

2016 Human Dimension Implementation Meeting

CONSOLIDATED SUMMARY

Warsaw, 19 – 30 September 2016

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I. EXECUTIVE SUMMARY

The twentieth OSCE Human Dimension Implementation Meeting (HDIM) took place in Warsaw, from 19 to 30 September 2016, at the hotel Sofitel Victoria.



This year, again, it attracted a record number of 1502 participants, representing OSCE participating States, Partners for Co-operation, OSCE institutions and executive structures, international organizations and civil society representatives. Organized by the OSCE Office for Democratic Institutions and Human Rights (ODIHR) in co-operation with the German OSCE Chairmanship and other OSCE executive structures – the OSCE Secretariat, the offices of the OSCE High Commissioner on National Minorities, of the OSCE Representative on Freedom of the Media and of OSCE Special Representative/Co-ordinator for Combating Trafficking in Human Beings as well as field operations, it aimed at reviewing the implementation of the full range of OSCE human dimension commitments.

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

Organization of the Meeting

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

The opening plenary was chaired by Michael Georg Link, the Director of the OSCE/ODIHR, who also gave an opening statement. This year, the opening session hosted special guests: Frank-Walter Steinmeir, Minister of Foreign Affairs of Germany/ OSCE Chairperson-in-Office, Witold Waszczykowski, Minister of Foreign Affairs of the Republic of Poland as well as the Parliamentary Assembly President Ms. Christine Muttonen. The opening plenary also featured a debate on “Democracy and Human Rights in the OSCE Area 25 Years after the Charter of Paris for a new Europe”. There were three panellists involved in this debate, Dunja Mijatović, OSCE Representative on Freedom of the Media, Kenneth Roth, Executive Director of Human Rights Watch and Nils Muižnieks, Council of Europe Commissioner for Human Rights. The debate was moderated by Anabelle Chapman, a Warsaw-based journalist.

Seventeen delegations of participating States also delivered statements during the opening session.

There were nine working sessions in the first week of HDIM from 19 to 23 September and they focused on the following topics:

- **Working session 1:** Democratic institutions, including an address by the Director of the OSCE/ODIHR
- **Working session 2 and 3:** (specifically selected topic): The international covenants on human rights and their importance for the OSCE human dimension

- **Working session 4 and 5:** (specifically selected topic): Freedom of assembly and association
- **Working session 6:** Fundamental freedoms I, including an address by the OSCE Representative on Freedom of the Media
- **Working Session 7:** Humanitarian issues and other commitments, including an address by the OSCE Special Representative/Co-ordinator for Combating Trafficking in Human Beings
- **Working sessions 8:** Rule of law I
- **Working sessions 9:** Rule of law II

In the second week, 26 to 30 September, there were also nine working sessions which addressed the following topics:

- **Working sessions 10:** Tolerance and non-discrimination I, including an address by the OSCE High Commissioner on National Minorities
- **Working session 11:** Tolerance and non-discrimination I (continued), including prevention and responses to hate crimes in the OSCE area, and combating racism, xenophobia and discrimination, also focusing on tolerance on religious grounds
- **Working session 12:** Fundamental freedoms I (continued), including freedom of thought, conscience, religion or belief
- **Working Session 13:** Fundamental freedoms II (continued), including freedom of movement
- **Working session 14:** Tolerance and non-discrimination II, including ensuring equal opportunity for women and men in all spheres in life, through implementation of the OSCE Action Plan for the Promotion of Gender Equality
- **Working session 15:** Tolerance and non-discrimination II, including Roma and Sinti issues, including implementation of the OSCE action Plan on Improving the Situation of Roma and Sinti
- **Working sessions 16 and 17:** (specifically selected topic): Rights of the child
- **Working session 18:** Discussion of human dimension activities (with special emphasis on project work)

LINK TO THE AGENDA

English: <http://www.osce.org/odihr/258191?download=true>

Russian: <http://www.osce.org/ru/odihr/262526?download=true>

The HDIM was concluded by a **Closing Plenary Session**. Closing addresses were delivered by Ambassador Eberhard Pohl, Permanent Representative of Germany to the OSCE and Chairperson of the Permanent Council, on behalf of Gernot Erler, Special Representative of the Federal Government of Germany for the OSCE Chairmanship in 2016; Lamberto Zannier, the OSCE Secretary General, and ODIHR Director Michael Georg Link. Ten participating States also delivered statements at the Closing Session.

In terms of invited guests at the sessions, there were all together 41 different introducers and 15 moderators from 29 countries representing governmental and public structures, civil society, OSCE executive structures, international organizations and academia.

The statistics regarding the participation in the meeting are provided in the next chapter.

The exact **timetables** can be found here: <http://www.osce.org/odihr/264841?download=true>

Statements at the sessions

Participants, all together, delivered 603 statements during all sessions and 190 ‘rights of reply’ statements. See the statistics below.

	Delegations	Partners for Co-operation	NHRI	Civil society	OSCE institutions	International Organizations	Media	Total	Right to reply
Opening	17							17	7
WS 1 Democratic Institutions	14			13		1		28	7
WS 2 Int Covenants	16		1	14		1		32	6
WS 3 Int Covenants (cont)	6			13				19	10
WS 4 FoA	14			18		1		33	7
WS 5 FoA (cont)	8			15				23	12
WS 6 Fund freedoms I (RFOM)	17			22		1	3	43	16
WS 7 antitrafficking; refugees and migrants)	21			15		1		38	7
WS 8 Rule of law I	9			20		1		30	14
WS 9 Rule of law II	11			20	1	1	1	35	6
WS 10 TnD I (HCNM)	11			30		1		42	14
WS 11 TND - hate crimes, combating intolerance	9			40				49	14
WS 12 Freedom of thought	11	1		42				54	16
WS 13 Fund freedoms II, including FoM	8			23			1	32	11
WS 14 TnD II (gender equality)	20			18	1	1		40	12
WS 15 TnD II (cont) (Roma and Sinti)	10			24				34	9
WS 16 Rights of the Child	9		1	13		2		25	15
WS 17 Rights of the Child (cont)	8			7				15	4
WS 18 Project Work	4							4	
Closing	10							10	3
Total	233	1	2	347	2	11	5	603	190

The most popular session, in terms of statements, was the working session 12 Fundamental freedoms II (continued), including: Freedom of thought, conscience, religion or belief with 70 statements (incl. statements and rights of reply).

The second most popular was the working session 11 on Tolerance and non-discrimination I, including: including prevention and responses to hate crimes in the OSCE area, and combating racism, xenophobia and discrimination, also focusing on tolerance on religious grounds with 63 statements.

And the third most popular was the working session 6 Fundamental freedoms I, including: Address by the OSCE Representative on Freedom of the Media; Freedom of expression, free media and information with 59 statements.

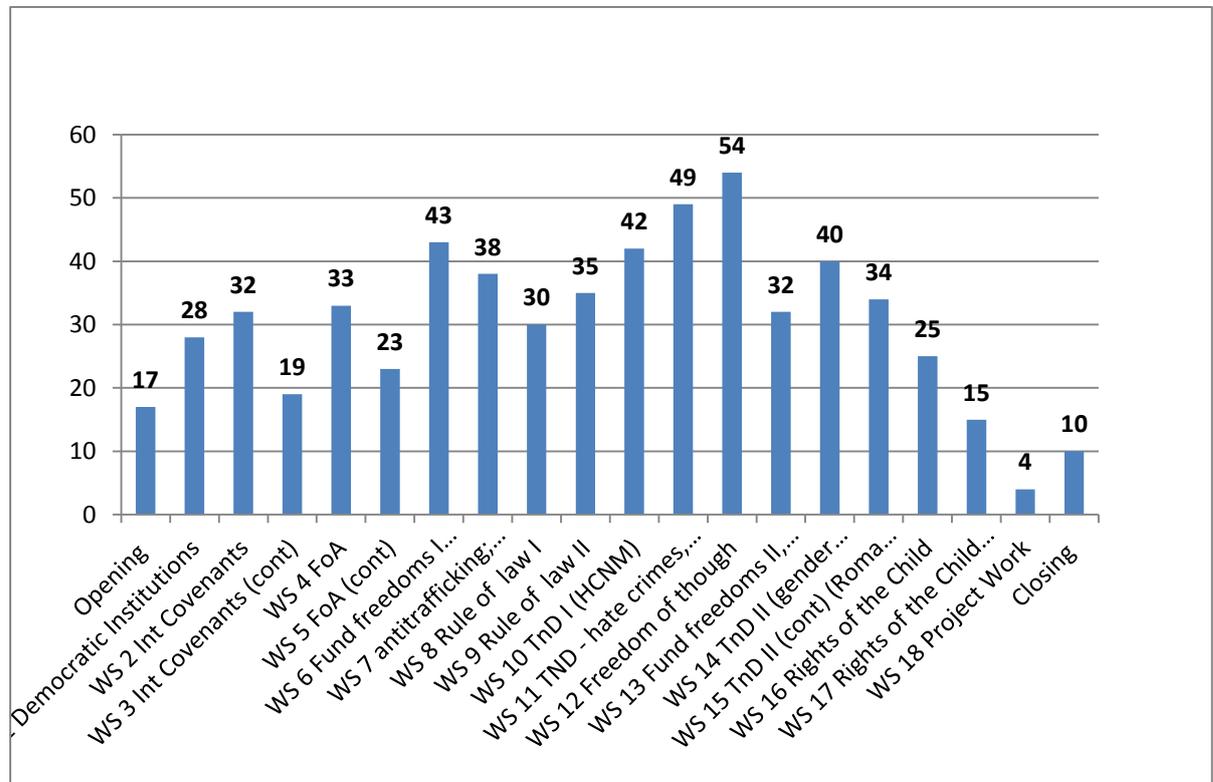


Figure 1: Total number of statements per session (without the right of reply statements)

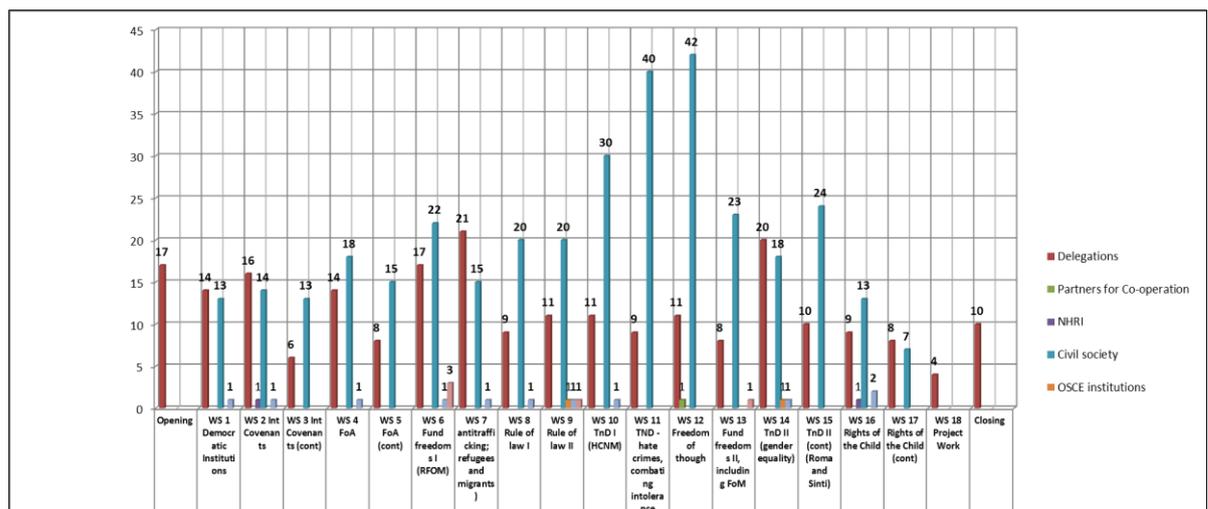


Figure 2: Dynamics of interventions per session, per entity

In line with the 2004 OSCE Action Plan for the Promotion of Gender Equality and ODIHR Gender Mainstreaming Roadmap 2016-2018, ODIHR collected also statistic of number of women and men taking the floor during the working sessions. Altogether 210 women versus 390 men, and 35% to 65 % respectively, had statements during all HDIM sessions. (The statistic do not include the right of reply statements.) Below the statistic showing the ratio per each working session.

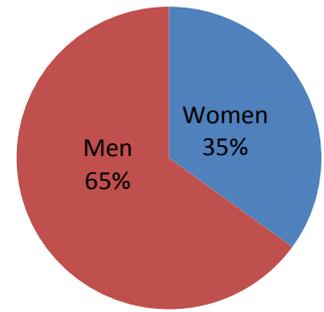


Figure 3: Percentage of women and men taking the floor during the working sessions

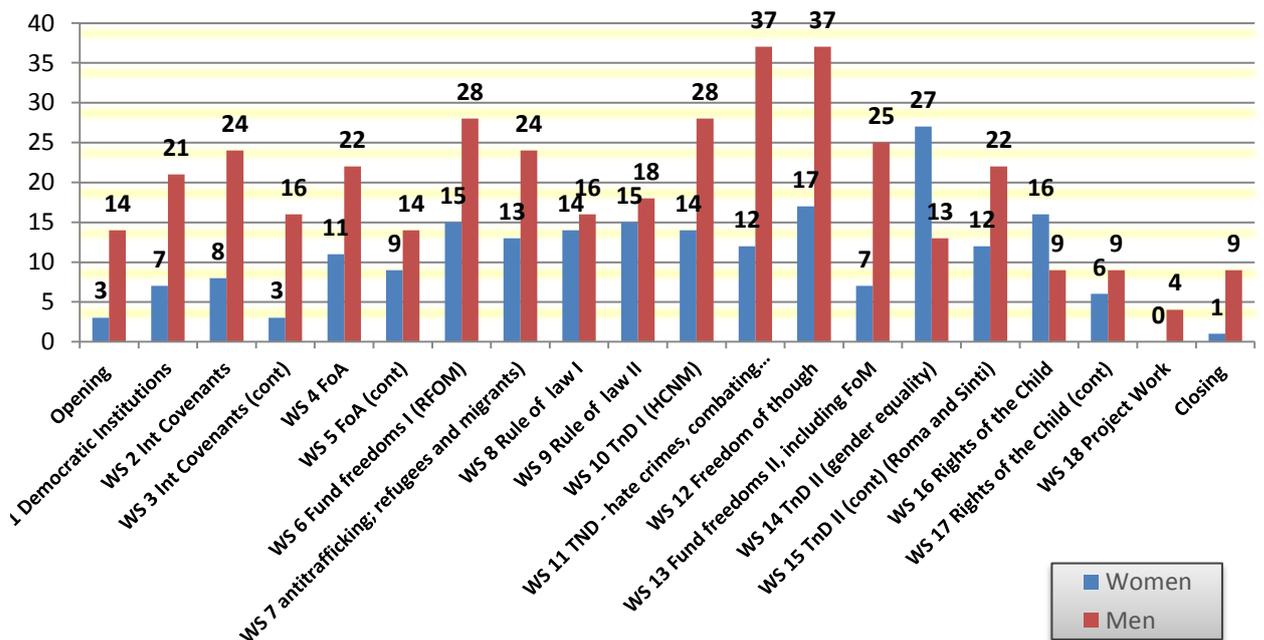


Figure 4: Number of women and men taking the floor per session

Side events

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

Full list of side events with descriptions is available here: <http://www.osce.org/odihr/263486?download=true>

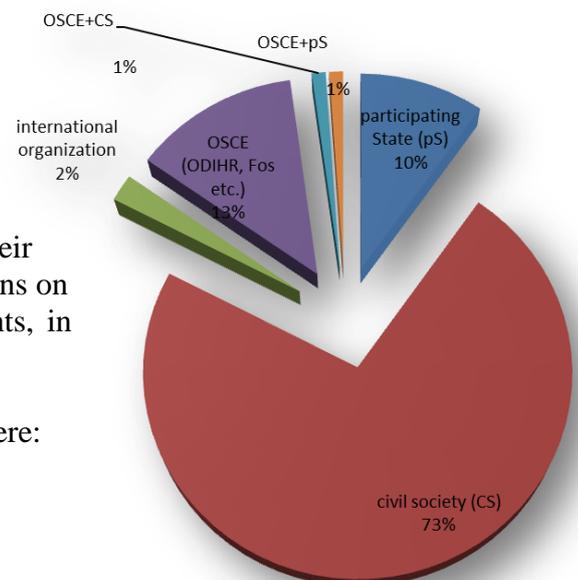


Figure 5: Side events per organizer

Recommendations

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

Reports from the Working Sessions

Written summaries by rapporteurs of the Working Sessions were submitted and distributed in advance of the Closing Plenary Session. Their reports were distributed to all participants. This new practice, introduced in 2012, increases transparency, by providing an opportunity for the delegations of participating States to familiarize themselves with the rapporteurs' summaries before the Closing Plenary Session, which was dedicated to dialogue reviewing HDIM results and recommendations.

HDIM 2016: Social media & Livestreaming

This year, ODIHR continued to focus on conference outreach in an effort to bring its impact to a wider audience. A social media campaign was started on Facebook, Twitter and on the HDIM 2016 Highlight website with hashtag #HDIM2016 to create interest around the conference and let followers know that the meeting was approaching, and could be watched live online. The conference was livestreamed in English and Russian. Additionally, there was a "Twitter Wall" projected at the plenary hall, displaying tweets, with the hashtag #HDIM2016. During the course of the conference, over 11 000 tweets were sent, reaching 58.8 million Twitter users. During speakers presentations, relevant OSCE commitments were displayed in the hall, a reminder of what participating States have agreed to implement.



Documents Distribution System

As in previous years, ODIHR used its electronic Documents Distribution System (DDS). This tool allowed all documents and recommendations, to be immediately displayed in electronic form on terminals available at the conference venue and accessible through the OSCE website. With the possibility of sending documents via e-mail directly from the terminals, the system facilitates additional input to and feedback from the debate. It also significantly reduces costs of the meeting. This year participants submitted more than 597

statements to the system. The list of documents distributed during the HDIM is attached to this report.

TANDIS, Legislationline and Hate Crime Reporting website

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

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

II. PARTICIPATION

Total number of participants - **1502**, including:

472 participants from 55 participating States from: Albania (6), Andorra (1), Armenia (3), Austria (7), Azerbaijan (9), Belarus (5), Belgium (7), Bosnia and Herzegovina (3), Bulgaria (5), Canada (6), Croatia (4), Cyprus (3), Czech Republic (7), Denmark (10), Estonia (4), Finland (7), France (7), Georgia (10), Germany (29), Greece (6), Holy See (5), Hungary (6), Iceland (1), Ireland (3), Italy (5), Kazakhstan (4), Kyrgyzstan (7), Latvia (3), Liechtenstein (1), Lithuania (5), Luxembourg (5), Malta (2), Moldova (5), Mongolia (2), Montenegro (3), Netherlands (10), Norway (5), Poland (20), Portugal (2), Romania (8), Russian Federation (26), Serbia (12), Slovakia (22), Slovenia (3), Spain (6), Sweden (19), Switzerland (9), Tajikistan (5), the former Yugoslav Republic of Macedonia (3), Turkey (9), Turkmenistan (3), Ukraine (35), United Kingdom (19), United States of America (53), Uzbekistan (7)

14 representatives from 5 Partners for Co-operation:

- Egypt (1)
- Morocco (2)
- Republic of Korea (1)
- Thailand (9)
- Tunisia (1)

32 representatives of 12 International Organizations/ Institutions and Agendas

- CIS - Commonwealth of Independent States (1)
- Interparliamentary Assembly of Member Nations of the CIS (1)
- Community of Democracies (5)
- Council of Europe (12)
- Council of Europe, Office in Georgia (1)
- North-South Centre of the Council of Europe (1)
- European Parliament Anti-Racism and Diversity Intergroup (ARDI) (1)
- European Union Agency for Fundamental Rights (FRA) (3)
- International IDEA (3)
- Office of the United Nations High Commissioner for Human Rights (2)
- United Nations Population Fund, Republic of Belarus (1)
- United Nations Office in Belgrade (UNOB) (1)

58 participants from the 9 OSCE Institutions:

- OSCE Secretariat (5)
- Prague Office of the OSCE Secretariat (1)
- OSCE Secretariat; Action against Terrorism Unit (2)
- Office of the Co-ordinator of OSCE Economic and Environmental Activities (2)
- Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings (3)
- Office of the Representative on Freedom of the Media (7)

- OSCE Office for Democratic Institutions and Human Rights (28)
- OSCE High Commissioner on National Minorities (5)
- OSCE Parliamentary Assembly; International Secretariat (5)

71 representatives of 13 OSCE Missions/Field Operations:

- OSCE Presence in Albania (2)
- OSCE Programme Office in Astana (2)
- OSCE Centre in Bishkek (3)
- OSCE Mission to Bosnia and Herzegovina (6)
- OSCE Mission in Kosovo (5)
- OSCE Mission to Moldova (8)
- OSCE Mission to Montenegro (5)
- OSCE Mission to Serbia (11)
- OSCE Mission to Skopje (4)
- OSCE Office in Tajikistan (8)
- OSCE Project Co-ordinator in Uzbekistan (2)
- OSCE Office in Yerevan (2)
- OSCE Project Co-ordinator in Ukraine (13)

804 representatives of 495 Civil Society from 45 countries: Albania, Armenia, Austria, Azerbaijan, Belarus, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Kazakhstan, Kyrgyzstan, Latvia, Lithuania, Moldova, Netherlands, Norway, Poland, Romania, Russian Federation, Serbia, Slovenia, Spain, Sweden, Switzerland, Tajikistan, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom, United States of America, Uzbekistan.

27 registered participants from **media**.

III. RAPPORTEURS' REPORTS

Permanent Council Decision 476 on the modalities for OSCE meetings on human dimension issues states that rapporteurs will be appointed for each session. The following is a compilation of the working sessions' reports prepared by the rapporteurs.

Working Session 1: Democratic institutions, including address by the Director of the OSCE ODIHR

Rapporteur: Anna Pogwizd, Permanent Mission of the Republic of Poland to the UN Office and the International Organizations in Vienna

No. of statements: 28

Delegations: 14

NHRI: -

Civil Society: 13

OSCE Institutions: -

International Organizations: 1

Media: -

Rights of Reply: 7

The Working Session 1, opened by Mr. Michael Georg Link, the Director of ODIHR, and Ambassador Maria Leissner, Secretary General of the Community of Democracies, focused on democratic institutions and political participation at the national, regional and local level, as well as citizenship and political rights.

In his introduction, Director Link reiterated the essence of ODIHR's work, which is to support and work together with the participating States in addressing potential shortcomings in their human dimension commitments. The assessment of the implementation of these commitments, based on ODIHR's cooperation with the participating States over the past 25 years, reveals a mixed picture. Among positive developments, Director Link mentioned the strengthened legal frameworks that are generally accessible and strive to respect international human rights obligations. When it comes to electoral law, a number of these improvements result from following up on OSCE/ODIHR recommendations. Another positive development is a greater inclusiveness, particularly with regard to women's participation, the rights of persons with disabilities and minorities, as well as an increased awareness of the importance of regulating campaign finance. The shortcomings include limitations to the right to be elected impeding specific persons or groups, lack of free campaign environment, as well as abuse of state resources, including in favour of incumbents, and lack of confidence in the impartiality and independence of election administration bodies.

Director Link stressed that the conduct of genuine elections is not an end in itself. They need to be followed by efforts to further consolidate and strengthen democratic institutions, as also recognized in the Charter of Paris for New Europe in 1990, where the participating States reiterated their commitment to "build, consolidate and strengthen democracy as the only system of government of our nations".

The second introducer, Ambassador Leissner, among positive developments mentioned the improvement of transparency and professionalism of a number of electoral administrations in the OSCE region, as well as the increased number of women elected to public offices.

Referring to negative trends she mentioned, i.a., intimidation of journalists and unbalanced media coverage. She also named the rise of nationalism, xenophobia and populism as threats to democratic values, also in well-established, traditional democracies, where there is also a need to take action to prevent citizens from losing faith in democratic institutions. She encouraged the participating States to continue looking for ways to increase citizens' engagement in public life, ie. through providing a better access to information and greater inclusion of underrepresented groups.

