



Human Dimension Implementation Meeting

CONSOLIDATED SUMMARY

Warsaw, 24 September - 5 October 2012

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I. EXECUTIVE SUMMARY

The sixteenth OSCE Human Dimension Implementation Meeting (HDIM) took place in Warsaw from 24 September to 5 October 2012. As always, it attracted a great number of participants representing OSCE participating States and Partners for Co-operation as well as OSCE structures, other international organizations and civil society. Organized by the OSCE Office for Democratic Institutions and Human Rights (ODIHR), it aimed at reviewing the implementation of the full range of OSCE human dimension commitments related to human rights and democracy issues.

The HDIM provides a unique opportunity for representatives of civil society of the participating States to meet and exchange ideas, not only with their civil society counterparts from other countries but also with government representatives and international organizations.

Mr. Douglas Wake, Deputy Director of the OSCE/ODIHR, chaired the Opening Plenary Session and gave an opening statement on behalf of the ODIHR Director, Ambassador Janez Lenarčič. The opening plenary also featured statements from: Ms. Katarzyna Pełczyńska-Nałęcz, Under-Secretary of State, Ministry of Foreign Affairs, Poland; Mr. Frank Cogan, Head of the OSCE Chairmanship Task Force, Department of Foreign Affairs and Trade, Ireland; Mr. Riccardo Migliori, President of the OSCE Parliamentary Assembly; Ambassador Knut Vollebaek, OSCE High Commissioner on National Minorities; Ms. Dunja Mijatović, OSCE Representative on Freedom of the Media; Ambassador Thomas Greminger, Permanent Representative of Switzerland to the OSCE, Chair of the OSCE Human Dimension Committee; and Ambassador Adam Kobieracki, Director of the OSCE Conflict Prevention Centre.

The keynote address was delivered by Professor Adam Daniel Rotfeld, former Minister of Foreign Affairs of Poland, Co-Chairman of the Polish-Russian Group on Difficult Matters and Commissioner of the Euro-Atlantic Security Initiative Commission. A number of participating States also delivered statements in the opening session.

Working Sessions of the first week focused on:

- Fundamental freedoms I, including freedom of expression, free media and information (moderated by Dr. Andrey Rikhter, Director of the Office of the OSCE Representative on Freedom of the Media);
- Fundamental freedoms II, including freedom of assembly and association, freedom of movement, national human rights institutions and the role of civil society in the protection of human rights, human rights education (moderated by Ms. Sirpa Rautio, Director of the Human Rights Centre, Office of the Parliamentary Ombudsman of Finland);
- Humanitarian issues and other commitments, including migrant workers, the integration of legal migrants, refugees and displaced persons, treatment of citizens of other participating States (moderated by Ms. Michele LeVoy, Director of the Platform for International Co-operation on Undocumented Migrants (PICUM));
- Rule of law I, including democratic lawmaking, independence of the judiciary, right to a fair trial (moderated by Prof. Alan Page, Dean of the School of Law and Professor of Public Law, University of Dundee);
- Rule of law II, including exchange of views on the question of abolition of capital punishment, prevention of torture, protection of human rights and fighting terrorism

(moderated by Ms. Nigina Bakhrieva, Director of the NGO Nota Bene, Founder and former Director of the Bureau of Human Rights in Tajikistan);

- Humanitarian issues and other commitments (continued), including implementation of the OSCE Action Plan to Combat Trafficking in Human Beings (moderated by Mr. Adam Weiss, Legal Director of the Advice on Individual Rights in Europe (AIRE) Centre);
- Tolerance and non-discrimination I, including equality of opportunity for women and men, implementation of the OSCE Action Plan for the Promotion of Gender Equality, prevention of violence against women (moderated by Professor Cees Flinterman, Honorary Professor of Human Rights at Maastricht and Utrecht University, Member of the UN Human Rights Committee);
- One specifically selected topic was also covered during the first week: Roma/Sinti and, in particular, empowerment of Roma women (the two working sessions were moderated by Mr. Andrzej Mirga, Senior Adviser on Roma and Sinti Issues, Chief of the OSCE/ODIHR Contact Point for Roma and Sinti Issues and Ambassador Miroslava Beham, OSCE Senior Adviser on Gender Issues, respectively).

Working Sessions of the second week were devoted to:

- Tolerance and non-discrimination II, including review of the implementation of commitments on promotion of mutual respect and understanding, prevention and responses to hate crimes in the OSCE area, combating racism, xenophobia and discrimination, also focusing on intolerance and discrimination against Christians and members of other religions, combating anti-Semitism, combating intolerance and discrimination against Muslims (moderated by Ms. Nataliya Dryomina-Voloc, Senior Researcher, Research Institute of the National Academy of the Public Prosecutor Office in Ukraine);
- Democratic institutions, including democratic elections (moderated by Dr. Beata Martin-Rozumiłowicz, Head of the OSCE/ODIHR Election Department);
- Democratic institutions, including democracy at the national, regional and local levels, citizenship and political rights (moderated by Ms. Inna Pidluska, Deputy Executive Director, International Renaissance Foundation);
- Discussion of human dimension activities (with special emphasis on project work), including presentation of activities of the ODIHR and other OSCE institutions and field operations to implement priorities and tasks contained in relevant OSCE decisions and other documents (moderated by Mr. Douglas Wake, Deputy Director of the OSCE/ODIHR);
- The discussions of the second week also covered two specifically selected topics:
 - Freedom of thought, conscience, religion or belief (two working sessions were moderated by Ms. Olesea Perean, Attorney at Law, Moldova and Ms. Merhézia Labidi Maïza, Member of the Executive Committee of Religions for Peace International, respectively)
 - Rights of persons belonging to national minorities, including preventing aggressive nationalism, racism and chauvinism (moderated by Ms. Ilze Brands Kehris, Director of the Office of the OSCE High Commissioner on National Minorities).

Rapporteurs of the Working Sessions submitted their reports in writing in advance of the Closing Plenary Session instead of making oral presentations of their reports as in previous HDIMs. Their reports were distributed to all delegations and posted online. This new practice increased transparency by providing an opportunity for the delegations of participating States

to familiarize themselves with the Rapporteurs' reports in advance of the Closing Session, which was dedicated to a dialogue on review of the HDIM results and recommendations.

The HDIM was concluded by a Plenary Session reinforced by the participation of some officials from capitals. A number of participating States and one international organization delivered statements at the Reinforced Plenary Session. Closing addresses were delivered by Ms. Martina Feeney, Deputy Head of the Permanent Mission of Ireland to the OSCE and Ambassador Janez Lenarčič, Director of the OSCE/ODIHR.

A total of 51 side events highlighted and addressed a wide range of human dimension topics. These provided opportunities for governments to present best practices, for NGOs 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.

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. The final compilation of written recommendations is included in this report.

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. The list of documents distributed during the HDIM is attached to this report. During the Meeting, participants also had the possibility to familiarize themselves with two other main tools developed and offered by ODIHR – the Tolerance and Non-Discrimination Information System (TANDIS) and Legislationline. TANDIS 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 while Legislationline is a free-of-charge online legislative database assisting the participating States in bringing their legislation into line with relevant international human-rights standards. Both databases can be accessed through ODIHR's website.

LINK TO THE HDIM AGENDA

English: <http://www.osce.org/odihr/92456>

Russian: <http://www.osce.org/ru/odihr/93651>

II. PARTICIPATION

Total number of participants - **1073**, including:

396 participants representing 54 participating States (Albania (2), Andorra (1), Armenia (4), Austria (5), Azerbaijan (5), Belarus (5), Belgium (5), Bosnia and Herzegovina (2), Bulgaria (3), Canada (5), Croatia (3), Cyprus (3), Czech Republic (7), Denmark (4), Estonia (5), Finland (8), France (6), Georgia (6), Germany (6), Greece (2), Holy See (3), Hungary (6), Iceland (1), Ireland (12), Italy (11), Kazakhstan (14), Kyrgyzstan (4), Latvia (4), Liechtenstein (1), Lithuania (2), Luxembourg (3), Malta (3), Moldova (4), Montenegro (1), Netherlands (5), Norway (6), Poland (37), Portugal (1), Romania (9), Russian Federation (23),

San Marino (1), Serbia (14), Slovakia (7), Slovenia (5), Spain (2), Sweden (5), Switzerland (11), Tajikistan (6), the former Yugoslav Republic of Macedonia (1), Turkey (6), Ukraine (29), United Kingdom (10), United States of America (54), Uzbekistan (8))

12 representatives from 8 Partners for Co-operation (Algeria (1), Australia (2), Egypt (1), Israel (3), Jordan (1), Morocco (1), Thailand (1), Tunisia (2))

22 representatives of International Organizations:

- Community of Democracies (1)
- Council of Europe (3)
- Council of Europe Office in Warsaw (2)
- Council of Europe; Advisory Committee, CoE Framework Convention for the Protection of National Minorities (1)
- Council of Europe; Secretariat of the Framework Convention for the Protection of National Minorities (1)
- Council of Europe; Directorate for Human Rights and Legal Affairs (1)
- Council of Europe; European Commission for Democracy through Law (Venice Commission) (2)
- Council of Europe Committee of Experts on Roma Issues (CAHROM) (1)
- Frontex-European Agency for the Management of Operational Cooperation at the External Borders (2)
- International Association of Women Police (IAWP) (1)
- International Organization for Migration, Poland (2)
- Interparliamentary Assembly of Member Nations of the CIS (1)
- Task Force for International Cooperation on Holocaust Education, Remembrance, and Research (1)
- UNIFEM-United Nations Development Fund for Women (1)
- United Nations Development Programme; Europe and the CIS Regional Centre (1)
- United Nations High Commissioner for Refugees; Liaison Office in Austria (1)

23 participants from OSCE Institutions and other structures:

- OSCE Secretariat (5)
- OSCE Conflict Prevention Centre (1)
- OSCE Secretariat; Strategic Police Matters Unit (2)
- OSCE Secretariat; Action against Terrorism Unit (1)
- Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings (2)
- Office of the Co-ordinator of OSCE Economic and Environmental Activities (1)
- Office of the OSCE Representative on Freedom of the Media (5)
- OSCE High Commissioner on National Minorities (4)
- OSCE Parliamentary Assembly (2)

43 representatives of 13 OSCE Field Operations:

- OSCE Presence in Albania (1)
- OSCE Centre in Astana (1)
- OSCE Office in Baku (3)
- OSCE Centre in Bishkek (2)
- OSCE Mission to Bosnia and Herzegovina (3)

OSCE Mission in Kosovo (5)

- OSCE Mission to Moldova (5)
- OSCE Mission to Serbia (4)
- OSCE Mission to Skopje (1)
- OSCE Office in Tajikistan (3)
- OSCE Project Co-ordinator in Ukraine (8)
- OSCE Project Co-ordinator in Uzbekistan (4)
- OSCE Office in Yerevan (3)

577 representatives of 410 NGOs from 46 participating States and 4 Mediterranean Partners for Co-operation:

- Albania (3)
- Armenia (4)
- Austria (7)
- Azerbaijan (10)
- Belarus (18)
- Belgium (17)
- Bosnia and Herzegovina (2)
- Bulgaria (6)
- Canada (1)
- Croatia (1)
- Czech Republic (4)
- Denmark (1)
- Egypt (3)
- Estonia (2)
- Finland (6)
- France (11)
- Georgia (5)
- Germany (12)
- Greece (3)
- Hungary (12)
- Ireland (3)
- Italy (3)
- Jordan (2)
- Kazakhstan (43)
- Kyrgyzstan (13)
- Latvia (4)
- Lithuania (4)
- Moldova (7)
- Montenegro (1)
- Morocco (1)
- Netherlands (9)
- Norway (5)
- Poland (46)
- Romania (6)
- Russian Federation (32)
- Serbia (9)
- Slovakia (1)
- Slovenia (1)

- Spain (3)
- Sweden (7)
- Switzerland (4)
- Tajikistan (12)
- the former Yugoslav Republic of Macedonia (5)
- Tunisia (2)
- Turkey (3)
- Turkmenistan (1)
- Ukraine (15)
- United Kingdom (17)
- United States of America (15)
- Uzbekistan (8)

LINK TO FINAL LIST OF PARTICIPANTS:

<http://www.osce.org/odihr/95002>

III. RAPORTEURS' REPORTS

Working Session 1: Fundamental freedoms, including:

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

Rapporteur: Mr. Jean-François Lacasse, Delegation of Canada to the OSCE

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| <p>No. of statements: 53 Delegations: 13 Civil Society: 31 OSCE Inst./Int'l Org: 1 Rights of Reply: 8</p> |
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Working Session 1 focused on fundamental freedoms, including freedom of expression, free flow of information, and free media. Dunja Mijatović, OSCE Representative on Freedom of the Media, delivered introductory remarks. She highlighted the ongoing challenges faced by participating States in implementing OSCE commitments with regard to freedom of the media. Media workers, in particular, are more than ever in need of a safe work environment, free from fear and violence. As freedom of the media is an essential underpinning of our democracies, the continued trend towards imprisonment, interrogation and detention of journalists is also of grave concern in several participating States of the OSCE. The OSCE Representative also noted the sustained interest in addressing the issue of Internet freedom and the various approaches adopted by participating States. While there continue to be attempts by authorities to control the Internet, the borderless nature of the Internet means that blocking and filtering are not viable approaches in the long run. Instead of curbing the free flow of information online, participating States should focus efforts towards developing media and Internet literacy while promoting tolerance to the expressions of others.

45 participants made interventions following the introducer, including 31 made by non-governmental organizations. 8 States made use of their right of reply.

Many participants shared the view that freedom of expression and freedom of media are essential, mutually supportive and contribute directly to other OSCE commitments and democracy. Some also expressed concern with what they see as a general deterioration of these freedoms in the region since the last HDIM session, and that implementation of commitments remains lacking in several participating States.

A large number of participants identified problems faced by journalists and media workers in the OSCE region, including monitoring, intimidation, harassment, violence and torture committed against them for their work. These actions clearly undermine OSCE principles of freedom of expression and freedom of the media, and participating States were encouraged to ensure that journalists do not face threats or violence, that attacks are investigated and that impunity of perpetrators does not prevail.

Particular concerns were expressed by many participants with regard to the treatment of libel and defamation under criminal law, which stifles freedom of expression and freedom of the media. Only one quarter of OSCE participating States have so far decriminalized these offences and concerns were expressed at recent moves in a few States towards re-criminalization of speech offences.

Some participants spoke on striking a balance between rights and responsibilities and a few mentioned the need to ensure that journalists can receive training, including on standards and ethics. One participant also spoke of striking a balance between freedom of expression and addressing legitimate security concerns, notably in the context of fighting terrorism, while ensuring that OSCE commitments are met.

With regard to digital technologies and digital freedom, a number of participants expressed concerns at restrictions imposed on internet freedoms through measures such as arbitrary blocking of websites or content without a clear procedure or justification.

A number of participants raised the issue of media pluralism and the need to ensure access to multiple and alternative sources of information, including in the context of the digital switchover. Some participants encouraged States to facilitate access to media in the language of national minorities.

Some participants stated that there is no need to develop new commitments in the field of media freedom, as these commitments already exist. Instead, human rights and existing commitments should be considered equally valid online and offline.

Several participants expressed their support for the work of the OSCE Representative on Freedom of the Media and her staff. Many called on all participating States to fully co-operate with her office, including through consultations when developing relevant national legislation.

Many participants thanked the OSCE Chairmanship-in-Office, Ireland, for hosting the Conference on Internet Freedom in Dublin on 18-19 June 2012 and for its innovative use of social media. They also expressed their support for the Chairmanship's proposed Ministerial Decision on freedom of the media, a priority for many participating States as they prepare for the Dublin Ministerial.

Recommendations to the OSCE, its Institutions and Field Operations

- Ensure that all issues related to freedom of the media and freedom of expression continue to be monitored across the OSCE region;
- Assist participating States in fully implementing their OSCE commitments in this field;
- Support the adoption of national legislation in line with OSCE commitments and international standards;
- Ensure continued cooperation between the RFoM and OSCE Field Operations;
- Conduct capacity building through training activities and media conferences.

Recommendations to participating States

- Ensure that OSCE commitments towards freedom of expression and freedom of the media are fully met and take practical measures towards that objective;
- Co-operate fully with the Representative of the Freedom of the Media and her office;
- Provide a safe environment for media workers, in particular by publicly refuting threats and violence against them and by conducting transparent and swift investigations when attacks occur;
- Decriminalize libel and defamation and move these speech offences to the realm of civil codes;
- Promote media pluralism and access to information, including through the internet and in digital media;
- Enable or facilitate media sources in national minority languages.

Working Session 2: Fundamental freedoms II, including:

- Freedom of assembly and association;
- Freedom of movement;
- National human rights institutions (NHRIs) and the role of civil society in the protection of human rights;
- Human rights education.

Rapporteur: Ms. Polly Ioannou, Counsellor, Deputy Head of the Permanent Mission of Cyprus to the OSCE

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| <p>No. of statements: 53 Delegations: 14 Civil Society: 32 OSCE Inst./Int'l Org: 0 Rights of Reply: 7</p> |
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Working session 2 focused on the fundamental freedoms of assembly, association, and movement, on National Human Rights Institutions and the role of civil society in the protection of human rights, and on human rights education. Introducing the session, ODIHR Deputy Director Douglas Wake reminded that participating States have an obligation to ensure freedom of assembly and association, which are in many States restricted by laws, regulations, and practices. He reminded that freedom of movement is a prerequisite to exercising other fundamental rights; reiterated ODIHR's support for NHRIs; stressed that a vibrant civil society is vital; and said that in many participating States, human rights defenders continue to be targeted. He reminded that the Moscow Document affirms the right

of human rights education, adding that the Office had presented the day before, new guidelines on human rights education for law enforcement officials and for secondary school systems.

Session introducer Yevgeniy Zhovtis focused on freedom of association and assembly (FAA). He stressed the importance of proper legislation in ensuring respect for FAA and identified two problems in terms of legislation: the licensing procedure for peaceful assembly and the mandatory registration of citizens' associations. Peaceful assembly, which might even mean picketing by one person, is in some States essentially denied through extensive limitations on locations where it is allowed. In a number of participating States, any association of persons must register; otherwise they are illegal and their participants subject to prosecution. Often the registration process is not technical but complex, discriminatory, with a high threshold of membership required for registration, and is perceived as a means of exercising control over these associations.

More than 40 speakers took the floor during the session. They highlighted the following: fundamental character of FAA in any democracy; rising restrictions against FAA, including denial of authorization for public assemblies; importance of professional policing in public assembly events, including in dealing with disturbances from outside groups; harassment and imprisonment of, and violence against, demonstrators; steep fines and criminal liability for participation in unsanctioned rallies; rights of LGBT people to demonstrate in public; increasingly restrictive measures against public gatherings, including prohibition of protests and of many locations where public assembly is allowed; problematic laws on FAA that are incompatible with OSCE and CoE standards; and lack of transparency in the registration of citizens' associations, using unknown criteria. One delegation pointed to the responsibility of States to manage rallies so as to avoid riots and to permissible restrictions in international law on the implementation of the right to peaceful assembly. The same delegation mentioned deliberate disturbances of public order by activists seeking attention.

Speakers also stressed the following: importance of a vigorous and independent civil society; obstacles placed on civil society functioning; harassment, threats, defamation campaigns, and intimidation of human rights defenders; arbitrary detention and prosecution of human rights defenders, including on the basis of fabricated charges; mass investigations, long pre-trial detentions, and imprisonment of human rights defenders; lack of protection of human rights defenders by State institutions; restrictive amendments to laws regarding human rights defenders; prohibition of NGOs from keeping funds abroad. One delegation opined that there must be a clear distinction between the social and political activities of human rights defenders and that the second should be done through political parties. The same delegation expressed concern about the foreign funding of civil society organizations.

Speakers also drew attention to human rights education as a powerful tool in promoting human rights and fighting human rights abuses, and pointed to an alarmingly weak will on the part of agencies to facilitate human rights education. Some speakers lamented that the work of NHRIs is obstructed in some cases.

Lastly, speakers stressed the importance of the freedom of movement, within and between States, and spoke about their visa policies. One delegation lamented the lack of freedom of movement to and from areas that are not under the control of governments and criticized the detention of persons crossing into such territories.

Recommendations to participating States and to OSCE Institutions:

On freedom of assembly and association:

- Participating States should ensure that OSCE Guidelines on Freedom of Peaceful Assembly and other international standards pertaining to freedom of association and peaceful assembly are implemented;
- Restrictions on freedom of assembly, in law or in practice, that are incompatible with international standards, must be abolished;
- Peaceful assembly registration requirements should be abolished and replaced by a technical notification procedure;
- Limitations on locations for public assembly should be minimal;
- Participating States must ensure that peaceful protests can take place without undue interference or harassment of organizers and participants;
- When human rights violations occur in the context of peaceful protests, participating States must ensure that perpetrators are brought to justice and that victims receive reparations;
- Participating States must allow peaceful protests to take place without participants facing dispersals, detentions, administrative sanctions or other forms of interference and punishment by authorities;
- Registration of non-governmental organizations and associations should be of a technical nature and have a low threshold of required membership;
- Participating States should simplify the registration procedure for those NGOs that wish to obtain a legal personality;
- OSCE should compile a guidebook on the freedom of assembly for use by the police and other practitioners.

On freedom of movement:

- Participating States should facilitate the freedom of movement across borders by liberalizing visa regimes and gradually abolishing visas;
- Freedom of movement should be respected within participating States, including to and from territories not under the control of the government of the participating State;
- The ODIHR should compile a report on the implementation by participating States of OSCE commitments on the freedom of movement.

On human rights education:

- Participating States should encourage systematic human rights education and training programmes designed to promote respect for human dignity, human rights and fundamental freedoms of all;
- Participating States should implement the obligations contained in the United Nations Declaration on Human Rights Education and Training;
- There should be better use of the media to administer human rights education;
- Journalists and law enforcement professionals should receive human rights education training;
- ODIHR guidelines on human rights education for law enforcement officials and for secondary school systems should be distributed to all participating States;
- Human dimension commitments must guide ODIHR initiatives and publications in the area of human rights education.

On human rights defenders:

- Participating States should ensure that all those seeking to uphold human rights are able to do so in a safe environment;

- Harassment and imprisonment of human rights defenders must end and human rights defenders in detention must be released;
- Participating States should review national legislation on human rights defenders and comply with the United Nations Declaration on human rights defenders.

On National Human Rights Institutions:

- All participating States must ensure that their national human rights institutions are established and function in line with the Paris Principles, and that they are allowed to function without obstacles.

Working Session 3: Humanitarian issues and other commitments, including:

- **Migrant workers, the integration of legal migrants;**
- **Refugees and displaced persons;**
- **Treatment of citizens of other participating States**

Rapporteur: Mr. Didar Temenov, Delegation of Kazakhstan to the OSCE

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| <p>No. of statements: 41 Delegations: 14 Civil Society: 20 OSCE Inst./Int'l Org: 2 Rights of Reply: 5</p> |
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Working Session 3 was devoted to issues of migrants, refugees, displaced persons (DPs) and the treatment of citizens of other participating States. The introducer, Dr. B.Kaiser, Associate Professor and Chair of the Department of International Relations at Istanbul Kemerburgaz University, underlined that migrants are engaged in transnational activity which is increasingly interlinked with the issue of integration. Transnationalization poses challenges for migrants and both sending and receiving states should be involved in the process of integration. The 9.11 events changed the security discourse with regard to migrants who became increasingly stigmatized and led to their exclusion from political participation. Granting liberal citizenship regimes to integrate migrants and, in this context, the importance of double and multiple citizenship were proposed as solutions for their integration.

Furthermore, she made a brief overview of the situation of internally displaced persons (IDPs) and refugees in the OSCE region, with an emphasis on the current refugee flows from Syria.

36 interventions were made after the introducer, of which 20 by non-governmental organizations. In addition, five participating States made use of their right of reply in response to prior interventions.

It was indicated that in 2011, worldwide an estimated 42.5 million persons had unwillingly left their homes or remained in exile due to the threat of persecution, serious human rights violations or conflict. In addition, out of an estimated 12 million people around the world who did not possess a nationality and were denied the enjoyment of rights as citizens, 4.8 million people were from the OSCE region. Moreover, dramatic events across the Middle East and North Africa in recent years have caused hundreds of thousands of persons to seek asylum in other countries. Some participants mentioned that protracted conflicts in the OSCE region and

forced migration because of natural disasters are also among the reasons for displacement of a large number of people in the world.

Many delegations informed about the work undertaken by their governments to protect migrants, refugees, internally displaced and asylum-seekers. A large number of participants supported close collaboration between countries of origin and transit of migrants, promoting the link between migration and development, and the promotion of international protection, adopting integration policies, finding durable solutions for refugees, providing access to public services etc. as a means to deal with challenges in this sphere. A group of participants highlighted that a comprehensive approach would allow the development of partnerships covering balanced management of legal migration, the fight against illegal migration, the promotion of the link between migration and development, and the promotion of international protection.

Some countries shared their successful experiences and best practices, including those implemented at the regional level, on dealing with the problem of refugees and displaced persons.

NGO representatives noted that the most acute issues faced by these vulnerable groups of people are the rise of xenophobic and racial discrimination, a lack of access to housing, jobs, documentation and social protection.

Some participants criticized several participating States for insufficient and ineffective protection of human rights of migrants and refugees, as well as for an over-reliance on detention and deportation measures. A few speakers underlined that participating States should not extradite refugees and asylum-seekers to countries where they may potentially face torture. Finally, it was noted that developing more humane policies of regulation of integration, including naturalization as well as a more co-ordinated co-operation of the OSCE with relevant international and regional organizations, including UNHCR would bring more effective results in coping with these challenges.

Recommendations to the participating States:

- Update existing instruments concerning internal displacement and development of new measures, including on displacement due to natural disasters;
- Put more emphasis on policies of inclusion and increased opportunities for political participation of migrants, refugees and displaced;
- Transnationalize migration policies and shift political discussions from multi-culturalism to inter-culturalism;
- Ease access to double and multiple citizenship;
- Provide special protection for women and children who are an especially vulnerable group among IDPs and refugees;
- Conduct more academic research on migrants, refugees and displaced;
- Refrain from deporting refugees or asylum-seekers to countries where they may face mistreatment;
- Utilize ODIHR's program Training Against Hate Crimes for Law Enforcement.

Recommendations to the OSCE, its institutions and field operations:

- Devote a separate human dimension event or side-event at the HDIM to the issues of women or children migrants as a most vulnerable group;
- Establish closer collaboration with UNHCR and other relevant organizations;
- ODIHR should continue to monitor hate speech with regard to these groups.

Working Session 4: Rule of law I, including:

- Democratic lawmaking;
- Independence of the judiciary;
- Right to a fair trial.

Rapporteur: Ms. Linda Aspehult, Permanent Delegation of Sweden to the OSCE

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| <p>No. of statements: 49 Delegations: 8 Civil Society: 29 OSCE Inst./Int'l Org: 1 Rights of Reply: 11</p> |
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Working Session 4 was devoted to the rule of law. The introducer, UN Special Rapporteur on the Independence of Judges and Lawyers Ms. Gabriela Knaul, highlighted the interrelation between the independence of the judiciary on the one hand, and the separation of powers on the other, as a prerequisite for a democratic society based on the rule of law. The need for providing adequate resources to enable and safeguard the independence of all stakeholders in the judicial system was also emphasized.

38 interventions were made after the introducer, of which 29 by civil society and non-governmental organizations. In addition, 11 participating States made use of their right of reply in response to prior interventions.

Many delegations expressed a comprehensive view, referring to the rule of law as one of the key elements in a democratic society, and as a fundamental safeguard for the implementation of human rights. The role of democratic lawmaking, independence of the judiciary and the right to a fair trial, as particular guarantors of the rule of law, was highlighted. In this context, several delegations made reference to the 1990 Copenhagen Document and the 1991 Moscow Document. Furthermore, several delegations emphasized the need to improve the independence of the judiciary, inter alia through the Kyiv Recommendations.

Many speakers, delegations as well as representatives from civil society highlighted specific problems related to the rule of law in certain participating States. Examples included: corruption undermining the independence of the judiciary; torture and other ill-treatment in detention and prisons, including police abuse; lack of transparency in judicial proceedings; restricted access to court; unfair trials and discrimination.

Some delegation gave information on legislative and other steps undertaken in order to improve respect for the rule of law. It was also noted that such improvement required political will, and that there was a need to engage national as well as international stakeholders in the process.

Recommendations to participating States:

- To fully uphold fair trial standards;
- To enable access to information from courts, including by enabling inquiries into cases from civil society and by respecting the freedom of the Internet;
- To adopt concrete measures regarding the right to speak one's own language in court proceedings;
- To initiate investigation into cases where needed, due to reports on abuse of power or other misconduct;
- To amend criminal and procedural codes, and other relevant legislation, to enable the implementation of non-discrimination commitments;
- To safeguard the equality between men and women, including by criminalizing domestic violence and improving women's access to court;
- To ensure that complaints on torture and other ill-treatment are registered and followed up upon, including through medical investigations and by providing access to medical assistance.

Recommendations to OSCE/ODIHR:

- To analyze relevant legislation of participating States, in order to promote compliance with OSCE commitments;
- To access information on investigations and judicial proceedings, and follow up on matters where needed.

Working Session 5: Rule of law II, including:

- Exchange of views on the question of abolition of capital punishment;
- Prevention of torture;
- Protection of human rights and fighting terrorism.

Rapporteur: Mr. Pablo Sanz López, Counsellor, Permanent Mission of Spain to the OSCE

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| <p>No. of statements: 56 Delegations: 12 Civil Society: 33 OSCE Inst./Int'l Org: 2 Rights of Reply: 9</p> |
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Working session 5 addressed the issues of the abolition of capital punishment, prevention of torture and the protection of human rights in the fight against terrorism.

The Director of ODIHR, Ambassador Lenarčič, recalled that OSCE commitments are unequivocal as regards the prohibition of torture. He added that the prevention of torture requires a multifaceted approach, and that ODIHR supports participating States in the establishment of National Prevention Mechanisms (NPMs), through legal assistance and expertise for training on torture prevention. He underlined the importance of defending human rights while combating terrorism, and alerted against ethnic and religious profiling which occur often on the basis of a vague definition, as well as arbitrary detentions and

enforced disappearances used for presumed security reasons. He announced that ODIHR is going to publish a new training tool, in co-operation with the Transnational Threats Department of the OSCE, focusing on the investigation of terrorist crimes.

The introducer, Prof. Roman Wieruszewski, noted that death penalty, torture and terrorism are closely interrelated issues. He referred to the OSCE commitment to keep the death penalty under serious consideration, stressing the continued need to encourage a public debate on its abolition. He said that States are obliged to protect the human rights of all people, referring to the “non-refoulement” principle. On the protection of human rights in the fight against terrorism, he underlined the need of putting the emphasis on victims. He referred in this respect to the United Nations Global Counter-Terrorism Strategy, which places the human person at its centre. He also recommended extending article 15 of the United Nations Convention Against Torture (UNCAT), which excludes the use in courts of confessions obtained through torture, so that it should cover intelligence and executive decisions too.

Many speakers called for the abolition of the death penalty, which is still carried out in 2 participating States, and for an immediate moratorium on its use. It was noted that some participating States that do not use the death penalty do not always create humane conditions for prisoners held indefinitely, or that they substitute it for alternative sanctions that amount to torture or cruel, inhuman or degrading punishment. A few speakers mentioned the work of the International Commission against the Death Penalty as well as the forthcoming 5th World Congress against the Death Penalty to be held in Madrid in June 2013. Calls were made to support this year’s moratorium resolution in the UN General Assembly as well as to ratify Protocol No. 13 to the European Convention on Human Rights concerning the abolition of the death penalty in all circumstances. Some speakers stated that the OSCE could become a regional model and advocated for the adoption of an OSCE commitment to stop the practice of capital punishment.

It was noted that although absolutely prohibited under international law, torture still occurs in participating States and partner States. These violations are unjustifiable, even when faced with threats against national security including terrorist activity, and they must be addressed through improved accountability and rehabilitation of the victims. The importance of establishing independent and effective systems of investigation of complaints and prevention of torture, preferably within the framework of the Optional Protocol to UNCAT (OPCAT), with a continued involvement of the civil society, was highlighted. 33 participating States are party to OPCAT, but the most important challenge is its effective implementation. Some speakers gave examples of the work of NPMs. It was recognized that a paucity of human, financial and material resources remains a widespread concern for many NPMs, especially in the current economic climate. It was also noted that even in countries where an NPM has been established civil society, organized as monitoring boards or otherwise, should play an important complementary and supportive role. Some speakers noted that there was a problem of non-application of the law in some countries, and it was argued that media attention was required, as well as more public monitoring and professional training of law enforcement agents and health personnel on preventing torture. Many speakers stressed the need to grant frequent and unhindered access to NGOs and international organizations such as the ICRC in order to monitor places of detention, and that monitors should come unannounced and be able to interview inmates confidentially and without the presence of prison guards. Reference was also made to the work of the European Committee for the Prevention of Torture and the UN Sub-Committee on Prevention of Torture.

