

COMPILATION OF WRITTEN RECOMMENDATIONS **(Covering Working sessions 8 - 9)**

This compilation contains recommendations submitted to the HDIM Documentation Centre in accordance with the established procedure. The compilation is organized by working sessions and by what was submitted by delegations / international organizations / civil society to participating States and, separately, to OSCE institutions / field missions or other international organizations. Recommendations are compiled in original language. This compilation contains recommendations from all documents received at the HDIM Documentation Centre by the end of working session 9; documents received after this time will be included later in the consolidated summary.

Friday, 25 September 2015

Working session 8: Rule of law, including:

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

[Recommendations to participating States](#)

United States of America

To Uzbekistan:

- We encourage the Government of Uzbekistan to allow the International Committee of the Red Cross (ICRC) to follow its own internationally-respected procedures and thus resume prison visits.

To Turkmenistan:

- With respect to the cases of several dozen disappeared political prisoners that have been listed by international civil society groups, we urge the government to prove they are alive or provide basic information about their whereabouts since they disappeared.

France

- France calls upon all OSCE States still applying capital punishment to observe a moratorium and launch reflection on this cruel and inhumane punishment, with a view to its definitive abolition.
- France calls upon all OSCE participating States that have not yet done so to sign and ratify the International Convention for the Protection of All Persons from Enforced Disappearance
- France calls upon all OSCE participating States that have not yet done so to ratify the Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

European Union

- The EU recommends all States who still practice the death penalty or retain it in law to abolish it.
- Likewise, the EU strongly calls on all States not to reintroduce death penalty once it has been abolished.
- In the fight against torture the EU recommends that a full toolbox of measures should be applied. Combatting torture requires an integrated approach encompassing prevention, redress, rehabilitation and access to justice.
- Independent National Preventative Mechanisms monitoring conditions of people deprived of their liberty are a particular important preventive tool. The EU therefore encourages all States to establish or strengthen such mechanisms in line with the Optional Protocol to the Convention against Torture.

Action by Christians Against Torture – ACAT

- To commit to the fight against impunity, by setting up and implementing universal jurisdiction law and mechanism, and providing adequate resources.

Golos Svobody Public Foundation

To Kyrgyzstan:

- Обеспечить доступность квалифицированной юридической помощи через:
 - установление в УПК КР процессуальных гарантий реального выбора адвоката обвиняемым, подсудимым, осужденным;
 - установления в специальном законе, УПК КР эффективных механизмов обеспечения свободной и добросовестной адвокатской деятельности;
 - разработки правовых процедур по установлению контроля качества юридических услуг, предоставляемых государственными адвокатами, и соответствующее их закрепление в законе.
- Сократить предельные сроки пребывания обвиняемых под стражей.

International Partnership for Human Rights (IPHR)

We urge the authorities of **Kazakhstan, Kyrgyzstan and Tajikistan** to:

- Follow each other's recent positive steps in order to combat torture and other ill-treatment more effectively:
 - Kyrgyzstan and Tajikistan should abolish the statute of limitations for torture and other forms of ill-treatment.
 - Kyrgyzstan and Tajikistan should exclude perpetrators of torture and other forms of ill-treatment from amnesties.
 - Kyrgyzstan and Tajikistan should clarify in domestic legislation that a person is considered a detainee as soon as he or she is deprived of liberty and amend the countries' criminal procedure codes to ensure that they explicitly provide, from the moment of deprivation of liberty, for the right to notify a third person, for access to a lawyer of their choice and ensure that detainees are informed of these rights at the moment of de facto apprehension.
 - In order to further strengthen the legal safeguards of detainees in Kazakhstan the authorities should build on the current practice whereby traffic police video-record all

interactions with citizens about traffic rules and oblige all police carrying out arrests to video-record the arrest and transfer to the detention facility.

- The Ministry of Health of Kazakhstan should oblige medical personnel, when conducting examinations of detainees, to document torture and other ill-treatment in line with principles contained in the UN Istanbul Protocol. Other medical personnel also conducting examinations of detainees in Kazakhstan, Kyrgyzstan and Tajikistan should also be obliged to follow the same standards.

- Kyrgyzstan should ensure that victims of torture and other ill-treatment or their families are compensated for moral damages by the State. All three countries should ensure that torture victims have access to redress, including fair and adequate compensation and rehabilitation for damages caused by torture.

- Tajikistan should swiftly ratify the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) and establish an effective National Preventive Mechanism.

- Kyrgyzstan should amend its legislation to the effect that extradition must be denied when there is a risk of torture in the receiving country.