The majority of interventions focused on democratic elections and ODIHR's election observation work. A number of delegations thanked ODIHR for the Election Observation Missions conducted in their respective countries. The delegations expressed their support to ODIHR's mandate, as well as to its needs-based methodology ensuring an independent and impartial observation and post-election follow-up, assisting participating States in complying with their commitments, i.e. through legislation reviews and election observation handbooks. Some of the delegations also specifically named reforms in the electoral law they introduced following ODIHR's assessment and recommendations.

One delegation stressed that participating States should undertake concrete actions in law and practice to ensure that democratic institutions are nurtured through respect for human rights. Another delegation mentioned the importance of the pre-election period, as – if the freedom of speech is undermined and intimidation is widespread in the run-up to the vote – similar tendencies can often be observed on the Election Day itself.

A representative of an international organization stressed the importance of commonly agreed election observation standards, as well as of effective and credible monitoring mechanisms, referring to the good practice of exchange and cooperation between various international organizations engaged in election support.

A number of delegations and civil society representatives stressed the important role of non-governmental organizations, domestic observers, as well as of independent and unbiased media coverage. Some speakers named certain irregularities observed in elections that were recently conducted across the OSCE region, while also expressing concerns with regard to upcoming public votes in the OSCE region.

A number of delegations and civil society organizations made reference to a recent election in one participating State, pointing out to observed irregularities and welcoming the fact that ODIHR did not observe voting in the occupied territory of another participating State, which cannot be assessed as genuine.

Recommendations to OSCE participating States:

- To take all appropriate measures to 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.
- To support the political participation of women, in particular in terms of being eligible to publicly elected bodies on equal terms with men.
- To ensure transparent, inclusive, pluralist and competitive elections that provide the electorate with a genuine choice on the basis of a level playing field and an informed vote.
- To extend early invitations to ODIHR to observe elections without restrictions in line with OSCE commitments.

- To engage in the follow-up activities to Election Observation Missions' recommendations in cooperation with ODIHR, including by making voluntary reports to the OSCE Human Dimension Committee.
- To consider seconding more observers and/or consider other possible ways of support to ODIHR, such as contributing to its Observation Sustainability Fund.
- To cooperate with ODIHR and the Venice Commission of the Council of Europe through seeking their joint opinion on relevant legislative improvements.
- To promote strong, independent and empowered civil society.

Recommendations to OSCE institutions, executive structures and field operations:

- To ODIHR, to develop a road map allowing for further strengthening and updating its election observation activities and methodology.
- To enhance co-ordination with other international organizations in the field of electoral work.
- To continue efforts aimed at strengthening democratic institutions through the provision of advice, legislative review and training, as well as through the Election Observation Mission's follow-up activities.
- To the OSCE field missions - to continue efforts aimed at strengthening democratic institutions through capacity building activities, training and legislative review.

Working Session 2: (specifically selected topic): The international covenants on human rights and their importance for the OSCE human dimension

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

No. of statements: 32

Delegations: 16

NHRI: 1

Civil Society: 14

OSCE Institutions: -

International Organizations: 1

Media: -

Rights of Reply: 6

To facilitate the discussion during the session, the Annotated agenda presented the following questions:

1. What are the scope and content of ICCPR obligations, and where do they converge with OSCE human dimension commitments?
2. How can the OSCE and UN frameworks reinforce each other, and contribute to increased human rights protection in practice?
3. What obligations under the ICCPR are non-derogable and/or reflect customary law, and what does this mean for the protection of human rights during times of conflict, crisis or internal states of emergency?
4. What parts of this discussion on human rights provided by the ICCPR should be developed further in subsequent sessions of the HDIM?

5. Where can the OSCE executive structures and institutions do to better support participating States in their implementation of the ICCPR?

The working session's introducer was Professor Roman Wieruszewski, Director of the Poznan Human Rights Centre.

Prof. Wieruszewski began his intervention by recalling the significant links that exist between the UN system and the OSCE as concerns their work on human rights. This is clearly seen in the fact that both Organizations are committed to the *International Covenant on Civil and Political Rights* and the *International Covenant on Economic, Social and Cultural Rights*. Although he acknowledged that the various human rights treaties are different one from another, Prof. Wieruszewski urged States to take advantage of the full scope of human rights instruments, as they create a network of standards and mechanisms. As an example, he cautioned against considering the various European instruments as being enough in themselves, as without a complex approach, a State would place limitations on its human rights approach.

Prof. Wieruszewski also addressed the issue of the many review mechanisms established by human rights instruments, recalling that monitoring or review procedures related to the observance of human rights commitments undertaken by States developed in the wake of World War II. He noted that some States are hesitant about signing/ratifying instruments or their protocols because of the review mechanisms that follow these treaties. Furthermore, it remains an aspect of international human rights mechanisms that the timely presentation of reports, follow-up of review recommendations and collaboration with commissions/committee is not always completed or undertaken.

Furthermore, Prof. Wieruszewski raised the issue of the interpretation of the Covenants and human right treaties in general. Giving the freedom of expression as an example, he asked if this freedom should be understood today as it was in the 1950s/1060s when the Covenants were negotiated/entering into force, or if the freedom should be understood as it is perceived today. Expressing support for the latter view, he urged there to be interpretation of the treaties, as the lack of such development of understanding could easily make the treaties irrelevant.

In concluding his intervention, Prof. Wieruszewski remarked that today's perceived conflict between security concerns and human rights is not a new issue, and that there are links between this perceived conflict and that between human rights and cultural differences/values. However, he warned against using excuses so as to avoid implementing obligations, seeing as human rights continue to be threatened in the world of today.

During the subsequent discussions, both participating States and civil society expressed their wholehearted support for the two international Covenants. Many speakers also highlighted the extensive work that has been done within the OSCE region to implement these international instruments through internal legislation, through national mechanisms and through co-operation with various international review mechanisms. At the same time, the bulk of interventions highlighted that more work is needed to ensure that the human rights enshrined in the two Covenants are enjoyed by all in the OSCE region.

Other topics raised by interventions were the links that exists between the two Covenants and the commitments and work of the OSCE (including the Helsinki Final Act), the important role that human rights play in the advancement of co-operation and security in the

participating States and in the region as a whole, and the current situation's and security challenges' impact on the work in advance of human rights in accordance with the two Covenants. Many interventions also drew attention to the constructive role that civil society plays within the context of human rights and the implementation of human rights and fundamental freedoms in OSCE States.

A number of participating States and civil society actors drew attention to concrete cases and situations in participating States, concerning non-implementation or violations of human rights and fundamental freedoms.

Following the interventions of participating States, international organizations and civil society, Prof. Wieruszewski noted that the session's discussion cannot be seen as concluding the matter at hand, but rather forms part of a greater dialogue on the understanding of the Covenants and their implementation. He also noted that as the beneficiaries of the Covenants are the citizens of States, whereas the obligations are on States, a State or States may point out the lack of implementation in another State, as non-implementation involves lacking adherence to internationally assumed commitments. Finally, Prof. Wieruszewski recalled that as no country has claimed to have implemented all commitments flowing from the Covenants, the work on advancing human rights needs to continue.

Recommendations to the Participating States

- OSCE participating States should
 - ensure that they fulfil all commitments already made under the OSCE framework and in line with the Covenants
 - strengthen its links with the OHCHR, to remain up to speed on developments in HR understanding to ensure that future commitments were in line with these and existing OSCE commitments and avoid regressive steps.
 - [if they have not done so] ratify the Covenants
 - ensure implementation of the Covenants
 - improve citizens' access to HR complaint and monitoring mechanisms
 - not to weaken the international HR system by promoting own positions
 - build consensus for the implementation of all HR treaty obligations
 - ensure inviolability of HR in sports
 - deploy international observers, medical doctors and lawyers to examine reports on torture and degrading treatment of prisoners

Recommendations to the OSCE executive structures

- OSCE should
 - support relevant Track II regional activities - including those within the margins of the OSCE Network on Think Tanks and Academic Institutions - in conflict regions in the OSCE area
 - formulate good practices of exchange between the OSCE and the UN treaty bodies, such as the Special Rapporteur of the HR Council and especially the bodies dealing with the two Covenants, the HR Committee and the ECOSOC Committee and to intensify such exchange
 - ensure inviolability of HR in sports
 - cooperate with UN in implementation of UN Convention on the Rights of Persons with Disabilities promote shared responsibility between ILO, IMO,

- national governments, maritime trade unions, organizations of ship-owners and other civil society structures for providing seafarers' HR
 - cooperate with UN and participating States to ensure that HR can be enjoyed also by people in occupied territories
 - ensure that all participating States uphold their commitments. develop a concrete mechanism to punish violations of Covenants
- OSCE Chairpersonship should
 - support regional activities, both formally and informally, on monitoring and protecting HR in “grey zones” based on agreed commitments and other HR instruments
- OSCE Special Monitoring Mission to Ukraine should
 - cover the entire territory of Ukraine (internationally recognized borders)
 - identify and obtain access to places of illegal detention
 - document detected human rights violations with references in its regular updates
- OSCE Project Co-ordinator in Ukraine should
 - elaborate projects on enhancing the involvement of journalists to monitor HR violations in conflict areas
 - establish cooperation with the OSCE Mission to Moldova and the OSCE field presences in the Western Balkans to exchange experiences in monitoring and promoting HR protection in the conflict zones
 - broaden cooperation with the OSCE Special Monitoring Mission to Ukraine to execute joint projects on monitoring and protecting HR in the Ukraine to create and strengthen national capacities
 - establish the practice of implementing and supporting regional projects focused on the involvement of NGOs to monitor and protect HR
 - provide continued support in strengthening the interaction between public authorities and the civil society oriented on HR monitoring and protection

Working Session 3: (specifically selected topic): The international covenants on human rights and their importance for the OSCE human dimension (continued)

Rapporteur: Natalia Kravtsova, Second Secretary of the Permanent Mission of Russian Federation to the OSCE

No. of statements: 19

Delegations: 6

NHRI: -

Civil Society: 13

OSCE Institutions: -

International Organizations: -

Media: -

Rights of Reply: 10

The session continued to examine the role of the International covenants on human rights in political, civil, economic, social and cultural spheres of life.

The introducer put focus on economic, social and cultural rights and modern challenges for their full realization. He stressed that the security dimension of the relevant commitments is even more important if peace is defined in wider terms, not only as just an “absence of war”. In this regard he indicated, that giving individuals the possibility to participate meaningfully in society through work that is freely chosen, productive and decently paid constitutes an important factor to prevent radicalization of society. The realization of the right to work is a basic human right, and it is necessary to overcome the present and future challenges.

The introducer underscored that international and sustainable peace can be only based upon social justice. In this regard the introducer also underlined the importance of full realization of social, economic and cultural rights, enshrined in different international human rights treaties and relevant international labour standards, and discrimination of these rights on any ground is inadmissible. He also stressed that in accordance with international obligations everyone has the right not to be deprived of work arbitrarily and unfairly. The employment has an important role to play in realization of other rights.

The introducer touched upon challenges, that participating States need to pay attention to, such as forced labour, often associated with human trafficking for the purpose of exploitation, or child labour. Speaking about the role of the OSCE, the introducer underscored the OSCE commitments and efforts to combat unemployment. He recalled that in Maastricht 2003 the participating States stressed that unemployment is a factor undermining stability. The participating States also committed themselves to promote and encourage the effective exercise of economic, social cultural and other rights and freedoms all of which derive from the inherent dignity of the human being and are essential for his free and full development, echoing the commitments contained in the UN Covenants.

The participating States shared their good practices in ensuring economic, social and cultural rights, inspired, in particular, by the respective UN Covenants.

Some participants stressed that the implementation of the human rights and fundamental freedoms enshrined in the respective Covenants resulted in some positive examples in the development of the national economy, increase of the quality and the length of life. Such measures, in particular, include the State support for young families, elderly, young mothers and students, the reform of the healthcare system, social protection, including targeted payments, for the least protected groups of the society. The representatives of the participating States also stressed the need to further improve the well-being of people and to reduce homelessness without criminalizing it. The important role of the engagement of the civil society was also underscored.

Other participants argued that their governments succeeded in increasing transparency and fighting corruption. There were a number of interventions indicating existing problems in full realization of the rights in civil, political, economic, social and cultural spheres in the OSCE area and that the participating States should endeavour to eliminate them.

One participant indicated that his country is not a party to the International Covenants on Economic, Social and Cultural Rights, but considered steps taken by the government to provide for economic, social and cultural rights and their progressive realization, he called on others to judge by results.

Another speaker expressed concern over the fact that some OSCE participating States have serious problems with acceding to a number of human rights documents, in particular to International Covenants and their Protocols. Those countries had made a number of reservations to such important instruments, which is assessed to be contrary to the UN Charter and 1969 Vienna Convention on the Law of International Treaties.

The participants stressed that much has been done, but there is still enough to do for full implementation of relevant international covenants on human rights. Many States manifested their readiness to be open in discussing human rights issues.

A number of the representatives of the civil society were critical about their governments stressing the failure in implementation of the OSCE commitments on human rights and fundamental freedoms. They indicated a number of challenges in some OSCE participating States, such as arbitrary detentions of human rights activists, fabricated cases against journalists and human rights defenders, political imprisonment and torture in prisons, lack of access to fair trial. Other representatives of civil society argued that their respective countries made a significant progress in terms of implementing commitments enshrined in the International Covenants on Human Rights.

Recommendations to the Participating States

- to work harder to meet the economic, social and cultural needs of their people
- the international community to press the government of I.Rahmon to put an end to using family members as hostages in Tajikistan
- to the USA and a number of the EU member-States to revise their reservations to the international documents on human rights, and to be more open and constructive with the UN special procedures in the field of human rights
- to the OSCE to pay attention to external migration issues in Kyrgyzstan and Russia
- to the OSCE to come up with instruments to protect the rights of IDPs
- to Armenia to reinstate the institutional possibilities to protect the right of workers
- to Uzbekistan and Turkmenistan to implement the human rights treaties they have ratified, such as in the area of the right to a fair trial, establish proper accountability mechanisms regarding instances of torture
- to Ukraine to fully and directly implement the Minks agreements
- to ensure the effective protection of labour rights and private property
- to accede to the ILO conventions and other important international documents relevant to the topic discussed

Recommendations to the OSCE executive structures

- To all OSCE executive structures to pay more attention to the issue of economic, social and cultural rights
- To ODIHR - not to remain silent regarding the human rights situation in Turkmenistan
- To ODIHR to recognize the moral trauma regarding the persons with disabilities, and pay special attention to their plight and raise the visibility of the challenges they face.
- To ODIHR to set up a special human rights institute in TUR
- to ODIHR – to bring to the attention of others the human rights violations of Russian Paralympic Participants
- to all OSCE executive structures to assess the impact of the unilateral coercive measures made in the OSCE region and cooperate closely with UN actors

Working Session 4: (specifically selected topic): Freedom of assembly and association

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

No. of statements: 33

Delegations: 14

NHRI: -

Civil Society: 18

OSCE Institutions: -
International Organizations: 1
Media: -

Rights of Reply: 7

Working Session 4 discussions focused on the topic of Freedom of Peaceful Assembly. UN Special Rapporteur on Freedom of Peaceful Assembly and Freedom of Association **Maina Kiai** emphasized during a video address that the OSCE region needs to deliberately and comprehensively take the lead in promoting freedom of peaceful assembly during what are complex and difficult times. Citizens, migrants and refugees need the right to assemble to articulate their needs, their aspirations and their demands.

Yevgeni Zhovtis, Director of the Kazakhstan International Bureau for Human Rights and the Rule of Law, introduced the topic by noting the important distinction that is made, in language and in practice, between the right, the freedom and the right to freedom. To be in accordance with international standards, the later usage must be adopted, as states must not extend a right as a privilege, but rather guarantee that citizens have the right to exercise their freedoms, including the freedom of peaceful assembly.

Mr. Zhovtis also noted a worrisome trend, in a number of participating States, of stigmatization of participants to peaceful assemblies, for example by government officials suggesting that all peaceful assemblies are signs of mass disorder, or by the media circulating images and footage of violent protests from other parts of the world to wrongly associate all assemblies with danger. He also identified restrictive measures that are taken by some states, such as identifying remote locations for assemblies to take place or by arresting individuals for their intention to attend an assembly. During his presentation, he offered that one aspect of the solution is for states to ensure that not only their legislations are in line with international principles, but also that practices by law enforcement and security bodies are properly informed by these principles.

A large number of states and civil society representatives alike encouraged states to make use of UN, OSCE and CoE resources, visits, monitoring and guidelines to further the implementation of their commitments. One state indicated that it had welcomed the visit of UNSR Maina Kiai and another indicated that ODIHR had carried out an assembly observation activity during a major international event. Many pointed out that good legislation is only the first step and that implementation and application are key to not only protecting the right to freedom of peaceful assembly, but also to facilitate its exercise.

Conversely, many participating States and civil society representatives identified a vast array of challenges and undue restrictions that remain to be addressed to various degrees across the OSCE region and its participating States. These challenges include addressing the use of excessive force in policing assemblies and accountability for those actions; the targeting of journalists covering assemblies; the pre-emptive arrest of participants; the harassment and intimidation of participants before, during and after an assembly; the imposition of closed or inconvenient venues for assemblies unwelcomed by the authorities; the selective facilitation of certain assemblies; the lack of protection by police of peaceful participants when they are attacked by counter-protesters. Some participants also raised specific concerns such as the selective focus of some states on particular regions or states, the potential undue restrictions that can stem from a state of emergency or from those that can stem from situations of

occupations as well as the apparent differential treatment of minorities, including LGBTI persons, in allowing them to exercise their right to freedom of peaceful assembly.

A number of participating States and civil society representatives also made points related to freedom of association. They expressed concern at the shrinking space for civil society, notably through restrictive laws, administrative measures, harassment and intimidation. Some participants noted that such measures also have an impact on the freedom of religion or belief, as well as freedom of expression. One civil society representative called for the ability of associations to self-identify, free of restrictions.

Recommendations made by participants during this session include:

- All OSCE participating States have to ensure the right to peaceful assembly. States must avoid using security concerns as a justification for restricting peaceful assembly and freedom of expression and avoid also the excessive use of force in the policing of demonstrations and assemblies.
- Participating States, in accordance with OSCE commitments, must permit organisations and individuals associated with them to seek, receive, manage and administer financial support from domestic, foreign and international entities without undue restrictions.
- States should use tools such as the ODIHR/Venice Commission guidelines on Freedom of Peaceful Assembly and the guidelines on Freedom of Association, and extend invitations to ODIHR to advise and report on peaceful assembly in participating States.
- States should allow civil society (meaning both individuals and organisations) the freedom to maintain contacts and cooperate with other individuals and organisations within their own country and abroad, as well as with foreign governments and international organisations.
- ODIHR should carry out fact-finding visits to participating States recommend measures to ensure the implementation of international human rights instruments.
- All OSCE relevant bodies and States should protect human rights activists and maintain dialog with these activists.
- Participating States should reiterate their commitments, made in Copenhagen and in Paris in 1990, to ensure the equal enjoyment of the freedoms of association and peaceful assembly, without discrimination. (*)
- States should condemn the adoption of legislation or the implementation of measures which restrict or limit the enjoyment of the freedoms of association and assembly, including in particular where such measures are in conflict with the protection of the right to non-discrimination. (*)
- States should refrain from adopting so-called “anti-homosexual propaganda” laws, or, where such legislation is in force, take immediate steps to repeal it. (*)
- OSCE Participating States should refrain from adopting legislation which has either the purpose or effect of limiting or restricting the enjoyment of the freedom of association, or, where such legislation is in force, take immediate steps to repeal or amend it in order to ensure equal enjoyment of freedom of association and assembly. (*)
- States should ensure that where measures are taken to regulate the establishment or operation of non-governmental organisations, these measures are implemented in line with the requirement that restrictions on freedoms of assembly and association are both prescribed by law and necessary in a democratic society to protect national

security or public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others. (*)

- Participating States should ensure that where legislation is enacted, or where other measures are taken, which relate to the establishment or operation of non-governmental organisations, these measures do not conflict with the obligation of non-discrimination in the enjoyment of these rights, and that these not impact disproportionately on any group protected by the right to non-discrimination. (*)

Working Session 5: (specifically selected topic): Freedom of assembly and association (continued)

Rapporteur: Ms. Amelie Delaroche, Permanent Representation of France to the OSCE

No. of statements: 23

Delegations: 8

NHRI: -

Civil Society: 15

OSCE Institutions: -

International Organizations: -

Media: -

Rights of Reply: 12

Introducer: Ms. Anna Rurka, President of the Conference of INGOs of the Council of Europe
Moderator: Mr. Omer Fisher, Acting Head of ODIHR Human Rights Department

Ms. Anna Rurka, President of the Conference of INGOs of the Council of Europe, highlighted the role freedom of association plays in democratic transition. She referred to the joint guidelines of the Venice Commission and the OSCE/ODIHR on freedom of association which emphasize that the right to freedom of association is a fundamental human right and is often the prerequisite for other rights and freedoms. The guidelines also define the conditions in which the NGOs can solicit cash contributions or contributions in kind not only from the public authorities of their own country, but also from individual donors from other countries or multilateral donors. States have a positive obligation, often a constitutional obligation, to guarantee the full right to freedom of association. However there are many obstacles to freedom of association, including legal obstacles (restrictions on NGO registration, absence of right of appeal, laws restricting political activities of NGO or their access to foreign funding such as the “foreign agents” laws, laws on the fight against terrorism), political obstacles (lack of political pluralism, politisation process of the NGOs not only by the authorities but by the NGOs themselves – they sometimes transform into political parties, because the laws applicable are less restrictive than those on NGOs), economic obstacles (austerity measures, lack of transparency in public funding). Societal obstacles must also be taken into account (general lack of awareness within society on the importance of Human rights issues).

Anna Rurka encouraged States to transform these obstacles into facilities in order to strengthen civil society and its independence. This required strong political will and a change of posture: policy advocacy should not be seen as criticism of government but instead as a useful source of information.

As in the morning session, a vast majority of States emphasized the important role of freedom of association for the fullest exercise of freedoms of expression and of religion or belief, and for the conduct of free and fair elections. They expressed their concern regarding shrinking space for civil society. Excessively restrictive legal frameworks were put in place to control the registration, funding and activities of civil society. Human rights defenders were facing threats and pressures, in some cases imprisonment or even torture, for challenging the authorities, unveiling corruption or condemning these restrictive measures.

One Participating State recalled that the UN had in several resolutions expressed deep concern for the difficult situation of defenders as they faced threats, attacks, and acts of intimidation with severe, negative impacts on their work and safety, in some cases even torture. In several States there was a large gap between the protection provided by law and the daily experience of human rights defenders. There was also a growing trend in recent years to justify restrictive measures against human rights defenders as legal counter-terrorism measures.

One Participating State expressed regrets that the issue of free assembly and association was being used by certain participating states to masquerade personal political interests. It was difficult to assemble to defend traditional family values for instance. On the other hand, condemnable gatherings were allowed in some countries.

Some participating states underlined the efforts they had put to strengthen civil society and reach out to it, including by amending their legislation. A few rejected criticism or qualified the activists that had taken the floor as “terrorists” or “criminals” and regretted that the OSCE should be used as a platform for these individuals.

A large number of NGOs complained of pressures preventing them from carrying out fully their activities and in general of an authoritarian trend in some areas of the OSCE region. They called on support of the international community. Some organizations were being prohibited on the grounds that they were “extremist organisations”. Others had to shut down because of restrictive legislation or administrative persecution. The widespread violations of Human rights in some occupied regions were highlighted. One NGO listed a number of human rights defenders currently imprisoned. Another condemned the fact that opponents had disappeared, been imprisoned or been forced to flee and seek asylum.

One NGO addressed the issue of laws banning so called “propaganda of homosexuality”, which make assembly and association related to LGBT persons unlawful. 2 NGOs condemned the “foreign agents” laws, requiring that organizations receiving foreign funding and engaged in political activities register as “foreign agents.” Another complained on the restrictions to register and assembly that Jehova’s witnesses are facing in a couple of participating states.

Recommendations for this session include:

- Calls on participating states to implement their commitments, made in Copenhagen and Paris in 1990, to ensure enjoyment of the freedoms of association and peaceful assembly, without discrimination;
- ensure that laws, regulations and practices do not unduly restrict the composition and activities of civil society;
- promote an active participation of civil society in multilateral forum;

- make use of international documents such as the Venice Commission-OSCE/ODIHR Guidelines on Freedom of Association and the UN Human Rights High Commissioner's Report on practical recommendations for the creation and maintenance of an enabling environment for civil society;
- Cooperate with the UN Special Rapporteur on the right to peaceful assembly and association.