It was generally recognized that, in line with OSCE commitments, counter-terrorism measures are to be conducted in accordance with international law and that security should not undermine the protection of human rights. Reference was made to the need to strengthen the capacity of criminal justice institutions to prevent and counter terrorism under a rule of law-based, human rights-compliant framework and in furtherance of the UN Global Counter-Terrorism Strategy. It was noted that the OSCE and ODIHR could provide technical assistance and promote the implementation of good practices, such as those of the Global Counter Terrorism Forum, throughout the OSCE region. Some speakers denounced the alleged use of terror as a State policy in some participating States. References were also made to the critical role played by the ICRC, which should have unimpeded access to detention centres. Critical references were made to the detention facility at Guantanamo Bay. One participating State stated that it remains committed to closing it, though it recognized that the task has proven enormously complex. The use of “renditions” and secret detention programmes was also firmly condemned, with one speaker suggesting that the issue should be a focus of the OSCE.

In his closing remarks, the introducer affirmed that, as seen in many interventions, a lack of effective mechanisms and a lack of transparency continue to be important obstacles to preventing torture. He pointed to the fact that a great number of speakers had focussed their attention on Central Asia, where he thought the OSCE should play a special surveillance role, assisting governments and civil society to establish effective mechanisms to prevent torture, given that this region is not covered by the Council of Europe. He was encouraged by the readiness of all speakers to implement the OSCE commitments and reiterated that the involvement of civil society in a continuous dialogue is very valuable.

The following recommendations were made:

To participating States:

- OSCE participating States which still practice the death penalty should take immediate steps towards its abolition by promptly establishing a moratorium on all death sentences and executions with a view to abolishing the death penalty as provided by the OSCE PA Vilnius Resolution and UNGA Resolution 65/206 which calls for a moratorium on the use of the death penalty;
- OSCE participating States which retain the death penalty should declare a moratorium and commute all death sentences to imprisonment terms;
- OSCE participating States which have in place a moratorium on the death penalty should amend their legislation so as to completely abolish the death penalty;
- All OSCE participating states should ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty, if they have not yet done so;
- OSCE participating States should respect the absolute prohibition on torture and fully implement the UN resolutions on torture;
- OSCE participating States should review their policies and practices in relation to those convicted of the worst crimes and bring them into compliance with international standards and norms;
- OSCE participating States should continue granting NGOs access to places of detention, irrespective of whether an NPM has been established;
- OSCE participating States should consider adhering to international instruments for combating torture, the death penalty and enforced disappearances, and to the right of individual complaint under the relevant international instruments;

- OSCE participating States should give serious consideration to the ratification of the OPCAT and then ensure its effective implementation;
- OSCE participating States are urged to initiate an open, transparent and inclusive dialogue on the implementation of the OPCAT at the national level, with a wide range of relevant actors, including representatives of civil society;
- OSCE participating States should initiate an open, transparent and inclusive dialogue with other OSCE participating States, which have already signed or ratified OPCAT, in order to facilitate an exchange of information and best practices on the institution and effective functioning of NPMs;
- OSCE participating States should guarantee the independence of their NPMs as well as sufficient public funding for their independent and professional functioning;
- OSCE participating States should adopt effective measures to implement recommendations made by international human rights bodies with respect to ensuring respect for the right of detainees, the right to a fair trial and the right not to be subjected to torture and ill-treatment;
- OSCE participating States should ensure that judges, prosecutors and professionals have at their disposal effective tools to investigate and prosecute criminal and humanitarian law violations, such as case management systems and case-law databases, and that they can effectively use them;
- OSCE participating States should make easily accessible to the Legal Tools Project relevant documents and support local and regional partners of the Legal Tools Project.

To the OSCE:

- OSCE should expand its efforts in providing support to participating States to ensure respect for human rights and OSCE commitments in countering terrorism;
- OSCE should encourage participating States to ensure access of NGOs to places of detention;
- OSCE should support or launch initiatives consonant with the approach of positive complementarity under the Rome Statute framework by strengthening participating States' capacities in dealing with core international crimes, in particular by making the requisite knowledge and skills more available to key professionals;
- OSCE should intensify integration of content related to international criminal and humanitarian law within the educational programs, materials, case studies and other resources that the OSCE, in particular through the ODIHR, supports and promotes for use in participating States;
- OSCE should engage in debate and dialogue as to how best to protect the rights of those sentenced to life imprisonment as a vulnerable category of prisoner, including upholding their rights. Reference should be made to the prohibition of life imprisonment without parole, prolonged solitary confinement, and the obligation to equal treatment of prisoners including those serving a life sentence;
- OSCE should encourage some participating States to better comply with their international commitments, relating to their alleged collusion with rendition and secret detention programs;
- OSCE should address the issue of torture of children in special schools and orphanages;
- OSCE field missions are encouraged to continue co-operation with civil society actors on OPCAT issues;
- OSCE field missions are encouraged to help states establish NPMs;

- OSCE field missions are urged to continue their work on promoting the ratification and implementation of the OPCAT in an open, transparent and inclusive manner, particularly when NPMs are in their formative stages of existence;
- OSCE/ODIHR should continue to conduct the debate with the authorities of States that have not abolished the death penalty, as well as with civil society, highlighting the inhuman aspects of death penalty, discussing criminal procedures and recalling the international instruments on the abolition of death penalty;
- OSCE/ODIHR should explore the possibility of replicating past regional and sub-regional meetings on the implementation of the OPCAT;
- OSCE/ODIHR has potentially a very useful role to play in supporting the many ongoing efforts of OSCE field missions to promote the ratification and effective implementation of the OPCAT by providing them with information and advice relating to the instrument and by referring them to external sources of expertise on the issue;
- OSCE/ODIHR should monitor the situation of human right defenders in some participating States to ensure that they are able to undertake their activities to promote and protect human rights without fear of restrictions or violations;
- Incoming Chairmanships should keep the issue of torture prevention on the agenda of future OSCE meetings with a view to facilitating further exchanges of information and best practices on the OPCAT;
- The OSCE Chairman-in-Office and the Permanent Council should attach much greater importance to the need to prevent torture in the region and address the issue on a regular, consistent basis.

Working Session 6: Roma/Sinti and, in particular, empowerment of Roma women

Rapporteur: Ms. Margaret Paton, Permanent Representation of the United States to the OSCE

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| <p>No. of statements: 28 Delegations: 10 Civil Society: 13 OSCE Inst./Int'l Org: 1 Rights of Reply: 4</p> |
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Working Session 8 was devoted to the empowerment of Roma women. ODIHR's Contact Point on Roma and Sinti Issues Andrzej Mirga emphasized the importance of education for Romani women and girls. Monika Šimůnková, the Czech Human Rights Commissioner, stressed that Roma integration is a priority of the European Union and includes a special focus on Roma women. She stressed that participating States must engage Roma women in the fields of child protection, health care and education. A critical task for many participating States is to achieve the desegregation of Romani children in schools. Romani women are important agents of social change and the government must address their social exclusion in the education and employment sectors. Additionally, governments must address their negative past, e.g. forced sterilized cases.

24 interventions were made after the introducer, of which 13 by non-governmental organizations (NGO). In addition, 4 participating States made use of their right of reply in response to prior interventions.

A group of 39 participating States reiterated its commitments to implementing the OSCE Action Plan and the National Roma Inclusion Strategies and improving access to health care, education, housing, employment. A number of the participating States discussed their respective National Roma Inclusion Strategies and the attention in those strategies devoted towards gender issues.

Many speakers emphasized that education is fundamental for empowerment and highlighted that Romani women face multiple forms of discrimination – facing prejudice as women and Roma. Many NGOs and one participating State condemned the segregation policies which exist in the schools across the OSCE region. NGOs urged states to acknowledge this segregation and take necessary steps to integrate schools.

Many NGOs and one participating State voiced grave concern about the housing crisis and the impact on wellbeing and health when one is lacking running water, trash removal, heating, and sanitation. Many NGOs and one participating state raised the issue of forced evictions; and the lack of consultation with the community about the process of resettlement. One NGO discussed a particular incident in December 2011 where seventy-six families were relocated from the city to the outskirts near a garbage dump. These families continue to face obstacles to ensuring access for their children to local schools.

One participating State and many NGOs noted significant concerns about the violence facing Romani communities across the OSCE space. Numerous NGOs noted that law enforcement resources need to be allocated to include safeguarding Romani communities.

Many speakers raised the problems of documentation for Romani persons and emphasized that this continues to be a critical issue to resolve – and that many Romani persons are stateless and unregistered. Numerous NGOs called on governments to recognize Romani, Sinti, as well as travelers as national minorities.

Many participating States and NGOs emphasized that Romani women must be involved in designing the implementation of policies and research efforts which affect them.

Two NGOs emphasized that the economic crisis adds additional strain to the situation facing Roma women and to governments' ability to support Roma. One NGO called for reforms to the EU Fund for Roma to ensure its effective administration.

Recommendations to the participating States:

- Bring an end to the segregation of Romani children in schools and integrate schools so that Romani children can benefit from the equal opportunity for education;
- Support Roma integration strategies with adequate funding. EU Roma Integration strategies need specific targets and a monitoring mechanism;
- Intensify efforts on the housing crisis;
- Intensify efforts to ensure that Romani persons have identification documents;
- Improve data collection and ensure Romani persons are involved in the design and implementation of policies and research efforts;
- Ensure a gender perspective in policy documents and budgeting;
- Intensify efforts to address all forms of violence directed at Romani persons including through timely investigation and prosecution.

Recommendations to the OSCE, its institutions and field operations:

- The Permanent Council should review and update the Gender Action Plan and ensure it reflects consideration of multiple forms of discrimination;
- ODIHR should increase its efforts to address the housing crisis especially the phenomena of forced evictions and in examining the particular impact on women and girls.

Working Session 7: Roma/Sinti and, in particular, empowerment of Roma women (cont.)

Rapporteur: Mr. Tomáš Lipták, Permanent Mission of the Czech Republic to the OSCE

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| <p>No. of statements: 25 Delegations: 4 Civil Society: 14 OSCE Inst./Int'l Org: 1 Rights of Reply: 6</p> |
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Continuing session devoted to Roma and Sinti was opened by Director of ODIHR, Amb. Lenarčič. He stated that Roma and Sinti face multiple discrimination and empowerment requires the assistance of states. Challenges in existing inequalities must be addressed. The moderator of the session, Ambassador Miroslava Beham, OSCE Senior Advisor on Gender Issues, introduced a short film “We want to be heard”, by Katalin Barsony and outlined a few important points in addressing empowerment of Roma women. Help of pluralistic media, enhancement of targeted and standardized monitoring and reporting, sharing the participating States’ best practices of empowerment, involvement of men, mentoring of Roma by non-Roma women, governments’ encouragement of grassroots work and the need for collaborative efforts to build on findings were mentioned. The introducer, Ms. Rita Izsak, UN Independent Expert on Minority Issues, referred to her work with states concerning minority issues. First, she addresses governments by letter and communicates with them directly: only if this fails, she turns to media. Ms. Izsak offers guidance and technical assistance to the states to implement minority rights. To make the voice of minorities heard, Roma women need encouragement to knock on the door. The courage of women needs to be strengthened collaboratively, so they can become agents of change, therefore mentoring is important. Ms. Izsak stressed the value of role models while pointing out that Roma models do not have to be celebrities, but rather someone to provide small inspiration for a neighborhood, such as teachers. Mentioning her personal career path, some aspects were decisive, e.g. that her mother who was an educated Roma woman served as role model for her, but also the chance to attend regular, not separated school as well as a government scholarship helped greatly. According to Ms. Izsak, to promote specific policies, e.g. with assistance of the NGOs, the governments must listen to the voice of people on the ground.

In the following interventions, most speakers addressed key challenges to improve the situation of Roma and empowerment of Roma/Sinti women. Here are **the main recommendations for participating States:**

- Implementation should be enhanced (laws, National Action Plans etc. exist, but implementation remains often insufficient);

- Real inclusion of Roma women should be promoted;
- Under-representation of Roma women should be addressed;
- Adequate budgeting of activities for Roma/Sinti programs should be secured and thus not endangering one of the most vulnerable groups;
- Decisions of governments and comprehensive policies should be made with the participation of Roma women;
- Governments should have more will to address the pressing issues such as poverty, segregation, discrimination and other socio-economic issues and to share their best practices;
- Raising awareness against stereotypes and prejudices is needed;
- Education of Roma, including segregated education, should be addressed;
- Co-operation between central and local structures should be enhanced;
- Capacity building for Roma women, including networking, should be promoted;
- Access of Roma to public services should be improved.

The majority of representatives of participating States expressed their appreciation to continue the dialogue with NGOs in the HDIM on this important topic. Some participating States shared their view and best practices, e.g. scholarships, Roma Leaders Academy in Serbia, development of Action Plans and expressed their commitment to address this issue. It was also stated that the OSCE should do more to address rights of national minorities. Some claimed that the collection of data is a key in addressing the problems of Roma populations. The Council of Europe informed about their web database on best practices.

Working Session 8: Humanitarian issues and other commitments (cont.)

- Implementation of the OSCE Action Plan to Combat Trafficking in Human Beings

Rapporteur: Ms. Christina Hayovyshyn, Delegation of Ukraine to the OSCE

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| <p>No. of statements: 25 Delegations: 14 Civil Society: 7 OSCE Inst./Int'l Org: 1 Rights of Reply: 3</p> |
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Working Session 8 was devoted to trafficking in human beings with particular focus on the implementation of the OSCE Action Plan to Combat Trafficking in Human Beings.

The introducer, OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings Ms. Maria Grazia Giammarinaro, highlighted the importance of the OSCE Action Plan to Combat Trafficking in Human Beings, which was adopted in 2003 and still remains valid and forward-looking. However, due to the new challenges we face today, a so-called “second wave” of anti-trafficking efforts is needed. Ms. Giammarinaro emphasized how massive is the scale of trafficking in human beings for any forms of exploitation as well as its ever-changing features which affect many sectors of our economy. Ms. Giammarinaro highlighted the following problematic issues that we face today: non-punishment provisions

of victims of crimes that should be introduced in the legislation and enforced; internal trafficking requires more attention; combating corruption and money laundering related to trafficking requires more action; child trafficking is another area which deserves attention; trafficking for sexual exploitation remains one of the most horrific form of trafficking; new forms of trafficking are evolving such as trafficking for the removal of organs. Three areas are identified as such that need our particular attention: strengthening the humanitarian approach to human trafficking; application of effective criminal penalties; and enhancing preventive measures to reduce trafficking in human beings.

The second introducer, Executive Secretary of the Council of Europe Convention on Action against Trafficking in Human Beings Ms. Petya Nestorova, illustrated the situation regarding trafficking in human beings by presenting recently published figures of the International Labour Organization, according to which nearly 21 million people are victims of labour exploitation around the world. The Council of Europe Convention on Action against Trafficking in Human Beings has been ratified by 37 states. The importance of more countries ratifying the Convention was stressed. Besides the Convention, the OSCE Action Plan to Combat Trafficking in Human Beings remains a very important tool as well. Ms. Nestorova focused on three important areas: identification of victims, compensation, and prosecution.

The majority of interventions highlighted the importance of the work of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings as well as ODIHR in the field of fight against human trafficking. The work of GRETA as a valuable tool in assessment of the country's anti-trafficking actions was welcomed.

Identification of victims of human trafficking, assistance to them, prevention of trafficking in human beings, increasing prosecution of traffickers, enhancement of co-operation among key actors, raising knowledge and effective response to emerging concerns related to all forms of trafficking in human beings constitute priority areas for a large number of participating States.

Delegations shared their positive experiences in the area of prevention, including close co-operation with civil society. In this respect, one participating State informed about the Memorandum of Understanding between the government and more than 40 non-governmental organizations aimed at facilitating joint efforts in the fight against human trafficking. One participating State mentioned its experience with a public awareness campaign organized during the EURO-2012 Championship. Such experience was very much welcomed.

Some participating States expressed their support for addressing the subject of domestic workers in diplomatic households. Trafficking in human beings with the aim of labour and sexual exploitation as well as trafficking with the aim of organ removal were mentioned as those that need a comprehensive approach. One participating States called on the OSCE, especially the Mission in Kosovo, to support the investigation of trafficking in human beings in Kosovo.

Many participating States and non-governmental organizations called for strengthening the international co-operation and co-ordination of the efforts of governments with those of the civil society. International co-operation among law-enforcement needs to be intensified in order to reach a significant result. Co-operation between the countries of origin and countries of destination is needed as well.

Future work of the OSCE in the field of combating human trafficking will be based on the Vilnius Declaration and the OSCE Action Plan. However, according to the Special Representative, there are also new areas requiring new OSCE commitments.

Recommendations to the participating States:

- Participating States should increase their human rights approach and protection of victims of trafficking including legal assistance;
- Participating States are encouraged to join the Council of Europe Convention on Action against Trafficking in Human Beings, as it is open for non-member as well as CoE States;
- Participating States should strengthen prosecution of state officials for involvement in trafficking in human beings;
- Participating States should promote elimination of discrimination against working women and promote equal opportunities as a preventive measure to reduce trafficking in human beings;
- Participating States should provide training for involved officials as well as special training on the topic for journalists;
- Participating States should intensify efforts to ensure rights of domestic workers at diplomatic households;
- Educational courses on trafficking in human beings should be introduced in schools and universities;
- Big public events should be used in order to increase public awareness on the issue.

Recommendations to the OSCE, its institutions and field operations:

- The OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings as well as ODIHR should continue to assist participating States in implementation of the OSCE Action Plan to Combat Trafficking in Human Beings;
- ODIHR should continue work on facilitation the co-operation between the NGO;
- ODIHR and the OSCE Mission in Kosovo should support the investigation of trafficking in human beings in Kosovo.

Working Session 9: Tolerance and non-discrimination I, including:

- Equality of opportunity for women and men;
- Implementation of the OSCE Action Plan for the Promotion of Gender Equality;
- Prevention of violence against women.

Rapporteur: Ms. Anna Koikkalainen, First Secretary, Permanent Mission of Finland to the OSCE

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| <p>No. of statements: 28 Delegations: 14 Civil Society: 9 OSCE Inst./Int'l Org: 1 Rights of Reply: 4</p> |
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Working session 9 focused on the equality of opportunity for women and men, the implementation of the OSCE Action Plan for the Promotion of Gender Equality as well as prevention of violence against women.

Ambassador Janez Lenarčič, Director of ODIHR, highlighted in his introductory remarks the importance of gender equality as a fundamental aspect of a democratic society based on the rule of law. He underlined in particular the need to increase women's participation in the security sector as well as to make the security sector responsive to the needs of women. Ambassador Lenarčič stated the readiness of ODIHR to continue to assist the participating States in this area, including in relation to national policies to implement the United Nations Security Council's Resolution 1325 on women, peace and security. Ambassador Lenarčič reaffirmed the commitment to combat violence against women and welcomed the Council of Europe Convention on preventing and combating violence against women and domestic violence (the Istanbul Convention).

The Moderator, Professor Cees Flinterman, Honorary Professor of Human Rights and Member of the UN Human Rights Committee defined gender equality as a cornerstone of all human rights and fundamental freedoms. He noted that building on the Universal Declaration of Human Rights, a solid normative framework had been created at the international level. A particular reference was made to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). Professor Flinterman underlined that there was still a lot to be done to achieve gender equality.

The first Introducer, Ms. June Zeitlin, Special Representative of the OSCE Chairperson-in-Office on Gender Issues, explained the priority areas in her work: the implementation of UNSCR 1325, women's political participation, links between ethnicity and gender as well as combating domestic violence and violence against women. She noted that while there were already a number of OSCE commitments in these areas, the need to integrate gender equality in all areas of the OSCE work has to be underscored. The second Introducer, Ambassador Miroslava Beham, OSCE Senior Adviser on Gender Issues, provided an overview on the implementation of the OSCE Action Plan for the Promotion of Gender Equality. She noted that as the first dimension was lagging behind when it came to gender mainstreaming, the OSCE Gender Section had focused in 2012 on UNSCR 1325. Ambassador Beham expressed hope that an OSCE-wide action plan regarding UNSCR 1325 could be developed. Furthermore, she explained the plans for monitoring and evaluating the performance of the participating States as regards the implementation of gender-related commitments.

In the debate that followed, it was widely stated that a lot still needed to be done to achieve gender equality. The importance of gender equality to the security and stability in the OSCE region was underscored.

Several participants stressed the need to improve the legislative framework as well as strengthen the implementation of legislation relating to gender equality in the participating States.

Many speakers highlighted the importance of combating violence against women. A number of participants referred to the Council of Europe's Istanbul Convention in this respect. Moreover, the need for public bodies to co-operate with civil society was stressed. A number of participants shared their best practices in combating violence against women. One NGO highlighted the need to tackle violence against sex workers, as they were a group particularly vulnerable to violence. Furthermore, one NGO stressed the importance to combat the practice of forced marriages.

Several participants underlined the need to enhance the participation of women in politics in all stages of the decision-making processes. A few delegations explained the encouraging results stemming from regulations establishing quotas for the lists of political parties in elections. Many delegations discussed the importance of economic rights related to gender equality. In this respect, especially the pay gap between women and men was mentioned as a major problem in participating States.

Several delegations made reference to their National Action Plans on implementing UNSCR 1325 on women, peace and security. A number of delegations expressed support to the development of an OSCE-wide action plan on UNSCR 1325. Several participants pointed out the need to pay attention to gender issues throughout the conflict cycle. One delegation presented the initiative on preventing sexual violence in conflicts.

Recommendations to the participating States:

- To do their utmost to eradicate all forms of discrimination against women and girls, especially in the context of conflict;
- To enhance the implementation of the commitments of UN Security Council Resolution 1325 on Women, peace and security, including adopting National Action Plans and developing an OSCE-wide Action Plan;
- To co-operate in building a global partnership to prevent sexual violence in conflicts;
- To pay more attention to the issue of tackling violence against women and girls, particularly those that are most prevalent, such as domestic violence. To sign and ratify the Convention on preventing and combating violence against women and domestic violence. To ensure that especially vulnerable groups, such as sex workers, have access to effective protection from violence;
- To enhance efforts to improve the participation of women in political and public life and in decision making at all levels, including introducing special measures to address discriminatory practices. Furthermore, to improve the sharing of information in this respect;
- To tackle the issue of the pay gap between women and men;
- To further involve men in gender equality promotion activities.

Recommendations to OSCE institutions, executive structures and field operations:

- To mainstream gender issues in OSCE policies and activities, with a focus on the cross-dimensionality of gender issues;
- To continue implementing and possibly renew the OSCE Action Plan for Promoting Gender Equality;
- To continue providing assistance to participating States in matters related to gender equality;
- To place women in key positions in field operations, institutions and the Secretariat.

Working Session 10: Freedom of thought, conscience, religion or belief

Rapporteur: Mr. Ahmed Dadou, First Secretary, Permanent Representation of the Netherlands to the OSCE

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| <p>No. of statements: 54 Delegations: 9 Civil Society: 38 OSCE Inst./Int'l Org: 0 Rights of Reply: 7</p> |
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Working Session 10 was devoted to freedom of thought, conscience, religion or belief. The introducer, Professor Heiner Bielefeldt, UN Special Rapporteur on Freedom of Religion or Belief, focused on the issue of recognition of religious communities and the responsibilities of the State in this respect. He emphasized that freedom of religion or belief (FoRB) should not be seen as an act of mercy by the State, but rather as an inalienable and non-negotiable right of all human beings that the State has to respect. He elaborated on the subject of recognition and noted that non-registered groups cannot be treated as illegal. He recommended that the recognition procedures by which religious groups can obtain legal personality should be transparent, quick, fair, free from bias, inclusive and in line with the rules of due process.

47 interventions were made after the introducer, of which 38 by civil society and non-governmental organizations. In addition, 7 participating States made use of their right of reply.

While some speakers acknowledged positive developments in the FoRB area, most interventions noted serious violations within the OSCE region. One of the serious issues mentioned by several speakers is the limitation of FoRB through the introduction of new legislation dealing with registration of religious groups. Representatives of participating States and civil society shared some examples of religious communities that faced urgent problems due to this requirement of legal personality. Laws aiming at countering extremism were also seen as a potential violation of the rights of religious communities in certain parts of the OSCE region.

Some speakers noted increasing limitations of FoRB under the umbrella of freedom of speech, recognized this as an acute issue that the OSCE is faced with, and expressed that criticism of religious views should not offend people, referring to recent examples in this regard.

Many delegations expressed concern about the serious instances of intolerance and discrimination, including violence and intimidation on the ground of religion or belief. It was also noted that the exercise of FoRB should be in conformity with public order, safety and the rights of others.

Several speakers expressed support for the vital contribution of ODIHR in the field of FoRB and welcomed the co-operation between ODIHR and the Venice Commission in reviewing relevant legislation. Other interventions stressed the importance of FoRB as a means to

achieve security, democratization, social and economic development. The importance of dialogue between the OSCE participating States and their respective religious communities was mentioned. At the same time it was emphasized by some delegations that intra- and interreligious dialogue cannot substitute for FoRB as an indispensable human right for every individual.

Other issues that were raised by the speakers include the fight against hate speech, difficulties in access to holy sites, the situation of prisoners of conscience, increasing demand for anti-blashphemy laws, and the right of self-identity.

Prof. Heiner Bielefeldt concluded the working session by emphasizing the broad meaning of freedom and its importance as a keyword in this discussion. He stressed that it is impossible to work in the name of freedom of religion or belief without promoting the freedom of expression. He stressed that more qualified speech is needed as a remedy against hate speech.

Recommendations to the participating States:

- Draw on ODIHR's expertise when framing and drafting new legislation;
- Respect freedom of religion or belief as an inalienable and non-negotiable right of all human beings;
- Combat hate speech by using the freedom of expression;
- Implement the legal opinions and reviews provided by the Venice Commission and ODIHR's Panel of Experts on Freedom of Religion or Belief;
- Take measures against negative stereotyping of religious communities in the media
- Prioritize freedom of religion or belief in their foreign policy;
- Ensure that freedom of religion or belief remains at the core of the OSCE's human rights agenda;
- Investigate bias-motivated hate crimes against communities and property.

Recommendations to the OSCE, its institutions and field operations:

- Assess legislation in the participating States in view of discriminations and intolerance against religious or belief communities;
- Take account of the increasing intolerance against certain religious groups;
- Organize an event to specifically combat discrimination against atheists and agnostics;
- Strongly oppose blasphemy laws.

Working Session 11: Freedom of thought, conscience, religion or belief

Rapporteur: Ms. Dea Hannust, Counsellor to the Permanent Mission of the Republic of Estonia to the OSCE

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| <p>No. of statements: 47 Delegations: 4 Civil Society: 31 OSCE Inst./Int'l Org: 1 Rights of Reply: 11</p> |
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Working session 11 focused on the development and implementation of legislation, regulations, practices and policies by States, and consultation with civil society, including religious or belief communities, in this process.

At the outset the introducer of the session noted that, although the fundamental freedom of thought, conscience, religion or belief can in some cases be restricted, there are certain very clear conditions those restrictions have to meet. The restrictions have to be prescribed by law, be in the public interest and necessary in a democratic society. He went on to elaborate in particular on the notion of "prescribed by law" that also is a defined concept meaning that any such laws have to be accessible to the public, enforceable in terms of foreseeing the consequences of such provisions, and compatible with human rights standards.

In the ensuing discussion a lot of attention was devoted to the legislation of the participating States on the registration of religious organizations, and fear was expressed that this legislation is sometimes not clear enough and can be used to obstruct the activities of religious communities. In particular it was pointed out that, due to the requirement of a minimal number of members of a community, smaller religious groups are not able to register their activities. Administrative barriers to registration from the authorities, such as short deadlines or long processes, as well as non-transparent procedures, were cited. Several NGOs expressed concern that, at the same time, failure to register may bring about fines or even prosecution and criminal penalties for those who continue to worship, even if in private.

Speakers noted that while the "world religions" tend to be more or less acknowledged by international and internal legal instruments, the so-called "new religions" often suffer from too broad application of legislation on countering extremism, such as "dangerous sect lists" allegedly used in some participating States. Also, in some participating States, the "new" religion communities face discrimination while trying to receive state support or acquire property or there is, despite declared secularism, preferential treatment of some specific religion by state authorities. Some religious communities have experienced state censorship of religious literature and/or obstacles to providing religious education and proselytizing.

A number of speakers addressed the issues of "Islamophobia." Concern was expressed over wide-spread demonisation of Islam and Muslims, while one speaker requested that the term itself, as well as the concept of "religious hatred" should be clarified, or avoided.

Some speakers drew attention to the lack of genuine alternative service in some participating States, while persons expressing conscientious objections to military service face criminal punishment for not fulfilling their obligations to the state.

One speaker regretted that religion is often used as a pretext to discriminate against women, children and sexual minorities.

It was also suggested that in addition to the rights of the believers, the rights of non-believers should get sufficient attention from the international community. The right to convert from one religion to another was also mentioned.

A number of speakers underlined that although the freedom of expression and the freedom of religion or belief may sometimes conflict, they are more often interlinked and one would not be possible without the other; curbing either of them would inevitably weaken also the other. It was claimed that religious hatred cannot be combated by restricting freedom of speech but

rather by means of more, and more inclusive, discussion. Neither freedom of thought, conscience, religion or belief nor freedom of expression can be used to justify violence.

The majority of speakers noted the need to involve religious communities in the process of drawing up legislation and policies on freedom of religion and belief.

Several participating States used their right of reply to explain requirements and procedures concerning registration of religious communities and measures to combat extremism, and to respond to specific concerns expressed by NGOs in respect of them.

Finally, many speakers commended the work of ODIHR and the Advisory Panel of Experts on Freedom of Religion or Belief and encouraged the OSCE and its institutions to continue providing their expertise and assistance to participating States on the issue of protecting the freedom of thought, conscience, religion or belief.

Recommendations to the participating States:

- Broadly consult and include religious communities in drafting and implementing legislation on freedom of thought, conscience, religion or belief;
- Bring legislation on the registration of religious communities into conformity with constitutional provisions and international standards, such as Article 18 of the International Covenant on Civil and Political Rights;
- Implement their commitments with regard to freedom of thought, conscience, religion or belief;
- Work closely with OSCE institutions to benefit from their experience;
- Abolish the crime of blasphemy; not consider criticism of religious beliefs, religious organizations and religious practices or religious debate as a crime;
- Respect one's right to change their religion;
- Allow and respect the right to peacefully practice one's religion;
- Recognize secularism as a specific belief system that should not supersede other faith systems and that expression of religious belief in public should not be banned;
- Grant genuine alternative to military service and refrain from prosecution of conscientious objectors;
- Recognize the opportunities in education to preserve freedom of thought, conscience, religion or belief;
- Avoid using/provide clarification to ambiguous terms and concepts in documents and discussion;
- Clearly define the duties and responsibilities of state and church with regard to religious rights;
- Resolve the issues regarding the property of churches/religious communities;
- Use OSCE as platform for resolving issues of discrimination and intolerance;
- For incoming CiO to organize a high-level conference to discuss the issues of "Islamophobia."

Recommendations to the OSCE, its institutions and field operations:

- Facilitate dialogue between participating States, NGOs, churches and other religious communities;
- Provide independent experts to advise governments on promoting such dialogue;
- Carry out analysis on conformity of existing and intended legislation of participating

States with their commitments and to summarise their practices;

- Remind and demand the implementation of the commitments on freedom of thought, conscience, religion or belief from participating States;
- Call upon media groups to respect the freedom of religion, raise awareness of the possible consequences of negative stereotyping;
- Provide expert opinion on the conformity of religious texts with international human rights standards;
- Address the issue of building premises of worship, as well as the right to provide cultural and religious education to religious community;
- Continue the work with the revised *Guidelines for Review of Legislation Pertaining to Freedom of Religion or Belief*.

Working Session 12: Rights of persons belonging to national minorities, including:

- Address by the OSCE High Commissioner on National Minorities;
- National minorities;
- Preventing aggressive nationalism, racism and chauvinism.

Rapporteur: Mr. Lars Løberg, Permanent Representation of Norway to the OSCE

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| <p>No. of statements: 36 Delegations: 11 Civil Society: 16 OSCE Inst./Int'l Org: 1 Rights of Reply: 8</p> |
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The introducer, OSCE High Commissioner on National Minorities, Ambassador Knut Vollebæk, underlined that language and education rights are important as tools for the integration of society. Complaints about the lack of ability to use one's mother tongue in the public domain are often a source of resentment against a Government or local authorities. Participating States need to adopt a legal framework and secure implementing policies that provide for an adequate balance between protection and promotion of minority languages and providing opportunities for learning the State language. A poor command of the State language leads to difficulties in accessing higher level education and risks increased unemployment and exclusion. Comprehensive policies should promote the strengthening of the State languages while also ensuring the protection of minority languages. That is why the HCNM over the years have promoted multilingualism and facilitated implementation of such programmes. The right to education is a recognized human right. Every person belonging to a national minority has the right to learn his or her minority language. Throughout the process of establishing an education policy, national minorities need to be consulted and their inputs, critiques and suggestions taken into consideration. States must seek to develop tools to integrate society. Language rights and education rights may be such tools for integrating societies. The mere protection of rights, including minority rights, is insufficient to fully integrate societies. The process of integration serves as an additional dimension.

28 interventions were made after the introducer, of which 16 by non-governmental organizations. In addition, eight participating States made use of their right of reply in response to prior interventions.

