всех органов государственной власти Украины в АРК, а также предоставить благоприятные условия для возвращения крымских татар из мест депортации на данную территорию.

To Russia:

- Исполнять все свои обязательства как оккупирующей державы, осуществляющей фактический контроль над Крымом, в соответствии с применимыми нормами международного права;
- Исполнить промежуточное решение МС ООН, от 19 апреля 2017 года т.е. отменить решение Верховного Суда России о запрете Меджлиса и позволить ему работать в качестве законного представительного органа коренного крымскотатарского народа на территории Крыма;
- Обеспечить беспрепятственную работу представительным органам крымскотатарского народа Курултаю и Меджлису и другим органам Курултая;
- Прекратить преследования крымскотатарского народа и распространения языка вражды;
- Прекратить преследование и незаконное задержание всех жителей Крыма, которые выступают против незаконной оккупации полуострова;
- Освободить политических заключенных в Крыму;
- Исключить из официальных документов и учебных пособий элементы языка ненависти в отношении крымскотатарского народа и украинцев.
- Расследовать насильственные исчезновения Эрвина Ибрагимова и десяти других крымских татар;
- Прекратить процесс замещения населения Крыма.

### **Group of Influence**

To Ukraine:

- To Improve the procedure for provision of social benefits and control over social benefits to IDPs by cancelling Resolution №365 and adopt non-discriminatory procedures.
- To Exclude the provision by which an IDP certificate is an obligatory requirement for pension and social benefits payment through amendment of the Government Resolution No. 637 "On social benefits for IDPs".
- To Adopt Draft Law No. 6692 which was proposed by non-governmental organizations and shows mechanism for payment of pensions to people from TOT.
- To involve representatives of international humanitarian organizations to ensure payment of pensions to retirees with limited mobility who reside in TOT.

- To allow IDPs to choose any banking institution where they can receive social payments or pensions.
- To cancel the verification of the place of residence of an IDPs. To reduce the identity verification of a recipient of payments at a banking institution to no more than once a year.

To Russia:

- To withdraw its troops from the territory of Ukraine and stop providing the illegal armed groups with military supplies.

### **Human Rights without Frontiers**

To Poland:

- to publicize accurate and reliable statistics concerning the number of North Korean workers still employed in Poland;
- to abide by the UN and EU sanctions;
- to abide by International Labour Organization standards;
- to stop granting new work visas to North Korean workers;
- to give a date by which the employment of North Korean workers in Poland will end.

### **Kerk van de Almachtige God (Nederland) (the Church of Almighty God**

To Germany:

- We urge the German authorities not to deport the members of The Church of Almighty God but to grant them political asylum. None of them has committed any illegal act in Germany. At the same time, we call for the support of OSCE, to ensure our basic human rights in Germany and other OSCE participating states.

### **Luhansk Oblast Human Rights Center "Alternative"**

Our recommendations to parties of armed conflict in selected districts of Donetsk and Lugansk regions:

- To waive to attack, destroy, remove or render useless objects indispensable to the survival of the civilian population;
- To waive the use of non-selective attacks and non-selective weaponry against objects not used for military purposes;
- To respect the property of civilian objects and not use it for military purposes. Do not place personnel and military equipment at their territory

### **Raoul Wallenberg Institute of Human Rights and Humanitarian**

Recommendations concerning how States may address the particular needs of persons with disabilities in the asylum system:

- Operate a functioning system to identify asylum seekers with disabilities at the very outset of the process, including asylum seekers with invisible impairments. The experience of most persons with disabilities, is that disclosure of impairment leads to discrimination rather than accommodations. Hence, it must be made clear that impairment functions as a ground for accommodation. If such assurance is not

given, impairment is unlikely to be disclosed. Identification as a person with disabilities remains crucial for accessing needed accommodation and support.

- Develop expertise amongst professionals working in the RSD process. Training must be provided which cover the entire range of impairments. Persons with mental impairments such as PTSD are often the most at risk of having their substantive right to seek asylum infringed through lack of competence by officials and adjudicators. This happens when decision makers do not understand how mental impairment negatively affects the recollection and presentation of facts by the asylum seeker.
- Develop mechanisms to address the needs of persons with disabilities in the asylum process, with the aim of ensuring equal access to and throughout the RSD process. Physical accessibility and communication needs of persons with visual and hearing impairments must be met in order for persons with disabilities to have an equal chance to apply for protection and to get a fair evaluation, based on all relevant facts. In relation to mental and intellectual impairments, legal and other support exceeding that provided to asylum-seekers in general must be provided when this is necessary to create a level playing field in accessing international protection.