Working Session 6: Fundamental freedoms I, including address by the OSCE Representative on Freedom of the Media

Rapporteur: Ms. Yvette Szepesi, Permanent Representation of the Netherlands to the OSCE

No. of statements: 43

Delegations: 17

NHRI: -

Civil Society: 22

OSCE Institutions: -

International Organizations: 1

Media: 3

Rights of Reply: 16

Working Session 6 focused on the state of media freedom and free expression in the OSCE region and started with an address by **Ms. Dunja Mijatovic, OSCE Representative on Freedom of the Media (RFoM)**.

Ms. Mijatovic welcomed participants, in particular the members of the media and CSO's present. She stressed that, as in previous years, **Safety of Journalists** is the key issue to address. The names and numbers are telling, but the violence is not only about these numbers. It is also about overbroad anti-terrorism- and criminal libel legislation, as well as mass surveillance to silence criticism. RFoM stressed that this can only stop if participating States (pS) demonstrate political will to do so. However, genuine recognition of the problem in too many pS is lacking and often there is no will to remedy the situation.

Since HDIM last year, the office of RFoM has documented more than 50 physical attacks on media workers, including deaths of journalists. Most of these attacks go unpunished and masterminds often remain free. Mijatovic named the 10- year anniversary of the killing of Anna Politkovskaya in two weeks as an example of this **impunity**. She also mentioned the murders of Georgyi Gongadze, Hrant Dink, Slavko Curivija, Elmar Huseynov as examples of killings of journalists in which justice has still not been fully served.

RFoM also stressed the importance of **safety online**. The number of reports of attacks on female journalists online is growing rapidly and this has a devastating impact on freedom of the media and often results in self-censorship. Furthermore, the number of restrictions of alternative voices in the media has again grown this year. Anti-extremist laws are particularly dangerous when they do not properly define the notion of extremism, or criteria and safeguards necessary to guarantee fair interpretation and enforcement. RFoM emphasized that our own security has become a big threat to freedom of expression.

The Representative continued by naming a few **countries of particular concern**. She mentioned immense problems in Turkey with currently around 120 journalists in prison, about 100 media outlets closed and 140,000 websites blocked. Also, in the Russian Federation journalists' safety remains at an all time low and authorities are limiting space for

public debate. Furthermore, in Azerbaijan where, even though Khadija Ismayilova's release and the Presidential pardon of journalists and freedom of expression advocates like Rasul Jafarov is positive, the charges against Ismayilova are not dropped and there are still journalists in detention.

Moreover, in Ukraine Pavel Sheremet was killed by a car bomb and impunity of violence against journalists remains problematic. Furthermore, personal information of more than 4,000 journalists was published, endangering their safety in this pS. In Armenia, journalists increasingly need protection when reporting on civil unrest. Additionally, the office of the RFoM has documented an increasing number of threats and harassment of journalists in South Eastern Europe. In Central Asia, hardly any progress was documented in the situation of free expression and media freedom, and in some cases there was a stagnation and even a decline compared to last year.

Furthermore Mijatovic stressed that there are concerns in EU Member States; media pluralism has been severely weakened in Hungary, there are worrisome developments regarding independence of public service media in Poland, and several EUMS have or are adopting security-driven legislation that infringe freedom of expression. Recently there was also an arrest warrant against a journalist in the United States, who was reporting on an issue of public interest.

On the issue of **propaganda** RFoM underlined that propaganda destroys the core of the profession of journalism; propaganda becomes an instrument to establish authoritarianism, distorting basic foundations of democracy. Propaganda for war and hatred strikes at the very foundation of the OSCE principle of comprehensive security.

RFoM concluded her intervention with a call on all States to implement their OSCE commitments and to protect and preserve the independence of the OSCE institutions. Finally, she asked pS to take an honest look at their own record and to stop denying that there are problems.

In the **discussion that followed**, pS and CSO's intervened. A large majority of the speakers expressed their appreciation of the work of the RFoM and her team. Many delegations expressed concern about the negative trend in freedom of the media in the region and the violation of OSCE commitments in this regard. Both pS and CSO's asked attention for the shrinking space for dissenting voices and open debate, and expressed concern about the excessive use of anti-terrorism and anti-extremism legislation. Furthermore, Safety of Journalists was mentioned by many as an issue of serious concern, as was the continued impunity of violence against journalists.

Several speakers asked attention for the ban or limited access to minority language television in some pS. Also, attention was drawn to the issue of denial of access of journalists by certain pS. Moreover, the responsibility of media professionals themselves and the need to uphold highest professional and ethical standards was emphasized several times.

Furthermore, there was a lot of attention for imprisonment of journalists for political reasons by some pS. Regarding recent developments in one pS after a coup, calls were made to this pS to respect rule of law and human rights, as well as not to intervene in media in other pS. A group of pS was called upon to speak out on the situation in this particular pS, to protect democratic values, and not let political interests silence them.

Many speakers also drew attention to the problem of propaganda in the region. Various speakers stressed the importance of free and pluralistic media to tackle the problem of propaganda. Banning media was generally not seen as a solution, even though some speakers also explained why this sometimes can be necessary in their opinion. Other speakers emphasized that critical thinking and free expression can enhance development, growth and knowledge.

Recommendations made:

- pS should fully implement commitments in the field of freedom of expression and free media;
- pS should reverse existing violations on freedom of expression and media freedom;
- pS should support the work of RFoM and cooperate with the institution;
- Cooperation between Russian and Ukrainian journalists should be continued;
- OSCE should establish an expert panel on Freedom of Expression;
- pS should use the Moscow Mechanism;
- pS should release journalists and human rights defenders in prison because of trumped up charges and cease hyper-regulating freedom of expression.
- pS should conduct swift and transparent investigations of violence against journalism and prosecute the perpetrators and masterminds;
- pS should work towards an Ministerial Council Decision of Freedom of Expression
- pS should ensure that any blocking of media content complies with OSCE commitments and other international standards and does not interfere with international internet traffic;
- Local, independent media should be supported;

Working Session 7: Humanitarian issues and other commitments, including address by the OSCE Special Representative/Co-ordinator for Combating Trafficking in Human Beings

Rapporteur: Ms. Daliborka Janković, Permanent Mission of Switzerland to the OSCE

No. of statements: 38

Delegations: 21

NHRI: -

Civil Society: 15

OSCE Institutions: -

International Organizations: 1

Media: -

Rights of Reply: 7

In working session 7 humanitarian issues and developments in the OSCE region related to combating trafficking in human beings and challenges in implementing relevant OSCE commitments were discussed with special attention to the protection of the rights of victims of human trafficking.

The **OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings, Ambassador Madina Jarbussynova**, informed the participants in her introductory remarks about a survey conducted by her office on the status of implementation of selected anti-trafficking commitments across the OSCE region. The preliminary results of the survey show significant progress by participating States in tackling human trafficking. At the same time, the Special Representative pointed out that major challenges still persist when it comes to the practical implementation of existing laws and policies especially with regards to reaching out to particularly vulnerable groups, including asylum seekers and refugees.

With regards to combating human trafficking for labour exploitation the Special Representative was pleased that 2/3 of participating States reported having legislation or regulation on the operation of labour recruitment and placement agencies for foreign nationals. In terms of emerging trafficking patterns, forced criminality, forced begging, and forced marriage for the purpose of labour/sexual exploitation are the mostly reported. Another positive result of the survey was that a large majority of participating States (41 countries) reported having non-punishment provisions in their anti-trafficking legislation.

With regards to the current migration and refugee crisis, the Special Representative stressed that mobility and trafficking are becoming more intertwined and that today's unprecedented migratory movements make migrants and refugees more exposed to risks of exploitation. At the same time, the migration and refugee crisis poses additional strains on governments' efforts to combat trafficking in human beings. Special attention needs to be paid to particularly vulnerable groups, such as children or women. The Special Representative pointed to the importance of early identification of victims of trafficking in human beings and the need to fully implement the non-punishment provision for all victims of human trafficking. In order to combat this crime effectively, the Special Representative advocated for a comprehensive, human rights based approach as well as increased regional cooperation. Two of her office's activities in this regard include an innovative and multi-disciplinary capacity building project for law enforcement officials, prosecutors, labour inspectors and social service providers as well as an update of the OSCE Handbook on National Referral Mechanisms.

The second introducer, **Lydia Gall from Human Rights Watch**, expressed her regret about the failure of EU governments to marshal a coordinated response to the refugee crisis. Human Rights Watch has documented cases of people being pushed back across the border without any legal procedure and often accompanied by ill-treatment. She criticized this policy as a race to the bottom. Many European governments would prioritize increased border protection instead of providing protection to refugees and asylum seekers. Lydia Gall also expressed her concern about rising xenophobic feelings in Europe depicting refugees as people who are looking to benefit from social welfare. She referred to the two refugee summits that were held during the same week, the first one was the Summit for Refugees and Migrants at the United Nations Headquarters in New York on September 19 and the second one was the Leaders' Summit on Refugees hosted by US President Barack Obama on September 20. According to Lydia Gall, the UN Summit failed to offer any real solution to the current refugee and migration challenge whereas the Leaders' Summit wielded some more concrete results. Finally, she called on Europe and the member states of the European Union to take a different approach by establishing safe and legal channels into Europe with effective refugee resettlement programmes and family reunifications.

The following discussion wielded 39 interventions from the floor. The state representatives, that took the floor, expressed their support for the mandate and the work of the OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings and underlined their full commitment to combat human trafficking, which some of the

delegations also called a modern form of slavery. Delegations expressed their appreciation for the excellent cooperation with the Special Representative and her office. They underlined that the OSCE has a key role to play as a platform for sharing good practices and raising awareness about different challenges when it comes to effectively combating human trafficking. A number of delegations called for increased cross-border cooperation in the fight against human trafficking.

Many participants expressed their concern about the challenges with regards to the current migration and refugee crisis and reaffirmed that refugees need to be treated in a humane manner. It was noted with concern that smuggling and trafficking gangs are working together to exploit migrants' vulnerabilities. The need to early identify and protect victims of human trafficking and to prevent trafficking in human beings among the most vulnerable groups, especially unaccompanied minors and women, was underlined by several participants. Participating States that were and still are directly affected by large influxes of refugees and asylum seekers called for more solidarity and burden sharing.

Both government representatives and NGOs stressed the importance of close cooperation between governmental authorities and civil society, especially with regards to early identification of victims of human trafficking but also with regards to providing information and adequate assistance to victims, including medical, psychological and social services.

Another important aspect that was raised by a number of participants was the need to find innovative solutions and adopt multi-disciplinary approaches including a broad spectrum of governmental institutions as well as the private sector.

A number of delegations shared their good practices with the audience by presenting for example their national action plans for combating trafficking in human beings, by referring to their legal framework and reforms that include amendments to the penal codes, by informing about recent initiatives to strengthen the prevention of human trafficking that were undertaken in cooperation with international organizations such as the OSCE or the International Organization for Migration (IOM).

The gender aspect of the phenomenon of human trafficking was also mentioned in several interventions and the need to apply a gender-sensitive approach for combating different forms of human trafficking, especially human trafficking for sexual exploitation.

An NGO criticized a few OSCE participating States for continuing to use child and forced labour in some sectors of the economy and for the lack of any means for legal defence or remedy.

An independent human rights activist informed about her own experience when applying for political asylum in one OSCE participating State, which was denied. When she was sent back to her country of residence, she was detained for 9 months. She spoke about other cases of political activist that were threatened, detained or even killed in her home country and called for refugees and political activists to be granted asylum.

The situation of internally displaced persons (IDPs) was also a matter of concern in a number of interventions. In the conflict-affected areas of the OSCE region, IDPs are among the most vulnerable groups and potentially more exposed to the risk of exploitation and trafficking.

Recommendations to the participating States:

- to implement their obligations and commitments regarding trafficking of human beings
- OSCE and its participating States should ensure IDP's right to a safe, dignified and voluntary return.
- to sign the Palermo Convention and its Protocol; to strengthen international cooperation for addressing trafficking in Human Beings, to improve data collection on trafficking and to create appropriate mechanisms for the early identification and protection of victims taking gender specific measures and a child centred approach.
- to improve the effectiveness of investigations and prosecutions of perpetrators, including by strengthening police and judiciary cooperation against traffickers.
- OSCE and its participating States to address trafficking in human beings from a cross dimensional perspective, with human rights centred and gender based approaches and a special focus on child trafficking;
- to enhance the capacity of front-line operators to identify and refer potential and real victims of trafficking in situations of mixed migration;
- to ensure adequate resources are available to all relevant actors to combat trafficking in human beings;
- to raise awareness among migrants, asylum seekers and refugees along migration routes about the risks that they can encounter;
- to harmonize protocols and procedures to more effectively identify and protect unaccompanied minors;
- ensure regular communication and information exchange between anti-trafficking actors in countries of origin, transit and destination;
- to promote pro-active and human rights-compliant criminal justice responses to trafficking in human beings.

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

- OSCE to collect data in its participating States on the issuance of visas to North Korean workers and the status of their work place conditions
- OSCE to further promote dialogue in Cooperation with Civil Society,
- OSCE executive structures and field operations should work closely together to enhance response to human trafficking on the ground.
- OSCE called upon to combat all forms of human trafficking particularly in children.
- OSCE executive structures called upon to pay close attention to the issue of human trafficking particularly in the context on conflict situations.
- Minsk Group suggested to investigate claims of slavery in Nagorno-Karabakh

Working Session 8: Rule of law I

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

No. of statements: 30

Delegations: 9

NHRI: -

Civil Society: 20

OSCE Institutions: -

International Organizations: 1

Media: -

Rights of Reply: 14

Working session 8 examined the implementation of commitments in the fields of democratic law-making, independence of the judiciary, the right to a fair trial and national human rights institutions.

The session was introduced by Ms. Michèle Rivet, visiting professor at the University of Sherbrooke, and Mr. Iskander Alimbayev, lawyer of Almaty City Bar. Ms. Rivet discussed how to promote the independence of the judiciary, which she described as a cornerstone and necessary prerequisite for judicial impartiality. In this regard, Ms. Rivet emphasized the role of civil society as a gatekeeper and whistleblower. Mr. Alimbayev's presentation highlighted the importance of the right to a fair trial. He presented current trends in this regard in Central Asia. In particular, Mr. Alimbayev pointed to the importance of judges to enjoy independence from the executive authorities.

In the subsequent discussion 30 interventions were made, including 9 made by delegations, 20 by civil society and 1 by an international organization. In addition, 14 participating States used their right of reply.

Many speakers underlined the importance of upholding the Rule of Law, reacting on human rights violations and adhering to the relevant OSCE principles and commitments. Many civil society representatives as well as some delegations referred to negative developments in the OSCE area, including with regard to torture, ill-treatment and impunity; arbitrary arrest and detention; constitutional changes in view of strengthening the executive powers; government response following a coup; misuse of INTERPOL for political reasons; measures against lawyers defending human rights defenders; challenges to the principle of non-refoulement; and lack of transparent and democratic procedures for appointing officials. Many concrete cases were brought up.

The Council of Europe representative pointed to the Rule of Law Checklist, adopted by the Venice Commission and endorsed by Ministers' Deputies, and urged participating States to make use of it.

Several delegations outlined in their statements that judicial reforms were currently being planned or carried out, for example with regard to appointment procedures and independence of the judiciary, revision of criminal law and criminal procedures law, as well as public access to trials. Delegations referred to the important role and support of OSCE/ODIHR and Council of Europe/Venice Commission.

Recommendations to OSCE participating States:

- Involve all layers of society in law making processes, including civil society.
- Make legislation accessible to all citizens. Work towards the Sustainable Developments goals, in particular Goal 16.
- Respect the separation of powers, in particular, although not limited to, the separation between judicial power and executive power. Meet OSCE commitments to guarantee the independence of their judiciaries.
- Adhere to the Basic Principles on the Independence of the Judiciary.

- Encourage international organizations such as INTERPOL to ensure that the system is not misused against human rights defenders.
- Protect exiled human rights defender and provide them with asylum, refraining from using mechanisms like extradition without reviewing the cases properly.
- Put pressure on countries that deny asylum to people who are persecuted because of political reasons.
- Support a proposed trial monitoring by ODIHR.
- Return to the practice of objectivity and respect with regard to laws developed by elected representatives of other countries.
- Make use of the Venice Commission's Rule of Law Checklist.
- Ensure that human rights are raised as a key priority in all bilateral and multilateral meetings with regard to one participating State.
- One participating State was recommended to cease harassment and ensure full compliance with the Rule of Law in responding to a coup, as well as to accept ODIHR's offer to monitor trials.
- One participating State was recommended to issue new passports to two detained citizens.
- One participating State was recommended stop the prosecution under its criminal law of citizens of another participating State in an occupied territory, including retroactive implementation for acts that were committed before the participating State had control over the territory; and abide by the norms of the Geneva Convention.
- Three participating States were recommended to introduce legislation against amnesty for perpetrators of torture and all other forms of ill-treatment; improve the existing investigation mechanisms regarding allegations of torture or ill-treatment; and ensure that victims of torture have access to fair and adequate compensation for moral harm.
- One participating State was recommended to implement the provisions of international and bilateral treaties to which it is a party; and establish concrete dialogue with minority representatives during the legislation process.
- One participating State was recommended to provide guarantees against interference with the activities of lawyers and secure prompt access to legal counsel at all times.
- A group of participating States was recommended to investigate the compatibility of their arrest warrant system with the principle of non-refoulement.
- One participating State was recommended to elaborate more transparent and democratic standards for appointing public officials.
- One participating State was recommended to implement all recommendations made by the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment.
- One participating State was recommended to live up to its international human rights obligations and OSCE commitments.

Recommendations to OSCE institutions, executive structures and field operations

- Encourage international organizations such as INTERPOL to ensure that the system is not misused against human rights defenders.
- Provide assistance in further improving the conceptual foundation of the Rule of Law in one participating State; support an integrated approach to civilian security sector

- reform; and prepare and disseminate best practices and recommendations on judicial reform, including participation of civil society.
- Step up interaction with the activities of a group of participating States regarding the implementation of joint projects focused on civilian security sector reform in one participating State; provide expert assistance to all agencies involved in the implementation of civilian security sector reform with an emphasis on promoting the concept of human security; support regional initiatives and networks to exchange experiences and best practices of civil society integration in SSR; assist in organizing informational campaigns on human security; and engage further with civil society on SSR.

Working Session 9: Rule of law II

Rapporteur: Mr. Francis Xavier O'Donoghue, Permanent Mission of Ireland to the OSCE

No. of statements: 35

Delegations: 11

NHRI: -

Civil Society: 20

OSCE Institutions: 1

International Organizations: 1

Media: 1

Rights of Reply: 6

Working Session 9 addressed issues relating to the abolition of the death penalty, the prevention of torture and the protection of human rights while combating terrorism

The first of the two expert speakers or introducers was Ms Sandra Krähenmann of the Geneva Academy of International Humanitarian Law and Human Rights. She focused on how society in a time of threat from terrorism should always seek to maintain a balance between the need for security while protecting human rights and holding those accountable for infringements of same. The need for derogation from compliance with international obligations to ensure the protection of the human rights of the individual in times of crisis, as an adjustment to the exigencies posed by the circumstances obtaining tend over time to become a 'new normal' or form of 'exceptionalism'. Laws, in these circumstances, tend to be formulated ambiguously or tend to be formulated in neutral terms and the laws so formulated tend to focus on one factor in isolation viz. security concerns take precedence over those relating to the protection of the human rights of the individual. The fundamental human rights of the individual tend to become a secondary element at best. Addressing the grievances of individuals in such contexts needs to be immediate and that there should be safeguards in place which are cognisant of the local context when addressing these grievances. There has to be best practice in place to avoid a situation where the lack of respect for the rule of law and pervasive discrimination become the norm in the name of security. Overreacting to new emergencies as the new form of normality has to be avoided.

Sir Malcolm Evans, Chair of the UN Subcommittee for the Prevention of Torture, in his introductory remarks described the prevention of torture as the being the most pressing issue of our time despite the fact that the absolute prohibition has been clearly accepted as such by the international community since the adoption of the 1948 UN Declaration on Human Rights, the 1951 European Convention on Human Rights and the International Covenant on Civil and Political Rights for over 60 years. Despite the universal ratification of these

international legal instruments in support of political and legal commitments the reality currently is that commitment to the prevention of torture is paper thin, more rhetorical than actual. There are numerous instances of mismatch between observance of obligations and actual practice, including in the OSCE region. Necessary legal safeguards may not be included in domestic legal codes or may not be observed at all where they are. None of this is new. There is an increasing awareness of similar lack of respect for humanity in settings other than places of detention as well. Effective prevention is to create a culture where ill-treatment is known to be wrong. In the spirit of the OSCE we have to share good practice internationally in addressing these concerns. The very best practice which now exists in some OSCE participating States, is the establishment of an effective National Preventive Mechanism (NPM), a body regularly visiting places where it believes persons may be deprived of their liberty- acting wholly independently- and able to speak to whomever is necessary to bring about implementation of their recommendations. It is doable. Some 39 participating States of the OSCE have such NPMs.

Participants were then invited by the Moderator to ask questions of the expert speakers/introducers to provoke or stimulate a debate but none did.

The discussion which followed included 18 interventions by NGOs and 9 by participating States as well as one each by international organisation and an OSCE body.

Several interventions referred to the use of the death penalty. One group of participating States called for a moratorium as a first step towards universal abolition, citing that any miscarriage of justice could result in the killing of an innocent person by state authorities and that cruel, inhuman and degrading aspects of the use of the death penalty are not mitigated by a democratic process. One participating State noted that there had been publicly voiced arguments for either the re-introduction or retention of the death penalty. One participating State noted that 2015 saw the greatest use of the death penalty and one international organisation stated that Asian countries remain responsible for 50% of executions, globally. One participating State stated that the death penalty is not prohibited in international law in all circumstances

Several allegations and counter allegations by participating States and NGOs were made in relation to the use of torture by State security personnel including the death of persons while in police custody. In some of these interventions, it was alleged that participating States had obstructed lawyers in the course of their work on behalf of clients, including physical attacks on human rights lawyers. References were also made to the use of psychiatric detention of persons perceived as being opposed to or thought of as being a threat by the authorities of some of these cited OSCE participating States. There were also allegations of enforced disappearances as being examples of these States' misbehaviour and where the use of cruel and degrading treatment had become a matter of routine. There was criticism by a group of participating States of the use of torture and prolonged arbitrary detention in eastern Ukraine. Several delegations called for the protection of human rights while countering terrorism and preventing violent extremism and radicalisation that leads to terrorism (VERLT). They underlined that respect for human rights plays a key role in this context and the protection of human rights and the fight against terrorism are not in opposition to one another but rather complementarity objectives. One delegation expressed concerns to the effect that laws on extremism are used to restrict freedom of expression, freedom of religion or belief and to silence dissentient groups in a number of OSCE participating States.

Recommendations:

On Human Rights and anti-terrorism:

- To ensure the investigation and prosecution of terrorism-related acts in line with international human rights standards, the rule of law and OSCE commitments;

- To support the work of the OSCE on the protection of human rights in the fight against terrorism, including through OSCE field operations and on the topic of violent extremism and radicalization that lead to terrorism (VERLT)

On Torture Prevention:

Participating States:

- Several delegations underlined the absolute character of the prohibition of torture, that there is no justification for torture and called on the implementation of the relevant commitments
- One participating State called on all OSCE pS to work for a Ministerial Decision on torture prevention.
- One delegation called on OSCE pS to update the commitments related to torture and other ill-treatment
- One delegation called on OSCE participating States for further national ratifications of the UN Covenant Against Torture Optional Protocol by OSCE participating States
-

NGOs:

- One representative called on OSCE participating states to consider sanctions against Azerbaijan for political prisoners and allegations of torture
- One representative called on OSCE pS to establish national guidelines on the medical documenting of torture and cruel, inhuman or degrading treatment or punishment in accordance with the Istanbul Protocol, binding for medical staff from the MoH and other medical personnel; Furthermore, OSCE pS shall ensure protection for those filling in the forms and provide training for those using the guidelines; The OSCE shall provide technical assistance;
- One NGO called on OSCE pS to keep up the pressure on Turkmenistan regarding the issue of enforced disappearances amounting to torture or CIDT and the practice of complete isolation up to 14 years in some cases.