Those delegations and non-governmental organizations (NGOs) that responded to the introducer's topics referred to national best practices on multilingualism. The main part of the interventions, however, addressed different cases of alleged discrimination of national minorities. Several interventions criticized the Baltic States for depriving national minorities of their basic rights and for allowing radical nationalism. One delegation stated that the situation in the Baltic States discredits the EU's statements on human rights. Concerns were also raised on behalf of the Muslim minorities in Greece and Greek minorities in Turkey.

Central Asian delegations presented best practices. NGOs voiced concern about the situation for Uzbek minorities in Kyrgyzstan, for Armenians in Georgia and for minorities in Belarus.

Several participants addressed aggressive nationalism and alleged attempts to glorify Nazism. The OSCE was urged to counter these developments.

Recommendations to the participating States:

- Participating States should increase the funding of the OSCE in light of increased risk of conflicts resulting from the economic crisis;
- Participating States should make the HCNM Bolzano/Bozen recommendations binding;
- Participating States should fully co-operate with the HCNM;
- Participating States must uphold multilingualism and multiculturalism;
- Participating States must strive to strike the right balance between State and minority languages;
- Greece should foster a more inclusive society, respect the rights of the Muslim minorities as enshrined in the Lausanne treaty, establish bilingual Turkish-Greek schools in areas densely populated by the Muslim minorities and adopt the Council of Europe Framework Convention for the Protection of National Minorities;
- Kazakhstan should adopt specific anti-discrimination legislation;
- Kosovo police should do more to ensure the safety and security of persons belonging to minority communities;
- Kyrgyzstan should take action to stop police abuse;
- The former Yugoslav Republic of Macedonia should implement the integrated education strategy;
- Turkey should respect the property rights of the Greek minority and their ownership should be restored. In the process, the burden of evidence should lie with the State, not the minority.

Recommendations to the OSCE and its institutions:

- International organizations should assist in solving the problem of education in Abkhazia;
- The OSCE should adopt a resolution against Nazism and nationalism, set up a High Commissioner for neo-Nazism and work to counter Nazism;
- The HCNM should pay more attention to the situation in the Baltic States;
- The HCNM should pay more attention to recommendations against discrimination.

Working Session 13: Rights of persons belonging to national minorities

Rapporteur: Mr. Frank Duhamel, Deputy Permanent Representative of Belgium to the OSCE

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| <p>No. of statements: 27 Delegations: 6 Civil Society: 15 OSCE Inst./Int'l Org: 0 Rights of Reply: 6</p> |
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The second half of the Special day on rights of persons belonging to national minorities focused on education of minorities in the context of their integration, as a way of fighting against discrimination.

During the HDIM 2012, the topic of '*rights of persons belonging to national minorities*' was discussed during a whole day of two sessions. The High Commissioner on National Minorities (HCNM), Ambassador Knut Vollebaek, discussed two ways of tackling discrimination of national minorities: (1) through language (this allows minorities to better express themselves and to get better chances in life) and (2) through the system of education. The afternoon session focused on the second approach.

Education policy was described as an essential tool in fighting discrimination against national minorities. By receiving adequate education, individuals from minorities can get more opportunities as they will acquire better skills and will be able to continue their education, pursuing higher degrees. As these policies are mainly focused on children, they allow especially designed programs for stimulating the integration of specific groups (like national minorities). If implemented in broad schooling programs, these policies can help several generations to be more integrated into society and this will constitute an ideal policy in the longer term. Therefore education policies can be a very useful tool for emancipating and promoting the rights of national minorities. At times education policies are conflicting with language policies as the question is often raised if national minorities must enjoy the right of education in their own language, which often differs from the State language of the host country.

One participating State specifically denounced the failure of some participating States regarding this last issue, blaming the refusal by host countries to provide the children of the national minority group with an opportunity to study in their mother tongue. Since education constitutes a fundamental right for all, and is guaranteed by a number of OSCE commitments, all participating States should apply this policy, at least allowing primary education in the mother tongue of the national minority. Individuals that do not enjoy this right face higher failure rates and high dropping-out rates. Moreover, often people belonging to national minorities are refused in granting the nationality of the host country, which contradicts the process of integration. These people remain without good education, they are never considered as nationals, face difficulties on the employment market, and are therefore further marginalized and discriminated against. In some countries, the use of their mother tongue is even prohibited. This is against the fundamental rights and against all conventions that protect minorities. All primary schools should offer education in the mother tongue of the children, as the education process starts there. Some examples were cited.

One delegation stated that the HCNM doesn't respect his mandate fully. He chooses to intervene more in some countries than in others. In this matter, not enough attention is paid to non-Albanian residents of Kosovo. The criticism of the HCNM is too often addressed to countries 'east of Vienna', and hardly to the West. That is not in conformity to his mandate (1991).

Representatives of different minorities confirm this form of discrimination: the use of their language is simply forbidden in their host country, in particular in the education system. One NGO invites the HCNM to visit the concerned country to take stock of this obvious discrimination. Afterwards, appropriate recommendations can be developed to these countries.

Many NGOs saw a strong link between language and educational rights. Many examples were cited.

One NGO pointed to the underlying principle of freedom: every individual should get the freedom of choosing his or her identity including religion, sex, language, and even nationality and education. Some people are imprisoned because of their wish to exercise this freedom.

Another delegation listed some countries with some recent discrimination incidents relating to national minorities. On the European continent, work remains to be done in order to integrate better these national minorities, among others, via the tool of education. This discrimination is often due to deplorable political choices, such as the failure to recognize Kosovo as a participating State, which would help to stabilize the whole region. The Balkan wars exacerbated the tensions between many national minorities. These countries should more vigorously respect their OSCE-engagements. The work of Swedish diplomat Raoul Wallenberg, who personally helped many people belonging to national minorities, should serve as a positive example.

Another blockade to integrating national minorities is the existence of frozen conflict zones, for obvious reasons. Other countries stated that learning the official language of the host country is always an efficient tool for integration. This way, individuals from national minorities will integrate better and hence increase chances throughout their lives. Some countries have done surveys to measure the success of their integration policies. One country showed a successful integration of all minorities, but the Roma, for which programs are now implemented in order to integrate them.

In his concluding remarks, the HCNM noted that minorities do not constitute a problem, but are rather an asset and should be treated as such. They add something to our nations. The legal foundations of the broad mandate of the HCNM date from the 1990s and provide, to a certain degree, for involvement in the internal affairs of participating States. The whole idea is for the HCNM to be a conflict resolution institution.

The implementation of HCNM recommendations by participating States should be strengthened. This refers to inclusion policies and giving the national minorities more participatory opportunities. Proper education in the mother tongue is therefore a good tool for inclusion. If implemented, it will result in a huge return in the longer term. Proper implementation of recommendations is key.

Main recommendations:

- Minorities should enjoy the right of getting education in their mother tongue, wherever, whenever. This finding was voiced by many minority representatives;
- National laws that create distortions in the (enjoyment of) rights for national minorities should be eradicated;
- Although the degree to which national minorities are discriminated against varies, the respect of their rights of education should be generalized;
- People should have the right to choose the language of their education;
- OSCE participating States should fully implement their OSCE commitments and follow up on recommendations;
- Education policies should be designed to decrease drop out rates among national minority children, and to foster their integration into society.

Working Session 14: Tolerance and non-discrimination II: Review of the implementation of commitments on promotion of mutual respect and understanding:

- Prevention and responses to hate crimes in the OSCE area;
- Combating racism, xenophobia and discrimination, also focusing on intolerance and discrimination against Christians and members of other religions;
- Combating anti-Semitism;
- Combating intolerance and discrimination against Muslims.

Rapporteur: Mr. Ömer Numan Doğrukol, Second Secretary, Permanent Mission of Turkey

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| <p>No. of statements: 91 Delegations: 16 Civil Society: 58 OSCE Inst./Int'l Org: 3 Rights of Reply: 14</p> |
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The Session was heavily attended. The first hour was dedicated to remarks from the moderator, introducer, and three Personal Representatives of the Chairperson-in-Office (CiO) on Tolerance, resulting in the time for interventions to be reduced to two minutes.

77 interventions were made after the introducer, of which 58 by civil society and non-governmental organizations. In addition, 14 participating States made use of their right of reply.

Hate crimes and hate discourse. Concern was expressed about continuing hate crimes occurring in the OSCE region. The failure of participating States to adequately implement OSCE hate crimes commitments was a central theme, with many civil society speakers citing the need for participating States to collect disaggregated hate crimes data and to report the data to ODIHR. A large number of participants spoke in support of ODIHR's hate crimes training for law enforcement and tolerance education programs. Several speakers raised concerns about growing intolerance and xenophobia fueled by statements from political

leaders, opinion makers, media broadcast and content on the web and called for taking action against the rise of far-right extremist groups. A number of speakers called on participating States to monitor and prevent incitement of hate on the Internet and in the media. CiO Personal Representative Adil Akhmetov underlined that freedom of expression should be exercised in a responsible manner. The need to better investigate violent crimes against Muslims, Jews, Christians among other belief groups and punish those who are responsible was stressed as well.

Racism and xenophobia. Several speakers called for an increased focus on racism and xenophobia, including by ODIHR and the CiO Personal Representatives. A number of NGOs called for organizing a high-level conference on Islamophobia and discussing ways to develop a definition for this phenomenon. A number of delegations noted that racism and xenophobia should be among the priorities of the OSCE. One delegation called for a Ministerial Council Decision in Dublin on this topic, while another mentioned its preference for a decision focusing on combating Neo-Nazism.

LGBT. Speakers noted violence targeting the LGBT community and called on participating States to make necessary adjustments in legislation in order to include the prohibition of discrimination on gender identity basis. Additionally, restrictions on freedom of assembly of LGBT groups were raised. New legislation in one participating State was especially noted as discriminatory and a step backward. The participating State in question utilized its right of reply to note that there was no legislation in that direction adopted in the country. Another participating State informed the participants using its right to reply of prospective legislation on same-sex marriages.

Discrimination against Christians. Discrimination against and marginalization of Christians was mentioned by a number of speakers. A number of participants argued that they were discriminated against because they were Christians attempting to provide a counsel to persons with unwanted same-sex attractions. CiO Personal Representative on Combating Racism, Xenophobia, Discrimination and Intolerance against Christians and members of other religions Catherine McGuinness briefed the participants on her recent and upcoming country visits. One participating State noted that Christians were the most discriminated against in the OSCE region.

Discrimination against Muslims. Several organizations – mainly from Western Europe – voiced increasing concerns with stereotyping of and prejudice towards Muslims, in addition to failures of implementing commitments relating to discrimination against Muslims. Specific concerns included the equation of Islam with terrorism, stereotypical portrayals of Muslims in the media, and the proliferation of legislation across the region seeking to restrict the religious practices of Muslims, including clothing. In particular, concerns were raised on repercussions of a controversial video recently posted on Internet and referred to as offensive. Several NGOs drew attention to the rise of anti-Muslim and anti-immigrant sentiments in the face of economic crisis and called for remedies. ODIHR's recent publication on guidelines for educators on discrimination against Muslims was praised and speakers stressed the need for wide and effective implementation of guidelines contained in the publication. One participating State requested ODIHR and other relevant institutions to increase its activities in order to address the full range of its tasks.

Anti-Semitism. Criticism of Israel was cited as a form of anti-Semitism by several organizations and calls to implement the Berlin Declaration and utilize the EUMC working definition of anti-Semitism were made. The CiO Personal Representative on Combating Anti-

Semitism, Rabbi Andrew Baker, and a number of other speakers noted the importance of increased focus on safeguarding the security of Jewish communities and called for a high-level technical conference to discuss ways to enhance security of the members of Jewish community. Rabbi Baker also suggested a conference be held on the anniversary of the 2004 Berlin Conference on anti-Semitism.

Religious Freedom. Several speakers noted regulations by participating States that impeded religious practice, including cumbersome registration requirements and bans on religious materials in addition to government-led campaigns against religions viewed as non-traditional. One participating State utilized its right of reply to dispute concerns raised to its anti-Sect laws and noted that legal suits could be filed in cases where the laws were misused. Concerns were also raised on violent attacks against worship places carried out by far-right groups. Several NGO representatives from Jehovah's Witnesses communities drew attention to incidents of discriminatory attitude and manifestations of intolerance in a number of participating States.

Recommendations for participating States:

- Support and increase funding for the work of ODIHR and the three Personal Representatives on Tolerance, including in the areas of racism and xenophobia;
- Comply with OSCE human rights, tolerance, and hate crimes commitments, including monitoring and reporting on hate crimes and the collection of disaggregated data;
- Make better use of ODIHR's capacity to raise awareness on discrimination, xenophobia and intolerance;
- For incoming Ukrainian Chairmanship to organize a high-level conference on combating manifestations of Islamophobia and clarification of the phenomenon;
- Utilize ODIHR's guidelines for hate crimes legislation, law enforcement and other hate crimes and anti-discrimination trainings;
- Partner with civil society to monitor and address hate crimes and discrimination;
- Strengthen co-operation in addressing hate discourse, including by political leaders, in the media, and on the Internet;
- Provide better assistance and access to justice for victims of hate crimes, including for LGBT communities.

Recommendations for ODIHR/OSCE Institutions:

- Extend the scope of its projects of assistance to the participating States in meeting their commitments on discrimination against Muslims, including hate crimes reporting;
- Tackle the issue of addressing causes of hate crimes and radicalization that leads to terrorism.

Working Session 15: Democratic institutions, including:

- Democratic elections

Rapporteur: Mr. Chad Wilton, Mission of the United States to the OSCE

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| <p>No. of statements: 41 Delegations: 14 Civil Society: 20 OSCE Inst./Int'l Org: 1 Rights of Reply: 6</p> |
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Working Session 15 focused on democratic elections and emphasized the role that the Office for Democratic Institutions and Human Rights (ODIHR), specifically its Elections Department, plays in election observation. The Director of ODIHR, Ambassador Janez Lenarčič, introduced the session. Amb. Lenarčič noted that elections are central to viable democratic institutions. Elections test the State's fundamental commitment to democracy, to pluralism, and to fundamental freedoms and human rights. Amb. Lenarčič said that participating States have agreed on a wide range of commitments, which are within reach for all States. Elections can expose the weaknesses within a democracy: the lack of genuine pluralism, unequal suffrage, unequal access to the media, insufficient oversight of campaign finance, and lack of timely and effective legal remedies. ODIHR continues to strengthen its election methodology, widen its geographic coverage, diversify its pool of observers, and strives to maintain the highest professional standards. In July ODIHR released two new handbooks: one on voter registration and the other on media monitoring. ODIHR also launched an e-learning platform for election observers that Amb. Lenarčič encouraged participants to explore.

Special guest of the session, the OSCE Secretary General Lamberto Zannier said that Human Dimension commitments are the life blood of the OSCE and that free and fair elections are vital elements of democratic governance. By following a country's elections, one can see the strengths of a democracy and spot where improvements are needed. Ambassador Zannier encouraged a transparent partnership between ODIHR and the OSCE Parliamentary Assembly (OSCE PA). Amb. Zannier said that the OSCE region constitutes a community of shared values and shared responsibilities to assist each other in the implementation of commitments. Amb. Zannier concluded that HDIM is an essential component of this peer-review system.

Participants made 35 interventions, 20 of which came from non-governmental organizations (NGOs). Six participating States exercised their right of reply.

Kazakhstan spoke first and offered recommendations for election monitoring. Specifically, ODIHR should: 1) observe all participating States equally, with the same mandate; 2) limit number of observers to 50; 3) let the OSCE Permanent Council (PC) determine the head of mission (HoM) from an annually approved list; 4) have monitors come from all participating States, with no State exceeding 10% of total; 5) not permit HoM to serve more than once in 2 years; 6) not permit observers in the same country more than once every three years; 7) abide by the non-interference doctrine; and 8) have reporting procedures established by the PC. Norway, Switzerland, and Canada responded that these proposals would destroy ODIHR election monitoring.

Germany (on behalf of the EU), the United Kingdom, and the United States observed that democracy is the key to guaranteeing human rights. Many participating States congratulated Georgia for their elections held during the week that this session took place and urged Ukraine, Tajikistan, Bosnia and Herzegovina, and Azerbaijan to follow Georgia's example. The United States noted that elections are not just about the election day, but about the democratic environment that leads up to and follows an election.

Belarus and the Russian Federation noted their own elections were fair, despite the biased reports from ODIHR. Russian Federation criticized ODIHR noting that its recommendations have not been followed and criticized the United States for lacking direct presidential elections. Despite criticism from Belarus and Russian Federation, the United Kingdom, Germany (on behalf of the EU), Norway, Slovenia, Canada, Switzerland, and the United States said ODIHR should be proud of its recent work and continue as "the gold standard" of election observation organizations.

NGOs were consistent in their inconsistency. Several sought greater democratic participation for Russian speakers in Baltic States. Elections in Belarus, Tajikistan, Turkmenistan, and Azerbaijan were criticized for being less than free and fair. The United States and United Kingdom were likewise criticized for flaws in their election processes. But some NGOs expressed gratitude for ODIHR's efforts in the recent Georgia and Belarus elections and were hopeful that ODIHR's work will ensure a better election in Ukraine.

Recommendations to the participating States:

- Urge Baltic nations to hasten the citizenship process for non-citizen Russian speakers living within their borders;
- Ask participating States with upcoming elections to work with ODIHR, observe commitments, and strive for free and fair elections;
- Continue the peaceful democratic process in Georgia;
- Use ODIHR's e-learning tool for election observers;
- Seek reform of ODIHR's election monitoring, reducing numbers of participants and referring a greater number of issues to the PC for consensus decisions;
- Impose severe economic sanctions on Belarus.

Recommendations to the OSCE, its institutions and field operations:

- Ensure harmony and cooperation between ODIHR and the OSCE PA based on the 1997 agreement;
- Harmonize the number of election observers east and west of Vienna;
- Permit no lowering of ODIHR election observation standards;
- Request the OSCE and Council of Europe coordinate their advice on election legislation;
- Ask ODIHR to respond to the ban of Communist Party symbols and closure of a private television channel in Moldova.

Working Session 16: Democratic institutions (cont.), including:

- Democracy at the national, regional and local levels;
- Citizenship and political rights.

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| No. of statements: 29 Delegations: 4 Civil Society: 16 OSCE Inst./Int'l Org: 1 Rights of Reply: 8 |
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Working Session 16 was devoted to democratic institutions.

The introducer, Mr. Georgy Satarov, President of INDEM Foundation, stated that the introduction of new laws do not in itself change society. Change only comes about through evolution. Unofficial norms and practices do not necessarily change in accordance with laws; on the contrary they often distort the functioning of legal institutions. Democracy is strengthened through social change rather than legal change. Accordingly, ODIHR should reject a traditionalist approach and draft a new and comprehensive approach, involving sociologists and historians. This new approach should be based on a study of the history of the different institutions of society and how they influence democracy at all levels.

21 interventions were made after the introducer, of which 16 by non-governmental organizations. In addition, 8 participating States made use of their right of reply in response to prior interventions.

One delegation speaking on behalf of 41 participating States stressed the importance of the involvement of citizens in the democratic process and a well-informed public opinion. The delegation underlined that freedom of expression, freedom of assembly and freedom of association are prerequisites for democracy.

One non-governmental organization (NGO) and one delegation referred to the upcoming presidential elections in a participating State, pointing out the number of citizens not granted the right to vote due to their being incarcerated or living abroad. A different allocation of resources between ODIHR election observation missions was suggested to secure equal treatment of participating States.

One delegation underlined the need in a democracy for the separation of powers and a balance between the three branches of government. This was not the case in some participating States, where the executive branch monopolized power.

Several NGOs and one delegation referred to the protection of the rights of minorities without citizenship to participate in the democratic process in their country of residence. One NGO and several delegations replied that there was no international norm regarding voting rights for non-citizens and that non-citizens were encouraged to undergo a nationalization process so as to enjoy full citizen rights.

One NGO pointed to the unequal access to democratic representation from a national minority in a participating State.

One NGO reflected on the points made by the introducer and stated that the main problem for democracy was not the lack of proper legislation but the implementation thereof.

One NGO from a partnership country explained about the democratic development in his country and underlined the need for continued support from participating States in the area of democratization.

Recommendations to the participating States:

- Adopt legislation to grant the right to vote to local and regional elections for non-citizens with residence for more than 3 years;
- Ensure that immigrants with citizenship have the same rights as all citizens in the state;
- Simplify procedures for naturalization;
- Allow for multiple citizenships;
- Ensure the promotion and protection of all human rights and fundamental freedoms, including through enabling relevant national authorities, civil society and NGOs to effectively carry out their roles;
- Ensure political pluralism at all stages of the political process;
- Recognize the growing role of the Internet in democratic governance and guarantee and respect all OSCE human dimension commitments online as well as offline.

Recommendations to the OSCE, its institutions and field operations:

- Contribute more to public opinion, focusing on the role of the youth, women and new political parties;
- Assist in providing information and educational facilities for regional democratic bodies.

Working Session 17: Human Dimension Activities (with special emphasis on project work), including:

- Presentation of activities of the ODIHR and other OSCE institutions and field operations to implement priorities and tasks contained in relevant OSCE decisions and other documents.

Rapporteur: Mr. Paul Welsh, United Kingdom Delegation to the OSCE

| |
|--------------------------------|
| No. of statements: 9 |
| Delegations: 7 |
| Civil Society: 0 |
| OSCE Inst./Int'l Org: 1 |
| Rights of Reply: 1 |

Working Session 17 discussed human dimension activities run by ODIHR, provided the perspective of a Field Operation as well as some examples of how the OSCE Secretariat engages in human dimension activities.

First Deputy Director Douglas Wake provided an overview of ODIHR's approach to programmatic work through its five thematic departments. He described the tools that ODIHR

uses and stressed their determination to always seek to add value to what other organizations do.

He cited examples of how ODIHR uses resources to assist participating States in fulfilling their commitments including;

In the area of democratization: Women In Political Parties Project, reviewing legislation on request and the upcoming Expert Forum on Criminal Justice in Central Asia.

In the area of Tolerance and Non-Discrimination, training on Hate Crimes for an international group of prosecutors, Training on Hate Crime Issues for Law Enforcement Officers (TAHCLE), guidelines on prosecuting Hate Crimes and on data collection, a training curriculum on freedom of religion or belief, guidelines on countering intolerance against Muslims and the dissemination of teaching materials on anti-Semitism.

In the area of activities covered by the Human Rights Department: a project to observe public assemblies in 11 participating States to identify challenges and examples of good practice on freedom of assembly and a recently started project on Human Rights Protection for Trafficked Persons and Vulnerable Groups in Central Asia.

On Roma and Sinti issues: the next Status Report due to be issued in 2013 to coincide with the 10th Anniversary of the OSCE Action Plan on Improving the Situation of Roma and Sinti, report on a field visit focusing on education in the Czech Republic and a large scale project on Best Practices for Roma Integration involving seven jurisdictions in South Eastern Europe.

Mr. Alexander Shlyk, Elections Adviser presented the E-learning course for Short-Term Observers.

Nina Lindroos-Kopolo from the Office of the Co-ordinator of the OSCE Economic and Environmental Activities (OCEEA) briefed about her office's co-operation with ODIHR and highlighted thematic areas of co-operation including good governance, corruption and migration. She stressed the importance of synergies and complementarity between OCEEA and ODIHR.

Murat Yildaz from the OSCE Secretariat's Strategic Police Matters Unit briefed on the work of the Transnational Threats Department and stressed the importance of the human dimension in their work. He cited examples of co-operation on action against terrorism, human rights training guides for Policing Assemblies, Guidelines on Human Rights Education for Law Enforcement Officers and training at the Border Management Staff College in Dushanbe, Tajikistan.

Douglas Wake spoke of how ODIHR was exploring ways to pass on the many lessons learned and positive experiences of democratic reform to OSCE Partners for Co-operation in North Africa. There had been notable success in Tunisia where stakeholders had shown interest in ODIHR's advice on increasing women's participation in political parties.

Andrea Cellino from the OSCE Mission to Bosnia and Herzegovina provided the perspective of a field operation citing work they had done on the War Crimes Justice Project, supporting a review of anti-trafficking legislation, a governance project for State entities and War Crimes Processing.

In the following interventions a number of speakers stressed their strong support for OSCE human dimension activities. ODIHR's election observation work and its methodology were praised in several interventions. A number of speakers stressed the importance of preserving ODIHR's autonomy and the need to focus on issues where the gap between commitments and implementation are greatest. Some delegations called for ODIHR's work on election observation to be implemented on an equal basis free from bias and for more balance in the selection of Heads of Election Assessment Teams. One delegation commented that field operations should not stray beyond their mandate and should restrict themselves to reporting on project activities. One speaker called for ODIHR to focus more on freedom of movement, economic, social and cultural rights and combating aggressive forms of nationalism.

The following recommendations were made:

- ODIHR's independence should be preserved and remain free from political interference;
- Participating States should follow up on ODIHR's election observation report recommendations;
- ODIHR should make short visits after Election Observation Missions to follow up on recommendations;
- ODIHR Director should make regular reports on how participating States are implementing the recommendations of Election Observation Missions and how they are complying with election related commitments;
- There should be clear criteria for election observation missions;
- ODIHR should undertake a comparative analysis of election legislation and practice in different participating States;
- There should be better geographical balance in terms of the make-up of observer missions;
- ODIHR should focus its attention on those areas where the most serious violations of commitments exist;
- ODIHR should produce a compendium of best practices in human rights education;
- Research should be conducted on the effectiveness of National Human Rights Action Plans.

IV. COMPILATION OF WRITTEN RECOMMENDATIONS

Monday, 24 September 2012

WORKING SESSION 1: Fundamental freedoms I, including:

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

Recommendations to participating States

Switzerland

- Wir rufen die Teilnehmerstaaten dazu auf, die OSZE-Verpflichtungen zur Sicherheit von Journalisten zu aktualisieren und zu konkretisieren;
- Die Schweiz legt allen Teilnehmerstaaten nahe, ihre Pflichten zum Schutz der freien Meinungsäußerung in ihre nationale Gesetzgebung zu integrieren und entsprechend umzusetzen.

Association for Cultural Interaction

The Turkish minority in Bulgaria encourage the Bulgarian authorities:

- To take effective measures, including the adoption, in conformity with constitutional systems and international obligations, of such laws which can be necessary to provide protection against any acts that constitute discrimination, racism, incitement to hatred;
- To enact or make amendments to the Media law that makes enable to establish broadcast and media in mother language;
- To engage in partnerships with private media, including Internet providers, in order to prevent the dissemination of prejudice, stereotypes and hatred;
- To guarantee that public broadcasting services avoid stereotyping of individuals and groups, and report fairly on individuals and groups in conformity with the highest professional and ethical standards including during election periods and public gatherings;
- Make efforts to abolish the ban on use of mother language in the electoral law;
- To ensure that public officials at all levels, including ministers, refrain from making statements that incite to violence and discrimination;
- To develop codes of conduct for political representatives in unequivocally and publicly condemning manifestations of hate in public discourse and acts of violence based on bias and refraining from making discriminatory statements.

European Union

Participating States should:

- Reaffirm the existing principles and commitments in the field of freedom of expression and freedom of the media as well as their determination to implement them;
- Consider how to enhance the implementation of commitments with regard to freedom of the media as well as to examine the updating and strengthening of those commitments including to reflect technological developments such as the internet;
- Extend open invitations to the Representative and her office;

- Ensure that media laws are in line with international standards and OSCE commitments and are implemented subsequently;
- Strengthen their commitment to ensure freedom of opinion and expression, and especially to protect journalistic activities from an inappropriate application of criminal law;
- Ensure that journalists in the OSCE area can work safely and without being threatened by physical violence, persecution, detention, harassment, intimidation, direct or indirect economic pressure or any other form of interference;
- Act decisively to investigate thoroughly all acts of violence against journalists and bring offenders to justice, and fight the climate of impunity;
- Ensure that press freedom is guaranteed by an independent judiciary to which journalists can appeal in cases of alleged violations;
- Ensure the right of journalists to keep their sources of information confidential by enacting appropriate legislation (“shield laws”);
- Ensure that these commitments equally apply to journalists who are also Human Rights Defenders.

Western Thrace Minority University Graduates Association

We call upon the Greek State

- To respect the right to freedom of expression and the press freedom, in particular smaller and minority press in order to protect and enrich diversity of opinion in the media;
- To put an end to selective penalization of media institutions and press by ethnic, sectarian, and political motives;
- To uphold the principle of fair and proportional punishment in judicial process;
- To guarantee that the legal amount of compensation should not enrich the claimant in an unjust way, but compensate the moral loss of the claimant;
- To reconsider and revise the relevant legislation and ensure that the principle of equality is guaranteed for each element in society, including the Turkish minority of Western Thrace.

The access to media of different opinions and Minorities’ voices should be considered as a key element of the freedom of the media and free flow of information. Recommendations:

- To respect the right to freedom of expression and the press freedom, in particular smaller and minority press in order to protect and enrich diversity of opinion in the media;
- To put an end to selective penalization of media institutions and press by ethnic, sectarian, and political motives;
- To uphold the principle of fair and proportional punishment in judicial process;
- To guarantee that the legal amount of compensation should not enrich the claimant in an unjust way, but compensate the moral loss of the claimant;
- To reconsider and revise the relevant legislation and ensure that the principle of equality is guaranteed for each element in society, including the Turkish minority of Western Thrace;
- To respect the letter and the spirit of the Treaty of Lisbon along with all other European covenants and declarations while implementing article 14 of the Constitution of the Hellenic Republic on freedom of expression and press.

Institute for International Research at the Ukrainian Academy of Sciences

General recommendations:

- Governmental structures should strengthen their responsibilities in timely highlighting all necessary efforts on investigation of reported cases of corruption, crimes against journalists and other problems. In doing so, they should refrain from providing purely statistical and formal update;
- The exercise of many fundamental rights may be enhanced by the Governmental structures through the use of social networks and other new technologies, altering the landscape in which human dimension commitments are implemented;
- The particular attention of the OSCE Chairmanship should be focused on the media freedom in the context of developing necessary legal framework with direct involvement of all actors, including national journalists, editors, publishers and broadcasters;
- NGOs and other international institutions could improve existing media freedom assessment mechanisms by using a kind of prevailing targeted customer evaluation approach;
- In order to support new cross-dimensional cyberspace initiatives the NGOs and other international institutions should supplement the existing Internet usage rate by additional qualitative data and potential estimates, including those related to economic and social activities of the prospective audiences.

Amnesty International

- Respect and protect the human rights of independent civil society activists and journalists, ensuring that they are able to carry out their peaceful activities free from harassment and without threat of detention and imprisonment and other human rights violations;
- Refrain from passing—or, where already in place, abolish—any legislation, which exceeds the permissible restrictions on the right to freedom of expression under international law, and leaves the way open for the criminalization of a wide range of peacefully-expressed dissenting opinion;
- Release all prisoners of conscience jailed for expressing their political, religious or other conscientiously-held beliefs.

Turkmen Initiative for Human Rights, International Partnership for Human Rights and the Netherlands Helsinki Committee

Recommendations to the authorities of Turkmenistan:

- Stop intimidating and harassing civil society activists and other representatives of civil society (including those in exile) who criticize official policies;
- Stop conducting systematic monitoring of internet use and refrain from blocking websites simply because they contain information that does not please authorities, such as information critical of current policies;
- Take effective measures to promote internet access, ensuring that access is widely available, affordable and meets reasonable quality standards;
- Abolish excessive control of the work of state media, refrain from using these media as tools of ideological propaganda and abolish the practice of compulsory subscriptions to state publications;

- Promote the growth of privately owned media and ensure that such media can operate independently of the state.

Initiative Group of Independent Human Rights Defenders of Uzbekistan, International Partnership for Human Rights and the Netherlands Helsinki Committee

Recommendations to the authorities of Uzbekistan:

- Put an end to censorship in state media and respect the right of citizens to seek, obtain and disseminate information and ideas of all kinds;
- Stop persecuting independent journalists and human rights defenders and immediately and unconditionally release all journalists and human rights defenders who have been imprisoned on politically motivated grounds.

Kazakhstan International Bureau for Human Rights and Rule of Law, International Partnership for Human Rights and the Netherlands Helsinki Committee

Recommendations to the authorities of Kazakhstan:

- Establish upper limits for the amounts of moral damages that can be awarded in any defamation lawsuits, and provide protection for statements of opinions and reasonable publication of information in the public interest;
- Ensure impartial and thorough investigations into all physical attacks against journalists with a view to holding accountable those responsible;
- Stop using the vaguely worded criminal offense on “inciting social hatred” and other similar charges against opposition members and civil society activists who have exercised freedom of expression and other fundamental rights in a peaceful and legitimate manner.

International Partnership for Human Rights

- Where relevant, use existing means of leverage to encourage the authorities of individual OSCE participating States to take concrete steps to remedy violations of internet freedoms in accordance with recommendations made by international human rights bodies, including the OSCE Representative on Freedom of Media (such as in a 2011 study on freedom of expression on the internet commissioned by this office³);
- Use high-level meetings, public statements and other means to raise issues of concern regarding freedom of expression in the internet and to defend victims of online repression in the OSCE region in a visible and prominent way;
- Support programs to promote internet use in those parts of the OSCE region where it is currently limited, and facilitate the use of specialized technology to circumvent government imposed internet censorship and to ensure protection against cyber attacks among citizens of states where online expression is under attack.