### **Secure Freedom**

- recommends that OSCE participating States add Sharia to current restrictions on activities related Nazism without further modification

### **The Smile of the Child**

To participating States:

- More and more systematic effort should be made by competent authorities, but also by relevant companies and by civil society organizations to train staff and volunteers in recognizing indicators of trafficking: police, airline and shipping crews, educators, etc. At our organization we have embarked on a training program for staff and eventually volunteers, to sensitize them and to enhance their ability to identify potential or real cases of trafficking. This is an elementary ingredient in a successful prevention policy.
- Prevention of trafficking, particularly in the case of children -which is the angle of our organization -, is best promoted when children at risk, whether from a migration background or not, are being taken care of in a holistic way, catering not only for their basic material needs, but also creating for them an environment of well-being and emotional safety. At the Smile of the Child, we have raised nearly 900 children over two decades, in a holistic way, and we have not had to deal with runaway situations. The correlation is clear, we dare conclude.
- Serious reflection is needed about what to do with children who live under protection, at the moment that they reach the age of 18. At The Smile of the Child, we do not expell them, we keep supporting them, to study, to work, until they are and feel actually fit to spread their wings and fly out. This is fully in line with what a family does with its children; and we want to be the reconstitution of a family for those children, who have lost their initial biological family to abuse, violence, migration or for whatever other reason. The question is not irrelevant at all in the context of the present exchange on human trafficking.

- Cross-border cooperation among civil society organizations is crucial in order to contribute effectively to the protection and the recovery of children which have fallen victim to trafficking. It is therefore important that States and multilateral organizations also encourage and support the creation and maintenance of transnational networks, in which relevant civil society organizations can share good practices, coordinate their respective modus operandi and exchange case related information.
- Similarly, cooperation of relevant civil society organizations and public authorities is of crucial importance, especially at the level of prevention. From year long experience we know that in a case of a child going missing, the first 24 hours are of crucial importance for the success of the search and rescue operation. In order to maximize chances, smooth and well-oiled communication and operational follow-up needs to be in place among all players, including the national emergency line operator, police force and other authorities playing a role in the search and rescue.
- Complementarily to the latter point, it is also of considerable importance that authorities involve systematically and in a timely way the potential of relevant civil society organizations to contribute to the prevention of specific cases of trafficking and to the protection of victims. Although our working relationship with police and other competent authorities in Greece is open, structured and constructive, we evaluate that at local level and in specific cases there often is still room for substantial improvement, and we sense that this is the case in other countries as well. Sensitization of all actors, not only at policy level, but also at the local and operational level, of the need to cooperate, involve all capacities and share information, is an objective that in our perception does deserve to receive more policy attention at the public level.

### *Recommendations to the OSCE Institutions*

#### **Armenia**

- The OSCE and its institutions should keep high on their agenda human rights and fundamental freedoms of people, residing in conflict areas, including their displaced population by implementing the Vilnius Decision on Conflict Cycle.
- The OSCE and its relevant conflict-related field operations should facilitate humanitarian access of the UNHCR and the UN treaty bodies to the displaced population in the conflict affected areas in the entire OSCE region.
- All the OSCE programmes related to human rights in conflict situations should be inclusive and incorporate all the people affected by conflicts without any discrimination, in line with the commitment on non-discrimination against asylum seekers, refugees and IDPs on the national and ethnic ground under Maastricht Ministerial Council Decision 4/03.

#### **Austria/European Union**

- The OSCE should continue to address trafficking in human beings from a crossdimensional perspective, with human-rights centered and gender- and

agebased approaches given the multifaceted nature of this crime and the diversity of profiles of the victims, with a special focus on child trafficking.

- The OSCE should equally strengthen international cooperation for addressing THB and contribute to improving data collection on trafficking in human beings in coordination with relevant international organizations. In doing so it should avoid duplication of efforts and promote the adherence to international standards, enshrined not least in the Palermo Protocols, which we encourage all participating States to sign, including its Protocol to prevent, suppress and punish trafficking in persons.

### **Azerbaijan**

- In line with the decision of Lisbon Summit (1996) and other relevant commitments pS and OSCE structures and institutions should condemn any policy of 'ethnic cleansing' or mass expulsion and focus on practical implementation of the commitment to facilitate return, in safety and in dignity, of refugees and IDPs;
- to apply a comprehensive approach and, by doing so, to integrate the issue of refugees and IDPs into all three dimensions (politico-military; economic and environmental; and the human);
- to authorize the Conflict Prevention Centre to integrate the protection of rights of displaced persons in its activities within the framework of post-conflict rehabilitation element of "conflict cycle";
- to conduct review on the implementation of relevant OSCE commitments on refugees and IDPs in the region and task ODIHR with preparing a respective report;
- to task ODIHR with stimulating exchange of the best practices and information among the OSCE participating states and other international organizations;
- to task ODIHR, at the request of states, with providing expert opinion during preparation and implementation of refugees and IDPs' return programs.

### **United Kingdom**

That within the OSCE we focus on implementing existing commitments, looking to ODIHR and the Office of the SR for Combatting Trafficking in Human Beings for technical support and capacity building, and using the OSCE platform to share best practice and lessons learned. ODIHR's National Referral Mechanism Handbook, once completed, is an example of a practical tool to support states and civil society in our efforts to tackle modern slavery and ensure a survivor centred approach.