On the death penalty:

- One group of participating States called for a moratorium as a first step towards universal abolition, citing that any miscarriage of justice could result in the killing of an innocent person by state authorities and that cruel, inhuman and degrading aspects of the use of the death penalty are not mitigated by a democratic process.
- Several participating States recommended the abolition of the death penalty and called on all states to not reinstate capital punishment.
- OSCE shall share best practices
- One delegation called on OSCE pS to support the upcoming UNGA resolution on the death penalty;

Working Session 10: Tolerance and non-discrimination I, including address by the OSCE High Commissioner on National Minorities

Rapporteur: Mr. Davit Knyazyan, Permanent Delegation of the Republic of Armenia to the OSCE

No. of statements: 42

Delegations: 11

NHRI: -

Civil Society: 30
OSCE Institutions: -
International Organizations: 1
Media: 0

Rights of Reply: 14

The session was devoted to review of the implementation of commitments in the sphere of the rights of national minorities in the OSCE area, the activities of the OSCE High Commissioner on National Minorities (HCNM) in assisting the participating States, HCNM's role as an early warning and conflict prevention tool, challenges in ensuring the human rights of national minorities, including linguistic rights, right to education in mother tongue, right to political participation, discrimination and prejudices targeting national minorities.

Director Henrik Villadsen from the OSCE HCNM Office and Professor Tom Moring from Swedish School of Social Science, University of Helsinki focused their presentations on such topics as access to media and information in minority languages, role of media in promotion of intercultural dialogue and integration of diverse societies, impact of digitalization of media on the national minority media outlets, countering hate speech and negative stereotyping of national minorities.

Henrik Villadsen referred to the OSCE Helsinki Document of 1992, which identified challenges in the area of human rights of national minorities and which also established the HCNM Office to address those challenges, which are still in place. He introduced the HCNM activities in regard to access of national minorities to information and media in their mother tongue. Media of majority and external media also play an essential role as they can foster both inclusion and exclusion, mutual understanding or incitement to hatred and war mongering. Often national minorities are depicted in media as a security threat to the state and it is an imperative to seek for counter-narratives. The HCNM is working on expansion and updating of its guidelines in this area.

Professor Moring touched upon the topic of the role of media in in context of conflict prevention and integration of societies. He underlined the media as forum for national minorities to use their language and promote their culture and on the other hand, as a tool to receive and impart information, thus fostering intercultural dialogue and mutual understanding by countering negative stereotypes, prejudices and stereotypes. He made references to the Ljubljana Guidelines on Integration of Diverse Societies and Bolzano/Bozen Recommendations on national minorities in inter-state relations as useful tools for participating States to implement their commitments.

Another important element of his presentation was digitalization of media and emergence of global market in distribution of social media, which leads to vulnerability and decline of national minority media outlets. Only less than 5% of the world's languages will survive the digital shift, an alarming trend, which requires steps by participating states to adapt their systems for minority media support and placing their content in digital media outlets.

Interventions of participating States, international organizations and civil society representatives

There was wide acknowledgement of the need to better protect national minorities, ensure their integration and public participation, safeguard their human rights as an important element of the OSCE comprehensive security approach.

The role of HCNM as an essential early warning and conflict prevention instrument of the OSCE was widely supported. In this context a number of participating States called to better use of the "quiet diplomacy" potential of HCNM to strengthen peace, security and

stability in the OSCE area. Need to ensure full and unrestricted access of HCNM to the whole OSCE region, in particular conflict areas was highlighted. Education in national minority languages was supported.

The activities of HCNM in West Balkans, East Europe, Caucasus and Central Asia were supported. Several participating states thanked the HCNM for assistance in implementation of their human rights commitments.

Also the participating States and representatives of civil society raised concerns about intimidation and discrimination of persons belonging to national minorities, aggressive nationalism, targeting national minorities under the pretext of countering terrorism, restriction of the fundamental freedoms of national minorities, confiscation of their property and places of worship, restriction or prohibition of use of minority language in education and public domain, closure of educational institutions in national minority language.

One country expressed concern about racial discrimination and intolerance targeting national minorities, violation of their social and economic rights, non-citizenship, lack of attention by the HCNM to the whole OSCE area. The need for HCNM to have geographically balanced approach was highlighted.

The discussions also touched upon the topic of integration vis-à-vis diversity. It was widely recognized that integration of diverse societies should be based on promotion of human rights and fundamental freedoms of national minorities. One delegation focused on the need to ensure freedom of religion and belief for national minorities.

The representative of an international organization referred to the ‘‘Framework Convention for the Protection of National Minorities’’ and ‘‘European Charter of Regional and Minority Languages’’, which set legislative framework for protection of rights belonging to national minorities.

One delegation protested against participation in the HDIM of persons facing criminal charges. The Head of an OSCE institution responded that the institution is mandated by the OSCE participating States to invite representatives of civil society to the HDIM, and the latter’s role is serving as a forum for dialogue.

Several states exercised their right to reply. They refuted allegations and concerns addressed to them and informed about their domestic policy, legislative framework and best practices in implementation of their commitments in regard to the rights of national minorities.

Recommendations:

To participating States

- Encourage members of national minority communities to act on social networks and integrate young people.
- All participating States should cooperate with the HCNM and allow full and unrestricted access to their territories.
- The access of national minorities to local and international media in their mother tongue should be ensured by the OSCE participating States. The latter should protect their right to receive and impart information not only in their mother tongue, but also the majority language.
- Participating States should undertake additional efforts to promote education in national minority languages.
- Property rights of national and religious minorities over their places of worship, educational institutions, etc, should be restored by participating States.
- Participating States should recognize national minorities in the context of massive flows of migrants in the globalized world.
- The issue of non-citizenship of national minorities should be addressed.

To OSCE institutions

- HCNM's early warning mandate and quiet diplomacy tool should be more effectively utilized to address ethnic tensions at the early stage.
- HCNM is encouraged to initiate fact finding missions with the aim to monitor and assess the situation with human rights of national minorities.
- HCNM should promote ensure more balanced approach in its activities and pay attention to the situation with rights of national minorities in all OSCE participating States.
- HCNM should closely monitor hate incidents targeting national minorities.
- OSCE needs to strengthen its cooperation with the Council of Europe in promoting the standards of CoE "Framework Convention for the Protection of National Minorities" and "European Charter of Regional and Minority Languages".
- Independent mechanisms for assessment the human rights situation in specific areas of the OSCE could be envisaged.
- OSCE should ensure safety of human rights defenders participating in the human dimension events, including the HDIM.

Working Session 11: Tolerance and non-discrimination I (continued), including prevention and responses to hate crimes in the OSCE area, and combating racism, xenophobia and discrimination, also focusing on tolerance on religious grounds

Rapporteur: Ms. Annemie Lelie, Permanent Representation of the Kingdom of Belgium to the OSCE

No. of statements: 49

Delegations: 9

NHRI: -

Civil Society: 40

OSCE Institutions: -

International Organizations: -

Media: -

Rights of Reply: 14

Amb. Antje Leendertse, Head of the Task Force for the 2016 OSCE Chairmanship at the German Ministry of Foreign Affairs, started by repeating that the issue of tolerance and non-discrimination is one of the pillars of the German OSCE Chairmanship. After recalling the various events already organised on this topic, she talked about the upcoming Chairmanship Conference on Tolerance and Diversity in Berlin (October 20th 2016). Two main themes will be on the agenda: education on tolerance and possibilities to address hate speech in online media and social networks. As for the Ministerial Council in Hamburg, Amb. Leendertse expressed her hope that the work on tolerance and non-discrimination throughout the year will be able to contribute to the Ministerial Council, e.g. on the topic of a stronger fight against hate crimes.

Mr. Mathew Collins, author of "Hate my life in the British far right" and activist in the "HOPE not hate", explained that racism, xenophobia and hate speech are no longer problems in the margins of society, often associated with the extreme far-right movement, but have become more and more mainstream. Mainstream media in the UK have fallen progressively in line with the social media phenomenon that you can say anything about anyone without

any justification. We have to tackle these messages and work on social media. On the question what participating States could do to combat hate crime, Mr. Collins emphasized the need of a firm response to racism, of tackling hate messages on social media and of supporting victims of hate crimes.

Rabbi Andrew Baker, Personal Representative of the OSCE Chairperson-in-Office on Combating Anti-Semitism, made some remarks about the current state of combating anti-Semitism in the OSCE area through the prism of his recent country visits (which were mainly positive). Rabbi Baker positively assessed the growing recognition of governments of the security needs for the Jewish community (with increased funding in place). However, some problems still remain with regard to the deployment of security forces and information sharing. He also mentioned some initiatives by participating States to improve the collection of disaggregated data on anti-Semitic hate crimes and the identification of perpetrators of these crimes. Rabbi Baker also mentioned two initiatives that could potentially serve as best practice for other participating States: the appointment of a part-time rabbi in Malmo with the responsibility to engage in interreligious activities; and the broad and comprehensive new Norwegian action plan to combat anti-Semitism. Finally Rabbi Baker talked about the working definition of anti-Semitism adopted by the IHRA earlier this year and the plans of the CiO to seek a similar endorsement by the OSCE at the Ministerial Council in Hamburg.

Professor Bülent Şenay, Personal Representative of the OSCE Chairperson-in-Office on Combating Intolerance and Discrimination against Muslims, talked about the gap between the diplomatic agreement on the spike in anti-Muslim hatred on the one hand and the lack of agreement on how to combat it on the other. He emphasized the worrying shift of anti-Muslim hatred from the margins to the mainstream and addressed the role of the media in the “us versus them”-representation of Muslims and Islam. He also warned about the limitation of freedom of religion on the basis of securitarian policies; instead we need to find strategies and tools to harmonize our security needs with freedom of religion. Participating States should focus more on implementing the OSCE standards in combating hate speech and crimes and should take a stance against Islamophobia. To this end, Professor Şenay sees a need for action on the following 7 points: 1.) recording of Islamophobia as a category of hate crime and dealing with hate speech in social media; 2.) implementing teaching material on Islamophobia, racism anti-Semitism; 3.) tackling religious discrimination in the workplace; 4.) adoption of the EU Equal Treatment Directive 5.) committing to preserving the Human Rights Act and the protection of minority rights including rights to religious slaughter, circumcision and wearing of religious dress and symbols 6.) curbing encroachment of counter terrorism policies on civil liberties by working with Muslim communities and not against them in “de-radicalisation” programs 7.) committing to democracy and human rights promotion abroad. Finally, Professor Şenay called for a deliverable in Hamburg (working definition or decision) on combatting intolerance and discrimination against Muslims.

Many of the interventions focused on different cases of hate crimes, hate speech or discrimination in various countries of the OSCE region. Among the issues raised were: anti-Semitism; hate crimes, hate speech and discrimination against Muslims; hate crimes against Christians; discrimination against atheists; violation of LGTBI-rights; discrimination against women; discrimination against refugees; attacks against places of worship and religious properties and discrimination of minority communities.

A number of participating States talked about their respective legislation and initiatives taken to combat hate crimes, racism, xenophobia and discrimination. Delegations also expressed support for the broad efforts of the German Chairmanship on tolerance and non-discrimination.

Many interventions mentioned the recent increase in hate crimes and cases of discrimination. A number of participating States emphasized the need to reaffirm our OSCE commitments on tolerance and non-discrimination. The responsibility of politicians to condemn hate speech and act against intolerance and discrimination was also mentioned in several interventions, as was the role of social media in hate speech.

Several interventions stressed the need for better data in order to fully understand the issues and improve our policies. Support for the role of ODIHR and the annual hate crime reporting was expressed.

A number of participating States called for an inclusive approach, fighting all discrimination and not privileging specific forms of intolerance over others.

The right balance between countering hate speech and guaranteeing freedom of expressing was another topic of concern during the session.

Finally, several participating States and civil society organisations expressed their hope for (a) Ministerial Council decision(s) on tolerance and non-discrimination in Hamburg.

Recommendations to OSCE participating States (non-exhaustive list)

- Increase efforts on the implementation of OSCE Ministerial Council Decision 9/2009 on Combating Hate Crimes.
- Ensure that each individual can enjoy fundamental human rights and has access to effective recourse in case of violation of his/her rights.
- Work together with civil society towards inclusive societies by promoting diversity, dialogue and tolerance.
- Encourage cultural and religious diversity in public debates, as well as in consultations during important legislative initiatives.
- Always condemn any call for hatred.
- Work together with ODIHR to prevent and combat all forms of intolerance and discrimination.
- Pay more attention to multiple forms of discrimination.
- Work towards a better system of reporting hate crimes and counter underreporting, by creating a climate where victims feel able to report these crimes.
- Provide disaggregate data on hate crimes to ODIHR.
- Adopt national action plans in order to prevent and respond to hate crimes.
- Acknowledge Islamophobia as a contemporary form of racism within the OSCE and implement national strategies to combat it.
- Ensure that security measures and anti-terrorism efforts are not directed at any specific ethnic, religious or cultural group, in their design, implementation or impact.
- Use the working definition of anti-Semitism adopted by the IHRA as a common reference post in the OSCE for understanding, recognizing and addressing today's anti-Semitism.
- Promote education and awareness-raising to prevent intolerance and non-discrimination among police, prosecutors and teachers.
- Ensure adequate safeguards against abuse of restrictions on freedom of expression.

- Request the assistance of ODIHR in order to implement TACHLE and PAHCT at the national level.

Recommendations to OSCE Institutions, executive structures and field operations (non-exhaustive list)

- for ODIHR to continue and further develop its work on hate crimes.
- for ODIHR to work together with the three Personal Representatives of the CiO to ensure a better coherence and efficiency of their work.
- For the OSCE to ensure that hate speech laws are not restricting the freedom of expression.
- for ODIHR to work on a clear and just definition of hate speech.
- for the OSCE to facilitate exchange of experience among the participating States on prevention of and response to hate crimes and combating racism, xenophobia and discrimination.
- for the OSCE to strengthen its cooperation with other relevant intergovernmental bodies addressing issues of tolerance and non-discrimination.
- for ODIHR to support regional, subregional and national initiatives on monitoring and protecting human rights, including the issues of tolerance and non-discrimination.
- for the field operations to support interaction between public authorities and civil society on human rights monitoring and protection, including combating hate crimes and other manifestations of intolerance.
- for the field operations to establish projects on teaching tolerance in the educational institutions and working together with authorities to develop human rights programmes in the educational curricula.

Working Session 12: Fundamental freedoms I (continued), including freedom of thought, conscience, religion or belief

Rapporteur: Mr. John McKane, United States Mission to the Organization for Security and Co-operation in Europe

No. of statements: 54

Delegations: 11

Partners for Co-operation: 1

NHRI: -

Civil Society: 42

OSCE Institutions: -

International Organizations:

Media: -

Rights of Reply: 16

Ms. Joelle Fiss, researcher, independent consultant, member of OSCE/ODIHR Panel of Experts on Freedom of Religion or Belief, stated that the freedom of thought, conscience, religion or belief is a fundamental human right that is increasingly under threat in the OSCE

region. Some governments in the region perceive religious diversity and minority religions as a threat, and in turn these governments deny granting official recognition to minority groups, designate minority groups as sects or cults, and deny access to sacred places affiliated with religious minorities. Some participating States believe that eliminating religious minorities makes their countries more secure. Freedom of thought, conscience, religion or belief and security are not in contradiction or incompatible with one another. Human rights is a keystone of the OSCE's comprehensive concept of security and must be taken just as seriously as economic or security priorities. Freedom of thought, conscience, religion or belief is directly connected to other human rights and fundamental freedoms, including freedom of assembly, association, and expression. Constraining the freedom can potentially lead to violence and unrest, as recent studies and a growing amount of literature show. States have a self interest in protecting the freedom of thought, conscience, religion or belief as protecting the freedom is protects public order and reduces the likelihood of instability. The speaker called for a gender perspective to be developed in the context of this freedom.

Mr. Heiner Bielefeldt, UN Special Rapporteur on Freedom of Religion or Belief, said states have to provide security to their people that is rooted in the respect of human dignity, which is at the heart of human rights. Respect for human dignity is the foundation of justice and peace, and the source of any normativity among human beings and nations. Security policy must be based on the rule of law, human rights principles, transparency, accountability, and a profound respect for human dignity. Freedom of thought, conscience, religion or belief is one of the indispensable human rights and is important to the security of majority populations as well as minorities. Human rights are not some kind of utopian dream, but rather they are essential for solving real world problems, serious security threats, and times of crisis. Any attempt to "balance" rights could lead governments to think that they can decide which rights they prioritize for themselves.

Once again this year, this working session was one of the most popular ones and a broad range of issues were raised and recommendations issued by participants. This summary is therefore not exhaustive. All organizations that requested the floor were allowed to do so.

The vast majority of participants stressed the need to reject all forms of discrimination and intolerance and to consider the freedom of thought, conscience, religion or belief as an integral part of human rights which is connected to the other fundamental freedoms. If the freedom of thought, conscience, religion or belief is restricted, all other fundamental freedoms are negatively impacted. Numerous participants voiced their opinion that combating anti-Semitism, discrimination against Muslims, discrimination against Christians, as well as against other religious or belief communities, including non-believers, is key to the protection of the freedom of thought, conscience, religion or belief.

A large majority of participants highlighted the need to denounce public manifestations of religious intolerance, and several participants highlighted the positive role that free and independent media can play in promoting this freedom. Some participants noted the importance of freedom of expression in a democratic society, including when discussing matters related to religion or belief. Some participants also called on participating States to repeal blasphemy laws.

Many participants stressed the need to protect the dignity and rights of refugees, including the right to freedom of thought, conscience, religion or belief. Numerous participants criticized some participating States for onerous laws, including those in the name of combating violent extremism and radicalization leading to terrorism, and registration procedures that constrained the ability of religious or belief communities to organize and worship. Participants likewise decried laws targeting religious minorities and restricting the

import and dissemination of written materials, and reported that some governments in the OSCE region use spurious criminal cases, high fines, and government-controlled media to slander and constrain minority religious groups and civil society organizations defending the right to freedom of thought, conscience, religion or belief.

A large number of participants highlighted challenges faced by some religious minority communities, notably with regards to their recognition, the appointment of their religious leaders, practical matters related to religious property and places of worship, the choice of religious education, as well as undue control and restrictions on the publishing, dissemination and contents of religious literature. Many were of the view that excessive controls lead to a degradation of trust and overall security.

Some participants focused on the issues that arise in times of armed conflict, including the destruction or illegal seizure of religious property, the persecution or torture of individuals on the basis of their religion or belief, the destruction of religious literature, or the persecution of individuals belonging to religious or belief communities perceived as opposing armed groups or occupation forces serious risks to this freedom. Some participants raised the issue of conscientious objection, notably in the context of military service or in professional fields such as medical services. Other participants expressed concern at bias in the policies of some states that can affect the health of women and the services to which they have access.

Recommendations to OSCE participating States:

- For participating States to fully implement their human dimension commitments, including on freedom of thought, conscience, religion or belief, and to do so in light of the inter-linkage of this freedom with security and other rights such as freedom of assembly, association and expression.
- For participating States to adopt appropriate measures, in line with international standards, to allow individuals to practice their faith freely, including through the recognition of the legal personality of religious or belief communities.
- For participating States to maintain and strengthen efforts to combat anti-Semitism, discrimination against Christians, Muslims, as well as against members of other religious or belief communities, including non-believers.
- For participating States to cooperate and work closely with ODIHR's Human Rights and Tolerance and Non-Discrimination Departments to benefit from their expertise and experience.
- For participating States to ensure the freedom of thought, conscience, religion or belief of LGBTI persons and to effectively combat hate crimes against them.
- For participating States to protect the dignity and rights of refugees, including the right to freedom of thought, conscience, religion or belief.
- For participating States to make use of the various tools and documents available internationally, such as the OSCE/ODIHR-Venice Commission Guidelines on the Legal Personality of Religion or Belief Communities and the OSCE Guidelines on the Protection of Human Rights Defenders.
- For participating States where such issues exist, to address issues pertaining to religious property, including restitution.
- For participating States to support inter-religious and inter-faith dialogue.

- For political, religious and other community leaders to refrain from discourses and actions that would limit the exercise of this freedom, discriminate or incite hate against other groups.
- For participating States to repeal blasphemy laws and amend practices that require the disclosure of one's religion for access to certain services or exemption from others.
- For participating States to respect the right of the individual to change his or her religion, or to hold no belief.
- For participating States to ensure that religious communities are able to peacefully practice their religion without the threat of violence and persecution.
- For participating States to review legislation that may unduly limit or prevent the establishment of places of worship and distribution of written materials.
- For participating States to address the issue of conscientious objection.
- For participating States to address the under-reporting of hate crimes.

Recommendations to OSCE institutions, executive structures and field operations:

- For ODIHR and the OSCE Special Monitoring Mission in Ukraine to monitor the state of freedom of religion or belief and to issue a thematic report on this issue.

Working Session 13: Fundamental freedoms II (continued), including freedom of movement

Rapporteur: Ms. Helen Teasdale, United Kingdom Delegation to the OSCE in Vienna

No. of statements: 32

Delegations: 8

NHRI:-

Civil Society: 23

OSCE Institutions:-

International Organizations: -

Media: 1

Rights of Reply: 11

Introducer: Mr Gerald Knaus, chairman of the European Stability Initiative

Mr Knaus gave a video introduction in which he spoke about the European Schengen project, borders and visa liberalization in relation to freedom of movement. He set out the vision behind Schengen: that border free areas would make countries safer, as it would free up essential police and border guard resource and focus instead on security within the Schengen agreement. Mr Knaus then covered more recent questions about the future of border free areas given re-introduction of border checks in 2015, but concluded that Schengen had survived and continued to expand.

Turning to visa liberalization, Mr Knaus set out how this had been a positive incentive for security improvements within countries outside the EU, and how it continued to expand to new areas. He stated that, like Schengen, visa liberalization had made Europe safer.

However, neither border free areas or visa liberalization could be taken for granted give the migration challenge of 2015. The numbers crossing EU external borders were extraordinary. Despite this, numbers were now falling, and importantly the principle of non-refoulement had been preserved. This situation hinged on implementation of the EU-Turkey agreement, but if both parties fulfilled their commitments it would demonstrate that we can combine security and borders with empathy and respect for the refugee convention.

Introducer: Iryna Sushko, Head of NGO “Europe without Barriers”

Ms Sushko opened with a positive overview of developments: progress had been made for visa free travel and a softening of requirements; the process for entering and leaving country been eased; the introduction of biometrics had helped. However the situation on the ground was in contrast to this: for example waves of migration and asylum seekers had been exploited by far right political views; as well as new regional conflicts, military escalations and annexation of the territories of sovereign states. Some visa regimes had been reintroduced.

Ms Sushko stressed that we remained far from the common vision of free movement of people, even outside the realms of permanent immigration and economic migration. Despite this, EU policies of visa liberalization for Eastern Partnership countries had resulted in remarkable progress. Visa liberalisation had lead governments to deliver sensitive reforms, for example to tackle corruption, to improve border management and develop migration policy.

Ms Sushko then spoke of the challenges. There was a deficit of trust, added to which we continued to experience regional conflicts. Ms Sushko then spoke about Ukraine, specifically the Crimean peninsula, the Donbas and East of Ukraine. She explained how 2.3 million people of Crimea and 5 million people in Donbas no longer have the rights they previously enjoyed. Consulates and visa centres had closed, previous travel documents had been abandoned and new documents were not recognized. As a result far fewer residents travelled abroad.

Ms Sushko then spoke of the impact the illegal annexation of Crimea had on the indigenous Crimean Tartar population. Some Crimean Tartar leaders were unable to leave mainland Ukraine and return home, while others living in Crimea were unable to leave. She asserted that the Crimean Tartars were the first ethnic group in 21st century Europe to be deprived of the normal means of domestic and international travel. In conclusion Ms Suskho had two recommendations:

- Make greater efforts to protect right to freedom of movement where curtailed.
- To support countries which fulfill all technical criteria as seen by visa liberalization

Eight delegations of participating States spoke, representing the views of 41 participating States in total, as well as 24 civil society organisations and one media representative. Most participants spoke on the subject under consideration, but interventions covered a wide range of issues, and a number of interventions were not on topic.