Chernivtsy Regional NGO 'Human Rights'

Рекомендации:

- Не возвращать цензуру;
- Не запугивать журналистов перед выборами;
- Отклонить законопроект № 11013 от принятия во втором чтении.

Foundation of Regional Initiatives

Общей рекомендацией является полная декриминализация клеветы.

- К примеру, в Великобритании клевета никогда не считалась уголовным преступлением, а за клевету предусмотрена только административная ответственность в виде финансовых компенсаций, если клевета нанесла ущерб репутации человека;
- Обращаясь к делегациям стран-участниц ОБСЕ, мы призываем оказывать всяческое давление на власти Украины с целью недопущения принятия закона о криминализации клеветы в целом. Это особо актуально по той причине, что Украина должна продемонстрировать не только отсутствие негативных тенденций, но и продемонстрировать улучшения существующих стандартов в свете грядущего председательствования в ОБСЕ.

Almaty Confederation of NGOs 'Ariptes'

Для стран ОБСЕ

- Медийные НПО имеются в каждой стране. Как живет эта часть гражданского общества, каков ее вклад в продвижении свободы СМИ и информации? Какие есть достижения? Может провести on-line конференцию по этому вопросу? Здесь и актуальные вопросы, просветительского и образовательного характера, социальных сетей и др. Вообще, как нам двигаться дальше? Можно ли этот вопрос включить в повестку дня ОБСЕ 2013 года?

Recommendations to the OSCE

Bürgerbewegung Pax Europa

Recommendation to ODIHR:

- BPE has repeatedly asked for clarification of terms. In this context, we once again look forward to a **concise legal explanation** of the difference between “anti-Muslim discourse” and criticism of Islam as well as a **definition** of the term “Islamophobia”;
- Is there any evidence that member states of the OIC, which according to its statutes considers itself the collective voice of the Muslim world, including OSCE participating State Turkey, show any tolerance towards other religious groups? We recommend that ODIHR look into this as a matter of urgency.

Almaty Confederation of NGOs 'Ariptes'

Для ОБСЕ

- Предлагаю взять индикаторы по свободе СМИ и информации в странах ОБСЕ за последние пять лет и посмотреть эффективность вопроса. Есть ли движение вперед, стоим ли мы на месте или все же имеется откат назад.

Switzerland

- Wir empfehlen, die Gültigkeit der freien Meinungsäußerung und der Informationsfreiheit für Medien jeder Art im OSZE-Besitzstand zu bestätigen und gemäss den besonderen Möglichkeiten und Herausforderungen im Bereich der digitalen Medien zu ergänzen.

Association for Cultural Interaction

Recommendation to the OSCE:

- OSCE to observe closely the process of combating intolerance and discrimination against Turks and Muslims and to suggest to Bulgarian authorities specific measures on that issue.

European Union

The OSCE Representative on Freedom of the media should:

- Continue to assist participating states in achieving full implementation of the OSCE commitments;
- Continue efforts to promote adoption of legislation which is in line with OSCE and other international standards notably in the field of libel and defamation;
- Continue to elaborate how comprehensive and non-discriminatory access to information in particular to the internet can be ensured;
- Continue to strengthen freedom of the media through capacity building in the framework of training activities and media conferences;
- In coordination with the ODHIR's Point of Contact on Human Rights Defenders, assist the participating states in delivering on their commitments to protect the journalists who are also Human Rights Defenders;
- Continue to develop new media, including internet and digital broadcasting, as a focus area;
- Continue to cooperate with other regional and international organisations such as the Council of Europe or the United Nations on freedom of media issues.

Tuesday, 25 September 2012

WORKING SESSION 2: Fundamental freedoms II, including:

- Freedom of assembly and association;
- Freedom of movement;
- National human rights institutions and the role of civil society in the protection of human rights;
- Human rights education.

Recommendations to participating States

Amnesty International

Amnesty International calls on Participating States to:

- Amend, repeal and refrain from passing legislation that limits the rights to freedom of assembly and association;
- Ensure an end to arbitrary and discriminatory decisions made by authorities aiming at curtailing the rights to freedom of assembly and association;
- Take all necessary measures to prevent excessive use of force and other violations by law enforcement officials in demonstrations;
- Ensure that prompt, thorough, impartial and effective investigations are carried out into all allegations of excessive use of force and serious human rights violations by law enforcement officials;

- Release all prisoners of conscience [in Belarus] who were imprisoned for their participation in peaceful demonstrations.

Human Rights Education

- Предложить правительству Беларуси, напечатать во всех районных газетах “Всеобщую Декларацию Прав Человека”, ООН, и перечень ратифицированных (РБ) документов; документ «Хельсинки 1992» и выдержки (“средства правовой защиты”) из документа ОБСЕ “Вена 1989”. Соответственно, финансировать это предложение;
- Объявить конкурс на грант по созданию компьютерной игры “Права Человека и ОБСЕ”;
- Провести семинар для молодёжи стран СНГ на тему «Зачем мне нужно знать Права Человека и документы ОБСЕ»;
- Объявить конкурс на грант по созданию «социальной сети- Права Человека и молодёжь»;
- Сотрудничать далее с ООН и другими международными организациями для продолжения Программы «Образование по Правам Человека в школе», но без акцентации на Права ребёнка.

Western Thrace Minority University Graduates Association

Therefore we call upon the Greek State:

- To respect and implement its duties from the international instruments in which the freedom of association is safeguarded;
- To recognize and implement the ECtHR decisions.

Norwegian Helsinki Committee

- The Norwegian Helsinki Committee calls upon all participating states to familiarize themselves with the newly adopted UN Declaration on Human Rights Education and Training, and take all possible measures to strengthen their countries’ implementation of the obligations stated therein.

Initiative Group of Independent Human Rights Defenders of Uzbekistan, International Partnership for Human Rights and the Netherlands Helsinki Committee

Recommendation to the authorities of Uzbekistan:

- Respect the right to freedom of assembly and allow peaceful protests to take place without participants facing dispersals, detentions, administrative sanctions and other forms of interference and punishment by authorities.

Kazakhstan International Bureau for Human Rights and Rule of Law, International Partnership for Human Rights and the Netherlands Helsinki Committee

Recommendations to the authorities of Kazakhstan:

- Abolish existing restrictions on freedom of assembly (in legislation and practice) that are in violation of international standards, in particular article 21 of the ICCPR. Among others, the authorities should stop requiring that organizers of assemblies

obtain permission in advance, and instead allow them to simply give notice about their plans to hold such actions;

- Ensure that peaceful protests can take place without undue interference or harassment of organizers and participants.

Human Rights Club

Our recommendations:

For Azerbaijani government:

- Release political prisoners, and ensure reconsideration of the cases of those who were sentenced by a closed trial;
- Stop harassment of people for their political, journalistic, rights defense, social or other activities and position;
- Pay due attention to the problems of people whose houses have been demolished, take necessary measures and avoid violating people's rights during demolitions in the future.

For international community:

- Keep in focus the state of human rights in Azerbaijan, who has undertaken obligations before the Council of Europe and other international organizations regarding human rights;
- Make more efforts to release the people who are tortured or intimidated in prisons.

The International Federation for Human Rights (FIDH)

In view of the situation of human rights defenders in the OSCE area, the Observatory for the Protection of Human Rights Defenders urges OSCE Participating States to:

- Guarantee in all circumstances the physical and psychological integrity of human rights defenders in the OSCE Participating States;
- Put an end to the continuous repression and harassment of human rights defenders and their organisations;
- Release immediately and unconditionally all human rights defenders since their detention is arbitrary and only aims at sanctioning their human rights activities;
- Carry out immediate, thorough, impartial and transparent investigations into the threats and acts of intimidation mentioned above, in order to identify all those responsible and sanction them according to the law;
- Fully recognise the vital role of defenders in the promotion and consolidation of democracy and the rule of law;
- Review their national legislation to conform with international and regional human rights instruments, in particular regarding freedoms of association and assembly;
- Comply with the provisions of the final document of the 1990 Document of the Copenhagen Meeting of the Conference on the Human Dimension, of the Conference for Security and Co-operation in Europe (CSCE) and of the Declaration on Human Rights Defenders, adopted on December 9, 1998 by the United Nations General Assembly.

European Union

- We call on participating States to ensure that all those seeking to uphold human rights are able to do so in a safe environment;
- Participating States to implement international standards pertaining to freedom of association and peaceful assembly;
- Participating States should follow the OSCE Guidelines on Freedom of Peaceful Assembly;
- Participating States to simplify the registration procedure for those NGOs that wish to obtain legal entity status;
- Participating States should encourage systematic human rights education and training programmes designed to promote respect for human dignity, human rights and fundamental freedoms of all.

Bürgerbewegung Pax Europa

- BPE recommends that OSCE and participating States refer to and use only the Universal Declaration of Human Rights;
- BPE recommends that this important point is renewed and clarified at the next summit meeting;
- Calls on the OSCE participating States to ensure that OSCE guidelines to freedom of assembly as well as its human dimension commitments are followed and implemented by governments in all instances of legal assemblies, thereby ensuring the continued legal right to the very freedoms that should be inherent in liberal democracies;
- Recommends that ODIHR reaffirm the right to peaceful assembly for **everyone** regardless of whether one agrees or disagrees with the views of the demonstrators.

Christianophobia in Europe

We recommend to OSCE and participating states:

- To improve the training and raise awareness for law enforcement officers, so that the perpetrators will be found and brought to justice --- because what is happening is not just a polite disagreement;
- We recommend to participating states not to react to these atrocities by prohibiting or geographically limiting manifestations for the protection of unborn life. This would be in itself a violation of freedom of assembly;
- We recommend to revisit the OSCE Parliamentary Assembly which encouraged "in view of discrimination and intolerance against Christians, that legislation in the participating States, including labour law, equality law, laws on freedom of expression and assembly, and laws related to religious communities and right of conscientious objection be assessed."

Switzerland

- Die Schweiz empfiehlt allen OSZE-Staaten, friedlichem Protest mit einer positiven Grundhaltung zu begegnen, ihn zu ermöglichen und diesen als Chance zu sehen, um den demokratischen Diskurs mit der Zivilbevölkerung zu pflegen;

- Im Fall von Menschenrechtsverletzungen im Kontext von friedlichem Protest muss der Staat die Verantwortung dafür tragen, dass die Täter zur Rechenschaft gezogen werden, und dass die Opfer Wiedergutmachung erhalten.

Recommendations to the OSCE

Center for Legal Initiatives Public Union

RECOMMENDATIONS

- In accordance with the essence of Article 58 of the Constitution, it is necessary to work out the legislation that determines the legal regulation of right to association. In this article of the Constitution freedom of association is protected to a larger extent and does not make it necessary to have any restricting legal procedures for enjoyment of freedom of association. Having a procedure in the Law that is not provided by the Constitution and furthermore to have a lot of restricting norms in those procedures contradicts essence of freedom protected by the Constitution. By law regulation of freedom of association may be subordinated to certain procedures, however, those procedures must have not restricting norms but norms that will facilitate its realization and regulating norms;
- Law on NGOs and Foundations must be worked out with a wide public participation (with active participation and consensus of the NGO sector, political parties, media representatives and independent experts), norms of the existing Law that restrict and narrow freedoms and that link their enjoyment to very difficult procedures must be refused and it must be turned into a Law which is targeted only at regulating freedoms;
- As the Constitution does not have any norm that envisages permission of a relevant state body for enjoyment of freedom of association, procedures for registration for those people who want to enjoy freedom of association and establish an NGO must be simplified, registration must be made on a basis of notification like it exists for the media outlets. Any legal and physical persons or a group of persons must be able to unite without getting an initial permission and after submitting a notification to a relevant state body, in some time (at most 1 week) must be able to start free activity. The relevant state body with exception of cases when a legal person with the same name is registered and cases when one of the restrictions for freedom of association stipulated in the Constitution are chosen as a purpose within 1 week must register that organization and must present a copy of the certificate to the founders. In any case, the organization must start the legal activity in 1 week;
- Norms on NGO registration as provided in the Law of the State Registration of the Legal Persons and State Registry must be completely renewed, the state registration must be implemented in a simplified form based on notifications. (Like for commercial legal persons);
- Along with a Law on NGOs and Foundations, Model Statutes for NGOs and Foundations must be approved and in these Statutes a single management form for both the union and foundation must be determined and all the NGOs must adapt their management system to this form. In such a way, the claim on incompliance of the Statutes to the legislation will be eliminated. In addition, by indicating in the Model Statutes legitimate grounds for demanding restriction of NGOs' freedom of association as in accordance with the Constitution and European Convention for Human Rights and Freedoms, frames of the activities of the NGOs must be determined and those frames must be the activity frames determined and accepted for everyone in advance. The Model Statutes must give freedom to choose directions

of NGO activities in accordance with the law. So, activity of NGOs in accordance with the law will be provided and gaps in the Statutes will not be put forward without grounds;

- Termination of the NGO activity can be only by a court decision:
 - Reasons for grounds to terminate must be described in the Law clearly, precisely and in detail, must allow for the prohibitions to be clearly seen from the very beginning and must not contain indefinite expressions and norms that give freedom of interpretation of the grounds;
 - Purpose and result of the legal reasons for termination must be for protection of one or a number of the legitimate public interests, namely national security, territorial integrity, public order and security, prevention of disturbances and crime, protection of health and morals, other persons' rights and freedoms as enlisted in Articles 3.5 and 3.6 of the Constitutional Law on Regulation of Public Rights and Freedoms of the Republic of Azerbaijan as well as in paragraph 2 of Article 11 of the European Convention for the Protection of Human Rights and Fundamental freedoms; Center for legal Initiatives - Situation with the rights to association in Azerbaijan;
 - Termination must take place when it is directed at protection of the most essential values which are necessary for existence of the democratic society and be applied as the last resort in the democratic society when the other possible and efficient means for the protection of the legitimate public interests that could restrict freedom of association to a lesser degree are exhausted;
 - Termination of the NGO activity by stopping freedom of association or application of the other sanctions must be proportional to the freedom of association, namely the benefits from protection of the legitimate public interests must be prevailing over a damage that restriction (by taking into account sanctions to be applied) will have on freedom of association;
- Artificial reasons that do not have legitimate legal values and form a basis for terminating the activity of the NGOs must be removed from the Law. Receipt of a written warning by the NGO or punishment in an administrative way must not be a sole basis for NGOs' abolishment. An NGO that made an administrative legal violation is brought to an administrative responsibility and receives a proportionate punishment for the violation. In accordance with each of the violations, a certain sanction is envisaged. In such a case, combining a violation for which earlier a sanction was applied and giving a more severe decision and determining a ground for abolishment of the NGO in a court order is an approach that eliminates freedom of association completely and is far from the essence of legal regulation. (E.g. Provision on termination of the NGO activity in a court order provided by Article 31.4 of the Law on the Non-Governmental Organizations (public unions and foundations) that states "In case if the non-governmental organization was given more than 2 written warnings during 1 year or was given instructions on elimination of the violations, the non-governmental organization may be abolished by a court decision" is a very non-adequate regulation and has to be removed from the law. Not notifying about change of the address in time leads to the same legal result.);
- Opportunities for NGO activities must not be restricted without a legitimate ground in the Law. Showing in which activities the NGOs may be engaged also indirectly serves to restrict the freedom. Selection of this method is unacceptable. Paragraph 4 of Article 2 of the current Law lists the activities in which NGOs may be engaged; "In accordance with the election legislation of the Republic of Azerbaijan the non-governmental organizations may monitor the Presidential Election, Parliamentary Elections and Municipal Elections conducted in the Republic of

Azerbaijan and conduct exit-polls”. From the description of this Article it is seen that that non-governmental organizations may neither monitor the Referendum nor conduct exit-polls during the Referendums that are conducted for realization of very important changes to the Constitution in Azerbaijan as it is only elections enlisted in the article, not the referendum.). As all the other activities are not shown in the law, enlisting what the NGOs can do in the law is unacceptable and that by essence is not logical and contradicts the dominating legal norms that regulate human rights and freedoms;

- Having norms on names of the NGOs in the law, which state that selecting certain names may be unacceptable, having a requirement to have a name matching purpose are the **Center for legal Initiatives** - Situation with the rights to association in Azerbaijan reasons that restrict freedom and do not fit any of the legitimate grounds. It is unacceptable to have such restrictions in the law (E.g. The first sentence of Article 3.1. of the Law about Non-Governmental Organizations (Public Unions and Foundations) of the Republic of Azerbaijan “The non-governmental organization must have a name that shows its organizational and legal form and nature of the activity”, an imperative provision, by another change made to Article 3.1 “In the name of the non-governmental organization names of the state bodies of the Republic of Azerbaijan as well as names of the outstanding people (without consent of their relatives or heirs) may not be used” provision are provisions of the same kind, which do not serve a legitimate legal purpose.);
- Normative legal acts directly or cohesively regulating NGO activities must be reviewed, their provisions hindering NGO activity must be removed and must be turned into regulating ones;
 - Norms in the “Rules on Registration of the contracts (decisions) on receipt (giving) grants” approved by a decree 27 of the President of the Republic of Azerbaijan dated 12 February 2004 require procedures that exceed the purpose. These norms should either be completely removed or should be replaced with the notification system; (The clear example is a requirement to repeatedly certify a contract approved by a grantor and a grantee legal person by a notary);
 - if transferred to the notification system, an NGO must be able to present for information a copy of the contract about a receipt of the grant together with a letter certified by an official stamp, certification by a notary must not be needed, the term of this notification should not be 1 month but must cover the period during which the Grant is in effect;
 - Foundations as a form of the NGOs must be removed from among the subjects to the mandatory audit; Although an amendment dated 14 June 2011 in a decision 155 of the Cabinet of Ministers of the Republic of Azerbaijan about approval of the stage-by-stage application of the terms of the Law of the Republic of Azerbaijan on “Internal Audit” on economy subjects of the mandatory audit removed the Non-Governmental Organizations from the list, paragraph 9 of the list still has “Foundations”;
- Hindering procedures required for registration of the representations and branches of the foreign legal persons in the legislation must be simplified, their equal rights with the Azerbaijani NGOs must be ensured. For registration of the branches and representations of the foreign legal persons in addition to the procedures required for local NGOs, it must suffice to present a certified copy of the document confirming activity from a legal aspect in its country and a decision of the organization on opening a representation or branch. (E.g. the provisions of Article 7.5 of the Law about Non-Governmental Organizations (public unions and foundations) of the

Republic of Azerbaijan “Deputies of the heads of the branches or representations of the non-governmental organizations whose founders are foreigners or foreign legal persons”, Article 12.3 of the Law “State registration of the branches and representations of the non-governmental organizations of the foreign states in the Republic of Azerbaijan may be implemented on a basis of the agreement signed with those organizations”, complicate registration of the branches and representations of the foreign non-governmental organizations and are subject to norms that are different from **Center for legal Initiatives** - Situation with the rights to association in Azerbaijan those that should be applied to everyone by law. And request for the agreement is also unclear. One of the parties is a state, the other one is an NGO;

- Decision 43 of the Cabinet of Ministers of the Republic of Azerbaijan dated 16 March 2011 about approval of “The rules for conduct of negotiations for preparation and signature of the agreement related to the state registration of the branches or representations of the non-governmental organizations of the foreign states in the Republic of Azerbaijan” must be annulled, interference by the state at this stage must be eliminated;
- It is unacceptable to restrict activities of the foreign NGOs and representations that function in Azerbaijan. The legislation should not allow such discrimination. (For example, a provision envisaged in paragraph 2.4 of the Law on Non-governmental organizations (public unions and foundations) “Foreign legal persons may participate in activities related to conduct of exit-poll during the Presidential Elections of the Republic of Azerbaijan, elections to Milli Mejlis of the Republic of Azerbaijan and municipal elections only jointly with the non-governmental organizations of the Republic of Azerbaijan” is not based on any legitimate ground);
- As a non-governmental organization is not a commercial legal person requesting from it an annual financial report and issuance of an official warning for not giving this report within 30 days and the NGO annulment in case of 2 of such warnings don’t serve a legitimate legal purpose. This requirement must be removed from the law. (Decision 201 of 25 December 2009 of the Cabinet of Ministers of the Republic of Azerbaijan on approval of "The Rule for form, content and presentation of the annual financial report of the non-governmental organization must lose its effect. Separately, 144-pages long document “National Accounting Standards for Non-Governmental Organizations” approved by the order -05 dated 13 January 2009 of the Ministry of Finance of the Republic of Azerbaijan must be simplified and turned into a collection of norms that can be applied by everyone);
- Actions that restrict freedoms of NGOs create artificial obstacles for its legal activity; ungrounded refusal of registration, bureaucratic red tape regardless of who did those must lead to administrative and criminal responsibility. (Respectively new provisions must be added to the Code of the Administrative Offences and Criminal Code, official persons and institutions must bear administrative responsibility for hindering activities of the NGOs, illegal restrictions of its rights, and criminal responsibility if such actions took place deliberately or by application of violence, with a purpose of cupidity);
- Behaviors during the registration of NGOs that are not envisaged by the law but which are widely applied in practice (given below) must be completely eliminated; those responsible must bear administrative responsibility;
- During the NGO registration and preparation of the reports development of the Information Communication Technologies must be taken into account, in accordance with approval of the electronic signature, new norms, rules regulating presentation of

- Ensure that their migration control policies and practices do not cause, contribute to, or benefit from human rights violations;
- Ensure their migration control agreements fully respect international and European human rights and refugee law, as well as the law of the sea; include adequate safeguards to protect human rights with appropriate implementation mechanisms; and be made public;
- Ensure their interception operations look to the safety of people in distress in interception and rescue operations and include measures that provide access to individualized assessment procedures, including the opportunity to claim asylum;
- Take all the necessary measures to prevent racist and xenophobic attacks against migrants and fully investigate those that occur;
- Halt police crackdown on "irregular migrants", in countries such as Greece, and allow for effective access to asylum to those in need of international protection.

Human Rights Centre

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Istanbul Kemerburgaz University

Conclusions and Recommendations

- Just as migration itself is characterized by transnationalization, migration policies of the OSCE member states should also be transnationalized increasingly;
- The securitization of migration and obstacles to political participation have given rise for migrants to engage in activities of ethnic, cultural and religious resurgence. This could be counterbalanced with appropriate policies of inclusion and increased opportunities for political participation;
- Citizenship laws should not be based on prescribed cultural, religious, linguistic and ethnic qualities. Access to double and multiple citizenship should be eased and not be viewed as an obstacle to integration;
- IDPs are in need of special protection, and OSCE member states should work out more efficient ways to ensure this. More academic research is needed in this area and close cooperation should take place between the academia, NGOs and governmental institutions. Such cooperation would, of course, also be beneficial in other areas of migration as well;
- The OSCE member states should be aware of the externalities and potential spill-over effects of the conflict in Syria into neighboring countries;
- More generally speaking, the capacity to develop empathy for migrants and refugees needs to be considerably strengthened through improved opportunities for the receiving society to have more insights into the lifeworlds of migrants and refugees;
- The political discussion on migration and integration should shift away from multiculturalism to interculturalism, a concept that engages both sides – migrants and the receiving society – and which conceives of culture not as a static but as a constantly changing phenomenon and process.

Switzerland

- Fortführung der guten Beziehungen, welche die von interner Vertreibung betroffenen Staaten mit dem Mandat des UNO-Sonderberichterstatters für IDPs haben;

Recommendations to the OSCE

"Azerbaijan Migration Center" Public Union

- The Law "On citizenship of the Republic of Azerbaijan" should be amended so as to establish mechanism on acquisition of citizenship by refugee, and to include simplified procedure for their naturalization;
- Patterns of refugee certificates and travel documents should be approved in accordance with the requirements of Convention of 1951. These documents should be accorded legal status and it should give refugees right to sign contracts, to study, to realize labor rights as well as to travel;
- The mechanism on defining status of stateless persons should be established;
- Regional cooperation should be strengthened;

- Rules on issuance stateless persons with identity documents should be set up and right of stateless persons residing in the territory of Azerbaijan to obtain any document confirming their identity and giving them right to cross border should be established.

Switzerland

- Fortführung der Thematisierung der internen Vertreibung im Rahmen der OSZE in Abstimmung mit dem UNHCR; u.a. im Komitee zur menschlichen Dimension der OSZE;
- Aktualisierung der bestehenden Instrumente bezüglich interner Vertreibung sowie Entwicklung neuer Massnahmen, u.a. zu Vertreibung infolge von Naturkatastrophen.

Ukrainian Independent Maritime Trade Union

провести следующие действия

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Wednesday, 26 September 2012

WORKING SESSION 4: Rule of law I, including:

- Democratic lawmaking;
- Independence of the judiciary;
- Right to a fair trial.

Recommendations to participating States

Amnesty International

In view of the above, Amnesty International is concerned that the Tajikistani authorities have failed in their obligations to ensure fair trials. Amnesty International's recommendations include that:

- The Criminal Procedure Code should be amended to state that detention must be registered at a police station within three hours of the moment of deprivation of liberty, and that detainees' procedural rights should be explained at the moment of deprivation of liberty;
- The Tajikistani authorities should take immediate steps to ensure that the right to a lawyer is enforced in all places of pre-trial detention in practice, without exception;
- All law enforcement officials, including officials of the State Committee for National Security and the Sixth Department of Ministry of Internal Affairs should be informed of this by internal circulars which make it clear that disciplinary measures will be taken against officers who violate the procedural rights of detainees;
- In addition to routine medical examinations, when there is reason to believe that a prisoner has been ill-treated, the prisoner should be given an immediate medical examination by a doctor who is able to make an accurate report without fearing interference or reprisals;
- Amnesty International also urges the authorities to take immediate steps to ensure fair proceedings or retrial for all individuals, including those cases highlighted in our report, who are currently detained or imprisoned following unfair trials.

Soteria International

- Soteria International recommends countries that undergo transition from totalitarian regime towards democratic rule of law, to involve actively, *de jure* and *de facto*, civil society in its legislative process and to step out from the totalitarian pattern, that of "the state knows better what is good for its citizens". At the judicial level it may be as well expressed by requesting independent qualified expertise from representatives of the civil society, in such cases as described above, taking the example of the Supreme Court of Sweden which involved an independent expert and took into account his report after he had held a series of interviews with the subject, versus the Romanian Court which relied on the expertise of the psychologist appointed by the state, who did not even meet physically the subject of his expert report.

Chernivtsy Regional NGO 'Human Rights'

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Soteria International

- Soteria International recommends OSCE/ODIHR to elaborate and implement an efficient and adequate toolkit of communication between the legislative body and the grassroots society in OSCE member states, and to ensure that the transparency of the legislative process and its feedback is not limited to a set of choices predefined by a majority.

Kylym Shamy

General recommendations:

- To elaborate national standards of human rights defense and securing the citizens in interethnic conflict situation;
- It is necessary to activate formation and implementation of the state national policy. To pass from recognition and analysis of the problem to the improvement of the legislation. And, passing of the Conception of the National policy consolidating the society in Kyrgyz Republic would be the practical step in this direction;
- To elaborate the program of the development of the international relations in the appropriate territory on the local level and the program on securing of the population (the executive bodies of the local self –government); approve and control their implementation (the local councils);
- To provide the implementation of the state national policy with funds from the budget of 2012 provide the laws with necessary financial base;
- It is necessary to have the separate executive body, its main competence will be the national policy, the profile sphere of the activity. The body would concentrate on the implementation of all the tasks and aspects of the national policy;
- It is necessary to conduct systematic monitoring of the national relations, ethnological and sub-ethnic situation on the national ground, finding out the issues and prevention of the conflict situations. It is important to establish the network of the specialized research institutions, national organizations, other public unions, which will have the appropriate funds, the status established by the law and effective coordination;
- To form the complex working group on the improvement of the legislation in the sphere of the national policy and the elaboration of the measures of early prevention of the interethnic conflicts and the criminal manifestation connected with them and the mass riots;
- To regulate the authorities (the rights and obligations) in the law and establish the responsibility of the self – governments, the local state administrations, their officials: () on prevention of interethnic conflicts and (b) on securing the human rights and the citizens in the interethnic conflict situations;

- To make amendment to the Criminal Legislation, in accordance with any crime, where there national hostility, national discord and hatred will be considered as the signs of extremism or the crime with aggravating circumstances.

Wednesday, 26 September 2012

Side Events

Recommendations to participating States

Kazakhstan International Bureau for Human Rights and Rule of Law

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Wednesday, 26 September 2012

WORKING SESSION 5: Rule of law II, including:

- Exchange of views on the question of abolition of capital punishment;
- Prevention of torture;
- Protection of human rights and fighting terrorism.

Recommendations to participating States

Amnesty International

Amnesty International condemns the use of torture worldwide and calls on OSCE participating member states, in particular authorities in Turkey, Ukraine, Kazakhstan, Kyrgyzstan and Tajikistan to:

- Bring their laws prohibiting torture into full compliance with international standards;
- Establish effective National Preventive Mechanisms;
- Establish unbiased and effective mechanisms for investigating all and any statements of torture;
- Provide for effective public oversight of the law enforcement and justice systems.

Freedom House

- The first recommendation is that the Russian government should not sign into law this expanded definition of treason;
- Second, additional steps should be taken by Russia to reverse laws which fall afoul of OSCE commitments to uphold the fundamental rights of assembly and expression, including reversal of the “foreign agent” legislation and the decriminalization of libel;
- Finally, OSCE States should speak up about Russia’s repression of civil society and human rights. The good efforts of this organization to build up NGO participation in the OSCE are at risk. The many brave Russian human rights activists, who have participated in HDIM could be branded as foreign agents for their good faith efforts here. Let us not be silent in the face of these challenges to the core commitments of the human dimension.

Public Foundation "LIBERTY"

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Chernivtsy Regional NGO 'Human Rights'

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Kazakhstan International Bureau for Human Rights and Rule of Law

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Russian Federation

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Initiative Group of Independent Human Rights Defenders of Uzbekistan, International Partnership for Human Rights and the Netherlands Helsinki Committee

Recommendations to the authorities of Uzbekistan:

- Stop using repressive measures against Muslim believers who practice their faith peacefully, albeit outside strict state control, including unlawful arrests, fabricated administrative and criminal cases, closed and unfair trials and torture and other illegal treatment;
- Adopt effective measures to implement recommendations made by international human rights bodies with respect to ensuring respect for the rights of detainees, the right to a fair trial and the right not to be subjected to torture and ill-treatment.

Recommendations to other OSCE participating States:

- Do not extradite individuals accused of “religious extremism” by Uzbek authorities to Uzbekistan given the evident risk that these individuals may be subject to torture and other gross human rights violations upon return to that country. When relevant, take adequate and effective measures to provide physical protection to Uzbek refugees living in their countries who have fled Uzbekistan for fear of persecution on the basis of their religious beliefs and practices and/or their criticism of Uzbek authorities.

Recommendation to the authorities of Sweden:

- Make all efforts to bring to justice those responsible for the attempt on the life of Obid Quori Nazarov, including those who possibly ordered it.

Association for the Prevention of Torture:

To make regular, independent monitoring of places of detention, as envisaged by the OPCAT, a reality in the OSCE region the APT recommends the following measures as a matter of priority:

- OSCE participating States should give serious consideration to the ratification of the OPCAT and, thereafter, ensure its effective implementation in practice. The APT believes that these steps will send a strong signal to the international community of the importance which each state attaches to combating torture;
- OSCE participating States are urged to initiate an open, transparent and inclusive dialogue on the implementation of the OPCAT at the national level, as recommended by the UN Subcommittee on Prevention.⁵ These discussions should involve a wide range of relevant national actors, including representatives of civil society and any actors already engaged in the monitoring of places of detention;
- OSCE participating States are encouraged to initiate a dialogue with other OSCE participating States, which have already signed or ratified the OPCAT, in order to facilitate an exchange of information and best practices on the institution and effective functioning of NPMs;
- Civil society actors in the OSCE region (often working in tandem with OSCE field missions) have also shown themselves to be skilled actors at making such international linkages and inviting NPM representatives from other countries to attend their national OPCAT events. The APT urges the continuation of such good practice;
- The many activities of OSCE field missions to promote the ratification and implementation of the OPCAT in an open, transparent and inclusive manner can only be applauded. Several such field missions have played very active roles in this respect in recent years, including in Armenia, Azerbaijan, Bosnia and Herzegovina, Kazakhstan, Kyrgyzstan, Moldova, Montenegro, Serbia, Tajikistan and Ukraine. The APT urges the OSCE field missions to continue their work in this respect, particularly when NPMs are in their formative stages of existence and may require external support;
- In recent years OSCE-ODIHR has also proven itself most capable as an institution to facilitate regional and sub-regional exchanges on the implementation of the OPCAT. The exchanges which took place in Prague in November 2008⁶ and Podgorica in April 2009⁷ are very good cases in point, during which an impressive range of actors were brought together from the countries of the former Soviet Union, Eastern and Central Europe and the Balkans. OSCE-ODIHR should explore the possibility of replicating such regional and sub-regional meetings;
- In addition, OSCE-ODIHR has potentially a very useful coordination role to play in supporting the many on-going efforts of OSCE field missions to promote the ratification and effective implementation of the OPCAT by providing them with information and advice relating to the instrument and by referring them to external sources of expertise on the issue;
- More generally, the APT very much welcomes the valuable exchanges of information and experiences on the OPCAT hosted by the OSCE. These include the working sessions on the subject held at past OSCE Human Dimension Implementation Meetings and Supplementary Human Dimension Meetings. Countries chairing the OSCE are strongly encouraged to keep the issue of torture prevention on the agenda of

future OSCE meetings with a view to facilitating further exchanges of information and best practices on the OPCAT;

- The aforementioned attempts to counter practices of torture and ill-treatment must take place in a climate of genuine political will both on the part of OSCE participating States and the political structures of the OSCE. In this latter respect there exists a clear necessity for the OSCE Chairman-in-Office and the Permanent Council to attach much greater importance to the need to prevent torture in the region and address the issue on a regular, consistent basis. Without genuine political will at this level, overall progress will be difficult.