### **Holy See**

To ODIHR:

- That ODIHR continue its engagement with civil society, including religious organizations, in advancing a broad and multi-stakeholder effort aimed at preventing and combating trafficking in human beings and providing assistance to victims.

## **Switzerland**

- Therefore the OSCE should cooperate as closely as possible with UN instances working on the Global Compact in order to bring into the debate the role of regional security organizations when it comes to defining aspects of the nexus between security and large movements of migrants and refugees. Moreover we encourage the relevant OSCE executive structures and field operations to work closely together. The network of field offices can play a key role for a concerted and effective approach.

## **Ukraine**

- рекомендует Организации по безопасности и сотрудничеству, а также всем государствам-участникам и странам – партнерам объединиться в поиске и разработке механизма противодействия новому виду торговли людьми – вовлечение в незаконную деятельность.
- Также необходимо разработать механизм защиты прав граждан, которые находятся на временно оккупированных территориях, поскольку как показывает практика, действующие международные нормативно – правовые акты не эффективны.

## **Human Rights without Frontiers**

To OSCE:

- to collect data from its Participating States regarding the issuance of work visas to North Korean citizens and the status of their workplace conditions; Russia is still hiring North Korean workers at an alarming rate, according to a recent report of the South Korean NGO, North Korea Database (NKDB).

## **International Association of Independent Democrats Against Authoritarian Regimes**

- OSCE, ODIHR must send the proposition to Germany, first of all, to do the information company for all officers of Germany for: 1) to read documents UN and OSCE and to respect Human Rights and the human dignity; 2) to know the real situation in the dictatorship states by statement at HDIM, reports HRW, Amnesty International and other NGOs. But to do the accent of the refuge problem and Human Rights and the human dignity for other EU-states.
- OSCE, ODIHR must make the proposition for all EU-states: the supports of refugee must be in reality and after the legalization of the refugee without the violations of Human Rights and the human dignity. (see, first of all, Germany, France, Norway)
- OSCE, ODIHR must remember, to do the accent, that there are dictatorship states: AZERBAIJAN, BELARUS, TURKMENISTAN, TAJIKISTAN, KAZAKHSTAN , aggressive RUSSIA and UZBEKISTAN and citizens of theses states cannot have all documents for every case and an explication of an asylum seeker has the priority.
- To support migrants (“asylum seeker”) who has not any identity document to have the document of the identity by the embassy with the safety method.

### **International Platform Global Rights of Peaceful People**

- РЕКОМЕНДУЕМ БДИПЧ ОБСЕ прислушаться к голосу народов Евросоюза, которые на всех своих мирных митингах и демонстрациях кричат :
  - Требуем, прекратить практику вмешательства во внутренние дела суверенных государств со стороны ведущих государств Европы и США.
  - Требуем прекратить «экспорт» демократии и европейских ценностей в суверенные государства с помощью крылатых ракет «Тамогавк».
  - Требуем прекратить практику свержения законных правительств независимых государств.

### **Mission Europa**

- that the OSCE recognize the plight of the most needy and their compounded need for protection.
- That the OSCE begin open-conversations about cultures without shutting down important inquiry by those who are quick—for some peculiar reason—to shout racism and islamophobia thereby also shutting down the means to help the most needy. May I also remind that persecuted Christians and other minorities in Islamic states statistically comprise of: mostly what the West deems to be visible minorities; so it is peculiar to shout racism when starting discussions about certain cultural and religious practices.

### **Non-Government and Non-Commercial Organizations' Association, Kyrgyzstan**

To OSCE:

- I recommend that the OSCE also consider issues of environmental security, the basic human right to life, clean water, and clean air. Massive ill-conceived logging of 20-year trees for industrial purposes in Central Asian countries, Kyrgyzstan in the first place - is becoming a source of accelerated melting of glaciers in the zone of Kyrgyzstan and Tajikistan, as a result of a decrease in ascending airflows. Accordingly, the water level drops in the lower reaches. Water leaves. As an example - the disappearance of the Aral Sea and the growth of dust-salt storms which reaches glaciers and accelerates its melting. Reducing the water level in the region in the water arteries is a dangerous indicator that can lead to an ecological and water disaster in the countries of Central Asia with the emergence of dangerous conflicts.
- I recommend to OSCE initiating the Summit on the issue of water security in the OSCE region; due to growing threats of geophysical and ecological nature, leading to the loss of water resources in the countries of the region. Initiate meetings between academics and new technologies specialists to help restore glaciers. The threat of accelerated melting concerns the glacial zones of the Alps, leads to forest fires and practically affects all countries of our region in the next decade. As the beginning of our dialogue, I ask you to distribute this video on the problems of the Aral Sea. Disappearance of the Aral Sea is equivalent to the loss of the lung, the main respiratory organ.



## *Recommendations to the International Organizations*

### **Human Rights without Frontiers**

To European Commission:

- to start a full investigation on the situation in Poland and then, if necessary, to move on to the next level and start an infringement procedure against Poland in line with the legal avenues at its disposal.