A large number of participants picked up on Ms Sushko’s introduction regarding the impact on freedom of movement for residents of Crimea following the illegal annexation of the peninsula by the Russian Federation. A majority of participants called for freedom of movement between the Crimean peninsula and mainland Ukraine, and noted the difficulty of

ensuring freedom of movement when security was curtailed by conflict. The situation of Crimean Tartars, unable to return to Crimea, was highlighted by a majority of participants. A similarly large number of participants spoke of the impact the conflict in Eastern Ukraine was having on freedom of movement. One participant highlighted the significant impact on freedom of movement in areas not controlled by the Ukrainian authorities, and the direct result of militants taking violent action (shelling) against crossing points. A participant drew attention to UN General Assembly Resolution of 27 March 2014 calling on states not to recognize the attempted change in status of Crimea, including in relation to travel documents. One participant challenged other speakers on their understanding of the situation in Crimea, and linked the introduction of sanctions by some participants to curbing the freedom of movement of individuals.

A number of participants highlighted restrictions on freedom of movement for human rights defenders in the OSCE region, and ongoing travel bans for individuals who had been recently released from prison. A participant expressed concern over the use of travel bans in relation to unpaid fines for other offences. A participant highlighted concerns over the cancelling the travel documents of individuals of concern, thus preventing freedom of movement. A participant raised freedom of movement in terms of their own ability or not to return to their homeland as a result of restrictions placed on them by their state, and the impact that restrictions were having on people leaving their country and feeling unable to return. A participant questioned whether visa regimes could be changed to be more positive and open to individuals from countries that faced human rights restrictions.

A significant number of participants expressed concern over restrictions on the right for individuals to leave their countries with individuals sometimes unaware they were on travel bans. Participants also referred to countries where individuals were unable to get exit permissions, or to move within the country from region to region. More than one participant referred to “blacklist” travel bans in other participating States. Some participants challenged these assertions in relation to specific participating States, noting that in some participating States it is possible to check whether a person is subject to visa restrictions.

A number of participants also drew attention to the impact on the free movement of people in relation to restrictions regarding the use of borders in relation to the breakaway regions of South Ossetia and Abkhazia.

A number of participants highlighted the need for internally displaced persons to be able to return to their homes. A participant voiced concerns on the rights of internally displaced persons to exercise their democratic right to vote if they were unable to return to the place in which they were registered to vote. Some participants called for more action to allow communities who had been forcibly displaced several decades ago to be allowed to return to their homelands. Another participant spoke on this subject explaining how deadlines had been extended for those wishing to register for repatriation in one instance.

A large number of delegations noted that foreign nationals have no right to enter a country. It was further asserted by a participant that all individuals have right to return to their country without reprisals. One participant highlighted the need for foreign visitors to seek approval ahead of visiting disputed territory, and that failure to comply could result in refusals to access territory in the future, which was not in breach of freedom of movement.

A participant spoke about the refugee crisis and the plight of migrant and unaccompanied children within Europe, calling on participating States to allow entry on humanitarian

grounds. A large number of participants acknowledged concern over unaccompanied children and the risks they faced.

A participant drew attention to the impact of closed borders on communities and on economic development. This was, however, challenged by another participant.

A participant spoke about the problems facing children of working migrants within the OSCE region in relation to schooling and such, and that working migrants did not have access to health care or welfare, nor were protected from exploitation in some States.

One participant highlighted concerns in a non-OSCE participating State regarding the ability for communities to return to their homeland as a result of security concerns (as well as issues that were not related to the issue under discussion – as the country concerned is not a participating State there was no facility for a right of reply).

Other issues covered by individual participants included: freedom of movement in relation to freedom of thought, conscience, religion or belief via the need to respect freedom of movement of those who wished to proselytize; the difficulty of getting travel documents and studying abroad, and concerns over potential corruption in the issuing of both passports and exits documents; and concern over the detention of individuals for crossing borders.

A number of interventions by speakers (and some recommendations) were not on the subject under discussion, but covered wider issues of tolerance and non-discrimination.

Recommendations:

To Participating States

- Comply with commitments on freedom of movement and and make greater efforts to protect right to freedom of movement where curtailed.
- To support countries which fulfill all technical criteria as seen by visa liberalization
- Enable the residents of conflict zones, refugees and IDPs to exercise their right to freedom of movement, in particular, to access health-care as well as for other humanitarian purposes. Security-related restrictions should be proportional and in response to a specific public need.
- Ensure the right of IDPs to a safe, dignified and voluntary return, as stipulated in the UN Guiding Principles on Internal Displacement.
- Effectively ensure freedom of movement of human rights defenders across its territory to pursue their human rights activities. This should include access to unrecognized territories for the purpose of human rights monitoring and reporting, as well as other human rights activities.
- Effectively ensure freedom of movement for HRDs across territory, including access to unrecognized territories.
- Remove illegal restrictions relating to conflict areas;
- Comply with international commitments on the return of communities that have been previously forcibly displaced.
- Remove sanctions in relation to Crimea
- Make visa-issuing policy more positive and more welcoming for people from disputed territories.
- Ensure aid programmes actually reach minority groups

- Ensure that all vulnerable people are represented in asylum policies.
- Address issues of minorities among refugee groups

To OSCE and its institutions

- Comply with international commitments on the return of communities that have been previously forcibly displaced.
- Work with participating States to remove obstacles to free movement of people
- Work with participating States to allow individuals to return to their homelands
- Investigate visa regimes that have different requirements for persons of specific ethnicities/nationalities.
- Support for policy of non-recognition of occupied territories.
- Establish monitoring missions on disputed borders.

Working Session 14: Tolerance and non-discrimination II, including ensuring equal opportunity for women and men in all spheres in life, including through implementation of the OSCE Action Plan for the Promotion of Gender Equality

Rapporteur: Ms. Zsófia Elek Permanent mission of Hungary to the OSCE, the UN and other International organisation in Vienna

No. of statements: 40

Delegations: 20

NHRI: -

Civil Society: 18

OSCE Institutions: 1

International Organizations: 1

Media: -

Rights of Reply: 12

Working session 14 focused on the equal opportunity for women and men in all spheres of life, including through implementation of an OSCE action Plan for the Promotion of Gender Equality.

OSCE's Senior Adviser on gender Issues, Ambassador Miroslava Beham presented the main focus of the session and presented the two introducers.

The first introducer, Ambassador Melanne Verveer, Special Representative of the Chair- in-Office on Gender Issues, underlined that gender equality cuts across all three dimensions and is essential to achieve economic prosperity as well as stability and security. She stressed that ensuring the gender equality is not an option but a necessity for states. Progress will be not possible without ensuring equal opportunity for women and men in all spheres of life. She recalled UN Sustainable Development Goals in particular goal No. 5 which calls for the empowerment of woman and girls; this goal however affects other goals also. She highlighted the importance of the work regional organizations, including OSCE, can do in promotion of security and combating VERLT, radicalism and terrorism. She called for better integration of the gender perspective into the work of the OSCE. Ambassador Verveer stressed the need to update the 2004 OSCE Action Plan for the Promotion of Gender

Equality (2004 OSCE GAP) and involve boys and men to build lasting progress and peace in the OSCE region.

The second introducer, Anna Lindquist, Director of Men for Gender Equality Sweden briefly presented their activities. She highlighted the harming effects of social expectations imposed on boys and men, such as shorter life expectancy, drug abuse and higher suicidal rate. She continued by giving example how the organisation is working with fathers can transform their understanding of their role as parents and create greater emotional bond with other men and their children. Lindquist also spoke about the lessons learned from their work: there are no quick solutions, they learned a lot how to involve men and boys as positive agents in the promotion of the women's rights.

Several Participating States and NGO's commemorated on the twenty-fifth anniversary of the OSCE Moscow Document, according to which the OSCE “participating States recognize that full and true equality between men and women is a fundamental aspect of a just and democratic society based on the rule of law”.

In the discussion, all speakers regarded the protection and promotion of human rights of women and girls and gender equality as a prerequisite for democracy, stability and sustainable development. Access to quality education was widely considered to be of key importance in empowering women and girls.

Some Participating States presented their national legislations, new developments and the measures taken to combat domestic violence and violence against women and as well as to promote gender equality in all spheres of life, including in the political and economic fields.

Several delegations underscored the need for a better involvement of women in conflict prevention and resolution efforts. A number of participants stressed the need for a comprehensive implementation of UN Security Council Resolution 1325 on Women, Peace and Security within the framework of the OSCE. Many delegations urged the participating States to adopt an OSCE-Wide Action Plan on Women, Peace and Security. Some Participating States underlined the importance to combat early forced marriage and sexual violence in conflicts.

Other delegations and several NGOs expressed their concerns about the absence of laws pertaining to domestic violence in some participating States. A few participating States and NGOs emphasized the importance to take into account the specific role of women in family and the need to promote a better work-life balance. One NGO raised it's voice against selective abortion based on sex. Numerous participants called for redoubling of efforts to combat violence against women. In this respect, the implementation of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, also known as the Istanbul Convention, was underscored.

Several participating States and NGOs called for increased efforts to tackle multiple discriminations against women of vulnerable groups, such as Roma and Sinti, national minorities and migrants. NGOs and some Participating States think that special focus need to be put on migrant and refugee woman in light of the ongoing migration and refugee crisis. One NGO highlighted the specific vulnerability of Roma women in the healthcare system and raised it's voice against forced sterilisation of Roma women in some Participating States. Another NGO raised the attention of participating states on the growing discrimination

against Muslim women. It was stated that women belonging to these groups often face multiple forms of discrimination.

Recommendations to OSCE participating States:

- To adopt an addendum to the OSCE 2004 Action Plan for the Promotion of Gender Equality;
- To enhance efforts to eliminate violence against women throughout the OSCE area;
- To adopt an OSCE-wide Action Plan on Women, Peace and Security, based on UNSCR1325;
- To increase representation of women in political, economical and public life;
- To take meaningful steps to recognize and address the barriers that women and girls continue to face and ongoing inequality between women and men;
- To introduce measures that will result in increased representation of women in political and public life and, as relevant, seek support from ODIHR and other OSCE structures in this regard;
- To enhance efforts to eradicate violence against women, including by ratifying the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence;

Recommendations to OSCE institutions, executive structures and field operations

- To ensure that the rights of women and girls are promoted, protected and fully and effectively integrated into the work of OSCE structures;
- To ensure strong and sustainable institutionalization of gender issues in the OSCE, including by facilitating a network of national gender focal points among the participating States, convening regular/ bi-annual Gender Equality Review Conferences as well as taking all necessary measures to ensure that a gender perspective is integrated and mainstreamed in the policy and operational work of the OSCE;
- To improve by concrete measures the implementation of the 2004 OSCE Action Plan for the Promotion of Gender Equality and report on the progress made;
- To continue providing assistance to the participating States in matters relating to gender equality.

Working session 15: Tolerance and non-discrimination II, including Roma and Sinti issues, including implementation of the OSCE action Plan on Improving the Situation of Roma and Sinti

Rapporteur: Ms. Cătălina Bolma, Delegation of the European Union to the OSCE

No. of statements: 34

Delegations: 10

NHRI: -

Civil Society: 24

OSCE Institutions: -

International Organizations: -

Media: -

Rights of Reply: 9

The Working Session 15 addressed the implementation of the OSCE Action Plan on Improving the Situation of Roma and Sinti, with a particular focus on public and political participation of Roma and Sinti. The **moderator** of the session, **Mirjam-Angela Karoly, Chief of the Contact Point for Roma and Sinti Issues, OSCE/ODIHR**, recalled the importance of the OSCE document and underlined the need for ensuring meaningful public and political participation, in particular of Roma and Sinti women and youth. She thanked the OSCE German Chairmanship for organizing a conference on *Confronting Anti-Gypsyism: The role of political leaders in combating discrimination and racism against Roma and Sinti*, on 6 September, in Berlin, underlining the role of political leaders in shaping the public discourse and thus combating discrimination. ODIHR and Council of Europe will build on the conclusions of the outcomes of the event.

The session was introduced by **Valeriu Nicolae, Special Representative of the Secretary General of the Council of Europe for Roma Issues**, who highlighted the progress in the field of Roma and Sinti political participation, for instance the involvement of Roma in decision making-bodies of many European Union Member States, as well as in politics. He noted the presence of Roma and Sinti women as members of the European Parliament. He also pointed out to the significant increase of Roma working in local, national and international structures and institutions. However, despite this progress, Roma still remain hugely underrepresented in politics and decision-making at national and international level. Additionally, anti-Gypsyism continues to be deeply ingrained in the societies of a substantial number of OSCE member states. He noted that, as long as racism against Roma remains acceptable and unpunished, the Roma participation will be limited. He also recalled that the OSCE Action Plan still remains a very ambitious document, a document for the future, with still valid recommendations. He concluded that more Roma must be involved in mainstream political parties in order to trigger a change. He suggested a possible Charter for Anti-gypsyism to which all political parties in the OSCE participating States could adhere.

The second introducer, **Lucie Fukova, Roma activist and politician**, shared her personal experience in participation. She called for the involvement of Roma in all level of politics and administration. She highlighted that Roma involvement into decision-making ensures that the policies are based on the needs of the Roma community, that the funds are allocated and spent efficiently. She added that meaningful participation of Roma women have the potential to challenge stereotypes in the society. She also pleaded for creation of networks of NGOs and advocacy actors.

34 participants made statements during the session, out of which 8 were from delegations of OSCE participating States and 26 participants Non-Governmental Organizations and activists. 9 OSCE participating States made use of their right to reply.

A large group of participating States highlighted the importance of the OSCE Action Plan on Improving the Situation of Roma and Sinti and pointed out to the need for greater political for the full implementation of OSCE commitments in this area. They commended the work of ODIHR, in particular CPRSI and HCNM, for their efforts in advancing the implementation of OSCE commitments on Roma and Sinti. They welcomed the focus of ODIHR CPRSI on public and political participation. Some participating States mentioned positively the involvement of the OSCE field missions in their respective countries in supporting authorities in implementing OSCE commitments in this field. A participating state underlined that in 2013, at the Supplementary Human Dimension Meeting, the HCNM committed to initiate a report about the situation of Roma, but this hasn't been done so far, hoping that the next HCNM will consider this task.

A large group of participating States indicated their experience in setting up and implementing Roma integration strategies and policy measures addressing different areas, in particular improving access to education, employment, healthcare and housing. Annual assessment of Roma and Sinti integration strategies (for which the input of the civil society is also sought) shows positive results, but there is still a lot to be done. A participating State was of the opinion that there has not been at all a lot of progress in improving the situation of Roma and Sinti in the participating States which have larger Roma communities.

Several participating States underlined the importance of Roma involvement in decision-making and offered concrete examples of Roma participation in the public and political life, as well as pointed out to mechanism that ensure their participation.

Some participating states provided also good practices in terms of inclusive education, use of health mediators, or pedagogical assistants. A participating state pointed out to the cooperation with the World Bank for developing a methodology to assess local developments and regional initiatives. Indicated that a mapping of segregating settlements will be developed in the future in order to ensure better targeted programmes. Another participating States indicated that they already have a database mapping the Roma settlements has been initiated aiming at assessing the state and needs of communities.

Representatives of civil society indicated specific issues related to Roma situation in their respective countries, pointing out to the followings: continuous discrimination and marginalization, social exclusion, unclear status in their country (lack of recognition as an ethnic/national minority), lack of identity documents, poverty, lack of adequate housing, segregated settlements and forced evictions, low level of school enrolment and early dropout, continuous segregation in schools, forced early marriages, discrimination in the field of health, lack of access to clean water for Roma communities, lack of representation mechanism, political misuse of the Roma communities, lack of political use to implement good practices (i.e. Roma mediators) and lack of a monitoring mechanisms.

There were critical voices (both from participating States and civil society) regarding recent mobs and violence incidents against Roma in some participating states, as well as cases of displacement of Roma. Some participating States were reminded to ensure compensation for Roma victims of forced sterilization.

One participant stressed the need to increase the capacity of police and asked ODIHR to train the police for improved trust and understanding between the police and Roma.

Situation of Roma IDPs as result of conflict was brought into the discussions, as Roma women and children IDPs are usually subject to multiple discrimination. The repression of Roma in the occupied territories was pointed out by one participant. Another participating state recommended that ODIHRs assessment report on the matter to be taken into consideration.

A large group of participating States referred to the latest conference hosted by the German OSCE CiO and implemented jointly with the Council of Europe, focusing on strengthening the role of political leaders in combating discrimination and propagation of negative stereotyping. They called for public condemnation of any act of discrimination, including anti-Roma rhetoric and hate speech from officials, political leaders and civil society. Some representatives of civil society who took the floor condemned those exploiting stereotypes and encouraging hate-motivated violence. One participant recommended that, in light of increase anti-Gypsyism and hate speech against Roma and Sinti, OSCE could consider a Ministerial Council Decision on the topic. One participating State informed about upcoming EU Council Conclusion to foster Roma integration in the European Union and their efforts to enhance participation of Roma youth as agents of change for the future.

A large group of participating states asked for more efforts in education and remembrance, so that old prejudices do no longer manifest in patterns of racism and discrimination today, thus welcoming the good cooperation among many stakeholders in order to promote awareness about the past. A civil society representative recommended that Sinti and Roma history be mentioned in every history school-book and in the curricula for pedagogical schools. One participating State underlined its commitment regarding the memorial site for the Roma Holocaust victims in Lety u Písku.

A large group of participating states encouraged further cooperation between international organizations, such as the OSCE ,the Council of Europe or the European Union, to create synergies and make use of the expertise accumulated already for better and more effective Roma integration.

In exercising their right to reply the OSCE participating States took note of the concerns expressed by the representatives of civil society organizations and welcomed the attention of the latter to the needs and expectations of Roma and Sinti people. They provided additional clarifications on the policies and measures undertaken by their respective authorities to implement their international commitments in regard to Roma and Sinti.

Recommendation to the participating States

- to increase the efforts to implement all OSCE commitments, in particular the Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area and continue the regular review of its implementation;
- to grant citizenship and to recognize Roma community as an ethnic/national minority;
- to take measures to ensure that all Roma population is registered and holds identity documents, as well as to simplify procedures;
- to take effective policy measures to ensure the equal treatment and the respect of fundamental rights, including access to education, employment, healthcare and housing;
- to enhance efforts to increase Roma and Sinti children and youth school enrolment at all levels in State-provided education system and reduce school dropout rate; enhance efforts to eliminate segregation of Roma and Sinti at all levels in education and promote inclusive education; adopt measures to avoid that children fall victims to labour exploitation, trafficking and child marriage;
- to demonstrate further commitment towards education about and remembrance of the Roma and Sinti genocide during World War II; to include information about Sinti and Roma history in the school curricula; to ensure dignified memorial for the victims of Roma genocide in memorial site Lety;
- to support vocational training, on-the-job training, as well as self-employment and entrepreneurship;
- to enhance efforts to strengthen the rights of Roma women and girls and to eliminate discrimination on multiple grounds; to fight violence, including domestic violence, against women and girls, trafficking, underage and forced marriages; to establish compensation mechanism for the Roma victims of forced sterilization
- to promote the effective and equal participation of Roma and Sinti women in public and political life, including through the promotion of women's access to public office, public administration and decision making positions;

- to prevent further marginalization and exclusion of Roma and Sinti and address the rise of discrimination and violent manifestations of intolerance against Roma and Sinti; combat anti-Roma rhetoric and hate speech;
- to open a Charter on Anti-gypsyism to be signed by all political parties in the pS by 2018;
- to ensure transparent investigation in the case of violence against Roma; to collect disaggregated data in all schools and collect experiences of bullying of Roma children and youth;
- to develop media campaign to promote positive image of Sinti and Roma;
- to pay particular attention to Roma and Sinti migrants, refugees and IDPs, many of which are subject of multiple discrimination; to ensure safe return of displaced Roma population;
- where appropriate, to promote the training and employment of qualified mediators dedicated to Roma and use mediation as one of the measures to tackle inequalities in terms of access to education, employment, healthcare and housing; to allocate necessary funding for Roma mediators;
- to ensure access to clean water for Roma communities;
- to create conditions for media in Romani language,
- to ensure inclusion of Roma and Sinti in the mainstream political parties;
- where appropriate, to enhance the participation of Roma and Sinti in the elaboration, implementation and evaluation of the policies that affect them;
- to ensure representation of civil society in the work of the inter-ministerial bodies
- to enhance implementation of the OSCE commitments with regard to Roma and Sinti by local authorities;
- to enhance data collection with regard to the situation of Roma and Sinti in all fields of the Action Plan;
- to include, where appropriate, a monitoring and assessment component in strategies, policies, measures and programmes related to Roma and Sinti, as well as review mechanisms taking into account the respective results of monitoring and assessment;
- to enhance cooperation among all international stakeholders (OSCE, CoE, EU) with regard to Roma and Sinti;
- to continue fight Anti-gypsyism and to adopt Ministerial Council Decision addressing this issue;

ODIHR

- to provide training for police;
- to focus on the problems that Mugat population face in Uzbekistan and to involve young Mugat people in international meetings;

OSCE Institutions

- ODIHR, HCNM and OSCE Representative on Freedom of the Media to proactively monitor aggressive nationalism, racism and hate speech against Roma and Sinti;
- HCNM to review the implementation of the 2003 OSCE Action Plan on Roma and Sinti;
- to continue activities of the OSCE field operations with regard to improving the situation of Roma and Sinti.

Working session 16: (specifically selected topic): Rights of the child

Rapporteur: Ms. Eglė Maier, Permanent Mission of the Republic of Lithuania to the International Organizations in Vienna

No. of statements: 25

Delegations: 9

NHRI: 1

Civil Society: 13

OSCE Institutions: -

International Organizations: 2

Media: -

Rights of Reply: 15

The Working session 16 was devoted to the issue of the rights of the child with focus on children education.

Introducing the issue, *Ms. Beat Bislim Olahova, Project Programme Manager at the Roma Education Fund in Budapest*, overviewed the rights of the Roma children in the European context. She stated that Roma communities, which are among the most marginalized and discriminated groups in the European society, lack the right to education. Consequently, failure in school has long term effects for employability and social inclusion. She noted that segregation is a discriminatory practice and the biggest obstacle in access to quality education, as it leads to increasing mutual suspicion, distrust and hostility between the groups. Therefore, ensuring of a quality education is essential for the advancement of the desegregation process. The introducer stressed the numerous benefits of a fully inclusive public education system, emphasizing the improvement of the school results of Roma pupils. She also noted that any investment made by the governments in the area of integrated education both at national and local levels will return in the long run. With this regard, the EU has an important role to play setting common policy goals.

Another introducer, *Mr. Andrej Vukčević, a 17 year old pupil of Podgorica Gymnasium*, presented the status of rights of children in Montenegro, through the eyes of children. He noted that in Montenegro the rights of the child are in general respected, however, the biggest challenge is the implementation of the laws related to the rights of the child in practice as well as the monitoring of that implementation. He noted that often the child's right to an opinion is not respected enough and pointed out that the exercise of the rights of the child is an indicator of the democratic developments in the society. The introducer stated that a better quality of children's education should be ensured as well as better integration of children of different backgrounds, noting that this would lead to a decreased discrimination and positive social impact in a long run. He concluded saying that education is the best possible way to change the society and that the state, institutions, schools, parents and local communities need to join their efforts in working together towards this goal.

In the subsequent discussion, many speakers agreed that education of children is key to investing in a future of the society. It was emphasized that all policies and actions with an impact on children must be in line with the best interests of the child and according to international law. A number of speakers stated that the decisions about children must involve children, and that these views should be taken into consideration.

Many speakers provided an overview of the work being done in their own countries at improving the rights of the child, identifying current challenges and actions undertaken to solve these. An international organization provided information on its activities targeting children and young people, and gave an overview of its new strategy on the rights of the child.

A number of participants drew special attention to the rights of the child in the context of the migrant crises, emphasizing the need of prevention in becoming victims of human trafficking as well as of solving issues related to the birth registrations.

Some speakers pointed out challenges in the areas of detention of children in closed facilities and urged for reform of juvenile systems.

A few speakers drew attention to the issue of labour exploitation, sexual exploitation and sexual abuse of children and called for prevention measures.

Protection of children's rights in the digital world as well as children's right to secure existence was noted as well.

Many participants drew attention to the rights of the children with special needs, orphans as well as of children belonging to different ethnical backgrounds, including Roma children.

Several participants pointed out the importance of the access to education in native language and urged participating States to ensure this.

One speaker pointed out challenges faced by internally displaced children and stressed the need to ensure access to education for these children.

A couple of speakers recalled that the life of the child begins before the birth, at conception, and considered the phenomenon of abortion morally unacceptable.