Central and Eastern European Initiative for International Criminal Law and Human Rights (ICLHR Initiative)

- To promote and support academic and professional courses and training in international criminal and humanitarian law, particularly for future lawyers and the military. States shall make use of modern teaching methods and ICT tools in order to increase the effectiveness of the teaching process;
- To ensure that judges, prosecutors, investigative judges and similar officers or professionals dealing with violations of international criminal and humanitarian law by the military and other offenders have at their disposal effective tools to investigate and prosecute those violations, such as case management systems and case-law databases, and that they can effectively use them;
- To provide or make easily accessible to the Legal Tools Project (see www.legal-tools.org) relevant documents, in particular through a centralized collection of relevant case law, and to otherwise support, including financially, local and regional partners of the Legal Tools Project, appreciating that the contribution of these kind of projects to the preservation of peace and to the containment of violent behaviour may not be immediate.

Penal Reform International

PRI would like to recommend to states parties:

- To continue granting NGOs access to places of detention, irrespective of whether an NPM has been established;
- For the Russian Federation and Tajikistan to ratify the Optional Protocol to the Convention Against Torture and to establish an independent NPM, following genuine consultation with civil society. The following other OSCE member states have also not ratified yet: Andorra, Austria, Belarus, Belgium, Canada, Finland, Greece, Iceland, Ireland, Italy, Latvia, Lithuania, Norway, Portugal, San Marino, Slovakia, Turkey, Turkmenistan, USA and Uzbekistan;
- For Georgia to ensure that unhindered access to places of deprivation of liberty is guaranteed to civil society organisations to conduct monitoring activities as well as to provide training to persons deprived of their liberty;
- For Armenia to properly investigate cases of torture reported by the civil society monitoring boards in places of deprivation of liberty and to hold the perpetrators accountable based on due process;
- For Azerbaijan to guarantee the independence of the NPM and to address the issue of torture in places of detention;

- For Kazakhstan to adopt the NPM law in accordance with the SPT recommendations and with the genuine involvement of civil society in the draft law discussions and refrain from the idea of forming NPM by state procurement procedures;
- For Kyrgyzstan to guarantee sufficient state funding for the independent and professional functioning of the NPM;
- For Ukraine to make the process of discussing the draft law on a NPM more inclusive and undertake close consultations with civil society.

Recommendations:

The Republic of Belarus and the United States of America:

- To take immediate steps towards abolition of the death penalty by promptly establishing a moratorium on all death sentences and executions with a view to abolishing the death penalty as provided by the Vilnius Resolution on a Moratorium on the Death Penalty and Towards its Abolition, and UN General Assembly Resolution 65/206 which calls for a moratorium on the use of the death penalty.

The Russian Federation and the Republic of Tajikistan:

- To abolish the death penalty in law for all crimes.

The Republic of Kazakhstan:

- To abolish provisions in their national legislation that still allow for the imposition of the death penalty for certain crimes under exceptional circumstances.

All OSCE States:

- To ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR) aiming at the abolition of the death penalty, if they have not yet done so;
- To review their policies and practices in relation to those convicted of the worst crimes and to bring them into compliance with international standards and norms.

European Union

EU recommendations under Rule of Law II

- The EU encourages all States, who still practice the death penalty or retain it in law, to abolish it;
- The EU commends the OSCE and ODIHR for their efforts to prevent torture in particular by capacity building efforts at field level, and encourages the OSCE to increase these efforts;
- The EU urges participating States to respect the absolute prohibition on torture and to implement fully the UN resolutions on torture;
- The EU also urges participating States to consider adhering to international instruments for combating torture, the death penalty and enforced disappearances, and to the right of individual complaint under the relevant international instruments as well as to take steps towards the ratification and effective implementation of OPCAT;
- We commend the efforts of OSCE in providing support to participating States to ensure respect for human rights and the OSCE commitment in countering terrorism. The EU would like to see these efforts expanded, given the continuing violations occurring in various OSCE participating States.

Switzerland

En conclusion, la Suisse aimerait faire trois recommandations:

- Nous appelons les Etats appliquant encore la peine capitale à déclarer un moratoire sur la peine capitale et à commuer en peines d'emprisonnement les sentences de tous les condamnés à mort;
- Nous appelons les Etats où existe un moratoire sur la peine de mort à modifier leur législation en vue d'une abolition totale ;
- Nous invitons les Etats participants à ratifier l'OPCAT et à mettre en place un mécanisme national de prévention dans le cadre des critères et des garanties prévus par cet instrument.

Open Society Justice Initiative

The government of Kyrgyzstan is failing to meet its obligations to prevent and redress torture and other violations against human rights defenders and persons of ethnic Uzbek origin. As such, the ODIHR should:

- Monitor the situation for human rights defenders in Kyrgyzstan to ensure that they are able to undertake their activities to promote and protect human rights without fear of restrictions or violations;
- Urge Kyrgyzstan's authorities to immediately release Mr. Azimjan Askarov and provide redress through the following means:
 - Quash his conviction, which followed a trial and appeal process that lacked basic safeguards and contravened international fair trial standards;
 - Provide a full medical examination and treatment to Mr. Askarov, which includes allowing him to travel abroad to obtain treatment for his injuries;
 - Create an independent commission of inquiry to investigate the circumstances of the detention and torture of Mr. Askarov, with the power to initiate criminal prosecution of those found to be the material and intellectual authors of the violations;
 - Pay just compensation for the torture and illegal detention of Mr. Askarov and providing for comprehensive rehabilitation;
- Recommend (and to the extent possible, provide technical assistance and capacity-building in support thereof) that Kyrgyzstan undertake the following measures to introduce specific safeguards and procedures to prevent similar violations from happening in the future, namely:
 - Registration of all detainees from the moment of detention;
 - Proper monitoring by prosecutors and a to-be-created National Preventive Mechanism as well as independent monitoring by NGOs of detention facilities to prevent and document violations;
 - Creation of an independent and secure complaints mechanism for allegations of torture;
 - Prompt transfer of suspects from police detention to independent detention facilities;
 - Timely, regular, and unimpeded private visits by family members and lawyers to those in detention;
 - Independent conduct and review of medical examinations, when requested by detainees or family members; and
 - The creation of an independent mechanism entrusted to investigate torture allegations in full accordance with international norms and domestic legislation;

- The creation of an independent commission of inquiry to review all convictions related to the violence in southern Kyrgyzstan in June 2010 with full respect to the fair trial guarantees, and investigate all torture allegations, including those where the victims did not file formal complaints.

Recommendations to the OSCE

Central and Eastern European Initiative for International Criminal Law and Human Rights (ICLHR Initiative)

- To support or launch initiatives consonant with the approach of positive complementarity under the Rome Statute framework by strengthening participating States' capacities in dealing with core international crimes, in particular by making the requisite knowledge and skills more available to key professionals. This can be effectuated by ODIHR, the Conflict Prevention Centre and field operations by following up on activities under the War Crimes Justice project, such as disseminating case-law and developing IC tools, and encouraging the exchange of experiences among participating States;
- To intensify integration of content related to international criminal and humanitarian law within the educational programs, materials, case studies and other resources that the OSCE, in particular through the ODIHR, supports and promotes for use in participating States. This can touch upon such issues as crimes based on discrimination (including genocide and persecution), torture and gender crimes. This can benefit from the experience and expertise of civil society organizations that document violations and run educational initiatives.

Penal Reform International

- To engage in debate and dialogue as to how best to protect the rights of those sentenced to life imprisonment as a vulnerable category of prisoner, including upholding their rights. Reference should be made to the prohibition of life imprisonment without parole, prolonged solitary confinement, and the obligation to equal treatment of prisoners including those serving a life sentence.

Thursday, 27 September 2012

WORKING SESSION 6: Roma/Sinti and, in particular, empowerment of Roma women

Recommendations to participating States

Amnesty International

Amnesty International urges OSCE Participating States to:

- Take all the necessary measures to ensure that Romani women can fully and effectively participate in all decisions affecting their lives as well as the lives of their families, including in consultations on evictions and relocation, regularization of settlements and housing upgrading programmes;
- Confer a minimum degree of security of tenure to Roma including Romani women;

- Take all necessary measures to end forced evictions of Roma including by: enacting and enforcing a clear prohibition on forced eviction through legislation in line with international human rights standards.
- Ensure that victims of forced evictions and other housing rights violations have access to effective remedies;
- Issue guidelines for carrying out evictions based on the UN Basic Principles and Guidelines on Development Based Evictions and Displacement and international human rights law; including in this context ensuring that guidelines designed to ensure respect for the rights of women and girls are implemented including:
 - Adequate and effective consultation and representation;
 - Special measure to ensure that the specific health needs of pregnant women, among others groups requiring medical attention, are addressed before, during and after an eviction;
- Guarantee of the right to family life by ensuring families are relocated together;
- Ensure that new housing constructed to relocate Roma, including as a result of evictions, fulfils the requirement of ‘adequacy’ as defined in General Comment 4 of the UN Committee on Economic, Social and Cultural Rights and does not lead to family separation or racial segregation;
- Improve the inadequate housing conditions in Roma settlements through enabling people to regularize/“legalize” their housing where possible, and providing support for upgrading and improving housing through a process of genuine consultation with affected people. Ensure that Romani women are supported to participate in the consultation process;
- Review and amend national housing legislation, policies and practices to: remove discriminatory obstacles for Roma and other marginalized groups to access social housing, including eradicating the multiple discrimination faced by women from Roma and other marginalized groups; ensuring that there is no discrimination in the provision of housing and related services; and that those in need of it are provided with assistance and support to apply for social housing paying particular attention to womenheaded households;
- Ensure at least the minimum essential levels of safe water for personal and domestic use and sanitation in all Roma settlements; including through provision of safe and clean water which is accessible and available in sufficient quantities in the vicinity of homes while processes to regularize settlements or to provide access to piped water within settlements are pending;
- Ensure that Roma living in informal settlements and camps, in particular Romani women, have access to health centres, health education and services; when access to health centres is not possible immediately, this should be done temporarily through mobile clinics but should not lead to maintenance of ethnically segregated healthcare facilities;
- Take steps to remove barriers that deny Romani women and girls living in informal settlements access to education, information and services relating to sexuality, reproductive health, contraception, pregnancy (including the availability of free pregnancy care) and treatment of gynaecological problems;
- Ensure that education, training and information, is provided by employment centres to Romani women on an equal basis in order to support their entry into the labour market;
- Take all necessary measures to address all forms of violence, including domestic violence, against Romani women and girls, including those living in informal settlements by ensuring:

- special measures to ensure that law enforcement officials, lawyers and the judiciary are sensitized to the discrimination faced by Romani women and to ensure access to legal aid for Roma, and Romani women in particular;
- equal access, without discrimination, to all public services and assistance, including programmes for prevention, protection, counselling and financial assistance, for Romani women suffering from violence;
- the identification of economically viable solutions, including the provision of housing, for Romani women leaving violent partners;
- Establish training programmes for law enforcement officers, social workers in order to challenge stereotyped perceptions of Romani women and girls living in informal settlements and establish an effective independent mechanism to investigate complaints of discriminatory treatment by officers;
- Amnesty International invites the OSCE to increase its efforts to address human rights violations against Roma in the area of housing, especially forced evictions, with a particular emphasis on Romani women and girls with Participating States;
- In order to fully realize the rights of Romani women, Participating States should take urgent measures to ensure the representation of Romani women in all aspects of public life, including by:
 - Encouragement and support for training (including by the OSCE) which aims to ensure that Romani women play a full role in central government, municipal authorities, national municipal commissions on gender equality, and civil society;
 - Taking further positive measures to increase the representation of Romani women, including in employment in government structures.

"Azerbaijan Migration Center" Public Union

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European Roma Rights Centre

- Refrain from carrying out forced evictions in the absence of legal safeguards, including adequate alternative housing;
- Ensure that no Romani individual is made homeless in the process of eviction;
- Develop sustainable, adequate integrated housing solutions for all Roma;
- Refrain from collectively expelling Romani EU citizens from France;
- Introduce clear guidelines on how authorities should safeguard rights in accordance with the requirements of the Directive 2004/38/EC on free movement;
- Ensure that returns to other EU Member States are truly voluntary, accompanied by reintegration assistance and take account of the needs of vulnerable people;
- Ensure independent monitoring of all immigration processes and programmes, including both return and reintegration; and
- Redirect funding earmarked for expulsions and returns to the implementation of long term inclusion policies.

Pavee Point Travellers' Centre

We urge Member States to:

- Uphold their human rights obligations under international frameworks – this includes applying a human rights and gender perspective to all policies and practice in relation to Travellers, Roma and Sinti women;
- Ensure State policies do not serve to marginalise Travellers, Roma and Sinti women;
- Equality proof policy and practice to ensure the inclusion of Roma, Traveller and Sinti women and to address institutional discrimination;
- Ensure austerity measures do not impact disproportionately on Traveller, Roma and Sinti women. Ensure that human rights principles underpin budget decisions and ensure that the most vulnerable do not bear the brunt of austerity measures;
- Include gender budgeting in all programmes;
- Ensure that disaggregated data, according to gender and ethnicity, is collected across all administrative systems and used to inform policy development. Such data collection must be undertaken in line with human rights principles;
- Adopt a targeting and mainstreaming approach – while including Travellers, Roma and Sinti in mainstream policies, also target groups that are particularly marginalised;
- Acknowledge and support the role of Traveller, Roma and Sinti organisations working to promote women's empowerment, by ring-fencing funding to support such initiatives;
- Provide spaces for Traveller, Roma and Sinti women to actively engage in policy and decision-making in relation to policies that impact on their lives;
- Develop Roma integration strategies that will have a meaningful impact on Traveller, Roma and Sinti women's lives:
 - Explicitly address racism as part of these strategies;
 - Ensure a gender perspective as highlighted in the Common Basic Principles on Roma inclusion;
 - As per the EU Framework for National Roma Integration Strategies up to 2020, strategies should set achievable national goals with targets for Roma integration and should include time frames, funding mechanisms and strong inclusive monitoring and evaluation methods;
 - Roma, Travellers and Sinti should be actively involved in all stages in the development and implementation of the strategy.

These recommendations are not new and we implore States to take civil society recommendations on board and take action. Such action also needs to be monitored and evaluated for impact.

On behalf of 40 representatives of Roma organizations, experts and scholars

Education

- Ensure access of Romani, Sinti and Traveller girls and boys to obligatory education;
- Prevent and combat school drop-out and ensure return of early leavers;
- Prevent and combat segregation in education by adopting anti-segregation policies; revise education acts to ensure inclusive and non-discriminatory education; adopt definitions of segregation; enforce existing anti-discrimination legislation; enforce international legislation on anti-discrimination, children's rights and gender equality;
- Increase participation in tertiary education;

- Create a specific scholarship for girls to increase their participation in higher education on specific fields, such as medicine, public administration, etc.;
- Improve national Roma integration strategies on education by including concrete gender-specific indicators;
- Prevent the enrolment of healthy Romani children into special education. do not let the segregate Romani girls and boys in schools for mentally handicapped as it happened in the Czech republic as addressed in the European Human Rights court case DH and others vs. Czech Republic decided on 13 November 2007;
- Re-test Romani pupils from schools for mentally disabled against misdiagnosis and create the conditions for their integration into mainstream schools.

Housing

- Legalise illegal settlements in order to provide security of tenure and property rights for accessing basic rights;
- Ensure the right to adequate housing;
- Address housing segregation;
- Improve national laws on forced eviction, including on alternative housing and family support;
- Implement a moratorium on all mass evictions until the proper legal framework is in place to ensure that unlawful or arbitrary evictions do not occur and that any evictions are in compliance with international human rights law, including as informed by General Comments No. 4 and 7 of the Committee on Economic, Social and Cultural Rights and the Guidelines on Development-based Evictions and Displacements, prepared by the UN Special Rapporteur on Adequate Housing;
- Ensure compliance with international human rights law on housing; ensure that all residents enjoy security of tenure that guarantees legal protection against forced eviction, harassment and other threats;
- Revise national laws on social housing and protect against discrimination in the law and implementation;
- Provide the necessary infrastructure in remote and disconnected Romani neighbourhoods.

Health care

- Ensure access to health care of Romani, Sinti and Traveller women;
- Increase the number of Romani, Sinti and Traveller women to achieve universal treatment for Romani, Sinti and Traveller women;
- Prevent and combat discrimination in hospitals (segregation in maternity wards);
- Compensate victims of forced and coerced sterilization.

Employment

- Employ Romani women in state institutions at local and national level;
- Create active measures for employment for Romani, Sinti and Traveller women in line with the targets of EU 2020 Strategy;
- Encourage further training for employers and managers to manage cultural diversity and hire Romani, Sinti and Traveller women;
- Provide mechanisms for effective protection against discrimination of Roma in the labour market and workplace;
- Conduct information campaigns and build partnerships at the national, regional, and local level to promote the labour insertion of Roma;

- Reconcile family and working life of women, including the support of families and children's facilities (kindergartens and other facilities);
- Increase Roma and Sinti women's access to economic resources and opportunities including jobs, self-employment, financial services, property and other productive assets, such as skills development and market information;
- To adjust the professional training of Romani women to the market needs as well as move from the traditional crafts to the modern innovative approaches.

Freedom from violence

- Ensure freedom from all forms of violence through preventing and addressing domestic violence, early marriages, trafficking, begging.

Policy development and implementation

- States should ensure that they meet their human rights commitments through the implementation of adequate policies on Romani, Sinti and Traveller women;
- Revise national Roma integration strategies to be in line with the European Commission recommendations and based on the 10 Common Basic Principles, especially that on gender equality;
- Demonstrate commitment through the allocation of budget on Romani, Sinti and Traveller women;
- Compile, analyse and use disaggregated data on gender and ethnicity, while ensuring protection of personal data;
- Impact studies on Roma policies and programs in the area of education, health care, employment, housing, social protection, participation in public and political life.

Empowerment

- Ensure space for Romani women to participate and define their own priorities;
- Design and implement programs on Romani women with Romani women;
- Urge OSCE MS, where Traveller communities live, to ensure the visibility of Travellers, especially Traveller women;
- Urge international organisations such as the OSCE, EU, UN, CoE to ensure visibility and participation of Traveller women;
- Urge the Irish government to officially recognize Travellers as an ethnic/minority group, as recommended by human rights bodies, such as the CERD;
- Urge the French government to officially recognize Roma as an ethnic/minority group, as recommended by human rights bodies, such as the CERD;
- Media promotion of the positive image of Roma women, changing the public opinion and explaining their socio-economic situation;
- Take measures to eliminate discrimination against minorities to participate in political election.

To European Union

- To increase its support for capacity building and empowerment of Romani women civil society and organizations, increase its efforts targeting Romani women and youth and design programs with a view to increase the civic and public participation of Roma communities, including in political life of their societies;
- EU and governments of Member States should make use of the lessons learned from the previous structural funds planning period. They should take into a consideration of the analysis of civil society actors on the implementation of structural funds. Also we

consider that there should be a closer and more thorough monitoring and analysis of the extent of the improvement of the Roma situation.

Recommendations to the OSCE

Pavee Point Travellers' Centre

- Ensure that Travellers are given visibility in the language being used and in the documentation of this important working session; and that reference is explicitly made to Traveller, Roma and Sinti women;
- We call on the OSCE to use its powers to urge Governments to meet their human rights obligations;
- Many community organisations have based their work and practice on the principle of active participation and have built up expertise in this area. The importance of this is now echoed in the OSCE's commitment to the 'active participation' of Roma and Sinti in policy and all decisions that impact upon their lives. This needs to be backed up with sustainable funding for such organisations and we urge the OSCE to encourage States to take action in this regard.

On behalf of 40 representatives of Roma organizations, experts and scholars

The Permanent Council

- To discuss and review in a special meeting the implementation of Action Plan on Roma and Sinti, and the OSCE Action Plan for the Promotion of Gender Equality based on the recommendation of the Romani women civil society actors. In this context, the Permanent Council should mandate the OSCE/ Gender Section in cooperation with the ODIHR CPRSI to make a better use of the existing OSCE gender mainstreaming mechanisms with a view to enhance the participation and status of Romani women by the participating States and also by the various OSCE institutions;
- To upgrade the profile and strengthen the status of the OSCE/ Gender Section. We suggest creating a specific unit on women who face multiple discriminations, such as Romani women.

Thursday, 27 September 2012

WORKING SESSION 7: Roma/Sinti and, in particular, empowerment of Roma women (cont.)

Recommendations to participating States

Almaty Confederation of NGOs 'Ariptes'

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European Union

Recommendations:

- Ensure that Roma women are consulted with regard to the design and implementation of policies affecting them and their communities;
- Step up awareness-raising efforts about the importance of education of Roma girls and women;
- Measures designed for Roma women should be accompanied by measures aimed at the whole Roma communities and/or the non-Roma environment as complementary strategies.

Friday, 28 September 2012

WORKING SESSION 8: Humanitarian issues and other commitments

(continued), including:

- Implementation of the OSCE Action Plan to Combat Trafficking in Human Beings.

Recommendations to participating States

Women Support Centre

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Canada

- We urge the participating States to continue to take measures to ensure that trafficked persons are able to access remedies, as contemplated in the UN Trafficking Protocol;
- We encourage the OSCE to develop new strategies to address current challenges in providing legal assistance to trafficked persons;
- We encourage the participating States to intensify efforts and take effective and sustainable steps to prevent and redress trafficking for domestic servitude in diplomatic households;
- We urge the participating States not only to develop and implement specific anti-trafficking measures but also to integrate anti-trafficking efforts into existing policies and programs.

Switzerland

Für die zukünftigen Anstrengungen der OSZE zur Bekämpfung des Menschenhandels möchten wir folgende Empfehlungen anbringen:

- Unterstützung des Erfahrungsaustauschs unter den Staaten in der OSZE-Region mit dem Ziel, den Schutz der Hausangestellten in diplomatischen Haushalten zu verstärken;
- Fortführung der Analyse von Trends und den verschiedenartigen Formen von Menschenhandel in der OSZE-Region; und

- Beachtung von Wechselwirkungen des Menschenhandels mit anderen Formen des organisierten Verbrechens.

Holy See

- That OSCE participating States further refine their legislation concerning the fight against trafficking in human beings, safeguarding more effectively the rights and the dignity of the victims, especially women and minors;
- That cooperation among OSCE participating States be facilitated so that the magistrates of those participating States might be able to ensure continuity in their activities of fighting and stopping trafficking in human beings. The adoption of common measures in the OSCE participating States should lead to the establishment of relations of trust among the various actors and the various agencies charged with monitoring THB activities and with safeguarding the victims and their families;
- That the human victims of THB be placed in conditions where they can feel that they are effectively protected and ensured of their rights. This can be done by making the most of civil society, including Catholic and other religious organizations. In this sense, it is important that the human victims of THB are helped to understand their status of being a victim, because this will lead them not only to recognize the violence they have suffered, but it will also render them more cooperative in eventual criminal investigations and legal processes. It is also important that the victims enjoy the widest legal opportunities of remaining on the territory where the crime has been committed. Such permission should not be connected only to the trial portion of a legal/criminal process or conceded only upon the filing of criminal complaint or accusation. It would also be timely if legislation included provisions for courses of professional work formation for the victims and, if they so desire, dispositions for them to work in the country where they find themselves, instead of having to return to their homelands;
- Finally, on the one hand, the current economic and financial crisis is slowing-down migratory flows while, on the other, it is facilitating various forms of exploitation, including THB. This problem should be analyzed with greater attention from the participating States in order to avoid that the traffickers profit from weaknesses and ambiguities in the current international economic order.

Friday, 28 September 2012

WORKING SESSION 9: Tolerance and non-discrimination I, including:

- Equality of opportunity for women and men;
- Implementation of the OSCE Action Plan for the Promotion of Gender Equality;
- Prevention of violence against women.

Recommendations to participating States

Tajik Public Foundation 'Najoti Kudakon'

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Chernivtsy Regional NGO 'Human Rights'

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Feminist League

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European Union

- Mainstreaming of gender issues in OSCE policies and activities, with a focus on the cross-dimensionality of gender issues;
- Further involvement of men in gender equality promotion activities;
- Incorporating the commitments of UNSCR 1325, including by adopting action plans for the implementation of UNSCR 1325, as well as developing an OSCE action plan;
- To pay more attention to the issues of tackling violence against women and girls, particularly those that are most prevalent such as domestic violence, and to all forms of discrimination against them, namely in the context of conflict.

KARAT Coalition

In order to guarantee gender equality in practice and empower women to use the justice systems the states should take actions to:

- Improve the legal framework by:
 - Reviewing and revising of existing law in the context of its impact on women's rights protection and its coherence with gender equality and non discrimination;
 - Ratification of OP CEDAW by the countries which have not done it yet;
 - Establishing the Ombudsperson for gender equality;
 - Adopting the specific legal acts addressing women's rights violations which would guarantee the women's protection from discrimination in all areas of life;
 - Ensuring that existing law recognizes and respects full range of sexual and reproductive rights secured in the Beijing Platform for Action and ICPD Program for Action (Cairo);
 - Monitoring of law's implementation and its impact on women's rights protection;
 - Observing the rule of secular state.
- Improve the implementation of adopted law by:
 - Providing the special trainings for law enforcement officers, judges and officials on the women's human rights and gender equality legislation;
 - Providing the comprehensive system of support for victims of women's rights violations which would facilitate their access to justice and offer them a broad range of help such as shelters, hot lines or free legal, psychological and medical services;
 - Ensuring the criminal liability of perpetrators of women's rights violations and the adequate compensation for the victims;
 - Allocating budget for financial compensation to victims of women's rights violations;
 - Gathering and reviewing of data on women's rights violations;
 - Ensuring the genuine accessibility of law enforcement institutions, legal services and juridical systems in respect of their proximity as well as their economic and procedural availability;
 - Establishing the state's institutions responsible for protecting women's rights and gender equality, e.g. Ombudsman's institution;
 - Ensuring that the number of women in the police forces is adequate to protect women's rights;
 - Taking actions to counteract corruption and uphold the rule of law;
 - Establishing the institutional platform of regular cooperation between women's rights oriented NGOs and the state's institutions;
 - Developing the programs aimed at increasing the legal literacy of women at national and international level.
- Improve the socio-economic situation of women by:
 - Providing the comprehensive system of support for women who want to continue their education and/or to become economically independent from their families (e.g. gender sensitive labor law, vocational guidance and courses, scholarships);
 - Providing the social guarantees for women like social benefits, medical insurance, pension and alimony;

- Conducting the regular campaigns on raising awareness in a society on women's human rights and gender equality;
- Sensitizing the public authorities and institutions to vulnerability of women migrants, including women from informal religious marriages and victims of human trafficking;
- Guaranteeing the separation of Church and State in the public institutions;
- Making public media promote gender equality concept in a society.
- Eliminate the cultural barriers by:
 - Ensuring that the education system - for both girls and boys - is free from any stereotypes related to the gender roles and promotes gender sensitive behaviors;
 - Developing the programs for boys and men to increase their knowledge about the women's human rights and gender equality;
 - Developing the programs for girls and women to increase their self-esteem;
 - Monitoring of the impact of customs and traditions on the women's situation in all spheres of life;
 - Eliminating traditional harmful practices;
 - Involving the men in women's rights discourse and activities;
 - Involving the informal religious leaders in activities for raising the women's status in a society and eliminating discrimination against women;
 - Ensuring that the rights of people who are directly responsible for implementation of women's rights in the certain areas do not violate or limit these rights (*e.g., conscience clause and its influence on women's reproductive rights in Poland*).

BÜRGERBEWEGUNG PAX EUROPA

To OSCE United Kingdom Delegation

- We urgently call on the OSCE delegation of the United Kingdom (and, by extension, the government) to take the necessary measures so that these cases never happen again.

To OSCE Participating States and Civil Society

- We urge participating States and civil society actors to ensure that underage and vulnerable girls in the OSCE area are protected by the very law enforcement agencies that failed and that these victims receive the proper support.

Recommendations to OSCE

Permanent Mission of Finland to the OSCE

- To mainstream gender issues in OSCE policies and activities, with a focus on the cross-dimensionality of gender issues;
- To continue implementing and possibly renew the OSCE Action Plan for Promoting Gender Equality;
- To continue providing assistance to participating States in matters related to gender equality;
- To place women in key positions in field missions, institutions and the Secretariat.

Monday, 1 October 2012

WORKING SESSION 10: Freedom of thought, conscience, religion or belief

Recommendations to participating States

European Raelian Movement

Nos recommandations sont toujours les suivantes:

- L'arrêt du financement français des mouvements anti-sectes, par les contribuables;
- La dissolution de la MIVILUDE et du CIAOSN;
- La suppression de l'arsenal législatif antisecte dont la loi about picard;
- L'interdiction de l'usage des termes « sectes » et « sectaires » dans tous les nouveaux documents officiels et administratifs, pour être remplacés par des locutions non ambiguës;
- L'arrêt de la formation spécifique de tout fonctionnaire (magistrat, policier, gendarme, enseignant, éducateur etc.) pour lutter contre les prétendues sectes.

Western Thrace Minority University Graduates Association

Western Thrace Muslim Turkish Minority calls upon the Greek State to:

- Respect its established minority rights and religious autonomy;
- Take necessary steps to recognize the elected muftis of the Turkish Minority;
- Take into account the minority's will regarding the law No: 3647/2008 about charitable foundations (Wakfs/awqaf) passed by the Greek Parliament and entered into force on February 29, 2008, and make necessary changes and revise it after a dialogue with Minority representatives;
- Abolish the practice of state appointed imams (law no: 3536/2007) that is against the religious autonomy of the Turkish-Muslim minority that was enshrined in the 1913 Athens, 1920 Greek Sevres and 1923 Lausanne Treaties;
- Make necessary arrangements to give permission for the Turkish Minority people to pray nearby Western Thrace without any restrictions;
- Furthermore, we call upon the OSCE participating States to monitor the applications of OSCE provisions within the OSCE territory.

Redeemed Lives, Inc

- Again, I appeal to participating states of the OSCE region to draft legislation to safeguard the rights of all people with unwanted sexual attractions to self-identify according to their religious beliefs and moral conscience and to protect them from being labeled as lesbian, gay, bisexual or transgender by society or governments.

Core Issues Trust

I request that the member states of the OSCE:

- Recognise that a duplicity in advertising standards, when controlled by special interest groups, promotes intolerance. At present the UK public is denied the full range of choices potentially available to individuals with unwanted same-sex attractions;

- Acknowledge the overboard application of hate speech laws protecting the LGBT self identification of people, which is used to discriminate against those who wish to walkout of homosexuality. The denial of a person’s right to identity as “ex-gay”, “post-gay” or “non-practising homosexual” is a is a violation of the right to self-determination.

Muslim Denomination in Bulgaria

- Prevent the interference of the state organizations in the religious matters and the political regulation of religious problems;
- Guarantee freedom of belief and implement effectively anti discriminatory legislation;
- Faciliate religious self-identification of the Bulgarian citizens by acknowledging that Christian and Muslim religious practices are traditional for Bulgaria.

Bürgerbewegung Pax Europa-Austria

- BPE-Austria recommends that Austria take seriously its OSCE commitments with respect to implementing the Law on Islam in Austria. We ask that the Austrian authorities demand a certified German copy of the Koran to check whether Islamic teachings are indeed compatible with Austrian laws.

Kazakhstan International Bureau for Human Rights and Rule of Law, International Partnership for Human Rights and the Netherlands Helsinki Committee

- Revise the 2011 Religion Law with a view to ensuring that it is consistent with provisions protecting freedom of religion under Kazakhstan’s Constitution, as well as under the ICCPR and other international human rights instruments;
- Put an end to harassment of non-traditional minority religious communities, take effective measures in response to complaints about unlawful actions by officials against individual religious communities and believers, and promote religious tolerance.

Associazione Dossetti: i Valori Observatory for Religious Tolerance and Freedom

Participating States are urged to:

- Not force children to a compulsory sexual, religious or ethical teaching which may be not consistent with the convictions of the children’s parents, providing for this case non-discriminatory opt-out possibilities;
- Guarantee the right to wear religious symbols and attire in public spaces;
- Guarantee the conscientious objection not only to the compulsory military service but also in relation to all ethically sensitive questions pertaining family and human life;
- Engage in consultations with religious communities in order to adopt anti-discrimination laws which do not violate the autonomy and self-organization of the religious communities;
- Adopt practical measures to assure that the media as well as the political and public discourse are respectful for religions, their representatives, teaching and symbols;
- Protect all religions – also the majority ones – from prejudices and misrepresentation, particularly in the field of education, culture and information.