**Wednesday, 19 September 2018**

## **Working session 15: Tolerance and non-discrimination II (continued)**

### *Recommendations to participating States*

#### **Austria/European Union**

We would like to propose the following recommendations for the OSCE participating States:

- We call on OSCE participating States and the OSCE institutions to double their efforts towards the achievement of gender equality;
- The EU signed the Istanbul Convention on Preventing and Combating Violence against Women and Domestic Violence in 2017. We would like to encourage the OSCE participating States that have not yet done so to consider signing the Convention, too;
- Adopt OSCE Action Plan on Combating Violence Against Women;
- Focus more concretely on implementation of the Women, Peace and Security Agenda, most notably but not exclusively in the First Dimension, including through adoption of OSCE-wide Action Plan on implementation of UNSC Resolution 1325.

#### **Canada**

- That OSCE participating States take meaningful action to implement the 2004 OSCE Action Plan for the Promotion of Gender Equality and to fulfill Ministerial Council Decision 8/14 to elaborate an addendum to the Gender Action Plan.
- That OSCE participating States reach an agreement in Milan on an OSCE Ministerial Council Decision on Combating Violence Against Women.
- That OSCE participating States recognize the pervasive and disproportionate abuse, harassment, and violence women face online, and that this recognition is followed by the adoption of policies and programs to address this serious human rights issue.
- That OSCE participating States fully recognize the relevance and benefits to our collective security of women's full participation in all decision making processes and that UN resolutions on Women, Peace, and Security are reflected in OSCE decisions and commitments.

- That participating States partner with domestic and international civil society organizations to address systemic barriers that drive discrimination against women and girls.

### **Holy See**

To participating States:

- that OSCE participating States advance effort within the Organization to use an adequate and clear language regarding “gender equality” which complies with the common, ordinary and generally accepted understanding of the expression.]

### **Serbia**

- we all need, in close cooperation, to strengthen our gender-mainstreamed response to emerging challenges by:
  - focusing strongly on prevention of violence and development of peaceful resolution skills from very early age;
  - redeveloping, fostering and spreading the culture of tolerance, mutual understanding, cooperation, inclusion and promotion of none aggressive standards of living;
  - calling on responsibility of leaders in every field (from politics to culture) to promote non aggressive communication and peaceful resolutions of any type of conflict;
  - devote ourselves to leaving no one behind, to building inclusive equal societies not for marginalized and most vulnerable but with them, as we all have a voice.

### **Switzerland**

- We call upon all participating States to fully implement our OSCE commitments in that regard and furthermore ratify and implement the Istanbul Convention.

### **Hopkins World**

- I recommend members of the OSCE follow the excellent lead of Mr Salvini in Italy, and cease support for NGO rescue operations in the Med, move to impound NGO boats purporting to act as rescue vessels, and refuse to give port to these boats - in our shared aim of halting the trafficking of people for profit.

### **Kazakhstan Feminist Initiative "Feminita"**

To Kazakhstan:

- Разработать расширенную и детальную антидискриминационную правовую базу, которая прямо включала сексуальную ориентацию и гендерную идентичность в список запрещенных оснований для дискриминации;
- Установить ответственность за дискриминацию и нарушения прав человека, связанных с сексуальной ориентацией и гендерной идентичности, государственным чиновникам;

- Организовать и провести работу по повышению информированности и чувствительности кадров к разнообразию сексуальных, гендерных и иных идентичностей граждан Казахстана.

### **Shah-Aiym Public Association**

We call on Governments of Kyrgyzstan, Russia and Tajikistan to implement UN Committees recommendations:

- to decriminalize sex work
- to terminate police raids and forcibly testing on HIV and sexually transmitted infections
- to introduce mechanisms for monitoring violence against sex workers by the police

Also, we call on Governments of our countries to make decisions and to develop laws related to sex workers with their meaningful participation

### ***Recommendations to the OSCE Institutions***

#### **Armenia**

- we would like to stress the important role of the OSCE in promoting engagement of women residing in conflict areas, their representation and participation in various processes, including reconciliation, confidence building measures or de-escalation. The OSCE and its various actors dealing with gender perspective in conflict situations can bring an added value if they streamline their projects and initiatives on the needs of women residing in conflict areas.
- OSCE should promote unimpeded humanitarian access to women residing in the conflict areas throughout the entire OSCE region.

#### **Austria/European Union**

We would like to propose the following recommendations for OSCE institutions:

- Elaborate the OSCE's gender markers system, compliant with OECD DAC standards in this regard as a central component of the Secretary General's annual report on gender equality, which should be shared with participating States to ensure full accountability and an effective reporting regime.
- Introduce gender coaching for senior staff in all OSCE institutions and all future Chairs in Office.
- Establish gender focal points in all OSCE institutions and field operations.