A few speakers expressed the willingness to take discussion on the rights of the child topic in the OSCE fora forward.

During the discussion, one participating State raised a point of order regarding the status of one speaker. Consequently, shortcomings in seating arrangements were recognized.

Recommendations for OSCE Participating States:

- Raise awareness of children's rights and of international norms and standards concerning their promotion and protection.
- Promote the ratification and effective implementation of relevant international instruments on the rights of the child.
- Promote legislative reform to ensure conformity of national laws with international norms and standards on the rights of the child.
- Promote the development of national independent institutions on the rights of the child in conformity with the Paris Principles.
- Promote the effective coordination of cross-department activities and of actions between national and sub-national authorities, as well as the allocation of adequate resources with a view to ensuring the promotion and protection of the rights of the child.

- Advocate engagement of civil society in promoting and protecting the rights of the child.
- Support measures to eliminate the worst forms of child labour and to implement minimum working age and adequate working condition requirements for children in accordance with ILO core labour standards.
- Register refugees and facilitate their access to birth registration.
- Collect data on ethnic distribution in schools, including on Roma children, and develop and implement concrete plans to solve the remaining challenges.
- Implement national legislation concerning the participation of Roma and Sinti and improve the professional level of training of teachers working with minorities.
- Provide financial help to Roma families and children to enable children to attend mainstream schools and to introduce a curriculum course on Roma children.
- Improve dialogue with minorities and develop mechanisms to improve the access to justice as well as access to education in native language.
- Create international database online of children belonging to the risk groups, reflecting movements of the parents, thus preventing possible kidnapping of the child by one of the parents.

Working session 17: (specifically selected topic): Rights of the child (continued)

Rapporteur: Mr. Jürgen Heissel, Permanent Mission of Austria to the OSCE

No. of statements: 15

Delegations: 8

NHRI: -

Civil Society: 7

OSCE Institutions: -

International Organizations: -

Media: -

Rights of Reply: 4

In introducing **Ms. Pauline Dörrich** (student at Freie Waldorfschule Stuttgart) presented her initiative “Refugee Kids of Stuttgart” (www.refugeekidsofstuttgart.org). Since one year Ms. Dörrich has accompanied refugee children in her hometown Stuttgart with the aim to learn more about their countries of origin and the stories of their flight. Apart from organizing joint activities with German youth she documented the stories of refugee children in Stuttgart and her impressions of their living conditions in a blog. Media coverage of her blog increased the number of readers to up to 15.000 in one week and contributed to raising awareness about the specific situation of refugee children in Germany.

In his introduction **Mr. Sasa Stefanovic** (coordinator of MODS – Network of Child rights Organizations from Serbia) gave an outline of provisions in the UN Convention on the rights of the Child relevant for protection of children and invited all OSCE pS to introduce an explicit legal prohibition of corporal punishment. He argued for the development of services focusing on parenting support focusing on the wellbeing of children instead of placing children in institutions in order to avoid the negative consequences of separation from their parents. Despite higher efficiency and lower costs of this approach, States still allocate more funds for institutional care. Pointing at the additional vulnerability and exposure to dangers for the rising number of child refugees, especially children unaccompanied or separated from their parents, Mr. Stefanovic called for the establishment of clear procedures requiring (1)

cooperation of different sectors and agencies, (2) development of guidelines for recognizing an unaccompanied minor who has suffered maltreatment or neglect, (3) definition of procedures following their identification, (4) preparation of systems dealing with underage refugees primarily as children and leaving the migration status for later and (5) creation of shelters in particular for underage refugees in line with their human rights. Finally he underlined that investing in children should primarily be seen as an investment in social cohesion, tolerance and multiculturalism. A systematic approach to improving the protection of children, especially in the context of conflict and displacement, providing for coordination, resources and accountability mechanisms is needed.

Many speakers shared the assessment that despite clear commitments for the protection of children, violations against children persist. Two delegations focused on combatting the sexual exploitation of children and called on OSCE participating states to work together to this end taking adequate penal and law enforcement measures. Another delegation stressed the link between respect for the rights of the child and international development as enshrined in the Sustainable Development Goals.

Some participating States outlined recent developments in their countries such as the development of National Action Plans on the rights of the child or the recent holding of a conference on the ban of corporal punishment. Another participating state announced a Conference on the occasion of 10 years of the Paris Principles and guidelines on children associated with armed forces or armed groups.

During the discussion, numerous violations of OSCE commitments in the field of judicial independence were mentioned by several participating states and NGO's, mostly directed to individual participating States. The allegations included lack of protection of in particular unaccompanied minors or lack of investigation into alleged crimes against children or discriminatory or inadequate access to schooling.

One civil society representative reminded of the particular medical care needs of intersex children which is often not provided in refugee or IDP- settings.

Recommendations to OSCE participating States:

- Discuss the possible commitment to fight sexual exploitation of children at the upcoming Ministerial Council in Hamburg
- Periodical review of national legal orders and policies in order to align them with internationally recognized rights of the child.
- Accession to all relevant legal child rights instruments, in particular to the Council of Europe Convention on preventing and combating violence against women and domestic violence.
- Support the Outcome Document of the Conference “Towards childhoods free from corporal punishment” on 1st and 2nd of June 2016 and to actively support an efficient legal ban of any form of corporal punishment against children.
- Cooperate in their fight against forced and early marriage.
- All actors involved in the care of displaced children to ensure access of intersex children to necessary medical care, such as hormone therapies.

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

Rapporteur: Ms. Nevena Jovanović, Permanent Mission of the Republic of Serbia to the OSCE and other International Organizations in Vienna

No. of statements: 4

Delegations: 4

Civil Society: -

OSCE Institutions -

International Organizations: -

Media:-

Rights of Reply: 0

Mrs. Katarzyna Jarosiewicz Wargan, ODIHR First Deputy Director opened the session by reminding participants of ODIHR's project activities aimed at capacity building, raising awareness, strengthening ongoing engagements with the all relevant stakeholders and counterparts. She underlined some of the basic principles of ODIHR's project work such as multi-year and program-oriented engagement, cooperation with state authorities and civil society and transferring good practices within the OSCE region. She has also pointed out that, in order to achieve abovementioned goals, ODIHR performs three core functions: monitoring, providing expert and policy advice, and building capacity. Mrs. Jarosiewicz Wargan highlighted the positive examples of ODIHR's 25 years engagement in the OSCE region, stressing that some of the main projects would not be possible without generous extra-budgetary support from OSCE participating States. In that context she referred to ODIHR activities and projects related to election observation, combating Hate Crimes, development of so called "gender audit methodology", protection of the rights of trafficked persons, Roma and Sinti Youth Initiative etc.

She paid a special attention to the project *Strengthening Dialogue among Civil Society and with Key Government Stakeholders on Human Dimension Issues in Ukraine* which aims to build capacity, promote dialogue and support action between civil society organizations and state representatives in Ukraine. In that context, Mrs. Jarosiewicz Wargan underlined the good partnership relations between ODIHR and OSCE Project Coordinator's Office in Ukraine.

Ambassador Vaidotas Verba, Project Co-coordinator in Ukraine (PCU) pointed out that ODIHR and PCU in Ukraine have unique mandates which might at times require coordination. Ambassador Verba underlined that the need for coordination and assistance in Ukraine increased since 2014. He explained that PCU continues to provide a regular assistance to the structures and institutions in Ukraine, including administrative support to ODIHR's dedicated project for Ukraine. Also, he outlined some specific examples of cooperation such as promoting public consultations in government policy-setting, trainings for civil-society in monitoring administrative trials, providing comments and consultative opinions on laws when needed or introduction of the comprehensive human-rights based approach to the schools.

Mrs Cristina Finch, Head of ODIHR Tolerance and Non-Discrimination Department presented ODIHR activities related to combating hate crime. She underlined that although OSCE participating States have adopted a robust set of commitments on addressing hate

crime, we are still witnessing the shortcoming when it comes to the implementation of the existing commitments. Mrs Finch explained that ODIHR has worked on hate crimes for many years and is considered a European leader on providing technical assistance on hate crimes. She also referred to the ODIHR's limited resources (at the first place financial) for this purpose. She underlined the need for cooperation between different stakeholders in order to prevent hate crime and protect the victims. In this regard Mrs Finch stressed the importance of cooperation that exists between ODIHR and the UN High Commissioner for Refugees, EU's Fundamental Rights Agency etc. She also gave a short overview of the current projects on combating hate crime that ODIHR has been implementing.

Four Delegations took the floor during the discussion which followed. A number of them expressed a strong support for the work of ODIHR and its activities in the field of providing assistance to the OSCE participating States in implementation of undertaken commitments. It was underlined that ODIHR's work within its mandate is essential to promoting human rights and fundamental freedoms. The same group of delegations expressed support for the work of PCU, as well as the appreciation for the work of the OSCE Executive structures in response to the crisis in and around Ukraine, especially in the context of strengthening dialogue among civil society and key governmental stakeholders.

One delegation expressed its concern with regard to the work of OSCE Institutions and in particularly, asking for more balanced and transparent approach. They stressed that there is no participating States that is "immune" to the gaps in implementing commonly agreed commitments underlining that the assistance of the OSCE Institutions should provide the basis for better cooperation rather than to strengthen the differences between participating States. They also called for avoiding of "politization" of the discussions on human dimension issues, especially in the framework of formats like HDIM.

RECOMMENDATIONS:

For participating States:

The OSCE participating States should take advantage of the services offered by OSCE Executive Structures in enhancing the implementation of commitments, including by facilitating visits and monitoring missions by the institutions;

The OSCE participating States should ensure the timely adoption of the OSCE Unified Budget to allow the Executive Structures to properly plan their activities;

Cooperation between OSCE participating States should be based on consensus rather than strengthening differences.

For Executive structures:

Executive structures should continue to coordinate closely with each other and with other relevant international actors;

Executive structures should foster close collaboration with civil society and increase their participation in the implementation phase;

OSCE Executive structures should be impartial, non-selective and objective in their work;

OSCE Institutions should develop stronger co-operation with the OSCE field missions;

OSCE Institutions' projects should be streamlined in a way to promote confidence and trust between participating States.

IV. COMPILATION OF WRITTEN RECOMMENDATIONS*

**As submitted by the participants during HDIM. This does not constitute an endorsement by ODIHR.*

Monday, 19 September 2016

Opening plenary session

Recommendations to the OSCE Institutions

Azerbaijan

- strongly urges the Director of **ODIHR** to take all necessary measures to stop such an unacceptable practice of admission of NGOs propagating separatist regimes to HDIMs. Failure to do so cannot but further undermine the credibility of this event.

Monday, 19 September 2016

Working session 01: Democratic institutions, including address by the Director of the OSCE Office for Democratic Institutions and Human Rights

Recommendations to participating States

Armenia

- First we invite participating states to closely cooperate with the Venice Commission and the ODIHR through seeking their joint opinion on the relevant legislation changes.
- Second, we urge to conduct any legislation processes in inclusive manner through building platform among main stakeholders.

Azerbaijan

- The 2001 OSCE Bucharest Plan of Action for combating terrorism recognizes the inseparable link between terrorism and aggressive separatism, extremism and organized crime. It is within this context, we reiterate our call on OSCE participating states to mobilize common efforts for addressing the root causes of terrorism and for eliminating the conditions conducive to its spread

Canada

- 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.
- And finally, 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.

Slovakia / European Union

- Participating States should take all appropriate measures to 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. We highlight the importance of enhancing the political participation of women, in particular in terms of being eligible to publicly elected bodies on equal terms with men.
- Participating States should ensure transparent, inclusive, pluralist and competitive elections that provide the electorate with a genuine choice on the basis of a level playing field and an informed vote.
- We encourage participating states to extend early and unrestricted invitations to ODIHR to observe WITHOUT CONSTRAINTS their elections in line with OSCE commitments.
- We acknowledge the crucial role of ODIHR in building public confidence in the governance processes and thus strengthening democratic societies and accountable and representative institutions across the OSCE area, especially through its dedicated work in providing electoral assistance and deploying election observation missions.
- Therefore we encourage participating states to get involved in follow-up activities to Election Observation Missions' recommendations in cooperation with ODIHR, including by making voluntary reports to the OSCE Human Dimension Committee in line with EU's Action Plan on democracy and human rights 2015-2019.
- We also encourage the participating States to consider seconding more observers and/or consider other possible ways of engagement, such as contributing to ODIHR's Observation Sustainability Fund.

Switzerland

- notes with satisfaction the positive trend towards increased follow-up to the recommendations of ODIHR's election observation missions by OSCE participating States. However, increased exchanges on how to cooperate with ODIHR should be encouraged, namely through reporting to the Human Dimension Committee.

Czech Republic

- We invite participating States to strengthen their support of ODIHR and regularly contribute with their observers to OSCE EOMs
- We invite ODIHR and participating States to engage in the debate on possible improvements of Election Observation Missions. We believe it is time to address the issue of evaluation of Long Term Observers. Some observers with limited language skills, weak team spirit or low working morale shall not participate as members of OSCE EOMs

Human Rights Movement "Bir Duino Kyrgyzstan"

Recommendations to Jogorku Kenesh of Kyrgyzstan and the Government of **Kyrgyzstan**:

On the issues of citizen's protection on freedom of association

- To the government officials and politicians to be guided by the recommendations of the Venice Commission and to stop lobbying amending the Constitution
- To refuse the promotion and adoption of unconstitutional laws aimed at restricting basic civil and political rights, including freedom of association and peaceful assembly;

- To accelerate the implementation of 664 recommendations of the UN agencies in the field of human rights addressed to Kyrgyzstan, making them central to the realization of all state bodies and institutions.
- To the state and local authorities to create favorable conditions for the work of NGOs in accordance with the principle 2 (the State's obligation to respect, protect and promote the right to freedom of association) and other principles laid down guiding principles on the freedom of associations of OSCE / ODIHR;
- To cancel the compulsory registration of religious groups and to ensure that legislation concerning the registration guarantees human rights to ensure the free practice of religion and religious beliefs, including creation of formal organizations. To exclude various territorial statuses for religious and public associations since as the violation of international guarantees of the right to freedom of association;
- To envisage in the Law "On state registration of legal entities, branches (representations)" a provision on granting the applicant a reasonable time to correct the identified technical inaccuracies excluded from the list of grounds for refusal of registration " detection of inaccuracies or any inconsistencies in the information contained in the documents";
- To end the excessive control and undue interference in the activities of NGOs, as well as the intimidation and harassment of individuals and groups that deal with human rights;
- To refrain from political initiatives and rhetoric discrediting NGOs and human rights defenders, and not to perceive NGOs (local or international) as a source of threat to stability and security. Instead, they should publicly recognize the importance of NGO efforts to promote human rights, to condemn the attacks on NGOs and their members, to support the participation of NGOs in decision-making at all levels, and to cooperate with NGOs to improve the situation with human rights protection at the level of legislation and practice.
- To the Ministry of Justice to develop and implement service standards in the field of NGO registration, to provide ready-made templates in Russian and Kyrgyz languages;
- To create conditions for the organization of electronic registration (submission of documents, expert advice online, etc.);
- To pay attention to the "hate speech", a widely used in media, TV, radio of Kyrgyzstan against NGOs, human rights organizations and human rights defenders.

Recommendations on defence and provision of rights of defenders:

- To develop and implement a mechanism of protection of human rights defenders, including a mechanism for monitoring the implementation of rights pursuant to adopted UN General Assembly Resolution on the Protection of human rights defenders (Kyrgyzstan voted for the adoption of this resolution), and in accordance with the Guidelines on Human Rights Defenders BDIP / OSCE;
- To ensure compliance of domestic legislation with the provisions of the UN Declaration on Human Rights Defenders, the Guidelines on the Protection of the ODIHR / OSCE human rights, paying special attention to the exclusion of legal obstacles to obtaining financial resources, their independence, freedom of association, of assembly and freedom of expression;
- To ensure that the human rights organizations, activists and lawyers could carry out their work without hindrance and fear; properly investigate all cases of persecution and bring the perpetrators to justice, and to release all human rights defenders detained for their activities;

- To stop impeding an open public debate on matters of public interest such as respect for human rights by blocking the work of civil society organizations, independent Web sites, using defamation suits or other legal proceedings as a means to silence critics;
- To abandon the practice of the use of prosecutions against human rights defenders and human rights organizations, due to their human rights activities.

Regarding Azimzhan Askarov, the defender:

- To enforce the decisions of the UN Committee on Human Rights on production of a new trial in Chui Oblast Court. Thus, the case was redirected to Azimzhan Askarov;
- To provide access to a fair trial and to justice for the human rights activist Azimzhan Askarov when considering a new trial in the Chui regional court and on confiscation of A. Askarov 's family property;
- To ensure access to quality health care for the human rights activist Azimzhan Askarov, located in the colony №47.

Regarding threats to attorneys:

- To implement the legislative acts of the Kyrgyz Republic the norm, according to which any criminal effect against lawyers, including criminal prosecution should take place after the official consent of Council of the Bar of the Kyrgyz Republic's;
- To provided toughened punishment for obstruction of lawyer activity.

Recommendations to the OSCE / ODIHR

Canada

- For ODIHR, to continue strengthening and updating its election observation activities and methodology to ensure it remains a global leader in this field.
- Also for ODIHR, to work in close cooperation with other governmental and civil society organizations to support efforts where civil society space and democratic principles are most threatened in the OSCE region.
- For both ODIHR and OSCE Field Operations, to continue their efforts to strengthen democratic institutions through the provision of advice, legislative review and training.

Switzerland

- we think that a closer collaboration between ODIHR and other European institutions such as the Council of Europe should be set up. Indeed, exchanges between electoral management bodies of these two institutions should be more frequent. This would represent an important added value to our discussions in Vienna and help avoiding the situation of having two independent international European election monitoring mechanisms at risk of contradicting themselves when reporting on the process of any given election.

Czech Republic

- We invite ODIHR and participating States to engage in the debate on possible improvements of Election Observation Missions. We believe it is time to address the issue of evaluation of Long Term Observers. Some observers with limited language skills, weak team spirit or low working morale shall not participate as members of OSCE EOMs

European Center for Artsakh (EUCFA)

To ODIHR:

- to co-operate with unrecognized governments throughout the OSCE region, regardless of the status of the country, and engage in exchange of best practice on elections and election monitoring,
- and that leading non-governmental organizations are able to observe democratic processes in unrecognized territories in the OSCE area.

Recommendations to the OSCE Field Missions

Canada

- For both ODIHR and **OSCE Field Operations**, to continue their efforts to strengthen democratic institutions through the provision of advice, legislative review and training.

Tuesday, 20 September 2016

Working session 02 (specifically selected topic): The international covenants on human rights and their importance for the OSCE human dimension

Recommendations to participating States

Armenia

- We recommend to all participating states who are state party to the International Covenant on Civil and Political rights to uphold their international obligation on promoting and respecting the right of self-determination

Slovakia / European Union

- OSCE participating states must ensure that they fulfil all commitments already made under the OSCE framework and in line with the covenants
- Encourage all states that have not yet done so to ratify the covenants.

International Association of Independent Democrats Against Authoritarian Regimes

- В пактах записано о запрете пыток. Мы предлагаем создать постоянно действующую специальную мониторинговую комиссию ОБСЕ по пыткам, которую государства-участники ОБСЕ обязуются регулярно приглашать в свои страны, для осмотра мест заключения. Написать план посещений, начав с Туркменистана, Узбекистана и Азербайджана... (об этом мы говорим уже 14 лет)

Recommendations to the OSCE Institutions

Serbia

- we particularly welcome the recommendation as proposed by the EU, that the **OSCE** strengthens its links with the Office UN High Commissioner for Human Rights with the aim of ensuring complementarity and better achievement of the common goals

Slovakia / European Union

- We recommend that **OSCE** strengthens its links with OHCHR, to remain up to speed on developments in human rights understanding. This will ensure future commitments are in line with these and existing OSCE commitments, avoiding regressive steps being taken

Switzerland

la Suisse aimerait faire les recommandations suivantes:

- De poursuivre dans le cadre de la dimension humaine au sein de l'**OSCE** les bonnes pratiques d'échange avec les instruments de droits de l'homme onusiens, comme par exemple les rapporteurs spéciaux du Conseil de droit de l'homme et d'intensifier ces échanges.
- D'intensifier en particulier le contact avec les organes de traités de l'ONU en général et avec les organes des deux pactes relatif aux droits de l'homme, le comité de droit de l'homme et le comité des droits économiques, sociaux et culturels en particulier

East European Security Research Initiative Foundation (EESRI)

To the OSCE **Chairmanship**:

- Supporting regional initiatives, both formal and informal, on monitoring and protecting human rights in “grey” zones based on agreed commitments, undertaken obligations within international human rights Covenants and humanitarian law treaties and elaborating new innovative approaches for human rights protection and monitoring in the conflict areas.

To the OSCE **Secretary General**:

- Supporting relevant Track II regional initiatives, incl. those within the margins of the OSCE Network of Think Tanks and Academic Institutions, devoted to the protection and monitoring of human rights in conflict regions in the whole OSCE area, including in the illegally annexed Crimea and occupied territories in Donbas.

To the **ODIHR**:

- Continuing the practice of monitoring and reporting on human rights situation in so-called “grey” zones based on the existing mandate and agreed commitments as well as basic international human rights Covenants and humanitarian law treaties, with special emphasis on the annexed Crimea and occupied territories in Donbas;
- Calling on the Russian Federation to ensure access to justice for all illegally detained Ukrainian citizens, and to ensure that people will not be detained indefinitely, under arduous conditions and without adequate legal counsel;
- Making regular and strict appeals to the Russian Federation for meeting human rights standards set out in the basic international human rights Covenants and humanitarian law treaties focusing on illegally detained Ukrainian activists, including those in the occupied Crimea as well as for allowing immediate, unfettered access of all international human rights monitoring bodies to the annexed Crimea and occupied territories in Donbas;
- Appointing a special rapporteur on cases of indefinite detention or rule of law violations in the annexed Crimea and occupied territories in Donbas.

International Association of Independent Democrats Against Authoritarian Regimes

- **ОБСЕ** должна инициировать создание реальных механизмов чувствительных наказаний для нарушителей Пактов (конвенций).
- В пактах записано о запрете пыток. Мы предлагаем создать постоянно действующую специальную мониторинговую комиссию ОБСЕ по пыткам, которую государства-участники ОБСЕ обязуются регулярно приглашать в свои

страны, для осмотра мест заключения. Написать план посещений, начав с Туркменистана, Узбекистана и Азербайджана... (об этом мы говорим уже 14 лет)

Kharkiv Institute for Social Researches

- В таких условиях следует рекомендовать **БДИПЧ** ОБСЕ и Специальной Мониторинговой Миссии ОБСЕ в Украине уделять особое внимание аспектам процедуры и содержания отступления Украины от обязательств по договорам в сфере прав человека в зоне украинско-российского конфликта: как на подконтрольной правительству, так и на оккупированной РФ территории Украины.
- Также следует рекомендовать **БДИПЧ** ОБСЕ и Специальной Мониторинговой Миссии ОБСЕ в Украине тщательнее отслеживать соблюдения РФ и Украиной своих обязанностей по оккупированным РФ территориям Украины и проживающему там населению, установленных IV Женевской конвенцией и иными применимыми нормами международного гуманитарного права.

Ukrainian Independent Maritime Trade Union

That is why our union recommends to the **ODIHR** and to other **OSCE structures** to make such activities for support and defense the seafarers` rights in 2016-2017:

- to organize the monitoring of situation for cases of violation the rights of seafarers with nationality of OSCE member states working in the international shipping and for full compliance with the relevant rules of MLC;
- to make the research on the national mechanisms of the seafarers` training, placement and recruitment, their self-organization and trade unions` functioning, of the seafarers` collective bargaining and coherent agreements in OSCE member states with compliance to the MLC;
- to develop the methodic guidelines for defense the seafarers` rights in condition of violating their rights by foreign ship-owners and governing bodies, to generalize the practice of national protection mechanisms with identification of the most successful experiences as for solving the specific issues so for the MLC standards implementation;
- to organize consultations for changing the OSCE member states policy with relevance to modern negative practice of the offshore registration the companies able to own vessels and to duty to establish the real connection between the vessel and state of its flag;
- to promote the shared responsibility for providing the MLC guaranteed seafarers` rights in the OSCE region between ILO, IMO, OSCE, national governments, maritime trade unions, organizations of ship-owners and other civil society structures;
- to hold the consultations with Ukrainian government for the reasons and consequences of the Ukrainian non-participation in the key international agreement defending the seafarers` rights and ensuring the shipping safety in the OSCE region;
- to hold the consultations with Russian government for the duty of compliance by Russia on occupied Ukrainian territories all the relevant norms of the international humanitarian law, international maritime law and MLC – in areas of the unacceptability of trade shipping militarization in Black an Azov Seas, of providing the special safety and labor standards in conflict zone around Crimea, of the compliance the international standards such as STCW in areas of training and

certification seafarers, ILO covenant standards for a workers' freedom of association, real MLC implementation;

- to incorporate the aspects of the ensuring and compliance the rights of Ukrainian seafarers, residing in the Ukrainian territories, occupied by Russia, and working in the international trade shipping, to the priority attention area of the OSCE Special Monitoring Mission to Ukraine.