Forum 18 News Service

- Freedom of religion or belief violations to be seen not only as attacks on particular people or communities, but also as attacks on the fundamental rights and freedoms of all people, insisting that the politically binding human dimension commitments are for implementation by all participating States;
- OSCE institutions and field operations mainstreaming the fundamental human right of freedom of religion or belief for all and its related human rights in human dimension work;
- and participating States implementing in full legal reviews and opinions provided by the Venice Commission and the OSCE/ODIHR Advisory Council of Experts on Freedom of Religion or Belief.

International Federation for Therapeutic Choice (IFTC)

- To recognize and condemn intolerance and discrimination against sexual minorities who freely choose to receive help in order to overcome or diminish their unwanted sexual attractions, orientation, behaviors, and/or identity;
- To draft legislation to safeguard the freedom of medical and mental health practitioners, educators, and researchers: 1) to study, publish, and educate other professionals and the public about the possible causes, consequences, and amelioration of sexual minority attractions, orientations, behaviors, and identities; and 2) to offer their professional guidance and therapeutic expertise to people whose sexual minority concerns are *unwanted* and who *freely* choose help in order to overcome or diminish their unwanted sexual attractions, orientation, behaviors, and/or identity.

Swedish Mission Council

Given the importance of promoting religious freedom for the attainment of security, democratisation and poverty reduction the Swedish Mission Council calls upon participating states to:

- Implement their OSCE commitments concerning freedom of religion or belief;
- Make full use of the expertise, systems and tools for the promotion of FORB available via the OSCE Office for Democratic Institutions and Human Rights (ODIHR) and in particular:
 - Seek and take account of the advice of the OSCE advisory panel of experts when reviewing or framing legislation concerning religion or belief and to react in the permanent council when other participating states do not take account of such advice;
 - Widely disseminate and make use of the OSCE tools for the promotion of religious freedom, in particular the “Guidelines for the review of legislation pertaining to religion or belief” and the “Toledo Guiding principles on teaching about religion or belief in public schools”;
- Prioritise the integration freedom of religion or belief in foreign affairs policy and practice;
- Place particular emphasis on training foreign ministry personnel on FORB issues;
- Instruct relevant embassies to:
 - Assess the state of and monitor and report on violations of religious freedom in the country concerned;
 - Regularly discuss religious freedom issues with states as an integrated part of their overall policy for the promotion of human rights;

- Develop contacts with defenders of freedom of religion or belief;
- Deepen the embassy's dialogue with OSCE field missions on FORB issues;
- Defend the freedom of religion or belief in public diplomacy;
- Increase the level of project funding allocated to the programmes and projects of the ODIHR departments for Human Rights and for Tolerance and Non-discrimination, with particular focus on projects relating for the freedom of religion or belief;
- Provide financial assistance to voluntary organisations and religious communities to contribute to ODIHRs work with FORB and non-discrimination.

The EU is currently preparing public Guidelines on Freedom of Religion or Belief as a tool to strengthen EU foreign policy in this area. The Swedish Mission Council therefore encourages EU member states to:

- Actively contribute to the development of the guidelines and to their implementation;
- Ensure that EU strategy to promote freedom of religion or belief includes three key ways of working:
 - Mainstreaming: Ensure freedom of religion or belief is integrated in all relevant EU human rights Country Strategies. Delegations to the OSCE who today hear of violations should play an active role in checking that the issues are raised in relevant country strategies;
 - Intensive action in selected countries: Push for the development of an intensive and coordinated programme of action in relation to a small number of selected countries. Action should combine diplomacy with financing research, civil society action and inter-faith dialogue in a multi-disciplinary, multi-actor approach;
 - Thematic focus: Ensure that the EU moves beyond reactive agendas and begins proactively raising thematic issues within freedom of religion or belief at bilateral, OSCE and UN level. Rights of assembly and association for religious communities, apostacy, blasphemy restrictions and gender dimensions of freedom of religion or belief are examples of relevant thematic areas to address;
- Recognise the limited resources of the European External Action Service and commit to burden sharing in the promotion of freedom of religion or belief via these three methods.

Recommendations to the OSCE

Muslim Denomination in Bulgaria

- OSCE and its institutions to observe closely the legal proceeding in Pazardzhik;
- ODIHR's Panel of Advisers on Freedom of Religion or Belief to observe whether Bulgarian authorities are implementing the Religious rights of Muslims in the country, as well to recommend and advise Bulgarian government on the issue of Religious freedom and Fundamental rights;
- OSCE/ODIHR to observe closely the process of Freedom of Religion of Muslim minorities in non-Muslim countries.

Associazione Dossetti: i Valori Observatory for Religious Tolerance and Freedom

The OSCE/ODIHR and the OSCE/ODIHR Advisory Panel of Experts on Freedom of Religion or Belief are called upon to:

- Assist the participating States in reviewing or drafting legislation pertaining freedom of religion or belief in order to guarantee (a) that the liberty of parents to ensure the religious and moral education of their children in conformity with their own convictions is fully respected and (b) that the participating States provide non-discriminatory opt-out possibilities that would accommodate the wishes of parents.

The OSCE Representative on the Freedom of the Media is called upon to:

- Provide – in close cooperation with the OSCE-ODIHR and the Advisory Panel of Experts on Freedom of Religion or Belief – guidelines for voluntary professional standards and self-regulation of the media in order to prevent intolerant discourse against religions.

Soteria International

- Soteria International recommends ODIHR to acutely emphasise on implementation of transparency and dialogue between states and civil society regarding freedom of conscience and belief policies;
- Soteria International recommends the ODIHR to facilitate an unbiased dialogue regarding spiritual values and policies for the bettering of society, promoting transparency, knowledge and tolerance.

International Civil Liberties Alliance (ICLA)

The ODIHR could therefore greatly help participating States ensure that their legislation concerning freedom of religion and belief is and remains in compliance with their commitments by:

- Inducing state members to demand the abrogation of the Cairo Declaration, or at least to reject it, so as to prevent the duplicity of language that has appeared in the international agreements and within the OSCE;
- Inducing state members to join the Brussels Process launched by the International Civil Liberties Alliance on July 9, 2012 in the European Parliament. The Brussels Process aims to assist governments and civil society in protecting civil liberties and freedoms, and more specifically to defend the freedom of belief against attempts to implement Sharia regulations;
- Helping to create bi- or multilateral partnerships among OSCE members in order to optimize the implementation of the Brussels Process, to contribute to its growth and evolution and to the expansion of its field of application.

International Federation for Therapeutic Choice (IFTC)

- To be aware of and condemn intolerance and discrimination against sexual minorities who freely choose help in order to overcome or diminish their unwanted sexual attractions, orientation, behaviors, and/or identity;
- To assist OSCE Participating States in monitoring and drafting legislation, with special attention to safeguarding the above-mentioned rights upheld by the CRC and the UDHR.

Swedish Mission Council

- In addition the Swedish Mission Council encourages OSCE field missions to make fuller use of the expertise, systems and tools for the promotion of FORB available via the OSCE Office for Democratic Institutions and Human Rights.

Islamic Renaissance Party

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Monday, 1 October 2012

WORKING SESSION 11: Freedom of thought, conscience, religion or belief (cont.)

Recommendations to participating States

Cojep International

Dans ce contexte, nous formulons les six recommandations suivantes:

- Nous appelons les États Participants à contrer l'islamophobie institutionnelle qui existe parfois dans certains espaces publics. Comment lutter contre ce phénomène si, de fait, l'Etat déroge lui-même au principe d'égalité entre les citoyens comme c'est le cas dans certains pays pour le voile islamique;
- Les musulmans sont préoccupés par l'interventionnisme dans leurs affaires religieuses, parfois quand ils ne sont pas autorisés à choisir leurs propres imams ou muftis, parfois quand des institutions sont créés pour leur expliquer comment mieux vivre leur religion. Nous appelons l'OSCE à veiller à ce que les propres institutions créées par les musulmans puissent être entendues autour de démarches participatives;
- Nous appelons la Présidence Ukrainienne de l'OSCE à venir, à renforcer les moyens du BIDDH pour qu'il puisse mieux prévenir les attaques vécues par les minorités religieuses au sein des Pays Participants. Nous tenons à souligner que, pour assurer une participation plus équilibrée de toutes les communautés dans la région de l'OSCE, le BIDDH doit promouvoir davantage la participation des ONG musulmanes;
- Nous voudrions également signaler que le Groupe d'experts sur la liberté religieuse du BIDDH doit être plus équilibré à l'égard de toutes les régions de l'OSCE et de tous les groupes religieux, les croyants et les non-croyants. À cette fin, nous tenons à proposer au BIDDH de revoir le fonctionnement de ce groupe;
- Le fait anti-musulman s'est désormais normalisé dans certains pays à l'Ouest de Vienne. Il s'est même institutionnalisé. C'est pourquoi, nous appelons la prochaine présidence Ukrainienne de l'OSCE à ce qu'elle tienne compte de l'intolérance et de la discrimination croissante envers les musulmans, et à la lumière de cette situation

inquiétante, de suivre son évolution de plus près. Une Haute Conférence sur la question est devenue plus que nécessaire;

- L'islamophobie s'est transformée en une nouvelle forme de racisme et de xénophobie. Nous invitons l'OSCE à poursuivre la promotion du guide pour les éducateurs développé par le BIDDH à cet égard. Cet outil majeur pour mieux comprendre le phénomène est disponible en Français et pourrait servir au sein de l'éducation nationale française. Ce guide recevra le 8 décembre prochain le Prix « Gizem Dogan » de la lutte contre le racisme et les discriminations lors de la cérémonie de remise des Prix de notre organisation.

United States Commission on International Religious Freedom

In order to ensure that the United Nations fully upholds its crucial mandate to protect and promote freedom of thought, conscience, and religion or belief, the U.S. government should:

- Participate actively in the UN Human Rights Council, including its Universal Periodic Review (UPR) process, and in particular seek to ensure that each country's compliance with international religious freedom standards constitutes an important part of the UPR and any country-specific resolutions in both the Human Rights Council and the UN General Assembly;
- Continue firmly and unequivocally to support the work of the UN Special Rapporteur on Freedom of Religion or Belief, including the Rapporteur's focus on the universal right of every individual to the freedom of thought, conscience and religion or belief, rather than on the purported rights of religions;
- Continue to support the existing UN Special Rapporteur positions that focus on the human rights situations in countries that have been designated as "countries of particular concern" under IRFA and, for the other countries on that list, seek either 1) the creation of additional Special Rapporteur positions and other country specific measures or 2) visits to those countries by teams of thematic Special Rapporteurs, including the Special Rapporteurs on Freedom of Religion or Belief and Freedom of Opinion and Expression;
- At the highest levels, both in Geneva and in national capitals, formally demarche the Organization of the Islamic Conference (OIC) Secretary General and the governments of Pakistan and Egypt, among others, to raise concerns about the problematic defamation of religions, ICCPR Article 20, and ICERD Article 4 initiatives, and make clear that their continued support will negatively impact the emerging relationship between the OIC and the United States, as well as the bilateral relationships between other such governments and the United States; and
- Include in the mandate of the Special Envoy to the OIC the task of raising with OIC countries U.S. opposition to the defamation of religions concept and the efforts to reinterpret ICCPR Article 20 and ICERD Article 4.

The U.S. government and all other UN members that support universal human rights, including freedom of religion, should:

- Continue to oppose efforts in international fora to establish an international legal principle that would claim to protect religions from defamation or criticism, offering new rights to religions that would undermine many fundamental, individual human rights;
- Educate member states who have not voted against past defamation of religions resolutions, as well as moderate OIC countries, about the human rights abuses perpetrated under this concept and urge them to oppose any future such resolutions and any attempts to reinterpret ICCPR Article 20 or ICERD Article 4;

- Work diplomatically and more diligently to persuade OIC members and others who support the defamation of religions concept that religious intolerance can best be fought not through national or international laws prohibiting speech that defames religions, but rather through efforts, including education, public diplomacy, and the enforcement of laws against bias-motivated violence and discrimination, to ensure respect for the human rights of every individual; and
- Reaffirm and clarify to independent expert members of the Human Rights Committee and the Committee on the Elimination of Racial Discrimination and to governmental representatives on the Ad Hoc Committee on the Elaboration of Complementary Standards the extent and content of specific concerns over any reinterpretation or expansion of ICCPR Article 20 or ICERD Article 4.

The U.S. government should:

- Express strong support for the OSCE from the highest levels of the U.S. government in the face of attacks by other participating states, particularly against the OSCE's human rights, freedom of religion or belief, and tolerance activities carried out by the Office of Democratic Institutions and Human Rights (ODIHR);
- Authorize and appropriate, in the 2011 U.S. contributions to the OSCE, specially designated funds to expand programs that advance freedom of thought, conscience, and religion or belief and that combat anti-Semitism, racism, xenophobia, and discrimination against Muslims, Christians, and members of other religions; and
- Hold regular consultations at the State Department and at OSCE meetings for members of the U.S. government and the NGO community concerned with OSCE issues and expand the number and range of invitees.

The U.S. government should urge that OSCE participating states undertake the following measures:

- Ensure compliance with their commitments to protect freedom of religion or belief, as well as combat discrimination, xenophobia, and anti-Semitism, as detailed in the Vienna and Copenhagen Documents on the Human Dimension;
- Commit promptly, publicly, and specifically to condemn hate crimes and investigate and prosecute their perpetrators; and
- Bring national legislation and practice, as well as local laws, into conformity with international human rights standards and OSCE commitments by: permitting all religious groups to organize and conduct their activities without undue interference; discontinuing excessive regulation of the free practice of religion, including registration or recognition requirements that effectively prevent members of religious communities from exercising their freedom to manifest religion or belief; and permitting limitations on the right to freedom of religion or belief only as provided by law and consistent with participating states' obligations under international law.

The U.S. government should urge the OSCE to:

- Promote freedom of thought, conscience, religion and belief throughout the OSCE region, both east and west of Vienna, including focusing on issues such as discriminatory registration systems, limitations on religious expression, state interference in the internal hierarchical and property arrangements of religious communities, and limitations on the rights of parents to ensure the religious and moral education of their children in conformity with their own peaceful religious or other beliefs;

- Consider ways to bring greater public attention to the activities of the OSCE Panel of Experts on Freedom of Religion or Belief, such as enhancing the transparency of its activities, providing funds to enable the Panel to hold training seminars, including in the Mediterranean partner states, about OSCE commitments on freedom of religious or belief;
- Convene an annual meeting of the OSCE Panel of Experts on Freedom of Religion or Belief that is open to its entire membership;
- Ensure, as a matter of priority, the annual reappointment of the three Chair-in-Office Personal Representatives on tolerance issues and make the country-specific reports of the three Personal Representatives available to the public;
- Urge the Personal Representative on Combating Intolerance and Discrimination against Muslims to report on conditions in OSCE participating states in which Muslims constitute a majority population, focusing particularly on government repression of peaceful religious expression;
- Request that the three Personal Representatives report in person to the annual OSCE ministerial meetings, and that the OSCE Chairman-in-Office invite the three Personal Representatives to participate on his or her official visits and refer to their work and conclusions in speeches and other presentations;
- Encourage OSCE participating states and the 18 OSCE Field Presences to invite the Personal Representatives on official visits;
- Convene on a regular basis public review meetings to assess compliance by OSCE participating states of their commitments to combat discrimination, xenophobia, and anti-Semitism;
- Assist ODIHR in making it possible for the OSCE Field Presences and the ODIHR to hold public roundtables with local government officials, NGOs, and community leaders to discuss commitments on freedom of religion or belief, as well as the concept and definition of hate crimes and the implementation of hate crimes legislation;
- Provide voluntary, extra-budgetary funding for additional staff to deal with freedom of religion or belief, working within the ODIHR Human Rights Program, and encourage the ODIHR Tolerance Program staff take part in ODIHR training of Field Presences and other OSCE staff;
- Provide the ODIHR with the necessary mandate and adequate resources, as part of the Unified Budget, to hire experienced staff at the working level, to direct the Tolerance Program, to monitor compliance with OSCE obligations on freedom of religion or belief, and to combat discrimination, xenophobia, and anti-Semitism; and
- Provide funding for the translation of additional ODIHR Tolerance Program reports into OSCE languages, particularly Russian, and for the employment of at least one ODIHR Tolerance Program staffer with Russian-language capability.

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Order of Saint Andrew The Apostle

Conclusions and Recommendations

- We recognize the drastic change of the political and social climate in Turkey that is currently taking place and the readiness of the government to adhere, observe, and apply the principles of OSCE through bold reforms. However, in view of past and long-standing failures, we ask that OSCE and its Committees vigorously approach it and request the following:
 - Continue the reform process in connection with the election of a new Ecumenical Patriarch and, ultimately, abstain completely from any interference;
 - Accord recognition of the Ecumenical Patriarchate and other religious denominations and faiths in Turkey as legal entities, with rights to own, build, repair, and acquire property;
 - Allow, at long last, the opening and normal operation of the Theological School of Halki. Officially remove any legal restrictions in the use of the title “Ecumenical;”
 - Complete the process of the return of seized properties of non-Muslim Foundations.

Center for Information and Analysis (SOVA)

- Legislatively establish the principle of exclusion of religious debate as such from the scope of the legislation that deals with incitement to hatred. As the Supreme Court of Russia correctly pointed out, criticism of religious beliefs, religious organizations and religious practices should not be considered a crime;

- Do not use lists of banned literature as an instrument for protecting tolerance, including religious tolerance. This instrument has already demonstrated its complete inefficiency; meanwhile, it generates a lot of human rights violations;
- Use more transparent decision-making processes with regard to religious organizations. When expecting a serious conflict over an issue, make these decisions only after a public debate.

Hayartun

In conclusion I would like to recommend to the Georgian Government:

- To return the property of the Armenian Church and of other religious minorities, confiscated during the Soviet period;
- To adopt equal attitude towards religious denominations in the country.

Soteria International

- To responsibly consider the assessments of international institutions and independent bodies regarding the MISA case and to scrutinize their policies about the respect and recognizing of religious and spiritual movements on background of the concerns raised and to immediately stop any form of persecution or suppression of MISA and any other spiritual movements, and the unacceptable pressure created in society provoking phenomena of discrimination at work since to cases of dismissal from the work;
- To counter act the negative sentiment in Romanian society created by persecution and to compensate the victims, cooperating with international association and independent observers;
- To initiate an investigation regarding the claimed irregularities, non judicial involvement and discriminatory elements in the MISA case cooperating with international associations and independent experts.

Canadian Council on American-Islamic Relations (CAIR-CAN)

Our recommendation to OSCE states is to recognize that secularism, when defined in such a manner which limits the religious freedoms of citizens (where there is no demonstrable connection to a legitimate need for identification or security or unless it can be shown that the expression of that belief causes direct harm to others), should not supersede other belief systems in preventing an individual from openly practicing his or her faith.

Recommendations to the OSCE

HazteOir.org

- For OSCE to call upon media groups to show respect for religious beliefs (Christians in particular, as they are the preferred target of offensive contents) and take responsibility in maintaining an open, tolerant and free society;
- Raise awareness that the mocking of Christians and Christianity, the negative stereotyping by the media as well as the ridiculisation of Christians and Christian positions could possibly lead to hate crimes;

- To use all available OSCE means to work against intolerance against Christians, inter alia by encouraging the media not to spread prejudices against Christians, and by working more closely with representatives of Christian churches.

Center for Information and Analysis (SOVA)

- Summarize the law enforcement practice of the OSCE states, as it pertains to the relationship between freedom of expression and freedom of conscience and analyze it in the light of the OSCE commitments.

Soteria International

- Soteria International recommends ODIHR to increase the activity about transparency and dialogue between state and civil society, proposing and following bottom-up processes and sending or suggesting independent experts especially in the ex-communist area.

International Civil Liberties Alliance

Recommendations to ODIHR:

- To allow sincere and constructive dialogue and cooperation between state members, NGO's and exterior participants, ICIA ask ODIHR to systematically provide a precise definition of both the expressions "Islamophobia" and "religious hatred" each time they are used in a document and, in absence of precise definitions, to adopt a by-default non-receivability rule for all document containing one or both of those expressions.

Tuesday, 2 October 2012

WORKING SESSION 12: Rights of persons belonging to national minorities, including:

- Address by the OSCE High Commissioner on National Minorities;
- National minorities;
- Preventing aggressive nationalism, racism and chauvinism.

Recommendations to participating States

Hayartun

Our recommendations to the Georgian authorities would be to:

- Increase the political participation of national minorities in Georgia at both local and central levels of government;
- Intensify efforts directed at teaching the State language in regions with dense minority population;
- Consider a possibility of allowing use of Armenian language at the level of local government in the province of Javakheti, where ethnic Armenians constitute 95% of the population;

- Elaborate and execute specific policies directed at fight against both direct and indirect discrimination, especially in the field of language rights, education and religion;
- Return the property of the Armenian Church and of other religious minorities, confiscated during the Soviet period.

Western Thrace Minority University Graduates Association

Western Thrace Turkish Minority calls upon the Greek State to:

- Respect Muslim Turkish Minority's identity and the collective usage of individual rights and recognise the existence of a Turkish minority in Greece;
- Take necessary steps to redress grievances of the application of Article 19 of the Greek Citizenship Code for all persons concerned, especially ethnic Turks;
- Take into account Turkish Minority's demand for the establishment of bilingual minority nursery school;
- Have a dialogue with the Turkish minority representatives for the improvement of the quality of the education in the Western Thrace Turkish Minority Schools;
- Recognize the minority status of Turkish people living in the Dodecanese islands;
- Ratify, without delay and any reservations, the Framework Convention for the Protection of National Minorities.

The Constantinopolitan Society

Due to significant restrictions and serious limitations on human rights which are threatening the sustainable vitality, survival and vibrant future of the Greek Minority in Turkey, OSCE / ODHIR is called upon to urge Turkey -as an OSCE participating State- to:

- Amend the Law on non-Muslim Welfare Foundations in such a way that would allow for, among others:
 - Putting an end to the fragmentation of minority Foundations as a result of the Wakifs system in force; allowing for the unification of the various Greek Minority Foundations is key to their survival as well as cost-effective functioning;
 - Returning those (24) fused Greek-Orthodox Foundations to their lawful owner;
 - Solving the question of property that was seized and sold to third parties, including by provide for proper compensations;
 - Recognizing the equality of the minority Foundations and all other Foundations, thus terminating discriminatory practices against them;
 - Resolving pending issues of Greek Minority cemeteries and recognize their ownership by their communities (as clearly stated in Art. 42 of the Treaty of Lausanne);
- Ensure that 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;
- Lift all educational restrictions regarding the Greek Minority, specifically:
 - Amend the Law on Private Schools Education, so as the diplomas of students of European and other nationalities are officially recognized and validated for their admittance in Turkish Universities etc;
 - Give decision-making power to the headmaster of minority schools;
 - Support financially minority schools, as it is foreseen by the Treaty of Lausanne;

- Eliminate all anti-minority references in schoolbooks used for teaching in Turkey, as it forges historic realities, fosters discriminatory behavior against members of the minority and incites hate actions;
- Take specific measures to facilitate the return of the Greeks of Istanbul that have been forced to leave their homeland following systematic persecutions and violations of their human rights;
- Allow the admission of minority members to posts in the administration, the police forces, the army or the judiciary;
- Establish an effective national human rights institution, such as a national human rights commission or an Ombudsman, which – along with the civil society – may certainly enhance the ongoing efforts of promoting and protecting human rights and fundamental freedoms in Turkey. Such an institution may also contribute to the creation and effective implementation of a comprehensive anti-discrimination legislation that is necessary;
- Give effect to ECRI's General Policy Recommendation N° 7 on National Legislation to combat Racism and Racial Discrimination (13/12/2002) and ratify promptly Protocol N° 12 to the European Convention on Human Rights;
- Turkish government should spare no effort in identifying those shortcomings and reviewing accordingly both the relevant legislation and its implementation, with a view to eliminating racial discrimination in all areas and raising awareness for human rights in general.

Switzerland

La diversité des communautés et le plurilinguisme en particulier sont des atouts qu'il convient de sauvegarder et de promouvoir. A cette fin, nous recommandons aux Etats participants:

- De poursuivre leurs efforts pour mettre en oeuvre leurs engagements dans le cadre de l'OSCE relatifs aux droits linguistiques des minorités;
- De poursuivre la recherche du juste équilibre entre la promotion des langues officielles et la protection des langues minoritaires;
- De développer l'échange de bonnes pratiques en matière de sauvegarde et de promotion du pluralisme culturel.

Citizens advice bureau "Conscentia"

We recommend Latvia to:

- Rethink the language policy in light of OSCE and CoE recommendation and to make language policy effective for both majority and minority speakers;
- Include the term "bilingual education" as fundamental characteristic of Latvian educational system in the Law on education;
- Elaborate special procedure for non-citizens naturalisation and distinct the noncitizens from new immigrants.

Russian Federation

Latvian Anti-Fascist Committee

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International Human Rights Movement "World Without Nazism"

- To pay more attention in the future to the topic of combating aggressive nationalism. To allocate during the Warsaw meeting the single day for the discussing of the problem of aggressive Nationalism and intensify the exchange of experiences in this field;
- To start the OSCE monitoring of manifestations of aggressive nationalism and neo-Nazism;
- To create in the framework of OSCE the institution of Special Representative for combating aggressive nationalism and neo-Nazism;
- To conduct regular OSCE Conference for combating of aggressive nationalism;
- To recognize that the holdings of mass events, glorifying the Veterans of Hitler's military forces, the construction of monuments glorifying these veterans are an abuse of the right to freedom of expression and manifestations;
- To create an Expert Advisory Council to the OSCE to combat neo-Nazism;
- To stop the prosecution of anti-Fascists in OSCE participant States;
- To intensify consultations between NGO's and OSCE institutions regarding the problem of aggressive Nationalism and neo-Nazism in Europe;
- Take control of the OSCE process of naturalization of non-citizens in Estonia and Latvia;
- Remove all exceptions to article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination

Recommendations to the OSCE

Citizens advice bureau "Consentia"

We recommend OSCE to:

- Continue dialogue with Latvia about language policy in connection with rights of political participation of minorities;

- Shape dialogue with Latvia about educational policy with focus on multicultural and multilingual educational policy as whole and not only on particular adjustments for national minorities;
- Continue monitoring of minority rights situation in Latvia and Baltic countries;
- Organize conference about role of minority rights and interference with the concept of national state for representatives of parliament, governmental legal experts, media, judges of constitutional court, high officers of education and culture ministries.

Human Rights Educational Center, Belarus

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- « 1990»,... 1975», VII; « 1983», « 1989», 1996», « 2003».

Tuesday, 2 October 2012

WORKING SESSION 13: Rights of persons belonging to national minorities (cont.)

Recommendations to participating States

Association for Cultural Interaction

Encourage the Bulgarian authorities:

- To implement the Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities, the Universal Declaration of Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the International Covenant on Civil and Political Rights, as well as other relevant international instruments that have been adopted at the universal or regional level and those concluded between individual States;
- To implement the International Convention for abolition of all kind of discriminations, as well as the other commitments on elimination of discrimination, racism and intolerance and the Law for Protection from discrimination. Closely observe the discriminatory and intolerant actions committed by far right nationalistic parties and formations;
- To take effective measures, including the adoption, in conformity with constitutional systems and international obligations, of such laws which can be necessary to provide protection against any acts that constitute discrimination, racism, incitement to hatred etc.;
- Take measures to fully implement the Public Education Act for mother tongue studying and adopt special regulations for teaching mother tongue;
- Make efforts to observe the process and combat intolerance and discrimination in employment in national and local government institutions.

Federation of Western Thrace Turks in Europe

In specific to the problem in the pre-school level of education, we call the Greek State to:

- Establish bilingual minority kindergartens in region in line with the minority schooling system;
- Give bilingual education in public kindergartens in the region until bilingual minority schools are established;
- Allow the Turkish Minority of Western Thrace to establish private kindergartens where the language of education will be Turkish and Greek.

NGO 'Sandidzan'

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Russian Federation

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Institute for Regional Studies

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Recommendations to the OSCE

Association for Cultural Interaction

- Bulgaria ratified the International Convention for abolition of all kind of discriminations. Passed a special law for Protection from discrimination. In actual fact, discriminatory actions against religious and ethnical minorities happen very often.

OSCE to suggest specific measures of surmounting of the Discrimination, Racism, anti-Semitism, intolerance, xenophobia and hate crimes;

- OSCE to express the position on the forthcoming passing of the new Preschool and School Education Act and studying mother language in the school;
- OSCE to observe closely the process of combating intolerance and discrimination against Turks and Muslims.
- OSCE to observe closely the process of implementing the commitments of the International documents on minority rights
- To suggest specific measures of surmounting racism, intolerance and discrimination, including bias motivated incidents committed by nationalistic parties and formations.

Recommendations to International Organizations

Institute for Regional Studies

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Wednesday, 3 October 2012

WORKING SESSION 14: Tolerance and Non-discrimination II: Review of the implementation of commitments on promotion of mutual respect and understanding:

- Prevention and responses to hate crimes in the OSCE area;
- Combating racism, xenophobia and discrimination, also focusing on intolerance and discrimination against Christians and members of other religions;
- Combating anti-Semitism;
- Combating intolerance and discrimination against Muslims.

Recommendations to participating States

Turkische Akademiker Dresden

Suggestion to the German Authorities:

- Clamping down over the illegal organizations courageously and solving the serial hate crimes with all perpetrators;
- Reconsideration of the contents of “INTEGRATION” and prevention of problems, which are based on the legal arrangements;
- Financing and supporting intercultural activities and events;
- Investing to the academically cooperation researches not only for the technology, but also in education and psychology and other sciences. Foundations are very limited for this type of researches;
- Reconsideration of education system and solving the problems of opportunity inequality and discrimination in education;
- To remove Visa obligation for the Turkish citizens.

Soteria International

- Soteria International recommends to the OSCE participating states to investigate and counteract determining factors for discrimination against spiritual practitioners in their respective country, with regards to incitement from other spiritual or religious groups, media, political or other interests.

European Union

- Accordingly we call on all participating States to promote and protect the freedom of all individuals, groups and communities to follow a religion or belief without discrimination or persecution and note the important role that civil society can play in spreading messages of tolerance among people of different religions. The EU, which is in the process of putting together new EU guidelines on the promotion and protection of the right to Freedom of Religion or Belief, also encourages the OSCE to develop its own strategy to strengthen this fundamental freedom. In addition, EU stresses the need for participating States to adopt strong national norms to efficiently combat racism, xenophobia and discrimination.

Western Thrace Minority University Graduates Association

- Therefore we recommend the Greek authorities to take necessary steps to prevent the verbal and actual attacks which are harassing the harmony between the Christian and the Muslim societies and to end all oppressive and discriminative practices targeting the minorities in Greece;
- Also, we recommend the OSCE to look into manifestations of the hate speech in the Greek media and pay a visit to Western Thrace to observe the real situation objectively.

Center for Information and Analysis (SOVA)

- More actively use the information collected by non-governmental organizations that perform systematic monitoring of racist groups. Despite methodological, and even political, differences, such cooperation can be very productive;
- Adjust the legislative framework covering hate crimes and related activities, including public incitement, organizing, financing, etc. Legislation should focus law enforcement efforts, first and foremost, on prosecuting the most dangerous crimes against the person. The internal policies and regulations of the law enforcement agencies should reflect the same priorities;
- Change the crime reporting system so that suspected hate motive could be recorded at any stage, including the earliest one;
- Publish hate crime statistics, highlighting the different types, regions, and number of victims. Official statistics should be based on court results (for both proven and unproven cases), and not on the number of opened criminal cases;
- Actively participate in the TAHCLE training program for police officers.

Magenta Foundation

We urge the OSCE Participating states to:

- Make good on the commitments of the last 10 years and continue ample and necessary funding for the Tolerance and non-Discrimination program and its projects;

- Focus full attention on the worsening situation with regard to discrimination, racism, antisemitism and hate crimes in all Participating states;
- Ensure protection from hate crime for all citizens of the OSCE region;
- Impress upon the Swedish Government the need for immediate protection and support for the Jewish community in Sweden.
- Underscore the gravity of the situation in Sweden, Hungary and Greece by a high level visit of the Personal representatives and the OSCE Chair in Office;

Swedish Mission Council

- States have a responsibility to respect, protect and promote the freedom of religion or belief of all in their countries. Yet a significant number of OSCE states actively discriminate against certain belief communities, placing de jure and de facto restrictions on their freedom of religion or belief. State limitations on the freedom of religion or belief contribute to polarisation between communities and state discrimination legitimises violence and discrimination practiced by other groups in society.

HazteOir.org

- To the government of Spain, to fully honor the Church-State agreements in the forthcoming reform of education laws, in particular regarding the teaching of Catholic Religion in schools, which should be imparted on equal grounds with other subjects in a nondiscriminatory way.