#### **Canada**

- That ODIHR and the OSCE Gender Section solicit best practices from around the OSCE region and assist participating States in the implementation of such best practices regarding women's equal participation in public and political life and eliminating violence against women

#### **France**

- A titre de recommandations, nous appelons l'OSCE à poursuivre ses efforts pour promouvoir l'accès des femmes à l'ensemble des droits fondamentaux qui constitue

la base de l'égalité entre les hommes et les femmes et de la lutte contre les discriminations et les violences contre les femmes.

- Finalement, nous encourageons l'OSCE, en tant qu'organisation régionale de sécurité sous chapitre VIII des Nations-Unies, à consacrer plus de moyens à la mise en œuvre de l'agenda « Femmes, paix et sécurité », afin d'accroître le rôle des femmes à tous les stades du cycle du conflit, ainsi que leurs droits en tant que victimes des conflits.

### **Holy See**

To ODIHR:

- that the Office for Democratic Institutions and Human Rights, in its next publication on violence against women or discrimination against women, devote particular attention to the harmful impact that today's hyper-sexualized culture has on women, especially on young women and girls.

### **Ukraine**

- We recommend that the OSCE Office for Democratic Institutions and Human Rights and the Gender Section of the OSCE Secretariat to allocate a separate line in its activities to assist participating States in preventing and counteracting of domestic and gender-based violence.

### **Human Rights Movement "Bir Duino-Kyrgyzstan"**

To ODIHR:

- Рекомендуем БДИПЧ ОБСЕ содействовать экспертной и технической помощи ГАМСУМО в реализации ключевых рекомендаций Комитета для обеспечения Равенства в КР в рамках продвижения Целей устойчивого развития
- Мы также, просим оказать БДИПЧ ОБСЕ техническую и экспертную помощь Парламенту КР по принятию Антидискриминационного Законопроекта "О Равенстве" в КР.

### **Shah-Aiym Public Association**

To OSCE:

- To assist OSCE member countries in fulfilling commitments to achieve gender equality and eliminate violence against all groups of women, including sex workers

*Thursday, 20 September 2018*

## **Working session 16 (specifically selected topic): Combating racism, xenophobia, intolerance and discrimination**

### *Recommendations to participating States*

#### **Austria/European Union**

- Veiller à ce que chaque individu puisse jouir, sans distinction, des droits de l'Homme et des libertés fondamentales et dispose de moyens de recours effectif en cas de discrimination ou autre violation de ses droits et libertés ;

- Garantir une approche inclusive de la lutte contre le racisme, la xénophobie, l'intolérance et les discriminations, fondée sur les principes d'universalité des droits de l'homme, telle qu'inscrits dans la Déclaration universelle des droits de l'homme de 1948.
- Coopérer activement avec le Bureau des institutions démocratiques et des droits de l'Homme (BIDDH) et soutenir pleinement ses activités en matière de lutte contre le racisme, la xénophobie, l'intolérance et les discriminations. A cet égard, nous encourageons vivement tous les Etats participants à communiquer au BIDDH toutes les données pertinentes pour alimenter son rapport annuel sur les crimes de haine dans l'espace OSCE, en lien avec les engagements pris dans la décision d'Athènes de 2009 sur la lutte contre les crimes de haine ;
- Soutenir et renforcer l'action de la société civile et sa contribution à la prévention et à la lutte contre le racisme, la xénophobie, l'intolérance et les discriminations ;
- Prendre toutes les mesures appropriées pour améliorer la collecte statistique sur les crimes de haine, à savoir leur signalement et leur enregistrement, dans le but d'améliorer la connaissance du phénomène et de mieux évaluer l'action de la police et de la justice dans la lutte contre les crimes de haine ;
- Favoriser l'apprentissage de la diversité, du dialogue et de la tolérance et déconstruire les préjugés en promouvant les droits de l'Homme ainsi que des sociétés inclusives et solidaires ; mobiliser en particulier les jeunes pour qu'ils contribuent à la lutte contre l'intolérance et toutes les formes de discriminations

### **Holy See**

To participating States:

- the Holy See wishes to recall that, in accordance with Ministerial Decision No. 9/09, the National Points of Contact are called upon to collect, maintain and make public disaggregated data on hate crimes perpetrated against members of different religions.

### **Helsinki Committee for Human Rights of the Republic of Macedonia**

To former Yugoslav Republic of Macedonia:

- Ensure prompt and effective investigation and prosecution of hate crimes;
- Take appropriate measures to facilitate the reporting of hate crimes by victims, including
- measures to build trust in the police and other state institutions;
- Collect and publish comprehensive and comparable data on hate crimes;
- Ensure that victims of hate crime are supported and protected;
- Conduct trainings for relevant practitioners coming into contact with victims of hate crime; and
- Enhance preventative measures, inter alia by taking steps to educate the public about
- the values of cultural diversity and inclusion.