Recommendations to the OSCE Field Missions

Kharkiv Institute for Social Researches

- В таких условиях следует рекомендовать БДИПЧ ОБСЕ и **Специальной Мониторинговой Миссии** ОБСЕ в Украине уделять особое внимание аспектам процедуры и содержания отступления Украины от обязательств по договорам в сфере прав человека в зоне украино-российского конфликта: как на подконтрольной правительству, так и на оккупированной РФ территории Украины
- Также следует рекомендовать БДИПЧ ОБСЕ и **Специальной Мониторинговой Миссии** ОБСЕ в Украине тщательнее отслеживать соблюдения РФ и Украиной своих обязанностей по оккупированным РФ территориям Украины и проживающему там населению, установленных IV Женевской конвенцией и иными применимыми нормами международного гуманитарного права

East European Security Research Initiative Foundation (EESRI)

To the SMM:

- Covering the entire territory of Ukraine within its internationally recognized borders, including the illegally annexed Crimea and occupied territories in Donbas;
- Identifying and getting access to places of illegal detention in the occupied territories;
- Performing detailed documenting of all detected violations of human rights with appropriate references in its regular updates.

To the PCU:

- Elaborating projects on enhancing the involvement of journalists to monitor human rights violations in conflict areas;
- Establishing cooperation with the OSCE Mission to Moldova and the OSCE field presences in Western Balkans to exchange experiences in monitoring and promoting human rights protection in the conflict zones;
- Broadening cooperation with the SMM while executing joint projects on monitoring and protecting human rights in Ukraine in order to create and strengthen national capacities;
- Establishing the practice of implementing and supporting regional projects focused on the involvement of non-governmental organizations to monitor and protect human rights in the annexed Crimea and eastern part of Ukraine;
- Providing continued support to strengthening interaction between public authorities and civil society oriented on human rights monitoring and protection, including in the annexed Crimea and occupied territories in Donbas.

Tuesday, 20 September 2016

Working session 03 (specifically selected topic): The international covenants on human rights and their importance for the OSCE human dimension (continued)

Recommendations to the OSCE Institutions

Armenia

- we recommend to the **OSCE executive structures** to assess the impact of the unilateral coercive measures on affected economies and cooperate closely with the UN Human Rights Council special rapporteur on unilateral coercive measures

Human Rights Movement "Bir Duino-Kyrgyzstan"

- призываем международное сообщество, в том числе Международную организацию труда, ОБСЕ, международные профсоюзы и др., отреагировать на грубые нарушения прав трудовых мигрантов из стран Центральной Азии в Российской Федерации, обратив особое внимание на соблюдение права на жизнь трудовых мигрантов

Recommendations to the International Organizations

Human Rights Movement "Bir Duino-Kyrgyzstan"

- призываем международное сообщество, в том числе Международную организацию труда, ОБСЕ, международные профсоюзы и др., отреагировать на грубые нарушения прав трудовых мигрантов из стран Центральной Азии в Российской Федерации, обратив особое внимание на соблюдение права на жизнь трудовых мигрантов

Wednesday, 21 September 2016

Working session 04 (specifically selected topic): Freedom of assembly and association

Recommendations to participating States

Slovakia / European Union

- All OSCE participating States have to ensure the right to peaceful assembly. States must avoid using security concerns as a justification for restricting peaceful assembly and freedom of expression and avoid also the excessive use of force in the policing of demonstrations and assemblies.
- Participating States, in accordance with OSCE commitments, must permit organisations and individuals associated with them to seek, receive, manage and administer financial support from domestic, foreign and international entities without undue restrictions.
- States should use tools such as the ODIHR/Venice Commission guidelines on Freedom of Peaceful Assembly and Freedom of Association, and extend invitations to ODIHR to advise and report on peaceful assembly in participating States.
- States should allow civil society (meaning both individuals and organisations) the freedom to maintain contacts and cooperate with other individuals and organisations

within their own country and abroad, as well as with foreign governments and international organisations.

Switzerland

La Suisse souhaite formuler deux recommandations:

- Nous appelons tous les Etats participants à reconnaître, assumer et respecter leurs obligations en ce qui concerne le droit de réunion pacifique et d'association. Elle les invite, pour ce faire, à mettre activement à profit l'expertise et les outils mis à disposition par le BIDDH et à mettre en oeuvre les recommandations du rapport sur la bonne gestion des rassemblements ap-prouvé en mars dernier par le Conseil des Droits de l'Homme.

Buergerbewegung (Citizens' Movement) PAX EUROPA e.V.

Recommends:

- that participating States ensure that supporters of political parties are not harassed, attacked, and injured.
- that participating States ensure that groups and political parties are not branded as “dangerous” and threatening to the constitutional order of a society, the state, or anyone else, without solid proof and due diligence worthy of a democratic society.

Crimean Human Rights Group

- **Russia** must stop the unwarranted persecution of peaceful assembly, should reconsider the decision on the application of sanctions against the assembly members in compliance with fundamental human rights;
- It must bring to justice those who used violence against participants of peaceful assembly

The Equal Rights Trust

calls on participating States to

- Reiterate their commitments, made in Copenhagen and in Paris in 1990, to ensure the equal enjoyment of the freedoms of association and peaceful assembly, without discrimination;
- Condemn the adoption of legislation or the implementation of measures which restrict or limit the enjoyment of the freedoms of association and assembly, including in particular where such measures are in conflict with the protection of the right to non-discrimination;
- Refrain from adopting so-called “anti-homosexual propaganda” laws, or, where such legislation is in force, take immediate steps to repeal it;
- Refrain from adopting legislation which has either the purpose or effect of limiting or restricting the enjoyment of the freedom of association, or, where such legislation is in force, take immediate steps to repeal or amend it in order to ensure equal enjoyment of freedom of association and assembly;
- Ensure that where measures are taken to regulate the establishment or operation of non-governmental organisations, these measures are implemented in line with the requirement that restrictions on freedoms of assembly and association are both prescribed by law and necessary in a democratic society to protect national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others;
- Ensure that where legislation is enacted, or where other measures are taken, which relate to the establishment or operation of non-governmental organisations, these

measures do not conflict with the obligation of non-discrimination in the enjoyment of these rights, and that these not impact disproportionately on any group protected by the right to non-discrimination.

European Association of Jehovah's Christian Witnesses, UK

To the government of **Azerbaijan**:

- Facilitate full registration of Jehovah's Witnesses in Baku and in other parts of the country
- Stop interfering with their worship and manifestation of belief and dismiss all fines levied against them for this peaceful religious activity
- Recognize the right to conscientious objection and provide an alternative civilian service programme conforming to international standards
- Recognize the right of religious freedom
- Allow Jehovah's Witnesses the unhindered use of their religious literature

To the government of **Tajikistan**:

- Allow Jehovah's Witnesses to register their local religious organisation
- Allow Jehovah's Witnesses legally to import and use their religious literature
- Allow Jehovah's Witnesses peacefully to practice their religious beliefs and to share them with their neighbours

European Organisation of Military Association (EUROMIL)

Calls upon states:

- to allow members of the armed forces to join a professional association or a trade union representing their interests;
- to consult military associations or unions on issues concerning the conditions of service of members of the armed forces and engage with them in a regulated social dialogue;
- to lift any restriction on freedom of association that is not prescribed by law, necessary, proportionate and non-discriminatory;
- to forbid disciplinary actions against members of the armed forces in connection with their participation in activities of lawfully established military associations

Human Rights Movement "Bir Duino-Kyrgyzstan"

To Jogorku Kenesh and the Government of **Kyrgyz Republic**

- To ensure strict compliance with the Law on peaceful assemblies by law enforcement authorities as well as local authorities.
- Revise the adoption of Article 231-1 of the Code of Administrative Responsibility of the Kyrgyz Republic that implies administrative and criminal liability in case of street blocking. And to revise the Article 392 that implies administrative responsibility for violation of the legal order of peaceful assembly committed by the concealment of the face by using masks, bandages or other items for closing the face to ensure the legislation with international standards guaranteeing the right to freedom of peaceful assembly.
- To revise the legislation regulating the use of sound-amplifying equipment, installation of yurts, horses during the peaceful assemblies. Law enforcement officials use above mentioned reasons as limiting factors in conducting peaceful assemblies as there is a lack of regulation of those issues. However, a presumption in favor of holding assemblies set out in the Guiding Principles on Freedom of assemblies of the ODIHR / OSCE should be taken into consideration. In particular,

that everything that is not prohibited by the law in explicit form, should be considered authorized.

- To stop promotion of draft laws aimed at restricting the rights to freedom of peaceful assembly. That is the draft law to ban peaceful assemblies that are financially and logistically supported by foreign states, foreign legal entities and individuals.
- To initiate a training component together with the OSCE / ODIHR experts and the OSCE Academy on the use of guidelines for the implementation of the right of freedom of assembly by law enforcement and other authorities, local government bodies, the Kyrgyz courts and other stakeholders.

To Courts of **Kyrgyz Republic**:

- To ensure a thorough examination of the applications from the local authorities and their proposed reasons to restrict and ban peaceful assembly. To check for validity those kind of applications for restrictions.
- To cancel the restriction of peaceful assemblies in front of the buildings of public authorities. This leads to the restriction of peaceful assembly in Kyrgyzstan.

Human Rights Without Frontiers

recommends to the **Azerbaijani** authorities

- To clarify the circumstances of the police crackdown on a meeting of members of the Muslim Unity Movement in Nardaran in November 2015;
- To reveal the names of the seven people killed in the operation, including the two policemen, and the way they lost their lives;
- To allow the participation of international observers during the trial of 18 members of the Muslim Unity Movement.

Western Thracian Minority University Graduates Association

Call upon the **Greek State**

- To ensure that the right to freedom of peaceful assembly and association is enjoyed by the whole society, either individually or as a group, without discrimination and restriction on the basis of ethnic or social origin
- To respect and implement the provisions of the international human rights instruments in which the freedom of assembly and association is safeguarded
- To repeal any restrictions on the right to freedom of association discriminating against Turkish minority of Western Thrace
- To respect the Turkish Minority's self-identification and repeal its decision regarding the banning of Turkish associations

Recommendations to the OSCE Institutions

Switzerland

La Suisse souhaite formuler deux recommandations:

- Nous appelons les institutions pertinentes de l'OSCE ainsi que tous les Etats participants à qui, selon le droit international, il incombe la responsabilité de protéger des défenseurs des droits de l'homme, à maintenir le dialogue avec ces derniers et à leur apporter un soutien adapté à leur situation et à leurs besoins.

Wednesday, 21 September 2016

Working session 05 (specifically selected topic): Freedom of assembly and association (continued)

Recommendations to participating States

Administrative Centre of Jehovah's Witnesses, Russia

To the government of **Belarus**:

- Allow Jehovah's Witnesses to register additional religious communities
- Grant permission for Jehovah's Witnesses to build new Kingdom Halls and to issue occupancy permits to hold religious meetings in rented venues
- Allow Jehovah's Witnesses to express their beliefs and distribute their religious publications freely without fear of being accused of illegal religious activity

Buergerbewegung (Citizens' Movement) PAX EUROPA e.V.

calls on the **United Kingdom**:

- to ensure that the banning of an individual's association with a group take place only in the aforementioned very limited instances. The banning due to a person's being a "perceived or feared" catalyst for disorder does not fall under the category of limiting this right due to "criminal activities."

Chernivtsy Regional NGO 'Human Rights'

To **Ukraine**:

- Продлить внесение изменений в уставные документы общественных организаций до 01.01.2018 года бесплатно; предоставлять бесплатные консультации НПО органами регистрации относительно необходимых изменений;
- Принять закон о защите правозащитников;
- Не рассматривать законопроект «О гарантиях свободы мирных собраний» без получения оценки независимых международных экспертов в комплексе со всеми переходными положениями и изменениями в законах, предложенных в объяснительной записке
- Освободить НПО от уплаты судебного сбора при подаче исковых заявлений в суд

International Partnership for Human Rights (IPHR)

The authorities of **Kazakhstan** should:

- Reverse the pattern of repression in response to peaceful protests and, as a matter of priority, reform legislation and law enforcement practice on the conduct of assemblies to bring them into line with international human rights standards.
- Stop prosecuting civil society activists, social media users and journalists in relation for their civic and professional activities; drop all charges against those prosecuted or convicted on such grounds; and revoke or revise the broadly worded Criminal Code provisions on "inciting" national, social and other discord and "deliberately spreading false information."
- Ensure that implementation of the new NGO legislation from last year and the recent Tax Code amendments requiring individuals and organizations to report on foreign funding are not implemented in violation of the right to freedom of association and other internationally protected rights.

The authorities of **Kyrgyzstan** should:

- Closely consult with civil society on any new legislative initiatives affecting NGOs and ensure that such legislation is fully consistent with Kyrgyzstan's national and international human rights obligations.
- Refrain from using rhetoric that stigmatizes and discredits NGOs and activists, in particular by suggesting that their actions are threatening national security. Instead, publicly acknowledge the importance of their work, and ensure that they can carry out their work without hindrance.
- Fully implement the decision of the UN Human Rights Committee in the case of Azimjan Askarov, including by releasing him, quashing his conviction and granting him adequate compensation.

The authorities of **Tajikistan** should:

- Refrain from undue interference into the work of NGOs and ensure that NGOs can operate without intimidation and hindrance.
- Ensure that the recent legislation requiring NGOs to report foreign grants is not implemented in violation of the right to freedom of association as protected by international standards.
- Ensure that no lawyer is arrested, charged or imprisoned in retaliation for his or her work; promptly release those held on such grounds.

The authorities of **Turkmenistan** should:

- Take meaningful steps to deliver on the commitment to ensure "favourable" conditions for NGOs and enable independent NGOs to obtain legal status in a fair and transparent process and to carry out their activities without undue interference.
- Put an end to the persecution of independent journalists, civil society activists and others who criticize government policies, including exiled activists and their family members.
- Immediately release all individuals imprisoned on politically motivated grounds, disclose the faith of those who have disappeared in prison, and allow representatives of the international community to visit prisons, as agreed by Turkmenistan's president and the German chancellor during their recent meeting in Berlin.

The authorities of **Uzbekistan** should:

- Set out on a systematic program of human rights reform and cooperate with international human rights bodies and experts. This should include issuing a standing invitation to the Special Procedures of the UN Human Rights Council, and facilitating country visits in particular by the Special Rapporteurs on human rights defenders and torture.
- Allow independent NGOs to obtain legal status and to work without interference and invite them to take part in the elaboration and implementation of a new national human rights agenda.
- Put an end to persecution of human rights defenders, journalists and dissident voices; and immediately and unconditionally release all those who have been detained solely for peacefully exercising their rights to freedom of expression, association and assembly

Human Rights Movement "Bir Duino-Kyrgyzstan"

Жогорку Кенешу Кыргызской Республики и правительству **Кыргызской** Республики:

- Обеспечить неукоснительное соблюдение Закона Кыргызстана «О мирных собраниях» правоохранительными органами, а также органами местного самоуправления.
- Пересмотреть принятую статью 231-1 Кодекса об административной ответственности Кыргызстана, предусматривающую административную и

уголовную ответственность в случае перекрытия дорог, а также статью 392 в части, предусматривающей административную ответственность за нарушение установленного законом порядка проведения мирных собраний с сокрытием лица масками, повязками или иным способом, с целью обеспечения законодательства международным стандартам обеспечения права на свободу мирных собраний.

- Урегулировать в законодательстве вопросы, касающиеся использования звукоусилительной аппаратуры, установки юрт, использования лошадей во время проведения мирных собраний, так как ввиду отсутствия регулирования эти вопросы становятся причинами ограничения при проведении мирных собраний. Однако при этом следует исходить из презумпции в пользу проведения собраний, изложенной в Руководящих принципах по свободе собраний БДИПЧ/ОБСЕ. В частности, что все то, что в явной форме не запрещено законом, следует считать разрешенным.
- Остановить попытки продвижения законопроектов, направленных на ограничение мирных собраний, таких как законопроект, предусматривающий запрет на финансирование мирных собраний за счет средств иностранных государств, иностранных физических и юридических лиц, а также принятие со стороны организаторов собраний средств от них.
- Совместно с экспертами БДИПЧ/ОБСЕ и Академией ОБСЕ инициировать обучающий компонент по использованию руководящих принципов в отношении реализации права свободы собраний представителями правоохранительных и других органов власти, ОМСУ, судов КР и другими заинтересованными сторонами.

Судам **Кыргызской Республики**:

- Обеспечить тщательное рассмотрение заявлений от местных органов власти и предложенных ими оснований применения ограничений и запрета на проведение мирных собраний с точки зрения их обоснованности.
- Судам отказаться от практики вынесения решений о запрете мирных собраний у зданий государственных органов, влекущих за собой ограничение мирных собраний в Кыргызстане.

Western Thrace Minority University Graduates Association

calls upon the **Greek State**:

- To respect the ethnic Turkish identity of the minority and ensure the right to establish Turkish Minority NGOs

Thursday, 22 September 2016

Working session 6: Fundamental freedoms I, including address by the OSCE Representative on Freedom of the Media

Recommendations to participating States

United States

- The United States calls on all participating States to resist the temptation to control information as a means to control people. We again thank the Representative for all that she does to monitor a constantly evolving landscape for freedom of expression, on-line and off, and to defend the safety of journalists

To Azerbaijan:

- we urge the government to remove travel restrictions on Ms. Ismayilova, Meydan TV reporters Natig Javadli and Aytan Farhadova, and others

To Uzbekistan:

- We urge the new government in Uzbekistan to cease harassing and detaining journalists and human rights advocates.
- We call on Uzbekistan to investigate allegations of mistreatment during his time in prison and ensure his ability to resume his peaceful activism.
- We reiterate our longstanding call for the release of newspaper editor Muhammad Bekjanov, whose prison term has been extended numerous times, making him by some accounts the longest continuously imprisoned journalist in the world.

To Turkmenistan:

- Saparmamed Nepeskuliev, a freelance journalist, has been held incommunicado for over a year, convicted on questionable charges of narcotics possession. We join many others in calling on the government to release him.

Austria

we would like to offer the following three recommendations to participating States:

- First of all, to condemn all attacks on the media, and to ensure that through swift and transparent investigations, perpetrators and masterminds of such crimes are brought to justice as a signal to society that such crimes are not tolerated.
- Secondly, periodically include the evaluation of the level of respect for human rights with regard to the Internet in relevant national reports, to ensure that any and all counter-terrorism measures restricting the right to free expression and free media are in compliance with international standards, most notably Article 19 of the UN Covenant on Civil and Political Rights and strictly adhere to the principles of legality, necessity and proportionality and are implemented in accordance with the rule of law.
- Thirdly, and overall, to recognise the overarching need for free speech, including critical and dissident voices (online and offline), for the functioning of a democratic society.

Netherlands

- OSCE participating states should have a comprehensive legal framework that enables journalists to contribute to public debate effectively and without fear. Such a framework should guarantee access to information, privacy and data protection, confidentiality and security of communications and source protection.
- UNESCO asks countries to report on the status of judicial inquiries conducted when journalists are killed. The majority of the world's countries are still ignoring this request. That's why the Netherlands urges the countries concerned to start reporting to UNESCO, as a first step towards ending impunity.
- the Netherlands encourages discussions about this important topic in preparation of this year's Ministerial Council

Holy See

- Special attention should be paid to the Internet, and especially to social networks, which play a leading role in spreading disparagement of, or incitement against religions and religious communities, as well as in promoting irreverent treatment or provocative portrayal of religious symbols. Internet service providers and social networking services should be encouraged to adopt standard form contracts

providing termination clauses and penalties in case of intolerant behaviour of people using their services.

Slovakia / European Union

- Our key recommendation to all participating states is to, in good faith, ensure the full implementation of all freedom of expression related OSCE commitments, as well as other international obligations, to reverse existing violations and to support, preserve and cooperate fully with the RFoM

Buergerbewegung (Citizens' Movement) PAX EUROPA e.V.

- BPE recommends that participating States as well as the OSCE implement an official guideline that truth can never be hate speech

European Center for Artsakh (EUCFA)

- European countries and OSCE participating States, which have a huge positive experience, could help the Nagorno-Karabakh society develop more rapidly and efficiently their own free media

Freedom House, Washington Office

The participating States should:

- immediately release the journalists and other human rights defenders wrongfully convicted on trumped up charges;
- cease the escalating practice of hyper-regulating freedom of speech, both online and offline, through legislative and/or normative acts;
- cease the curtailing of the fundamental freedom of speech, for individuals and media organizations, through blanket rules or intimidation formally rationalized as preventing the spread of “extremism” or “terrorism”;
- ensure protection of journalists and civic activists who disseminate information about issues of public importance, including government activities, integrity of government officials, social and cultural events, elections, or acts of civil resistance, including protests;
- conduct a swift and transparent investigation of violence against journalists and civic activists and prosecute perpetrators of crimes ensuring a fair trial.

Tajik Media Council (TMC)

To Tajikistan:

- поддержка международных институтов по проведению серии тренингов с участием представителей правоохранительных органов, судебной властью, другими официальными лицами и журналистов будет в пользу дела
- Правительство Таджикистана обязано обеспечить право граждан на доступ к информации, как предписано в национальном законодательстве
- Блокировка Интернета не должно происходить указаниями регулятора сферы связи, а судебными органами на основании соответствующего закона
- Правительством Таджикистана необходима рассмотреть вопрос об исключении статьи 330 Оскорбление представителя власти из норм Уголовного кодекса Республики Таджикистан
- и наконец, учитывая важную социальную роль СМИ в демократическом обществе, коим себя считает Таджикистан, Правительству Таджикистана предлагается предоставить СМИ налоговые льготы и оказать финансовую помощь, но не влияя на редакционную политику СМИ.

Western Thrace Minority University Graduates Association

calls upon the **Greek State**:

- To respect the right to freedom of expression and free media to protect pluralism in the society,
- To revise the related legislation and ensure the equality principle for every segments of the society,
- To eliminate disparities between minority and the mainstream media in the practice of legislation,
- To take special measures to prevent hate speech towards the minority and the other vulnerable groups while promoting free speech

Recommendations to the OSCE Institutions

Russian Federation

- Таким образом, налицо очередное подтверждение неблагоприятной ситуации, связанной с обеспечением права на свободу выражения мнения и свободу СМИ на Украине. Призываем **Представителя ОБСЕ по свободе СМИ** и другие профильные международные правозащитные структуры и механизмы дать принципиальную оценку сложившейся ситуации [телеканал “112 Украина”]

Buergerbewegung (Citizens' Movement) PAX EUROPA e.V.

- BPE recommends that the **High Commissioner for Freedom of the Media** be strengthened in her mandate to call for the abolition of the nexus of freedom of the media and hate speech. The media must be encouraged to report the truth, which is impossible when they are censored by threats of hate speech

European Center for Artsakh (EUCFA)

I would like to urge the OSCE, especially the current and future **OSCE chairmanships**:

- to start practicing direct engagement of media representatives from de facto states in the OSCE area in various co-operation and development projects,
- to involve de facto states in international processes aimed at the promotion of democratic principles and norms.

Freedom House, Washington Office

to OSCE/ODIHR:

- establish an expert panel on freedom of expression and strongly encourage the participating States repeatedly noted by the OSCE Representative on Freedom of the Media to make use of the Moscow Mechanism.