Human Rights Without Frontiers

Human Rights Without Frontiers recommends the Russian Orthodox Church to:

- Forbid religious hate speech in its ranks;
- Promote a culture of tolerance in its institutions;
- Sanction the members of its clergy who would continue to fuel hatred and intolerance against non-Orthodox minorities the Russian State;
- Protect religious minorities against hate speech, stereotypes and prejudices;
- Educate its people about religious tolerance and non-discrimination;
- Sanction people in its institutions who fan the fire of religious intolerance and discrimination.

Order of St. Andrew the Apostle

We respectfully submit that OSCE should immediately impress upon the Government of Turkey the need to fully comply with the principles of OSCE, of which Turkey is a member, and specifically, to:

- Fully adhere to the principles on the rights of expression, assembly and association, dissent, and religious faith and practice of all citizens without discrimination;
- Allow full legal status for Turkey's religious minorities, including religious leadership organs, by making all the necessary legal changes;
- Establish a climate of respect, tolerance, and legitimate assistance toward the free functioning of ethnic and religious minorities and their various institutions;
- Convert the Decree on the Return of Properties into a Law of the Land, and appoint a truly independent body for its oversight and implementation. The law should have

comprehensive coverage of all cases (community foundations and religious bodies) as the rule of protecting property to fulfill the foundations' original purpose is valid for all, regardless of the type of religion. The law must correct the deficiencies that have been pointed out in the Decree, including extending property losses before 1936. The Law should also mandate full cooperation of the bureaucracy with strong incentives and strict penalties for stone-walling and other non-compliance.

- Until such law is passed, extend the deadline as needed and provide for the full implementation of the Government Decree of 27-August-2011, on the return of confiscated properties with full cooperation by VGM and its Assembly;
- Appoint a Public Advocate with the necessary staff and power to assist applicants and help them work with the government (modeled after a similar institution of the European Union).

Gustav Stresemann Stiftung e.V.

- Interestingly, the term “Islamophobia” is not used by the OSCE. Therefore, the *Stresemann Foundation* recommends that the OSCE calls upon the participating States and NGOs to abandon the term “Islamophobia” in their official statements addressed to OSCE and elsewhere.

European Network Against Racism

The European Network Against Racism (ENAR) calls on Participating States to:

- Ensure full compliance with existing Equality Legislation in the OSCE Region and the EU;
- Ensure the adoption of the proposed Horizontal Equality Directive of the EU, filling the existing gaps in available anti-discrimination law. Germany is in the forefront of countries obstructing the adoption of this Directive;
- Ensure that the Victim's Package provide needed support to victims of hate crime, regardless of legal status;
- Adopt a positive approach to migration in negotiations on migration law and policy, and enhance the cooperation of States to improve integration policies;
- Ensure that the Asylum Policies in Participating States including the Common European Asylum System (CEAS) are truly fair and effective, and that the human rights of asylum seekers and refugees are always respected;
- Strengthen Social Institutions such as the Social Pillar of the Europe 2020 strategy;
- Strengthen the process of the European Framework for National Roma Integration Strategies to achieve real policy and practical results;
- Ensure that future multiannual financial frameworks allocate sufficient funds to programmes that foster equality, social inclusion and fundamental rights.

Human Rights First

- We call on participating States to implement their commitments and urge the incoming Chair, Ukraine, to prioritize the struggle with hate crime and show leadership by working closely with civil society activists and vulnerable communities to acknowledge the problem, to improve the out-of-date legislation, to train police and prosecutors and to implement the 3-year-old law enforcement instruction to collect hate crime data, and to abandon legislative efforts that marginalize communities, undermine social cohesion, and spread intolerance, such as the quickly advancing

through the Verkhovna Rada discriminatory draft law 8711 on “promotion of homosexuality.”

Redeemed Lives

- Central Recommendation: Participating States of the OSCE please acknowledge that mutual respect is not only denied to some Christians, but preferential treatment is given to the views of the LGBT community.

Forum 18 News Service

To assist implementation of human dimension commitments, recommendations for participating States and OSCE institutions would include:

- Freedom of religion or belief violations to be seen not only as attacks on particular people or communities, but also as attacks on the fundamental rights and freedoms of all people;
- Insisting that the politically binding human dimension commitments are for implementation by all participating States;
- OSCE institutions and field operations mainstreaming the fundamental human right of freedom of religion or belief for all and its related human rights in human dimension work;
- and participating States implementing in full legal reviews and opinions provided by the Venice Commission and the OSCE/ODIHR Advisory Council of Experts on Freedom of Religion or Belief.

Turkische Gemeinde in der Metropolregion Nurnberg (TGMN)

The Turkish Community in the Nuremberg Metropolitan Region has the following recommendations:

- We are very grateful to OSCE/ODIHR’s work on preventing xenophobia and we strongly encourage them to continue with their work. OSCE participating States should work with OSCE, ODIHR and NGOs to work out training programmes for their whole representatives and employees on what xenophobia is, on what that means for their work and on how to prevent it;
- A further necessity is to discuss about laws, prohibiting Muslim-hatred and Islamophobia saying similar to Antisemitism;
- OSCE participating States should support NGO work on hate crimes, and especially on the not yet adequately explored Islamophobia-phenomenon;
- We ask the upcoming Ukrainian presidency to organize a high level conference on Islamophobia. As some NGO representatives in this session asked for definitions for Islamophobia, I am sure that this high level conference will be in their interest, too.

Muslim Denomination in Bulgaria

- Provide financial support for ODIHR’s activities dealing with intolerance and discrimination against Muslims;
- Widely disseminate and use ODIHR’s guidelines for educators on countering intolerance and discrimination against Muslims;
- Use ODIHR’s experience and expertise in combating anti-Muslim hate crimes by law enforcement officers;

- Take effective measures, including the adoption, in conformity with their constitutional systems and their international obligations, of such laws which can be necessary to provide protection against any acts that constitute incitement to hatred;
- Ensure that public officials at all levels, including ministers, refrain from making statements that incite to violence and discrimination;
- Develop codes of conduct for political representatives in unequivocally and publicly condemning manifestations of hate in public discourse and acts of violence based on bias and refraining from making discriminatory statements;
- Engage in partnerships with private media, including Internet providers, in order to prevent the dissemination of prejudice, stereotypes and hatred;
- Launch public awareness activities disassociating terrorism and violent extremism with Muslims and Islam.

ILGA – Europe

- We strongly recommend the participating states of Central Asia, which still criminalize homosexuality, to put ends to such legislation;
- We call all participating states of Central Asia to develop anti-hate crime and antidiscrimination laws, mentioning sexual orientation and gender identity as well;
- We recommend all Governments of Central Asia to initiate educational programs for governmental officials and representatives of law enforcement agencies on the issues of hate crime;
- We recommend OSCE field missions to support overall hate crime monitoring by civil society, including LGBT-related hate crime monitoring and to sensitize LGBT issues in their programs.

Canadian Council on American-Islamic Relations (CAIR-CAN)

In the spring of this year, Amnesty International called on European governments to do more to address discrimination and intolerance against Muslim communities, specifically in the area of employment and education where they documented clear cases of anti-Muslim attitudes and discrimination in several OSCE states. The Amnesty report, and other similar research in this field, highlights a need to convene a high-level OSCE conference to explore the phenomena of discrimination against Muslim communities in order to find solutions and work with partners to combat this challenge.

- We call on OSCE states to support such a conference in light of their various international commitments;
- We also would like to specifically request that the Canadian government to implement programs and initiatives that would educate and encourage Canadians to report hate crimes, as it is well-documented that there are low reporting rates in Canada, as in other OSCE states though the statistics that are available paint a troubling picture;
- We also call on Canada, within the spirit of its Multiculturalism Act and other commitments, to support the ODIHR Guidelines for Educators on Countering Intolerance and Discrimination Against Muslims.

Associazione Dossetti: i Valori Observatory for Religious Tolerance and Freedom

Participating States are urged to:

- Follow-up the Cordoba, Bucharest and Astana Conferences by convening a conference at the appropriate high-level in 2013 to examine in a balanced way racism, intolerance and discrimination, within the realm of all existing commitments;
- Actively foster a climate of tolerance and mutual understanding in order to prevent prejudice, negative stereotype and misrepresentation, particularly in the field of education, culture and information;
- Pay more attention to the hate crimes against Christians – also where they are majority – in the questionnaire collecting data from national data collection point;
- Foster the participation of religious communities in public life and welcome the interventions in the public debate of the religious leaders;
- Promote a dialogue between the representatives of the religious communities that are building a new place of worship and the religious communities historically present in the places in order to foster a climate of mutual tolerance and respect between believers of different communities.

Canada

- Encourage participating States to combat all forms of discrimination, including on the basis of sexual orientation;
- Call on national authorities to conduct quick and thorough investigation of cases where citizens are victims of hate crimes. Those who commit crimes must be held to account;
- Urge all participating States to take the necessary measures to ensure that sexual orientation never be the basis for criminal penalties, in particular executions, arrests, or detention.
- Recall the political and moral commitment participating States have shared since the adoption of the 1990 Copenhagen Document (5.9), namely that “all persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law will prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground...”

Gustav Stresemann Foundation e.V.

The Stresemann Foundation recommends that the participating States adhere to the OSCE principles and commitments mentioned above. Additionally, we remind the respective parties of the following:

- The term »hate crime« is only used for crimes in accordance with the 2003/2009 OSCE Ministerial Council Meetings and »crime against humanity« is only used according to Article 7 of the Rome Statute of the International Criminal Court (1998);
- Human rights are for people and do not apply to gods/religions, whose honor is also not a legally protected right;
- Freedom of opinion and expression may only be curtailed by an independent tribunal and only where it explicitly infringes upon the freedom of third parties, particularly in cases of incitement to violence (violation of the social-peace decree and of the state monopoly on legitimate use of force), deliberate and direct defamation of others and infringement upon personal rights.

Council of Europe

The Council of Europe presents the following specific recommendations:

- Member States of the Council of Europe are encouraged to sign and ratify Protocol No. 12 to the European Convention on Human Rights, which provides for the general prohibition of discrimination;
- OSCE participating States are encouraged to sign and ratify the Additional Protocol to the Council of Europe's Convention on Cybercrime, on the criminalisation of acts of a racist and xenophobic nature committed through computer systems;
- Member States of the Council of Europe are encouraged to enact and implement legislation against racism and racial discrimination, if such legislation does not already exist or is incomplete, and to ensure that such legislation reflects the key elements in ECRI's General Policy Recommendation No. 7, which include the setting up of an independent body specialised in the fight against racism and racial discrimination;
- In particular, ECRI urges member States of the Council of Europe to base their policies relating to employment on its most recent General Policy Recommendation on combating racism and racial discrimination in employment. Member States of the Council of Europe are also encouraged to implement ECRI's remaining General Policy Recommendations as well as its country-by-country recommendations;
- OSCE institutions are encouraged to continue their co-operation in the fight against racism, racial discrimination, xenophobia, antisemitism and intolerance with the Council of Europe, and in particular ECRI, by further strengthening mechanisms enabling the free flow of and exchange of information and data and common action.

Amnesty International

Furthermore, in order to respect, protect and fulfil the right to be free from discrimination, Amnesty International calls on Participating States to:

- Adopt and implement comprehensive anti-discrimination legislation providing protection to victims of all forms of discrimination including on grounds of sexual orientation and gender identity;
- Ensure that religious and ethnic minorities, including Muslims, are not discriminated against in the area of employment simply because they wear religious or cultural symbols and dress;
- Refrain from adopting legislation that is disproportionately restricting the rights to freedom of association, assembly and expression of LGBTI people;
- Ensuring that religious minorities, including Muslims, are not discriminated against in the enjoyment of their right to freedom of religion or belief when they wish to open or build places of worship;
- Ensure that Criminal legislation includes provisions for the prosecution of hate crimes, including on prohibited grounds of discrimination, including ethnicity, religion, sexual orientation and gender identity;
- Ensure that hate crimes against ethnic or religious minorities and LGBTI people are fully investigated and prosecuted.

Recommendations to the OSCE

Wuestenstrom e.V.

Recommendations to the OSCE/ODIHR, to:

- Be aware and raise awareness of the discriminations and hate or fear-based incidents that Christians who seek help with unwanted same-sex attraction, and those who offer help, are experiencing;
- Have a category in TANDIS that covers these cases specifically.

Recommendations to OSCE/ODIHR and Participating States:

- Please do not promote efforts to implement culturally particular ideologies like the idea of an inherent „sexual identity“ in constitutions and laws and with that make it more and more difficult for men and women to find support, when they experience unwanted sexual orientations.

Turkische Akademiker Dresden

- OSCE should observe the behavior of German government against to the hate crimes and illegal organizations and also should encourage the German government for combating with these illegal structures.

Soteria International

Soteria International recommends the OSCE ODIHR and the OSCE participating states:

- To further promote tolerance and pluralism in spirituality through education. Here best practice from combating other subjects of intolerance can be consulted.
- Soteria International recommends the OSCE ODIHR, the OSCE participating states and relevant NGOs to actively promote an open spiritual society, with research and results reaching the public;
- Further to take responsible actions to harmonize the ongoing transition from a totalitarian to a pluralistic spiritual paradigm.

Center for Information and Analysis (SOVA)

- Compile and distribute the experience gained from prior comprehensive efforts against groups that practice racist violence, including specific criminal investigations, detection and destruction of the groups' infrastructure, isolation of their funding sources, identifying organizers and coordinators of violent actions, etc.;
- Hold an international expert workshop on this topic, if needed;
- Organize a seminar for law enforcement officials from different countries, presenting a summary of successful practices for collecting information and recording hate crimes statistics.

Swedish Mission Council

- We therefore encourage ODIHR to widen the approach currently being taken which effectively separates religious communities into three groups Muslims, Jews and Christians and others. In recent years there have been several meetings where we have separately met to discuss our particularities. This approach has its relevance but it bears with it certain risks;
- We fail to see the interconnectedness of the issues being faced across religious divides Opportunities to network and find areas for cooperation across religious divides are lost We are not given opportunities to discover how the dynamics of our own belief communities might contribute to the problems faced by others. We risk creating fora

that give inordinate space to those who seek rights for the followers of their own conviction whilst simultaneously advocating limitations on the rights of others.

Core Issues Trust

I request that the OSCE :

- Recognise that professional psychotherapeutic bodies within its member states, have a responsibility to provide non-ideological, accessible and compelling scientific evidence upon which to base decisions to refuse professional support to clients presenting with ego-dystonic sexual orientation, who exercise their right to seek help to reduce homosexual feelings;
- Recognise the potential for abuse, through professional bodies, in sanctioning psychotherapeutic professionals who offer help to clients seeking to reduce homosexual feelings, following advanced informed consent, where there is a difference in ideological and/or religious perspectives operating between professionals and their professional body.

Burgerbewegung Pax Europa

- It is our recommendation that the fight against intolerance and discrimination is applied equally to all existing issues and in line with UN conventions on the matter, i.e. focusing on protecting individual rights and not group rights.

B'nai B'rith International

While much has been done to fight anti-Semitism in the past decade, much work remains. The need for practical and effective strategies to combat and defeat this pathology is still crucial. To this end,

- The Ministerial Council should endorse the idea of a 10-year Berlin Review Conference in 2014, a gathering that would affirm commitments made at the landmark 2004 conference and assess the implementation of those commitments;
- We should widely promote, within the OSCE, the European Union Fundamental Rights Agency's comprehensive working definition of anti-Semitism;
- 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 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 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.

Muslim Denomination in Bulgaria

- Develop analytically rigorous studies on possible relations between hate crimes and manifestations of intolerance and discrimination in public discourse;

- Develop, in co-operation with the Representative of Freedom of Media, tools and materials to support the efforts of media professionals in developing and adopting voluntary codes of conduct, self-regulatory mechanisms and other appropriate steps in order to ensure fair portrayal of individuals and groups in societies;
- Design guidelines and compile examples of good practices to combat manifestations of Islamophobia in political discourse, including the media and political speech;
- Support civil society in monitoring, reporting on and countering discriminatory speech in the media including on the Internet, in particular through monitoring and reporting of Islamophobic speech.

Upcoming Ukrainian OSCE Chairmanship:

- Organize an expert meeting to follow up the recommendations came out of the High Level Conference on Countering Intolerance and Discrimination against Muslims in Public Discourse;
- Encourage Personal Representatives on Tolerance and Non-Discrimination to visit major international media institutions to raise awareness of biased portrayal of Muslims;
- Condemn manifestations of intolerance and discrimination against Muslims in public discourse, through issuing press releases, whenever it is necessary.

ILGA – Europe

- In the light of this worrying situation, our organisations would like to call on the OSCE and all its participating States to promptly and effectively deliver on all the commitments made in the last years;
- In particular, we call on the OSCE/ODIHR and the participating States to prepare a reaction in defense of freedom of speech by the next Ministerial Council, to reiterate that fundamental freedoms cannot be restricted in the case of minorities, regardless of them being defined on the basis of ethnicity, sexual orientation, gender identity or other fundamental characteristics.

Constantinopolitan Society

Due to systematic, ongoing, and egregious violations of religious freedom, OSCE / ODHIR is called upon to urge the Turkish government to bring its laws and practices into compliance with international standards on freedom of religion or belief. Specifically, OSCE / ODHIR is called upon to urge Turkey, as an OSCE participating State, to:

- Give the Greek Orthodox Patriarchate the right to officially use the ecclesiastical title of “Ecumenical”, as it is a title that is historically established since the 6th century and globally recognized;
- Grant full legal personality to the Ecumenical Patriarchate, so that the latter may enjoy, inter alia, ownership rights and exercise property ownership / management;
- Lift the prerequisite that the election of the Ecumenical Patriarch depends on the pre-approval of the Prefecture of Istanbul;
- 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;
- Resolve the question of those non-Muslim Foundations considered fused / mazbut, which, along with their properties, should be returned to the Greek Orthodox community and the Ecumenical Patriarchate;

- Re-open without any delay the Halki Seminary with the same status it held before 1971 and permit students to enroll from both within and outside Turkey. The Ecumenical Patriarchate should have the right and the authority to call and employ priests from abroad without any residency constraints. Also, the closing of the Seminary makes it almost impossible for Turkish citizens to be trained in order to be able to assume the highest responsibilities in the Orthodox Church today, thus creating a serious problem for the future of the Patriarchate and of the Church itself;
- Give permission to the Ecumenical Patriarchate to have its own printing facilities for the publishing of religious editions (books, journals etc.);
- Remove restrictions on all clergy and members of the Ecumenical Patriarchate to wear religious garb in public areas, state institutions, and public and private universities;
- Abolish Article 301 of the Turkish Penal Code, which restricts the freedoms of thought and expression and negatively affects the freedom of religion or belief;
- Return the three churches of Panayia Kafatiani, Aya Yani and Aya Nikola in the district of Karakoy-Galata in Istanbul, as well as their 72 immovable properties, which have been illegally and forcibly occupied by the self – declared and nonexistent “Turkish Orthodox Patriarchate (TOP)”. The latter’s involvement in the Ergenekon case deserves further investigation, as the spokesperson of TOP Sevgi Erenerol, great granddaughter of Father Efthim (Papa-Eftim), the founder and leader of the TOP, is accused in connection with the Ergenekon case. It is also alleged that one of the three churches served as headquarters for the organisation;
- Implement the Turkish Constitution and the Lausanne Treaty consistent with international obligations, such as OSCE commitments on freedom of religion or belief;
- Implement the Turkish Constitution and the Lausanne Treaty consistent with international obligations, such as Article 18 of the ICCPR and OSCE commitments on freedom of religion or belief.

Associazione Dossetti: i Valori Observatory for Religious Tolerance and Freedom

The ODIHR is called upon to:

- Develop – in close cooperation with the Representative on the Freedom of the Media – tools for media professionals to combat racism, intolerance and discrimination. These tools can include guidelines for voluntary professional standards and self-regulation of the media;
- Train law enforcement agencies, media and civil society to consider carefully also the hate crimes perpetrated against majority groups;
- Raise awareness on the positive contribution of the religions to the building and the well-being of our democratic societies.

The Chairman-in-Office is urged to:

- Appoint a fourth Personal Representative on Combating Racism, Xenophobia and Discrimination, focusing on Intolerance and Discrimination against the members of other religious communities and against Roma and Sinti, in order to focus one Personal Representative’s mandate on Intolerance and Discrimination against Christians.

OSCE Chairperson-in-Office

- Ten years have now passed since the OSCE first took up the problem of a resurgent anti-Semitism in Europe and resolved to organize a first conference. There has been steady organizational progress—in the expressed commitment of governments, in the role and expertise of ODIHR, and in subsequent expert and high level conferences. But the problems persist and in some areas they have worsened;
- The physical security of Jewish communities may be the most pressing issue we face today. We need to highlight the good practices in some participating States that are being employed and strategize with Jewish community leaders and appropriate government authorities to see that they are replicated elsewhere. This can be best achieved through a high level conference;
- At the same time that the OSCE looks to restate its commitment to media freedom and as it considers how it may update these principles for the digital age, it cannot ignore the parallel challenge we face in confronting anti-Semitism and other forms of hate on the Internet. There are numerous tools available that can do this without out jeopardizing the freedom of expression, and we need to find ways to highlight them and support their use;
- An early hallmark of ODIHR’s contribution to combating anti-Semitism was the development of innovative educational materials tailored to individual countries. These materials need to be updated to take advantage of today’s interactive and tech savvy teaching techniques. And they still require the support of governments to help fund and implement them.

Amnesty International

To conclude, Amnesty International calls on the OSCE to enhance its role in combating discrimination by:

- Providing support to Participating States to collect and maintain data and statistics on discrimination including on grounds of ethnicity, religion or belief, sexual orientation and gender identity;
- Addressing thoroughly forms of discrimination other than hate crime experienced by religious and ethnic minorities as well as LGBTI people in key areas of life such as employment, education and access to goods and services;
- Further combating stereotypes and prejudice against vulnerable groups including Muslims, Roma and LGBTI people.

Wednesday, 3 October 2012

WORKING SESSION 15: Democratic institutions, including:

- Democratic elections.

Recommendations to participating States

Canada

- We encourage OSCE participating States to make good use of a new on-line training tool that ODIHR has developed: the “E-Course for Short-Term Election Observers”. This useful e-tool prepares election observers to implement ODIHR’s high standards and methodology on elections;

- The ODIHR's election monitoring work, recommendations and reports are to be commended, as is its effective partnership with the OSCE Parliamentary Assembly in deploying election monitors to countries throughout our region.

Almaty Confederation of NGOs 'Ariptes'

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Estonia Without Nazism

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Recommendations to the OSCE

Russian Federation

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Russian Public Institute of Electoral Law

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Kazakhstan

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International Association of Independent Democrats Against Authoritarian Regimes

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Thursday, 4 October 2012

WORKING SESSION 16: Democratic institutions (continued), including:

- Democracy at the national, regional and local levels;
- Citizenship and political rights.

Recommendations to participating States

Bundesvorsitzender der Tuerkischen Gemeinde in Deutschland

Die Tuerkische Gemeinde in Deutschland nmacht hierzu folgende Vorschlaege:

- Einfuehrung eines Wahlrechts unterhalb der nationalen Ebene, sprich kommunaler Ebene fuer Einwanderer, die mindestens seit drei Jahren dort sich mit einem Aufenthaltstitel dauerhaft aufhalten;
- Durch die Staatsangehoerigkeit erlangen Einwanderer die rechtliche Gleichstellung. Aus diesem Grund sollten die Mitgliedstaaten ihre Einbuerungspraxis ueberpruefen und die Einbuerungsverfahren vereinfachen;
- Die Zulassung von Mehrfachstaatsangehoerigkeiten gehoert sicherlich zu den wichtigsten Erwartung der Einwanderer;
- Die Mitgliedstaaten sollten pruefen, wie sie die Teilhabemoeglichkeiten der Einwanderer erhoehen koennen. Der Erlass von Partizipationsgesetzen wie in einigen Bundeslaendern der Bundesrepublik Deutschland waere sehr begruessenswert.

Western Thrace Minority University Graduates Association

In this respect Turkish Minority of Western Thrace calls upon the Greek State to:

- Take into account the provisions of bilateral and international human and minority rights instruments in terms of political participation;
- Take special measures for the effective and adequate participation and representation of the Turkish minority to political and social life;
- Withdraw the 3% electoral threshold for independent candidates so that independent MPs can be elected;
- Take special measure to prevent social injustice in the regions where the Turkish minority lives.

European Union

- OSCE participating States should ensure the promotion and protection of all human rights and all fundamental freedoms, including through enabling their relevant national authorities, the civil society and NGOs to effectively carry out their roles;
- All participating States should live up to all OSCE commitments in the area of political parties, and in particular to guarantee political pluralism at all stages of the political process;
- Participating States should recognize the growing role of the internet in democratic governance and guarantee and respect all OSCE human dimension commitments online as well as offline.

Estonia Without Nazism

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Recommendations to the OSCE

Russian Federation

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Thursday, 4 October 2012

WORKING SESSION 17: Discussion of human dimension activities (with special emphasis on project work), including:

- Presentation of activities of the ODIHR and other OSCE institutions and field operations to implement priorities and tasks contained in relevant OSCE decisions and other documents.

Recommendations to participating States

European Union

In conclusion, the EU would like to offer the following general observations, bearing in mind the specific recommendations made in other working sessions of this meeting:

- The EU urges all participating States to take account of and properly follow up recommendations made by the OSCE institutions. The opportunities afforded by Human Dimension events and Human Dimension Committee meetings for the exchange of experience and expertise between participating States and with civil society should also be fully exploited and the EU would welcome the development of further opportunities for review of the implementation of our shared commitments within the OSCE Human Dimension in light of the (ongoing) review of Human Dimension Events;
- Participating States should explore ways to adapt and reinforce existing OSCE commitments in specific areas of the Human Dimension, including freedom of expression and media freedom;
- OSCE institutions and field missions, as well as participating States, are encouraged to extend the participation of civil society in the human dimension activities of the OSCE and develop additional programmes and projects to strengthen the protection of civil society, including human rights defenders.”

Recommendations to the OSCE

Belarus

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Friday, 5 October 2012 CLOSING PLENARY SESSION

Recommendations to participating States

Norway

- Look into statelessness as a complex minority problem;
- Give top priority to grave violations in the area of freedom of the media;
- Abolish death penalty;
- Listen to the criticism, engage in a debate and do best to improve on those areas where criticisms have been voiced;
- Discuss strategic goals for OSCE, which should be based on a common understanding of what we do the best, and on what can just as well be done by others;
- Stand firmly together united to defend the gold standard [of ODIHR methodology for election observation] against any attempt to weaken or reduce this methodology;
- Develop the ability of institutions to act within their mandates, and make sure that the institutions have sufficient funding to act in times of crisis as well as upon request;
- Reestablish field missions in Belarus and Georgia with meaningful mandates;
- Three elements – the election observation methodology, the institutions and the field missions – must be at the core of the OSCE also for the years to come;
- Pay more attention to the reports from the institutions, and show a willingness to spend more time on controversial themes than on the less controversial ones;
- Preserve the HDIM as by far the most important stage for debates between NGOs and authorities in the OSCE area.

Russian Federation

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Turkey

- Address with more emphasis the issue of racism towards all target groups and xenophobia which if passed unnoticed may have a bearing on security, cohesion and harmony in our societies.

Recommendations to the OSCE

European Union

Regarding OSCE human dimension events and activities in 2013, the European Union would like to suggest that they focus on the following topics:

- Media freedom and freedom of expression, including the safety of journalists,
- Freedom of assembly and association, and
- Freedom of religion or belief.

Russian Federation

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Turkey

- the OSCE with its institutions, ODIHR, the Representative on Freedom of the Media and others, could and in our opinion, should do much more in assisting participating States also on this path [of anti-discrimination].

ANY OTHER BUSINESS

Recommendations to participating States:

United States of America

- Support a draft declaration on fundamental freedoms in the digital age;
- Renew attention on the part of participating States to fulfilling the range of OSCE commitments related to tolerance;

- Recommends Ukraine to lead by example, and, as we have noted before, to bring an end to politically motivated prosecutions of opposition leaders, enhance media freedom, ensure the freedom of peaceful assembly and speech of all citizens, including LGBT individuals, and hold free and fair elections on October 28;
- Recommends Ukraine, the upcoming OSCE Chair-in-Office, to build upon the good work of the Irish Chair by sharpening the OSCE's focus on tolerance, gender equality, and internet freedom, and to ensure that the independence of the OSCE's institutions – such as the High Commissioner for National Minorities, the Representative for Freedom of Media and ODIHR – is preserved.

At the close of the 1991 Moscow meeting of the Conference on the Human Dimension, co-chairman of the Soviet delegation Yuri Deryabin reflected on the need to "create international guarantees for implementing the primacy of democracy and human rights." To that end, the participating States created the Moscow Mechanism. The fact that it is so rarely invoked speaks, in part, to the exceptional urgency and depth of concern generated by those instances where it has been used. I urge both Minsk and Ashgabat to implement the constructive recommendations produced by the Mechanism experts, and urge all of us around the table here continue to work for the primacy of democracy and human rights.

V. REMARKS AND SPEECHES

Address by Katarzyna Pełczyńska Nałęcz, Under-Secretary of State in the Ministry of Foreign Affairs of the Republic of Poland

*Mister Chairman,
Excellencies,
Ladies and Gentlemen,*

On behalf of Foreign Minister Radosław Sikorski, I would like to welcome you to the annual Human Dimension Implementation Meeting in Warsaw.

I would like to use this opportunity to pay tribute to the effectiveness of the Irish Chairmanship of the OSCE in 2012. I am very glad we have with us Mr. Frank Cogan, Head of Chairmanship Task Force. I wish you every success in keeping up your enthusiasm and dynamism right up to the Dublin Ministerial Council in December. Let me also thank the Director of ODIHR, Ambassador Janez Lenarčič and his team for their excellent job in organizing our meeting.

Ladies and Gentlemen,

The Human Dimension is a key element of the OSCE's overall security concept. For the citizens of OSCE states, this is the best-known area of the Organization's activity. OSCE institutions and field missions deal with the real-life problems of ordinary people. For example, the presence of OSCE election observers is often seen as a chance to boost the credibility of election mechanisms and to curb election fraud – if not fully then at least partially. This potential of trust built up by the OSCE over the years gives it huge added value and is one of the main reasons why the Organization remains one of the most valuable and significant international bodies.

As a country rich in positive experiences stemming from political transition, Poland plays an active role in promoting democracy, human rights and the rule of law. Our foreign policy in this field utilizes a wide range of instruments and mechanisms, including both global and regional measures, as well as less formalized means. The OSCE occupies an important place here. This is also because of the professionalism, efficacy and flexibility of the institutions set up in order to monitor and support human rights in the participating countries: ODIHR, High Commissioner on National Minorities, Representative on Freedom of the Media, and the OSCE field missions. I believe that the debates awaiting us – the exchange of experiences and ideas – will become an additional impulse and inspiration influencing the activities of these institutions.

The OSCE Human Dimension meetings are an important platform for discussion on human rights and democracy. They make it possible to conduct a comprehensive review how states fulfil their obligations in the human dimension framework. Important voice in this discussion comes from non-governmental organisations. They often possess full, direct data in this field as well as the experience necessary to correctly interpret them. In my opinion, NGO participation is key, and so I am extremely happy to see civil society turning out in strength at our Meeting today.

One of the topics we are focusing on this year is Human Dimension Meetings reform. We see the need for certain changes, but we believe that future solutions cannot limit our ability to conduct a critical analysis of participating states' observance of human rights and respect for democratic values and the rule of law.

For there is no doubt that the current state of human rights observance in the OSCE area falls short of our expectations. In this context, one must note the legal and administrative barriers to freedom of association and assembly, measures to limit freedom of speech – including to a great degree on the Internet – and an instrumental approach to the judiciary. What gives me particular cause for concern is the fate of journalists, who are suffering both physical violence and growing administrative and judicial pressure. Equally disturbing is the departure from democratic election standards.

We must also continue to be engaged as ever in combating the various forms of intolerance and fostering gender equality, as well as improving the socio-economic standing and inclusion of the Roma population. I am glad to see that the latter issue will be the topic of separate sessions at this Meeting.

Without a significant improvement in the observance of human rights, democratic principles, and the rule of law, it will be impossible to bolster stability and security in the OSCE. It would also be hard to expect greater understanding and mutual trust among nations. We therefore see much potential for the “Helsinki +40” initiative. It may become a strong political impulse to help improve OSCE effectiveness and renew commitments towards a comprehensive security concept. We hope that with the leading role of Ireland and future OSCE Chairmanships, “Helsinki +40” will become an initiative that will bring significant progress to building the Security Community, a key part of which will be recognizing importance of human rights and democratic principles. I am convinced that meaningful decisions at this year Ministerial Council in Dublin in area of human dimension would constitute a step in this direction.

I wish you all an inspiring and fruitful debate.
Thank you for your attention.

Opening Statement by Mr. Frank Cogan, Head of the Irish Chairmanship Taskforce

Excellencies, Distinguished delegates, Ladies and Gentlemen,

It is my great pleasure to welcome you all to Warsaw on behalf of the Irish OSCE Chairperson-in-Office, Tánaiste and Minister for Foreign Affairs and Trade, Mr Eamon Gilmore. I also wish to convey my sincere thanks to Ambassador Lenar i , his deputy Doug Wake, and to the entire team of staff at ODIHR, for their excellent organisation of this crucial annual OSCE meeting.