- Publish comprehensive statistics on complaints, investigations, prosecutions, convictions and means of redress relating to cases involving allegations of torture and other ill-treatment.
- Publicly state that torture and ill-treatment are strictly prohibited in all contexts and that law enforcement agents and military personnel responsible for such crimes will be brought to justice.
- Instigate prompt, thorough, impartial and independent investigations into all allegations of torture/ill-treatment and bring anyone reasonably suspected of being responsible to justice.
- Implement the recommendations of UN human rights bodies and procedures as a matter of priority.

In accordance with the principle that issues relating to human dimension commitments are matters of direct and legitimate concern to **all OSCE participating States**, all other participating States should:

- Urge the governments of Kazakhstan, Kyrgyzstan and Tajikistan to promptly implement all recommendations mentioned above and make torture prevention a priority in bi-lateral meetings and human rights dialogues.
- Make the anti-torture message a core element of all programmes, where foreign governments provide training, support or cooperate in other ways with Kazakhstani, Kyrgyzstani and Tajikistani government agencies, in particular law enforcement agencies and the armed forces.

We urge the authorities of **Kazakhstan** to:

- Establish a unified mechanism to implement all decisions that UN treaty bodies issue to Kazakhstan under their respective individual complaints procedures.
- Ensure that victims of torture or their family members are consulted and informed throughout the implementation process pertaining to their case.
- Amend domestic legislation to allow Kazakhstani courts to reconsider criminal cases based on UN treaty bodies' decisions on individual cases, including those that the courts had already closed. Subsequently, effective investigations should be opened to identify the perpetrators; they should be brought to justice; and the State should provide adequate reparation to the victims of torture, in line with Kazakhstan treaty body obligations.

We urge the authorities of **Kyrgyzstan** to:

- Amend domestic legislation to ensure that the definition of deprivation of liberty is in line with international human rights law, in particular that the moment of apprehension is treated as the outset of detention.

- Amend the Criminal Procedure Code of Kyrgyzstan (CPC) to ensure that it explicitly provides, from the moment a person is deprived of his or her liberty, for access to basic safeguards such as access to a lawyer of the detainee's choice, information about the detainee's rights, notification of family, and access to an independent medical doctor.

We urge the authorities of **Tajikistan** to:

- Ensure that perpetrators of torture or other forms of ill-treatment are excluded from amnesties.
- Publish comprehensive statistics on complaints, investigations, prosecutions and convictions relating to torture and other ill-treatment in the army.
- Ensure prompt, thorough and impartial investigations into all allegations of torture and other ill-treatment in the army. Establish the liability of direct perpetrators and those in the chain of command and bring to justice those responsible.
- Provide compensation and full rehabilitation to victims, including through appropriate medical and psychological assistance.
- Train soldiers and officers on human rights standards, in particular those prohibiting hazing and other forms of torture or other ill-treatment.
- Publish comprehensive statistics on all cases involving compensation awarded to victims or their families for moral and material damages sustained as a result of torture or other ill-treatment.
- Provide fair and adequate compensation for moral damages and as full rehabilitation as possible to victims of torture, including through appropriate medical and psychological assistance.
- The Plenum of the Supreme Court should issue an Instruction guiding courts in their treatment of cases relating to compensating torture victims.

Office Attorney at Law Umarova Aiman

- Мои рекомендации в том, что важно обратить внимание на причины почему совершаются пытки и важно, чтобы суды реагировали на такие нарушения прав человека, а в местах, где отбывают наказание осужденные создавать условия соответствующие международным стандартам.

Penal Reform International

- We encourage all states to abolish the death penalty, which we believe should be prohibited absolutely.
- Penal Reform International would like to encourage states to implement the revised UN Standard Minimum Rules for the Treatment of Prisoners, and to use the momentous revision to update their national prison rules and policies

[Recommendations to the OSCE](#)

France

- In line with its mandate, **ODIHR** must continue to lead the discussions with the authorities of countries which have yet to abolish capital punishment, as well as with civil society. The OSCE, which has made undeniable progress in this area since 1975, must and can become a model space for this struggle by ensuring that abolition prevails in all its participating States.

- Updating the commitments made by the OSCE on capital punishment over 20 years ago is essential. These commitments should at any rate reflect United Nations General Assembly resolutions and developments in international law.
- It also calls for the taking into account of the pressing need to combat this problem under the commitments made at OSCE level on the prevention of torture.

Action by Christians Against Torture – ACAT

- ACAT recommends OSCE, and **ODHIR** in particular, to advocate and promote universal jurisdiction to fight against torture.

Golos Svobody Public Foundation

- обеспечение гарантий права на свободу от пыток уязвимых групп риска.