### **Initiative Group "Identity and Law"**

To Belarus:

- ввести в учебную программу для правоохранительных органов подходы к расследованию преступлений на почве ненависти, включая совершенные по гомо- и трансфобным мотивам, а также правила корректного обращения с жертвами.
- запрашивать и использовать методологическую и иную поддержку со стороны БДИПЧ ОБСЕ в борьбе против преступлений на почве ненависти.

### **Roma Women Network Moldsolidaritate**

To participating States:

- A strong network of Romani women from the member states should be created in order to act as a knowledge hub and a platform for sharing best practices, experiences and lessons learnt. Taking into account that each of us is unique and our experience is unique as well, sharing it would create a lot of opportunities to increase our capacities, to provide us new tools for advocacy and for raising our voices and to avoid potential obstacles and mistakes. We have to learn from each other and to borrow the tools and methods for "what works". This would allow us to develop strong expertise in terms of destroying the existing stereotypes towards Romani women, especially those ones representing most discriminating groups and facing multiple discrimination. Being aware about the fact that each country has its own specifics as well, we still could adapt the international best practices to the national context. Moreover, bringing international expertise at the local level would empower local Romani women, as they would have the possibility to see that women from other countries have the same struggles, that women from other countries could break through barriers and succeed.
- Undertake continuous and strong advocacy campaigns to debunk myths related to Romani women. Roma communities should build alliances especially with media outlets in order to inform society at large about the existing stereotypes on Roma, with a special focus on Romani women. Media plays an important role in educating people's opinion about various issues. In this sense, in case people would have more opportunities to find out stories about Romani women's life, struggles and especially about the positive examples and role models, the attitude towards Roma in general and Romani women in special will change. More than this, promoting positive examples in media about Romani women leaders will educate society that Romani women could be as effective leaders as men and people would be more open to vote for a Romani woman in a decision-making position
- Enhance capacities of Romani women on a continuous basis on various topics, such as women's leadership, increasing women's self-confidence, assertiveness, gender equality, and women's role in the society. It is well-known that in order to perform, people need to strengthen their capacities on a regular basis. But tackling such topics as leadership, gender equality and women's rights would allow Romani women not only to be informed, but also will equip them with enough tools to make their voices heard and to fight for their rights. Romani women should be helped to start to believe in themselves, to become more confident and more vocal.

- Sharing of success stories of Romani women role models. It's very important and extremely effective for other Romani women to get inspired of existing positive examples of other women, who have the same story, but who succeeded to destroy all the obstacles and become effective leaders. Sharing of success stories would not only contribute to encouraging of other Romani women to take the fate in their own hands, but also would allow them to get acknowledged with existing best practices and find out some useful tools, resources and methods to initiate their own life projects.
- Promoting political participation of Romani women at all levels of decision making processes. Strengthening women's participation in politics is extremely important to ensure that interests of each and every person is taken into account. Here I am not saying that men can't ensure that the interests of everyone are transposed into public policies and regulations, or that women are better than men. The idea is that men don't confront with the same life experiences as women. The importance of increasing political representation of all people from under-representing groups would bring us to the situation that life perspectives and needs of everyone would be heard and taken into account when developing a new policy.

### *Recommendations to the OSCE Institutions*

#### **Armenia**

- OSCE institutions need to fully utilize their early warning mandate through hate crime reporting, monitoring of cases of hate speech in media. The methodology used by ODIHR in gathering and reporting hate crimes is not conducive for identifying those hate crimes which may represent eminent threat to the security in the OSCE area. The challenges of radicalization, extremism and hate crimes remain unaddressed.
- We recommend the ODIHR to raise the efficiency of hate crime reporting tool with the view to address hate crimes, constituting security threat. Education materials should become subject of monitoring in context of addressing radicalization of youth.
- The Office of the RFOM should monitor media against hate speech targeting ethnic and religious groups.

#### **Russian Federation**

To OSCE:

- Призываем ОБСЕ дать принципиальную оценку продолжающемуся курсу некоторых государств по обелению нацизма, оправданию преступлений тех, кто повинен в массовых убийствах мирных людей, а также потаканию расизму и ксенофобии.

#### **Civic Chamber of the Russian Federation**

- Мы призываем коллег по ОБСЕ предпринять соответствующие меры с целью прекращения порочной практики дискриминации языковых и

образовательных прав национальных меньшинств в государствах Балтии и на Украине

### **Initiative Group "Identity and Law"**

To OSCE/ODIHR:

- уделять больше внимания теме борьбы с преступлениями на почве ненависти к ЛГБТИ.

### **International Platform Global Rights of Peaceful People**

To ODIHR:

- Рекомендуем БДИПЧ обратить внимание на откровенную ксенофобию украинских властей , выражающуюся в русофобии и потребовать от них прекратить её пропаганду в украинских СМИ.

### **Roma Women Network Moldsolidaritate**

To OSCE:

- OSCE could contribute to enhancing capacities of Romani women on increasing their political participation, like provision of trainings and coaching on running for elections nationally and locally and launching raising awareness campaigns in media about political and civic participation of Romani women.
- In this respect, OSCE could bring a substantial contribution in capacitating Romani women to become financially independent. Financial independence contributes not only to improvement of life conditions, but also helps Romani women to fight with injustice and also to run away from gender- based violence. Thus, OSCE could contribute with enhancing capacities of Romani women on how to run their own business, provision of vocational trainings, but also provision of grants for Romani women to launch a business.