The Human Dimension Implementation Meeting (HDIM) is the primary forum for reviewing human dimension commitments, their implementation by participating States and the ways in which we should monitor implementation. It is my sincere hope that participating States, civil society, regional and international organisations and other participants will take full advantage of the two-week period ahead to exchange views and deepen mutual understanding. I hope that a spirit of dialogue and information-sharing will help produce a fruitful outcome, generating ideas and recommendations for the December OSCE Ministerial Council in Dublin, and for the Ukrainian Chairmanship that will follow our own.

The Irish Chairmanship has been working hard to make progress across all three dimensions of the OSCE’s work, building on the outcome of last year’s Vilnius Ministerial. An ambitious programme of Human Dimension events was agreed earlier in the year and a number of successful meetings and seminars have since taken place. Events have included a meeting on ‘Combating Racism, Intolerance and Discrimination in Society through Sport’ in

late March, and a seminar on the 'Rule of Law framework for combating Trafficking in Human Beings', that took place in Warsaw in mid-May. A meeting on 'Democratic elections and election observation' also took place in Vienna in July, with the important involvement of parliamentarians from across the OSCE area.

The Irish Chairmanship has made every effort to support ODIHR and the OSCE Parliamentary Assembly in the conduct of the OSCE's election observation activities, which are fundamental to our work as a community of States committed to respect for human rights. I wish to pay special tribute to the important work of the various election observation missions that have taken place this year, and might mention that earlier this year the Chairmanship, acting in close consultation with Secretary General Zannier and his field staff, as well as relevant States, assisted in brokering an agreement which permitted the participation of Serb citizens in Kosovo in Serbian presidential and parliamentary elections, under OSCE supervision. I would also like to take this opportunity to reaffirm the Chairmanship's commitment to the Cooperation Agreement of 1997 and our fervent desire that the relevant OSCE institutions should continue to work together in the best interests of the OSCE, as was the case in the first months of this year.

Excellencies, Distinguished delegates, Ladies and Gentlemen,

In advance of our Chairmanship, we signalled our intention to prioritise Internet Freedom, reflecting the increasing importance of the Internet as a platform for the exercise of human rights and fundamental freedoms, most notably the freedoms of expression, association and peaceful assembly. In June last, the Chairmanship organised a well-attended conference on Internet Freedom in Dublin. Over two days, we deepened our understanding of the key issues through stimulating exchanges between representatives of the 56 OSCE States, representatives of regional and international organisations, civil society, including bloggers and Internet activists, and the ICT and media sectors. The clear message which emerged from the conference was that human rights and fundamental freedoms do not change with new technologies, but extend seamlessly into the digital age. The majority of speakers highlighted the importance of protecting the Internet's universality, integrity and openness, while addressing legitimate concerns regarding cyber-crime and cyber-security, privacy and other matters.

The June Conference, being a Chairmanship event, also afforded us the opportunity to experiment with the format of the meeting, with a view to making panel discussions more inclusive and more relevant. This experiment was timely and took place against the background of the broader exercise we have undertaken as Chair, in taking forward the review of Human Dimension events mandated during the Lithuanian Chairmanship. Our starting point for this review was that any new arrangements should not undermine or in any way diminish the importance of the human dimension to the OSCE's comprehensive concept of security. On foot of the very helpful scoping exercise conducted by Ximpulse consultants and a series of discussions in Vienna, the Chairmanship circulated a perception paper in early August with proposals designed to strengthen the human dimension by making human dimension events more focussed, more attractive and more effective. The Chairmanship intends to take forward these discussions in the coming weeks and will aim to conclude negotiations by the end of October at the latest. We are especially keen to ensure that civil society have an opportunity to provide input to this process also. To this end, we will host a side-event on this issue tomorrow lunchtime to brief on our proposals and we would welcome the active participation of civil society, as well as participating States, at this meeting.

Looking ahead to the Dublin Ministerial meeting, the Chairmanship has consistently outlined its intention to present a small number of balanced and focused decisions. The Human Dimension is our highest priority and we will aim to secure agreement on two important decisions at the Ministerial Council.

First, we are aiming for a decision on **media freedom**, as we believe that it is timely for OSCE participating States to reinforce their existing commitments to freedom of expression and freedom of the media. There is no region in the OSCE where these commitments have been fully implemented and media freedom can always be further improved. The Ministerial Council should address in particular the challenges posed by increasing threats to the safety of journalists and the exercise of freedom of expression on the Internet and through other new technologies.

Second, we wish to **strengthen efforts to combat racism and xenophobia**, in view of the trend of heightened incidents of racism and xenophobia towards those perceived as outsiders as a result of differing racial, ethnic, linguistic and religious backgrounds, or other differing traits. We believe that it is appropriate for participating States to reaffirm the importance of integration policies that include respect for cultural and religious diversity and promotion and protection of human rights and fundamental freedoms.

I should also like to take this opportunity to indicate that the Irish Chairmanship will continue the recent practice of facilitating a meeting for civil society around the time of the Ministerial meetings. We are already in contact with representatives of the Civic Solidarity Platform regarding the arrangements for such a meeting and I would encourage interested civil society representatives to make contact with us or with the Platform.

In all of our work during 2012, the Chairmanship has sought to work in the closest possible way with ODIHR, the Office of the OSCE High Commissioner on National Minorities, the Office of the Representative on Freedom of the Media, the Parliamentary Assembly as well as the Special Representatives and Personal Representatives. I would like to thank them once again for their efforts and wish you all a successful and substantive series of discussions here at this 2012 Human Dimension Implementation Meeting.

Remarks by Riccardo Migliori, President of the OSCE Parliamentary Assembly

Mr. Ambassador,
Distinguished colleagues,
Ladies and Gentlemen,

It is a pleasure to be with you today with the people who defend our human rights everyday throughout this region. And while I address you today, I speak also to all of those who cannot be here – those in prison for expressing their beliefs; those in fear of punishment for speaking out, who couldn't dare even come here today; to those in mourning who lost a loved one in the fight for freedom.

This meeting is an important annual opportunity for our Organization to underpin its human rights founding principles. But I am not here for any yearly ritual visit nor is this a standard business-as-usual speech.

You see, I fear this OSCE's approach to human rights has veered off track.

In 1975, the Helsinki Process ensured that human rights were forever linked to comprehensive security. We called it the "third dimension" or "third basket," but for so many of us it remains the first priority.

Now, 37 years later, amid a time of frozen conflicts and failed states, climate change and economic crisis, I fear the OSCE has relegated human rights to a back seat.

Human Dimension activities in Vienna have insignificant media visibility and very scarce follow up. The main focus on this dimension is these couple weeks in Warsaw. That's not enough.

That's why at our Annual Session last July, our Assembly voted to formalize the role of civil society within the OSCE, calling for an advisory board comprised of representatives from leading NGOs working on OSCE issues. We also voted to request that the Permanent Council hold special meetings on human rights abuses that includes civil society representatives and is open to the public.

At the Parliamentary Assembly we lead by example. We hold these kinds of meetings regularly. Some of our members went from exile to election in just the last two decades.

This year we were the first international body of elected officials to vote to strengthen respect for the rule of law in Russia in the wake of the death of Sergei Magnitsky.

We've given opposition from Belarus a platform to speak to elected officials.

We've gone to Kyiv and called for the respect of rule of law.

And we have shined the spotlight on prison conditions ranging from the United States to my own home country of Italy.

Some months ago, visiting the prison in Massa, in my region, I was seriously alarmed to see appalling situations of starvation. What I saw in Massa may have been due to bureaucratic issues, but this is no excuse.

Bureaucratization is what I want to avoid in our Parliamentary Assembly and our Organization at large.

I am proud that the PA for twenty years has worked within its budget, receiving perfect audits from outside, independent professional auditors every single year. We've even expanded our activities despite a frozen budget for the last four years.

Other OSCE Institutions should emulate this record of efficiency because tax payers expect nothing less.

Our organization is not hinged on the meetings, on the documents and on the resolutions. Our work is based on what we do in the field and for the people.

This is the essence of our human dimension task: we must always recall that we are there to serve the people as their elected representatives. The paramount way for us to do this is through our election monitoring activity.

Since the early 1990s we have been recognized as a global leader in the field of election observation. And for the better part of 15 years we have enjoyed mostly fruitful cooperation with the Office for Democratic Institutions and Human Rights. But this cooperation has seen some ups and downs.

I want to say, right here in Warsaw, that I consider our cooperation an added value for the OSCE election observation activities. However this cooperation must be based on an honest implementation of the 1997 Cooperation Agreement. An agreement which was conceived to better coordinate our efforts and that constitutes the foundation of our joint election monitoring activity.

And starting with my presidency, the OSCE PA from now on will request an *orthodox* implementation of the Cooperation Agreement and refuse to allow ODIHR to continue its "established malpractice" regarding our joint activities.

The PA is the professional body of elected officials with the track record to lead the OSCE's election observation work, however without the full compliance of the ODIHR to the Cooperation Agreement we cannot be as effective as the OSCE should be.

In an age of austerity and a time of damaged trust in international organizations and governments, we need to refocus on our strengths.

It's time for the OSCE's primary human rights Institution to get back to its roots – human rights.

In the last five year's election monitoring has grown to consume more than 42 of the ODIHR budget.

We have a lot of different organizations here today representing a lot of different aspects of human rights. Now, I don't know about you, but I don't think nearly half of our region's human rights abuses come down to campaigns and elections. The ODIHR needs to increase and intensify its monitoring activities to render them more effective.

As elected officials, we know the power of diplomacy, and we know there's a time for quieter talks and there's a time for blustery press conferences. But if you want to be the OSCE human rights institution then you need to speak up.

In too many of our countries the courts are a farce. We need ODIHR to say so. It's not good enough to monitor a trial, like it was done in Belarus, and then not publicize the fact that defendants weren't able to fairly present their case; and it's certainly not good enough to skip out on observing trials when you could have been there as in the critical case in Zhanaozen, Kazakhstan.

I hope those of you here encourage a more pro-active, human-rights oriented human rights office. You deserve it. You deserve an Organization that shows courage amid crisis and speaks aloud where no one else is able, like we have come to expect from the OSCE Representative on Freedom of the Media.

You deserve it not just this week or next when you are all here in Warsaw, but all the time when you are at home, when your brother is silenced in a prison, or your sister isolated in a hospital. If the OSCE is not with you then, when will it be?

Thank you very much.

Opening Remarks by Douglas Wake, First Deputy Director of OSCE/ODIHR

Excellencies, Distinguished Colleagues, Ladies and Gentlemen:

It is a great honour for me to welcome you here today for the opening of the 16th Human Dimension Implementation Meeting. Let me start by extending sincere best wishes from the Director of the Office for Democratic Institutions and Human Rights (ODIHR), Ambassador Janez Lenarčič, who would have been very pleased to greet the participants in person. Ambassador Lenarčič could not be here this morning because he is with the ODIHR Election Observation Mission in Minsk, but he looks forward to joining us immediately upon his return to Warsaw.

I would next like to welcome all those who will make opening remarks this morning:

Ms. Katarzyna Pełczyńska-Nałęcz, Under-Secretary of State at the Ministry of Foreign Affairs of Poland, who will be speaking on behalf of the host country;

Mr. Frank Cogan, Head of the OSCE Chairmanship Task Force, Department of Foreign Affairs and Trade of Ireland, who will deliver remarks on behalf of the Chairperson-in-Office of the OSCE; *Mr. Riccardo Migliori*, President of the OSCE Parliamentary Assembly;

Ambassador Knut Vollebaek, the OSCE High Commissioner on National Minorities;

Ms. Dunja Mijatović, the OSCE Representative on Freedom of the Media;

Professor Adam Daniel Rotfeld, former Minister of Foreign Affairs of Poland, Co-Chairman of the Polish-Russian Group on Difficult Matters and Commissioner of the Euro-Atlantic Security Initiative Commission, who has generously agreed to serve as our keynote speaker;

Ambassador Thomas Greminger, the Chairperson of the Human Dimension Committee of the OSCE Permanent Council; and

Ambassador Adam Kobieracki, Director of the OSCE Conflict Prevention Centre, who will speak on behalf of the OSCE Secretary General.

I will now give the floor to the first speaker, representing the host country. Under-Secretary Pełczyńska-Nałęcz, the floor is yours:

Before giving the floor to the next speaker, I would like to deliver brief remarks on behalf of the Office I represent, ODIHR:

Distinguished colleagues,

As in past years, Ambassador Lenarčič (or I) will have the opportunity to say a few words at the beginning of each working session on recent developments in the specific areas to be addressed under each agenda item. I would therefore seek in my comments to do three things:

- 1) to put this meeting and the review process which has been described by the representative of the Chairperson-in-Office in a slightly longer-term historical perspective;
- 2) to highlight the role of civil society in the human dimension implementation process; and
- 3) to provide a brief glimpse of the days ahead.

The Meeting that begins this morning is the continuation of a long tradition. It is a tradition that pre-dates the OSCE, beginning when participating States of the then Conference on Security and Co-operation in Europe (the CSCE) first met in Belgrade in 1978 to review the implementation of the commitments they had undertaken in the 1975 Helsinki Final Act. This tradition even pre-dates the term we now use – the “human dimension” characterize the

complex of issues that includes respect for human rights (including freedom of the media, gender equality, and the rights of persons belonging to national minorities), democratic practices (including elections), the rule of law, tolerance and non-discrimination. But it is a very distinguished tradition, which builds on the follow-up and expert meetings that took place in the 1980s and early 1990s not only to review implementation of Helsinki commitments but also to enhance and deepen the common commitment of our participating States to human rights and democracy.

An incredibly intensive period of formulating new and far-reaching commitments began in Vienna in the late 1980s and continued at break-neck speed through 1991, with the adoption in succession of the Vienna Document in 1989, the Copenhagen Document and the Paris Charter for a New Europe in 1990, and the Moscow Document in 1991. Important work has continued in the past two decades to further deepen our commitments, particularly in such important areas as promoting gender equality, encouraging tolerance and non-discrimination and improving the situation of Roma and Sinti in the OSCE area. The result of this work on paper is the world's most comprehensive set of political commitments to democracy of existing commitments, which is after all the only way in which those commitments actually become meaningful for the citizens of our countries. The tradition of reviewing human dimension implementation thus builds on an important truth that underlies the OSCE's comprehensive concept of security: there can only be true security and stability in relations between states when governments and leaders keep the promises they have made – to their citizens and to each other - in the fields of human rights and democracy. and human rights undertaken by such a regional arrangement of states. But the CSCE and the OSCE now have also recognized the importance of focusing particular attention on the implementation.

While implementation review had been a fairly constant feature of the CSCE up until 1991, the process became more systematic twenty years ago, when in 1992, the participating States decided in Helsinki that they would meet every year - together with partners from international organizations and civil society - to review and consider ways to improve implementation of the extensive commitments they have undertaken to protect human rights, strengthen democracy, foster tolerance and prevent discrimination. These Human Dimension Implementation Meetings (and Review Conferences during years when Summits take place) have thus become key annual events providing a platform for peer review, self-reflection and constructive dialogue about human dimension commitments: how they are being implemented and how their implementation can become more effective. The modalities for these meetings were adjusted almost exactly ten years ago, when the OSCE Permanent Council adopted its PC.DEC/476; and as you have heard from the representative of the Chairperson-in-Office, review is now underway to consider making these human dimension events more modern, attractive, efficient and effective.

Whatever the results of this review, which falls within the purview of the participating States (and not ODIHR), developments over the past twenty years and even over the past year in many participating States - as well as the high level of interest shown in this year's HDIM - underscore that it remains vital to take stock of shortcomings and setbacks as well as progress. Equally important, as participating States consider how these implementation meetings may be fine-tuned, is to explore how our common efforts can best promote the exercise of human rights by every individual and the development of democratic societies which are open, pluralistic and tolerant.

I would like in particular to welcome all the civil society representatives here today, as others have done, and to hail the critical role that non-governmental organizations have played

throughout the history of the Helsinki process. Were it not for the brave actions of individuals and groups highlighting the gaps between commitments and implementation in the fields of human rights and democracy – sometimes at great personal risk – it is unlikely that governments and international organizations would have chosen to do so. So it was in that context that the drafters of the Helsinki 1992 document wisely chose to provide for the equal participation of NGOs with relevant experience in the working sessions of this and other human dimension events, without any complicated selection or filtering process. We in ODIHR look forward to the continued contributions on this basis of civil society to this and future OSCE human dimension events.

Looking ahead, participants in this HDIM will have an opportunity to engage in discussions over the coming days in seventeen Working Sessions covering the full range of human dimension commitments and putting special emphasis on three selected topics: Empowerment of Roma Women, Freedom of Religion or Belief, and Rights of Persons Belonging to National Minorities. Participants will also have the opportunity to reflect on topics featured in other OSCE human dimension events this year mentioned by representative of the Chairmanship, such as combating racism, discrimination and intolerance through sport, the rule of law framework for combating trafficking in human beings, democratic elections and election observation, and freedom of assembly and association. I would stress that implementation of commitments in the last-mentioned fields, which will be the focus of a Supplementary Human Dimension Meeting on 8-9 November in Vienna, has presented particularly serious challenges in a number of participating States in recent times.

Finally, I would underscore that the plenary and the working sessions of the HDIM will be supplemented by about 50 side events and other opportunities for both formal and informal dialogue among the participants from throughout the OSCE region and our Partners for Co-operation in the Mediterranean and Asian-Pacific regions. I urge everyone to take full advantage of this unique forum.

With these words I conclude my remarks and give the floor to the next speaker, the OSCE High Commissioner on National Minorities.

Ambassador Vollebaek, you have the floor.

Opening Address by Ambassador Knut Vollebaek, OSCE High Commissioner on National Minorities

Chairperson,
Excellencies,
Ladies and Gentlemen,
Dear friends,

It is a great pleasure to be back in Warsaw for the annual Human Dimension Implementation Meeting. Let me thank both the Polish MFA and ODIHR for hosting us. This is the sixth and last time that I will attend this gathering in my capacity as High Commissioner on National Minorities, and it is all the more befitting that I will return next week for a whole day devoted to the rights of persons belonging to national minorities. The two major topics will be linguistic and educational rights of national minorities, issues that have recurred frequently during the almost 20 years of my Institution's history, and to which both I and my predecessors have devoted significant efforts over the years.

Before I move on to introduce the topics of the upcoming sessions next week, I would like to remind everyone briefly about the background to my work and my presence here today. My Institution was set up in Helsinki in 1992 at the summit of the then CSCE and placed within the political-military dimension of the OSCE. My mandate therefore obliges me not to be an ombudsman for minorities or a human rights watchdog, but to provide early warning and, as appropriate, early action in regards to tensions involving national minorities, which in my judgement have the potential to develop into conflicts, which could threaten stability or security within or between participating States. This mandate was drawn up as a response to the inter-ethnic conflicts that occurred in the wake of the end of the Cold War, as European leaders at the time saw that new instruments were needed to avert further violence from occurring. Working in confidence and consulting with participating States and minorities alike, I am tasked to advise States on how to address both the imminent and the root causes of tensions so that all groups in society can build a common future, despite old grievances and divides that often remain below the surface.

Times have definitely changed since the Helsinki Document of 1992. And so has the work of the High Commissioner. Nonetheless, I am struck by how some issues seem to be of lasting relevance to us. As the OSCE has been at the forefront in setting standards for minority rights ever since its inception, I would like to use this occasion to reiterate that past commitments remain in force, and that many of them remain as topical today as they were when first adopted.

Enormous progress has been made throughout much of the OSCE area since our work started. These achievements should not be eroded. We must not allow ourselves to be led astray. The experience accumulated by the High Commissioner confirms that ethnic diversity in and of itself is not causally linked to conflict. The conflict that has marred Europe was first and foremost the result of political choices and actions. These could have been different. We cannot change the past, but we can avoid repeating our mistakes. And when speaking here at the Human Dimension Implementation meeting, we should remind ourselves that the implementation phase is what matters the most. A lot of work remains to be done in this field. In the work of the HCNM, the link between human rights – including minority rights – and conflict prevention has been firmly established. Although my Institution is part of the political-military dimension, it is a cross-dimensional institution par excellence. I spend far more time visiting schools than I do parade grounds, talking to teachers rather than military officers. Although the recognition of the multi-dimensionality of security forms the essence of the OSCE, I believe that we still do not fully appreciate that so-called soft issues often have hard security implications. This is why the focus of a lot of my work is on the rights of persons belonging to national minorities.

Excellencies,
Ladies and Gentlemen,

I look forward to introducing the working sessions on the rights of persons belonging to national minorities, which will be held on 2 October. As I said earlier, I have chosen this year to focus in particular on the linguistic and educational rights of minorities. These are two of the areas that have proved to be of lasting importance throughout the history of the HCNM. In my experience, issues pertaining to these rights are often the root causes for tensions involving national minorities in the OSCE area. Language and education are very important aspects in everyone's life. For persons belonging to national minorities, they are also essential

to their identity, and perceived infringement of these rights often results in resentment against the majority or the state, leading to tension.

The linguistic and educational rights of persons belonging to national minorities are well established, and are elaborated in previous recommendations from the HCNM, the Oslo and Lund recommendations respectively. Respect for and promotion of these minority rights by the participating States has in general improved. However, the participating States are treading a fine line between legitimate and often much needed promotion of the State language and upholding the rights of national minorities in these areas. I hope our sessions next week can contribute to furthering the understanding among representatives of states and civil society alike of the challenges that exist and how they can best be handled in a way that promotes cohesive and strong societies for the benefit of all.

Thank you for your attention.

Keynote Address by Prof. Adam Daniel Rotfeld, former Minister of Foreign Affairs, professor at the Warsaw University

Human Security Dimension - an unfinished business

1. Introductory remarks

In his Foreword to the Report of the Global Commission on Elections, Democracy and Security Kofi Annan noted: “Elections are the indispensable root of democracy. They are now almost universal. Since 2000, all but 11 countries have held national elections. But to be credible, we need to see high standards before, during and after votes are cast. Opposition organizations must be free to organize and campaign without fear. (...) When the electorate believes that elections have been free and fair, they can be a powerful catalyst for governance, greater security and human development”. In other words, it is not enough for governments to create institutions. Politicians must respect and safeguard the independence and professionalism of election officials, judges and courts.

In this context I would like to remind you the words of memorable speech delivered in Berlin in December 1989 by U.S. Secretary of State James Baker. He said: “Free men and free governments, are the building blocks of a Europe whole and free.” The Europe 2012 correspond only in part to the James Baker project. Not all Europe is united and free. Not every country in the Euro-Atlantic region shares the universal values of political pluralism, free market, the rule of law, media freedom and respect for human rights. Even if accepted in declaratory way, they are rejected in political practice. If common values – aside from common interests—fail to be respected, the security community will simply be a façade.

2. The emerging new security system

New security systems do not emerge from “round-table” discussions, even if these attract the most prominent participants. Their visions, concepts and proposals may indeed be drawn upon by politicians, as helping to systematize and harmonize various, often contradictory, state interests. But the decisive factor is about properly identifying and reconciling three fundamental elements, which are characteristic of any security system. These are: *interests, values and power*. The emerging new Euro-Atlantic security system is based rather on interdependence than on dependence and balance of power and equilibrium. The human dimension of security means that system established within the OSCE area reflects the political philosophy of inclusiveness instead of exclusiveness as it was the case in the past—

in the period of Cold War and partition of Europe. In general, nowadays, geopolitics and military aspects of security lost their significance in relations among the OSCE member States. Although on peripheries geopolitical thinking still prevails. The essence of the Euro-Atlantic common security space has to be founded on mutual trust and confidence based on the truth.

The Paris Charter for a New Europe (November 1990), better than any other document, identifies the important new feature of an emerging international system, a feature which boils down to this simple observation: in the 21st century, international security in the global and regional dimension—especially European—is contingent more on the situation *within the states* than *between them*.

The nature of conflicts has changed, and it is about time to draw conclusions from this. Discussions about the new system must not ignore the circumstance that over the past twenty years nearly all armed conflicts have broken out *within the states* and not *between them*. From a strictly military point of view, these are usually low-intensity conflicts.

Increasingly, they are of an asymmetrical nature, where parties include not only states but also non-state actors. The main characteristic of the new security environment is the erosion of the state institutions. The role it has played for over 350 years as part of the Westphalian system is changing in a fundamental way. The classic definition of the state includes three elements: a well-defined territory and population and effective authority (a government). According to international law, whose foundation in international relations is the UN Charter, territorial sovereignty and the principle of the sovereign equality of states prevent any intervention in matters of the discrete internal competence of any state. In reality, during the years that have passed since June 1945—the date of the signing of the UN Charter—there have been several significant changes. The three classic criteria (territory, population and effective power) forming the definition of a state should be—and in essence have been, through the adoption of various treaties and conventions—amended to include some additional requirements:

- State authority has to be not only effective, but its execution pursuant to internal law has to rest on rules and norms arising from obligations under international law (this applies particularly to respect for human rights and the rights of minorities).
- States are subject to appraisal and accountability by their own societies and international institutions (such as the UN Human Rights Council on the global scale or the OSCE including ODIHR and some other OSCE bodies and the Council of Europe on the regional scale) and are accountable to them.

The current situation is more complex and should not be based on any oversimplified models. As a rule, models are useful in theoretical deliberations, such as in the pure sciences—mathematics, physics and chemistry. Yet international politics and European security operate by different rules. In 21st-century relations among states, respecting norms and principles and ensuring the security of the different states have to be harmonized with respect for the universal values of the rule of law in the internal domestic governance of states as the main factor of stability and international security.

3. A New Agenda

Unconventional problems and situations call for unconventional solutions. In practice this means that we need to realize that just as the world is diversified, the methods for neutralizing risks and threats are complex. International security necessitates a holistic approach, not only

encompassing the political and military dimension (as was the case in the past), but also taking into account economics, information technology, and civilizational issues, and allowing nations to protect and cultivate their identities. For the OSCE countries, the key criterion is respect for the *rule of law*. It seems to me that for some countries their verbal declarations do not correspond with their internal and external political practice. As the result, quite often the main threat is connected with a kind of a *cognitive dissonance*: misperception, miscalculation and misinterpretation of their geopolitical role and weight accompanied by disrespect for universal values and violation of the rule of law.

No doubts, the democratic system, political pluralism and rules of law have to be taken seriously and not as a façade or an empty shell. And have to be respected by all the States. Problem is broader. We are living in a time when politicians often know how to fix difficult problems, but later have trouble winning at the polls. Genuine leaders, like Churchill, de Gaulle, de Gasperi, Brandt – took decisions in line with long-term national, European and global interests. They took the right decisions—but often lost power as a result. This is why many leaders nowadays find themselves in difficult straits.

What is more disturbing—some politicians consider power a value in itself. Some of them often resort to populist rhetoric and nationalism, the others try to eliminate their political opponents violating the rules of law and democratic procedures. As the result we are confronted with a real threat of a kind of “re-nationalization” of universal norms and security policies not only outside but also inside of the Euro-Atlantic region. In effect, instead of stabilization, we have more uncertainty, insecurity and unpredictability.

The world is changed. Bipolarity is replaced neither by unipolarity nor by multipolarity.

In his recently published book, an American security analyst, Charles Kupchan shared with us his remarkable future-oriented reflection based on the evaluation of the present situation: “The world is barreling toward not just multipolarity, but also multiple versions of modernity – a politically diverse landscape in which the Western model will offer only one of many competing conceptions of domestic and international order (...). Perhaps the defining challenge for the West and the rising rest is managing this global turn and peacefully arriving at the next world by design. The alternative is a competitive anarchy arrived at by default as multiple centers of power and the differing conceptions of order they represent vie for primacy.” Kupchan is right: the next coming world will be dominated by no country or region. He contends that the next world will have no center of gravity. “It will be no one’s world.”

To understand properly the emerging Euro-Atlantic security system is not enough to be focused on the shifting balance of power but on what such shifts in power will mean for how the world works. In other words, the key elements of the human security is not an equilibrium and military factors, but system based on respect and implementation of universal common values—the rule of law and respect of democratic governance.

The creation of such a genuine security community is feasible.

In our time, respect for values matters more than geopolitics in a search for completion the James Baker Project *A Europe whole and free*.

Opening remarks by Ambassador Thomas Greminger, Permanent Representative of Switzerland to the OSCE, Chair of the OSCE Human Dimension Committee

LINK TO AMBASSADOR GREMINGER'S POWER POINT PRESENTATION

<http://www.osce.org/odihr/93981>

Opening remarks by Ambassador Adam Kobieracki, Director of the OSCE Conflict Prevention Centre

Dear Ambassadors, Ladies and Gentlemen, dear Janez,

It is a great pleasure for me to be here in Warsaw at the Opening of the 2012 Human Dimension Implementation Meeting. It is not usual for the Director of the CPC to address the HDIM, but I am doing that also in my capacity as the Deputy Head of the OSCE Secretariat. I would like to thank you, Janez, for giving me this opportunity.

I think this underlines two things: (1) the good co-operation we enjoy between the Secretariat and ODIHR and (2) the importance we at the CPC give to the work done in the Human Dimension.

The OSCE is built on the concept of comprehensive security. ODIHR and the Annual Human Dimension Implementation Meetings are two important pillars of the OSCE's work in the Human Dimension. If one would need yet another proof that this statement is true, just look around this conference room, full of experts from capitals, but also diplomats accredited to the OSCE in Vienna, who have clearly preferred Warsaw to Vienna for the next two weeks. You will debate here a wide variety of key topics in this Dimension, ranging from fundamental freedoms and rule of law to tolerance and non-discrimination and freedom of thought. You will also discuss specific cases, in which, to use diplomatic language, HD implementation record could and should be improved. All of them are, in one way or the other, relevant to the work of the entire OSCE, including CPC. And as we in Vienna focus now more and more on Early Warning as an element of Conflict Cycle, it is only natural that Human Dimension attracts even more attention in that context.

Of course, Human Dimension activities represent a key aspect of our work. Hence, we in the Secretariat value the co-operation we enjoy with ODIHR and the opportunity for exchanges on Human Dimension issues at this Meeting. We also very much value the important contribution that ODIHR has made to our work along the conflict cycle.

As you know, at the Vilnius Ministerial Council, participating States have taken important decision on strengthening OSCE capabilities with regard to early warning, early action, dialogue facilitation and mediation support and post-conflict rehabilitation.

This Decision recognizes that a *comprehensive, cross-dimensional* response is required to address the multi-faceted causes of crises and conflicts and that this also demands co-operation and co-ordination among OSCE executive structures, respecting their mandates while looking for synergies.

One example of the good co-operation between the OSCE Secretariat and ODIHR in this respect is our work on early warning. The CPC, as OSCE focal point for early warning, has led a common effort to develop internal OSCE early warning guidelines. ODIHR, next to the High Commissioner on National Minorities and representatives from field operations, was an important part of the group which developed these guidelines. We continue to work closely with ODIHR in their implementation.

Human Dimension aspects – many of which will be discussed within the next two weeks – are not only important with regard to early warning but even more so when it comes to early action – conflict prevention or crisis management – and post-conflict rehabilitation. The importance of ensuring a rapid and *cross-dimensional* response to emerging crisis situations cannot be understated. With regard to post-conflict rehabilitation, we must take a multi-faceted view to ensure that human security is also addressed in the root causes of the conflict.

In our work on the conflict cycle, we have also paid attention to gender issues – to be discussed at this meeting on Friday – and provided delegations with food-for-thought in strengthening gender aspects throughout the conflict cycle, especially with regard to UNSCR 1325. In the protection checklist we are currently developing together with UNHCR we pay special attention to the situation of displaced persons in the different stages of the conflict cycle – an issue you have on the agenda for this afternoon. Rule of law, the topic you will start discussing tomorrow, has been identified as a key aspect for successful confidence-building measures in the CBM Guide we published this summer. Finally, we will organize a workshop on reconciliation after the Dublin Ministerial looking at the importance of reconciliation in post-conflict rehabilitation as well as conflict prevention and conflict resolution. This issue is also closely linked to issues on your agenda – from effective justice to tolerance and non-discrimination.

Finally, in many instances ODIHR and the OSCE field operations – to which the CPC provides extensive policy support – work closely together and profit from their respective mandates and experiences which go beyond conflict issues. I think this co-operation has benefitted us all, ODIHR, the field operations and the societies which benefitted from this co-operation.

In our continuing work to strengthen our capabilities across the conflict cycle, we will continue to keep Human Dimension aspects in mind, including them in our efforts wherever possible. I also hope that you, as Human Dimension experts, will also keep in mind the work of the entire OSCE Secretariat, including the CPC so that we can find new ways to work together in comprehensively enhancing peace and stability across the OSCE area. For all of these reasons, I am very glad to have had the opportunity to address you today.

I wish you a successful meeting and inspiring debates, looking to improved HD standards and implementation record.

Thank you for your attention.

LINK TO THE TIMETABLE

<http://www.osce.org/odihr/93909>

MODALITIES FOR OSCE MEETING ON HUMAN DIMENSION ISSUES

<http://www.osce.org/odihr/23762>

LINK TO THE ANNOTATED AGENDA

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Russian: <http://www.osce.org/ru/odihr/93809>

LINK TO THE OVERVIEW OF SIDE EVENTS

English: <http://www.osce.org/odihr/93750>

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