Friday, 25 September 2015

Working session 9: Democratic institutions, including:

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

Recommendations to participating States

Canada

Canada's recommendations for this session are:

- For participating States, to consider appropriate measures to support ODIHR financially and to engage in genuine dialogue for strengthening, not weakening, ODIHR's election observation activities.
- For participating States, to recommit to the core values of the OSCE and to reverse actions that undermine democratic institutions and the holding of free, fair, and inclusive elections.

European Union:

- We call on **Azerbaijan** to engage in discussions with ODIHR on how ODIHR can provide assistance to Azerbaijan in the implementation of its election-related and other OSCE commitments

Our recommendations to the Participating States:

- Ensure the right of citizens to political participation, in a free and fair climate without undue restrictions imposed by the administration, violence, intimidation or fear of retribution, against voters, candidates, parties and elected representatives, both in the run-up to and beyond the elections.

- Ensure the right to stand for election, without any undue restrictions, allowing for the representation of the whole diversity of interests present in society at large.
- Ensure transparent, pluralist and competitive elections that provide the electorate with a genuine choice on the basis of a level playing field and an informed vote.
- Secure timely financial and human resources needed by ODIHR to carry out effectively its election observation activities in the region.
- Extend early and unrestricted invitations to ODIHR to observe their elections in line with OSCE commitments
- Constructively engage on follow-up activities to Election Observation reports in cooperation with ODIHR, including by making voluntary updates to the OSCE Human Dimension Committee.
- Ensure a strong, independent and empowered civil society that is free and able to contribute to the public and political decision-making process to the benefit of the citizens.

Council of Europe

- Encourages the implementation of the Strategy for Innovation and Good Governance at Local Level. It is based on assessments of how local authorities conduct their affairs with regard to the twelve principles of good governance, the identification of possible changes to be made and measures to be adopted and the establishment of partnerships between central (regional) authorities and local authorities (their associations) with a view to promoting the implementation of the “right” policies at both central (regional) and local levels.

Norwegian Helsinki Committee

Urges:

- **Russian** authorities to stop all political pressure against legally elected Deputies in general and Lev Shlosberg in particular;
- **Russian** authorities to guarantee personal security and safe and professional working conditions for Shlosberg and other independent voices;
- **Russian** authorities to investigate the lawfulness of the initiative from the local authorities in Pskov and the connection of the Governor Andrey Turchak in this regard;
- all OSCE participating States to maintain the pressure with targeted sanctions against individuals and entities in the Russian Federation, and to consider the establishment of a Global Magnitsky Mechanism that also will impose visa denial, entry bans and freezing of assets against persons (including entities) who are guilty of gross human rights violations against human rights defenders or whistle-blowers who expose illegal activities carried out by government officials.

[Recommendations to OSCE/ODIHR](#)

Canada

Canada's recommendations for this session are:

- For ODIHR, to continue strengthening and updating its election observation activities and methodology to ensure it remains a global leader in this field;

- For ODIHR, to work in close cooperation with other governmental and civil society organizations to support efforts where democratic principles are most threatened in the OSCE region.
- For ODIHR and OSCE Field Operations, to continue their efforts to strengthen democratic institutions through the provision of advice, legislative review and training;

Baltic Center of Historical and Socio-Political Research

- Основываясь на решении ПАСЕ от 8 ноября 2002 г. и решении Европейского парламента от 8 сентября 2015 г., призываю Бюро по демократическим институтам и правам человека ОБСЕ добиваться ликвидации без всяких условий массового безгражданства в Латвии и института апатридов в Эстонии и проведении в этих странах первых после 1990 г. выборов в органы власти на основе всеобщего избирательного права.

Friday, 25 September 2015

Side event: Implementation of the Istanbul Protocol in Kazakhstan, Kyrgyzstan and Tajikistan

Recommendations to participating States

International Partnership for Human Rights (IPHR)

- **Kazakhstan** to follow the example of **Kyrgyzstan's** and **Tajikistan's** Ministries of Health by obliging all medical personnel of that Ministry to follow the standards of the Istanbul Protocol when examining detainees and documenting the findings. The **authorities of all three countries** should additionally oblige all other medical personnel to also follow the standards of the Istanbul Protocol when examining detainees and documenting the findings.
- The authorities of **all three countries** to ensure that personnel carrying out medical examinations in temporary police detention facilities (IVS) and investigation isolation facilities (SIZO) are truly independent from the agencies running the detention facilities.
- **Tajikistan** should introduce the institution of independent forensic experts and **all three countries** should ensure that the conclusions of independent experts are attributed equal evidentiary weight in court