*Thursday, 20 September 2018*

## **Working session 17 (specifically selected topic): Combating racism, xenophobia, intolerance and discrimination “**

### ***Recommendations to participating States***

#### **United States of America**

- We urge States to disaggregate data by type of crime committed and type of bias involved, and to use common criteria for identifying hate crimes.
- We also encourage States to work with civil society to develop strategies for addressing the multifaceted problem of underreporting of hate crimes, including barriers that impede survivors from reporting the crimes committed against them.



## **Canada**

- That OSCE participating States, notably future Chairs, be ambitious and go beyond reactively responding to hate and discrimination, and to consciously and proactively foster inclusive approaches from the start.
- To support this, participating States should use the OSCE and its institutions to share and develop best practices on effecting and promoting inclusion, so that all members of society can fully and meaningfully participate in economic, social, cultural, civil and political life.
- Recalling our Madrid 2007 commitment to combat all forms of discrimination, that all states eliminate laws and policies that discriminate against persons based on their sexual orientation, gender identity or expression, or sex characteristics, and to combat all acts of violence targeted towards LGBTI persons.

## **Association of Lawyers of Russia**

To participating States:

- В целях выполнения рекомендаций ОБСЕ наши государства должны привлекать общественные организации к участию в выполнении обязательств в области человеческого измерения. В свою очередь, гражданские общества стран ОБСЕ должны активно взаимодействовать между собой в сфере защиты прав человека и основных свобод.

## **Burgerbewegung Pax Europa e.V.**

- That pS remove speech restriction known as hate speech laws, deal with crimes according to the law, without singling out an emotion.
- That pS introduce a clear, unambiguous official standard for separating unacceptable discrimination from acceptable discrimination.

## **Center for Security Policy**

- We urge all here present and the nations and groups they represent to pledge our commitment to oppose all efforts, all laws, all systems – especially shariah – that would abridge the natural right of free people to speak their beliefs, convictions, opinions without restriction.

## **Hopkins World**

- I recommend the United Kingdom stop imprisoning those who criticise majority Pakistani rape gangs,
- France stop trying to section those who criticise islamist terrorists,
- and America stand strong for your first amendment rights.

## **Initiative Group "Identity and Law"**

To Belarus:

- принять всеобъемлющее антидискриминационного законодательства, содержащее полный перечень оснований для дискриминации, включая сексуальную ориентацию и гендерную идентичность, и предусматривающее эффективные средства правовой защиты;

- позволить изменение идентификационного номера вместе с изменением гендерного маркера. Исключить из перечня оснований для смены паспорта такое основание, как «смена половой принадлежности», заменив на формулировку «смена персональных данных»;
- исключить указание в военном билете конкретных указаний на имеющиеся у военнообязанного проблемы со здоровьем;
- прекратить практику поощрения нетерпимости и дискриминации в отношении ЛГБТИ со стороны должностных лиц.

### **European Center for Artsakh**

To participating States:

Unsere Empfehlung und Biete an OSZE-Mitgliedstaaten, vor allem an die Mitglieder der Minsker Gruppe der OSZE:

- In eigenen Ländern die Bühnen für den Dialog zwischen Vertretern der Zivilgesellschaft aus allen Konfliktländern intensiv zu fördern und zu den Diskussionen die politischen Aktivisten aus der betroffenen Region einzuladen. Als Moderatoren können dabei die politischen Stiftungen, Wissenschaft und Expertenkreise des jeweiligen OSZE-Mitgliedstaates auftreten. Als Weitere können im Dialogprozess auch die Vertreter der Legislative – zum Beispiel in Deutschland die Mitglieder der Deutsch – Südkaukasischen Parlamentariergruppe des Deutschen Bundestages – miteinbezogen werden.
- Durch diese regelmäßigen Begegnungen werden die Vertreter der Zivilgesellschaft der betroffenen Länder miteinander direkt reden können, verschiedene Gegenmeinungen hören und sie respektieren lernen. Sie werden vor allem lernen, dass der Mord wegen ethnischer Zugehörigkeit oder die Bedrohung von Gewalt keine Heldentat, sondern eine schwere Straftat ist.

### **Latvian Human Rights Committee**

To Latvia:

- to deprive of government awards for the statements, which incite ethnic hatred;
- not to nominate to international organizations persons, who are unable to further the development of the European values;

### **Sea Jay Foundation**

To participating States:

- The Sea Jay Foundation recommends that the OSCE participating states re-examine the Commitments that treat xenophobia, intolerance and discrimination as absolutes in light of the understanding that they are not.

### **Wiener Akademikerbund**

- Der Wiener Akademikerbund fordert alle Teilnehmerstaaten, alle Straftatbestände der sogenannten Hasskriminalität aus ihrer Rechtsordnung zu entfernen, sowie sämtliche Projekte zu beenden, die auf eine Verfestigung oder gar Ausweitung der Verfolgung sogenannter "Hasskriminalität" abzielen.

## *Recommendations to the OSCE Institutions*

### **Armenia**

- OSCE institutions, in particular ODIHR should streamline in its activities genocide remembrance and education.
- ODIHR together with participating States should co-organize thematic events on genocide remembrance and education as part of its TND mandate

### **Canada**

- For ODIHR to continue their steady work to uproot racism, discrimination and exclusion of all kinds while also seeking and developing innovative and holistic approaches to prevent and tackle these issues.

### **Gatestone Institute**

- Since its founding in 1923, the Turkish republic has not recognized Assyrians as an ethnic community and has not given them any cultural rights. The OSCE chairmanship should make the Assyrian survival a priority in its efforts of cultural heritage protection

### **Latvian Human Rights Committee**

Recommendation to Organization for Security and Cooperation in Europe:

- To foresee a possibility of depriving the delegates of the Parliamentary Assembly of their mandate for statements, which conflict with the values of OSCE.

### **Mission Europa**

- I would also like to recommend that the OSCE be world leaders in further encouraging open debate about issues of racism, xenophobia, intolerance and discrimination to encourage more open dialogue and true pluralism which are the best defences in combatting intolerance.

### **Salut et Misericorde**

To OSCE:

- L'association Salut et Misericorde demande à l'OSCE d'intervenir auprès de M. Erdogan pour qu'il fasse montre de tact et de diplomatie, a défaut de repentance, ii cesse d'entretenir le souvenir de cet épisode barbare ... qui ne laisse rien augurer de bon pour l'avenir de l'Europe.

### **Wiener Akademikerbund**

- Der Wiener Akademikerbund spricht daher die Empfehlung aus, das Konzept der Hasskriminalität und der Hassgesetzgebung aus der Agenda der OSZE zu streichen.

## Working session 18: Discussion of human dimension activities (with special emphasis on project work)

### *Recommendations to participating States*

#### **Austria/European Union**

- While we welcome the adoption of the 2018 OSCE Unified Budget on 15 February this year, this was still overdue. We stress that the timely adoption of the OSCE Unified Budget is imperative to ensure that the executive structures of the organisation are able to prepare, plan and carry out their activities in an efficient and effective manner. The ongoing difficulties in agreeing appropriate scales of contribution to ensure smooth and equitable financing of the organisation's activities is of concern. We welcome the Italian Chairmanship's dedicated efforts to address this issue.
- Participating States should avail themselves of the services offered by the OSCE executive structures, in enhancing the implementation of commitments, including by facilitating visits and monitoring missions. EU Member States have benefited from such assistance on a range of issues, and we will continue to do so. In this context, the ACMF visit to the OSCE institutions in June 2018 is to be commended as providing an invaluable opportunity for the ACMF to further familiarise itself with the work of the OSCE institutions, whose work to uphold our core values is so important.

### *Recommendations to the OSCE Institutions*

#### **Austria/European Union**

- Executive structures should continue to coordinate closely with each other and as well as with other relevant international and regional organisations, such as the United Nations and the Council of Europe, in order to learn from one another's experiences and to exchange best practice with a view to avoiding duplication and to maximising the impact of activities, including project work.
- For similar reasons, the executive structures should also continue to develop close cooperation with civil society when designing projects and activities to ensure increased participation of civil society in the implementation phase. There may be scope for 'pathfinder' projects to illustrate a particular issue and set an example.
- Executive structures should continue to improve the monitoring and evaluation of their projects, from conception through to completion, including by prioritising the use of key performance indicators and implementing results-based management best practice

## Closing reinforced plenary Session

### *Recommendations to participating States*

#### **United States of America**

We call on Turkmenistan to:

- Provide information to the families of persons in custody who previously have been reported as having disappeared, including their current place of detention and details of their custodial sentence, if any;
- Facilitate access for international monitors, diplomats of locally resident embassies, and relatives to visit identified persons who remain in detention;
- Facilitate access to medical care and legal counsel of choice for those who remain in detention;
- Cooperate with relevant UN mechanisms and treaty bodies; in particular by responding constructively to the views of the UN Human Rights Committee;
- Grant international monitors access to places of detention;
- Release from custody those individuals whose prison term has ended, or whose health condition would justify an early release for humanitarian reasons.

To Russia:

- We again call on Russia to release all unjustly held Ukrainian prisoners.
- We are troubled by the news yesterday that in the baseless drug possession case against Chechen human rights defender Oyub Titiyev, the judge ruled to close the trial to public observers. The eyes of the international community remain on this case and on the human rights situation in Chechnya. We again call for his release

To Turkey:

- We call on Turkey to stop using Pastor Brunson, other detained U.S. citizens, and our locally employed staff as bargaining chips.