Human Rights Educational Centre

- Просим **БДИПЧ**, ОБСЕ продолжать тему “просвещение в области прав человека”
- Просим **БДИПЧ**, ОБСЕ, ЕС, Совет Европы на фоне тенденции “потепления” отношений между властями Беларуси и Европой, убедить Александра Лукашенко принять 5-летний “Национальный План в области Прав Человека”

Recommendations to the International Organizations

Human Rights Educational Centre

- Просим БДИПЧ, ОБСЕ, ЕС, Совет Европы на фоне тенденции “потепления” отношений между властями Беларуси и Европой, убедить Александра Лукашенко принять 5-летний “Национальный План в области Прав Человека”

Thursday, 22 September 2016

Working session 7: Humanitarian issues and other commitments, including address by the OSCE Special Representative/Coordinator for Combating Trafficking in Human Beings

Recommendations to participating States

United States

- For the sake of Russian-citizen victims, as well as the Central Asian migrants and 20,000 North Korean laborers, we urge **Russia**’s increased attention within its own borders
- We urge that Kosovo be included in a table-top simulation of regional anti-TIP practitioners that will take place in Italy in November.

Azerbaijan

we call on all **OSCE participating States**, as well as **OSCE executive structures** to pay close attention to the issue of protection of refugees and IDPs in the OSCE area, in particular in the context of armed conflicts and to take into due account the needs of this vulnerable group in their future activities. We further reiterate our call on the Austrian Chairmanship of the OSCE to include this important topic into the agenda of the human dimension events

Georgia

- We call upon the international community to enhance its focus on the current situation in Georgia’s occupied territories, give adequate assessment to and undertake effective efforts to avert Russia’s illegal actions

United Kingdom

- states and practitioners work together to develop a model national response based upon:
 - strong law enforcement action and legislative framework
 - reducing vulnerability and supporting victims
 - tracking transparency in supply chains
 - and effective international cooperation

Slovakia / European Union

- address THB from a cross-dimensional perspective, with human-rights centered and gender-based approaches given the multifaceted nature of this crime and the diversity of profiles of the victims, with a special focus on child trafficking;
- promote dialogue and cooperation with civil society;
- improve the effectiveness of investigations and prosecutions of perpetrators, including by strengthening police and judiciary cooperation against traffickers;
- we strongly encourage Participating states to sign the Palermo convention and its protocol to prevent, suppress and punish trafficking in persons;

- strengthen international cooperation for addressing THB;
- improve data collection on trafficking;
- create appropriate mechanisms for the early identification and protection of victims and to take gender-specific measures and a child-centered approach.
- the OSCE participating States should ensure the right of IDPs to a safe, dignified and voluntary return, as stipulated in the UN Guiding Principles on Internal Displacement

Switzerland

- we call on all participating States to implement their international obligations and OSCE commitments regarding combatting trafficking in human beings and to make full use of the excellent tools provided by the Special Representative's office

OSCE Secretariat / OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings

- I therefore call upon all relevant stakeholders to ensure regular communication and information exchange between anti-trafficking actors in countries of origin, transit and destination, and to promote pro-active and human rights-compliant criminal justice responses

European Center for Artsakh (EUCFA)

- I wish to reiterate the recommendation on the need to ensure free access of specialized international organizations to refugees and displaced persons regardless of their residence and status of the country where they found refuge

Human Rights Without Frontiers

calls upon Poland, Malta and other OSCE Participating States employing North Korean workers

- to abide by the standards of the International Labor Organization and their commitments agreed upon under the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR);
- to strengthen the implementation of labor protection standards, including:
 - provision of clear information on work hours, work conditions and salaries
 - ensuring direct payment of salaries to workers
 - provision of information regarding complaint mechanisms
 - terminating the practice of confiscating passports and visas by North Korean authorities
 - respect for workers' freedom of movement
 - conducting inspections of companies using North Korean labour and issuing sanctions in cases of failure to abide by national and international standards

Recommendations to the OSCE Institutions

Georgia

- We call upon the international community to enhance its focus on the current situation in Georgia's occupied territories, give adequate assessment to and undertake effective efforts to avert Russia's illegal actions

Russian Federation

- Призываем **ОБСЕ** продолжать уделять пристальное внимание в своей работе решению вопросов борьбы со всеми формами торговли людьми, в том числе более пристальное - борьбе с торговлей детьми. Считали бы полезным проведение мероприятия и обмен мнениями на площадке Организации по этой теме.
- Кроме того, как Российская Федерация не раз отмечала, в рамках **ОБСЕ** стоит, помимо уже тщательно рассматриваемых аспектов торговли людьми, изучить и проанализировать такую проблему, как торговля людьми с целью извлечения органов клеток и тканей человека, в том числе незаслуженно "забытую" в последнее время международными экспертами тему извлечения стволовых клеток с целью дальнейшего их использования в здравоохранении и косметической индустрии.

Switzerland

- we encourage the relevant OSCE **executive structures** and field operations to work closely together in order to enhance the response to human trafficking on the ground. The network of field operations, especially along migratory routes, can play a key role for a concerned and effective approach by the OSCE and its participating States in combating human trafficking

Foundation for Research and Support of the Indigenous Peoples Crimea

- Taking into consideration the lasting occupation of Crimea by the Russian Federation, it is necessary for **ODIHR OSCE**, OSCE Special Monitoring Mission to Ukraine, OSCE Project Co-ordinator in Ukraine, to assist the relevant criminal investigation of the Ukrainian authorities with cooperation with UN bodies and agencies, ICC, remedial structures, historical institutions, representative and social structures of the Crimean Tatars and other indigenous peoples

International Association of Independent Democrats Against Authoritarian Regimes

- Просим обращать и далее внимание на гуманитарные проблемы людей.
- Просим вернуть в Список участников контактные данные.

Recommendations to the OSCE Field Missions

Switzerland

- we encourage the relevant OSCE executive structures and **field operations** to work closely together in order to enhance the response to human trafficking on the ground. The network of field operations, especially along migratory routes, can play a key role for a concerned and effective approach by the OSCE and its participating States in combating human trafficking

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Recommendations to the International Organizations

Georgia

- We call upon the international community to enhance its focus on the current situation in Georgia's occupied territories, give adequate assessment to and undertake effective efforts to avert Russia's illegal actions

Friday, 23 September 2016

Working session 8: Rule of law I

Recommendations to participating States

United States

To Turkey:

- Care must be taken to ensure that actions against those accused of being involved are conducted fairly, transparently, and in accordance with Turkey's international obligations and the rule of law.

To Poland:

- The ongoing dispute about Poland's Constitutional Tribunal is a matter of concern, and we urge all sides to resolve it quickly in a manner consistent with Poland's Constitution, as well as the principles of rule of law, judicial independence, and separation of powers.

To Georgia:

- The United States encourages Georgia to pursue its judicial reform agenda actively, including the so-called "third wave" of judicial reforms that have been awaiting passage in parliament for over 12 months, and all other necessary measures to ensure judicial independence

To Russia:

- Russia must end its politically-motivated imprisonment of other Ukrainian citizens, including Stanislav Klich and Mykola Karpyuk.

Slovakia / European Union

- Participating States involve all layers of society in law making processes, including civil society.
- Participating States make legislation accessible to all citizens. We call upon all States to work towards the Sustainable Development Goals and in particular Goal 16.
- Participating States respect the separation of powers, in particular, although not limited to, the separation between judicial power and executive power. We call upon all participating States to meet OSCE commitments to guarantee the independence of their judiciaries
- Participating States adhere to the Basic Principles on the Independence of the Judiciary

France

- La France appelle tous les Etats de l'OSCE appliquant encore la peine de mort à observer un moratoire et à engager une réflexion sur cette peine cruelle et inhumaine, en vue d'une abolition complète. Conformément à son mandat, le BIDDH a un rôle à jouer à cet égard. En outre, l'actualisation des engagements que l'OSCE a adoptés sur

la peine de mort il y a plus de 20 ans s'impose. L'OSCE doit et peut devenir un espace modèle dans ce combat.

- La France appelle tous les Etats participants qui ne l'ont pas encore fait à ratifier ce texte et à reconnaître la compétence du Comité des disparitions forcées. Elle appelle également à la prise en compte de ce phénomène dans le cadre des engagements pris au niveau de notre organisation pour la prévention de la torture. Par ailleurs, la France appelle tous les Etats participants de l'OSCE qui ne l'ont pas encore fait à ratifier le Protocole facultatif à la Convention contre la torture et autres peines ou traitements cruels, inhumains ou dégradants.

Crimean Human Rights Group

the arrested citizens of Ukraine regarding the "Ukrainian saboteurs' case" were the victims of a politically motivated prosecution. To protect their rights **Russia** should immediately:

- To stop the torture, physical and psychological pressure; to bring to justice those responsible for torture and violence;
- To provide reliable information about the state of health; if necessary, to provide quality medical care;
- Cancel the decision taken in Crimea on the deprivation of liberty;
- To allow lawyers to the client, which were attracted by relatives of the detainees under the contract;
- To allow the Ombudsman of Ukraine or its representatives to the detained Ukrainian citizens

Human Rights Embassy

хотим напомнить о некоторых рекомендациях из отчета [**Azerbaijan, Belarus, Moldova, Russia and Ukraine**]:

- Обеспечить в законодательстве и на практике действенные гарантии от вмешательства в деятельность юристов; предпринимать меры, чтобы каждый случай вмешательства в профессиональную деятельность юристов был расследован, и виновные лица были привлечены к установленной законом ответственности
- Обеспечить в законодательстве и на практике условия незамедлительного доступа адвокатов и юристов, предоставляющих правовую помощь по защите прав человека на национальном и международном уровне, к лицу, которому они оказывают такую помощь, в любое место, где находится это лицо, в том числе в места изоляции, и в любой момент, когда в этом возникает необходимость

Human Rights Without Frontiers

Czech Republic:

- respect the presumption of innocence of Jaroslav Dobes and Barbora Plaskova as the prison sentence released by the Regional Court in Brno in October 2014 was totally cancelled by the High Court of Olomuc in May 2015;
- grant Jaroslav Dobes and Barbora Plaskova new passports, even if limited to travels between the Philippines and the Czech Republic, in order to put an end to their status of "undocumented" persons, and to their detention in the Philippines;
- agree with the Filipino authorities that they will have to regularly report to the police station close to their residence;
- maintain the proposed administrative status as long as there is no new legal or judicial development in their case in the Czech Republic.

International Partnership for Human Rights (IPHR)

- We call on the authorities of **Kazakhstan, Kyrgyzstan and Tajikistan** to implement all recommendations issued to these countries by relevant UN treaty bodies and procedures.

To Kazakhstan:

- Should ensure that all detainees have access to the legal safeguards enshrined in the law as of the moment of apprehension;
- ensure that all suspected perpetrators of torture and other forms of ill-treatment are charged under Article 146 of the Criminal Code;
- oblige medical personnel examining detainees to adhere to the standards of the Istanbul Protocol;
- ensure that investigations into all allegations of torture and ill-treatment are conducted promptly, thoroughly, impartially and independently;
- and ensure that victims of torture or their bereaved families receive fair and adequate amounts of compensation.

To Kyrgyzstan:

- Should amend its legislation aimed at providing access to fundamental legal safeguards in detention upon apprehension;
- amend its legislation to exclude perpetrators of torture and all other forms of ill-treatment from benefitting from amnesties;
- create and fund an independent mechanism endowed with sufficient authority and competence to conduct prompt, thorough and impartial investigations into all allegations of torture and other forms of ill-treatment;
- fully implement all decisions issued to Kyrgyzstan under the UN Human Rights Committee's individual complaints procedure;
- and oblige the state to provide funds to compensate victims of torture/ill-treatment or their bereaved families for moral damages.

To Tajikistan:

- Should ensure that all detainees have access to the legal safeguards enshrined in the law as of the moment of apprehension;
- provide expert human rights groups with unlimited and unannounced access to detention facilities for the purpose of monitoring;
- ratify the Optional Protocol to the Convention Against Torture and set up a National Preventive Mechanism;
- amend legislation to exclude perpetrators of torture and all other forms of ill-treatment from benefitting from amnesties;
- legislate that all investigative activities into allegations and complaints about torture and other forms of ill-treatment are carried out by prosecutors and that the investigations are conducted promptly, thoroughly and impartially;
- and ensure that victims of torture or their bereaved families receive fair and adequate amounts of compensation.

Recommendations to the Uzbekistani authorities:

- Respect the right to freedom of expression:
 - Respect the right to freedom of expression for all persons in Uzbekistan
 - Set out on a systematic and effective programme of human rights reform, seeking advice and assistance from international human rights bodies and experts. Ensure that measures to protect human rights are implemented in practice.

- Allow independent NGOs to obtain legal status and to work without interference from the authorities and invite them to take part in the elaboration and implementation of a new national human rights agenda.
- Put an end to persecution of human rights defenders, journalists and dissident voices; and immediately and unconditionally release all those who have been detained solely for peacefully exercising their rights to freedom of expression, association and assembly.
- Respect freedom of religion:
 - Ensure that Article 13 of the Constitution of Uzbekistan which states that "Everyone has the right to profess any religion or no religion. The forced imposition of religious views is unacceptable" is respected in law and practice.
 - Ensure that all trials, including those of people charged in connection with membership of banned religious organizations, scrupulously uphold international standards for a fair trial, including Uzbekistan's obligations under the International Covenant on Civil and Political Rights
- Improve prison conditions
 - Establish an effective system of independent, unannounced inspection and supervision of all places of detention by competent, independent and impartial bodies with a view to preventing any cases of torture. The findings of the investigations and visits of these bodies should be published in full.
- Ensure independent international monitoring access
 - As a matter of priority, extend invitations to the 14 UN Special Procedures representatives who have requested to visit Uzbekistan;
 - Establish an effective system of independent, unannounced inspection and supervision of all places of detention by competent, independent and impartial bodies.
- Combat torture
 - Take meaningful steps to fully address the concerns and effectively implement all the recommendations of the UN Special Rapporteur on torture, Committee Against Torture and the Human Rights Committee;
 - Bring domestic law into full compliance with Uzbekistan's international obligations regarding the absolute prohibition against torture and other cruel, inhuman or degrading treatment or punishment. In particular, the Uzbekistani Criminal Code and Criminal Procedure Code must be amended to define torture as established in the UN Convention against Torture and explicitly prohibit any confession extracted under torture from being admitted as evidence in criminal and other proceedings;
 - Initiate prompt, impartial and comprehensive investigations of all complaints of torture or other cruel, inhuman or degrading treatment or punishment of any person subjected to any form of arrest, detention or imprisonment, as well as when there are reasonable grounds to believe that torture or other ill-treatment has occurred even if no complaint has been made.
 - Ensure that all trials, including those of people forcibly returned to Uzbekistan, are conducted in proceedings that fully meet international fair trial standards, including Uzbekistan's obligations under the International Covenant on Civil and Political Rights.
- Cease the arbitrary extension of prison sentences
 - Stop the practice of holding closed trials inside prisons and prison camps of convicted prisoners charged with allegedly breaking prison rules and conduct an

impartial judicial review of all sentences of those convicted and sentenced to additional years in prison under article 221 of the Criminal Code;

- Put an end to forced labour
 - Allow independent journalists, human rights defenders and other individuals and organizations to document and report concerns about the use of forced labour without fear of reprisals;
 - Prosecute, in conformance with international standards, government officials accused of forcing citizens to pick cotton, with penalties that reflect the severity of the crime and which serve as a deterrent for future crimes.

Recommendations to all OSCE participating States:

- As a matter of priority urge Uzbekistan to extend invitations to the 14 UN Special Procedures representatives who have requested to visit Uzbekistan.
- Include human rights on the agenda of all bilateral and multi-lateral meetings with the government of Uzbekistan and urge the Uzbekistani authorities to bring its laws, policies, and practices into full compliance with its international human rights obligations.
- Urge Uzbekistan to include civil society in meaningful and constructive discussions on human rights reform.

Protection of Rights Without Borders

we demand [that Armenia]:

- set free all prisoners of conscience immediately and without conditions,
- re-organize the judicial practice in full compliance with the fair trial standards and principles of independence of judiciary.

Soteria International

- Further, formalization of the principle of non refoulement should be considered. With the two cornerstones of democracy in mind, respect for the rule of law and respect for human rights, Soteria International recommends the regulation and integration of refugee rights and international law rules and principles regarding the non refoulement, as well as, integrating state obligations towards refugees into the primary and secondary EU legislation in order not to violate the rights of affected individuals, leading to serious and irreversible consequences for them.
- Additional efforts should be made in order to ensure due application of non refoulement and national courts dealing with extradition. There should be clear legal regulations in the matter, to entirely avoid misinterpretation and violation of non refoulement and refugee/human rights.

Western Thrace Minority University Graduates Association

calls upon the **Greek State**:

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

Recommendations to the OSCE Institutions

Tajikistan

наша делегация призывает **БДИПЧ ОБСЕ**:

- пересмотреть свой подход по отношению к участникам ежегодных совещаний по человеческому измерению. Мы, как и представители других стран, которые

также выступили по этому поводу, не можем согласиться, что некоторые террористы получают право участвовать в мероприятиях ОБСЕ. Террорист есть террорист, они не делятся на хороших и плохих, своих или чужих. Также нельзя ссылаться на то, что ограничение участия преступных элементов на данном совещании означает ограничение права на выражении мнения или ставит под сомнение беспристрастность БДИПЧ ОБСЕ;

- ввести определенные правила по выступлениям. Нельзя допускать повторные выступления по одной и той же теме идентичного содержания, выступления не по теме, выражения личной неприязни, оскорбление участников и т.п.;

East European Security Research Initiative Foundation (EESRI)

To the **ODIHR**:

- Providing assistance in further improving the conceptual foundations of the rule of law functioning in Ukraine as an important part of the civilian security sector, with an emphasis on formation of its socially oriented model based on the human security concept;
- Supporting implementation of integrated approach to civilian security sector reform and development process;
- Preparing and disseminating best practices and recommendations on reforming judicial system and law-enforcement agencies in the East European countries as well as civil society engagement.

Soteria International

- Soteria International recommends for the EU, **OSCE**, UNHCR and other competent bodies to investigate the situation. A coordinated action is required from all actors involved, both at the national and international levels, in order to ensure that refugees are protected from further persecution.

Recommendations to the OSCE Field Missions

East European Security Research Initiative Foundation (EESRI)

To the **Project Co-ordinator in Ukraine**:

- Increasing potential of project activities in the field of human security and further broadening its spectrum covering all main components of SSR in Ukraine;
- Stepping up interaction with the EUAM on implementing joint projects focused on civilian security sector reform in Ukraine;
- Providing expert assistance to all agencies involved concerning the implementation of main conceptual provisions in the field of civilian security sector reform with an emphasis on promoting the concept of human security;
- Supporting regional initiatives and networks to exchange experiences and best practices of civil society integration in SSR being applicable to Ukraine;
- Assisting in organizing informational campaigns to explain the essence and main features of the modern concept of human security and its role in formation of a socially-oriented state based on the rule of law model;
- Expanding the scope of engaging civil society, non-governmental experts and academia representatives to the process of SSR as well as providing further support to strengthening interaction between the state and public as a vital element of building local ownership based on the new civil-society strategy.

Recommendations to the International Organizations

Soteria International

- Soteria International recommends for the **EU**, **OSCE**, **UNHCR** and other competent bodies to investigate the situation. A coordinated action is required from all actors involved, both at the national and international levels, in order to ensure that refugees are protected from further persecution.

Friday, 23 September 2016

Side Event: 'Hostages of the Kremlin': increase of the number of Ukrainian political prisoners in the Russian Federation and the illegally occupied Crimea

Recommendations to participating States

Open Dialog Foundation

The “Let My People Go” advocacy campaign calls to:

- demand that the Russian authorities release the Ukrainian citizens subjected to politically motivated, unlawful criminal prosecution in the Russian Federation and the illegally occupied Crimea;
- without meeting this requirement, the Minsk Agreements cannot be considered to have been fulfilled, and the regime of sanctions, imposed on the Russian Federation by the democratic states should remain in force;
- demand that the Russian authorities provide information about the details of the criminal prosecution, the state of health and the conditions of detention in prisons of these Ukrainian citizens, particularly Mykola Karpyuk, Stanislav Klykh and Mykola Semena;
- demand that the Russian authorities permit international institutions and bodies of the UN, OSCE and/or the CoE to enter the country and Crimea for the purpose of monitoring the observance of the fundamental rights of these Ukrainian citizens, such as the right to life, freedom from torture and the right to a fair trial; such missions should take place with broad participation of and monitoring by international human rights organisations;
- render political, legal, financial and informational support to these Ukrainian citizens and their families directly and through the “Let My People Go” international advocacy campaign;
- organize international observation of trials of these Ukrainian citizens;
- not recognize the parliamentary elections to, and the legitimacy of, the State Duma of the Russian Federation, due to their organization on the territory of illegally occupied Crimea on 18 September, 2016, as well as to introduce personal sanctions against those involved in their organization and prohibition of the Mejlis of the Crimean Tatar people;
- introduce personal sanctions against those involved in the politically motivated, illegal criminal prosecution of these Ukrainian citizens, including the “Savchenko” list prepared by the Open Dialog Foundation and adopted by the Parliament of Ukraine, as well as the “Chyihoz” list prepared by the Crimean Tatar Resource Center.

Friday, 23 September 2016

Working session 9: Rule of law II

Recommendations to participating States

United States

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

To Russian Federation and Ukraine

- We are deeply concerned by ongoing reports of abuses by Russia-backed separatists in territories in eastern Ukraine, as well as by the Russian occupation authorities in Crimea. Let me be clear: we condemn all abuses regardless of who commits them. We call on all sides to allow for full and transparent investigations into allegations of abuses in Ukraine.

To Russia

- There were multiple reports of Russian authorities' detaining defendants for psychiatric evaluations or treatment as a means of pressure or punishment. On May 6, activist Dmitriy Vorobyovsky was reportedly forcibly taken to a psychiatric hospital where he was tortured. Such tactics have also reportedly been employed by Russian occupation authorities in Crimea against individuals opposed to Russia's purported annexation, such as Crimean Tatar leader Ilmi Umerov, who has suffered a serious deterioration in health after being forcibly admitted to a psychiatric ward. We call on Russia to drop all charges against Umerov.

To Uzbekistan:

- Reports have continued in the last year of torture and other mistreatment of prisoners in Uzbekistan by some prison personnel. We support the OSCE training on prevention of torture conducted in Tashkent, and hope that the new government will take further action. In the same vein, we encourage the new government to allow international monitors to resume prison visits.

Slovakia / European Union

- urges all OSCE participating States to contribute to the Global Convention against Torture Initiative by implementing fully the UN Convention Against Torture, and to give strong consideration to ratifying all international conventions and protocols on torture and ill-treatment, the abolition of the death penalty and the prevention of enforced disappearances
- recommends all States who still practice the death penalty or retain it in law abolish it.
- strongly calls on all States not to reintroduce death penalty once it has been abolished, and we are deeply concerned by calls by officials in several countries within the OSCE in favour of such reintroduction. A state of emergency cannot serve as a legal justification for the death penalty.

Switzerland

- We would like to make four recommendations:

- As States do not like to admit that torture and ill-treatment is a problem in their country, they should allow other actors to play a role. The most important are civil society organizations and independent monitoring bodies.
- The majority of OSCE participating States has ratified the Optional Protocol to the Convention against Torture. Yet, in order for National Preventive Mechanisms (NPMs) to have any meaning, they need to be independent and strong and have the financial and human capacity to adequately fulfill their mandate.
- A way of strengthening NPMs is to create opportunities for them to share experience and lessons learned. ODIHR has taken the initiative to bring NPMs from the whole OSCE region together and many NPMs engage in sub-regional exchange with peers from neighbouring countries.
- In December 2015, the UN General Assembly adopted a revised version of the UN Standard Minimum Rules for the Treatment of Prisoners, better known as the Nelson Mandela Rules. Applying the Nelson Mandela Rules helps States in fulfilling their human rights obligations towards persons deprived of liberty and thus in pre-venting torture and ill-treatment.
- Switzerland calls on all participating States to use the OSCE as a platform for exchange and joint learning – among themselves but also with civil society organizations and other stakeholders.
- We invite all participating States to engage with ODIHR and support them in identifying common challenges and developing innovative solutions for the prevention of torture in the whole OSCE region.

Ukraine

- We call on **Russia** as occupying power to duly respond to the international concerns over the destiny of the Ukrainian citizens who disappeared on the illegally occupied peninsula, to thoroughly investigate the reported cases and inform about results.

Association for the Prevention of Torture

- We call on **OSCE participating States** to ensure that their NPMs can implement their OPCAT mandate effectively and independently, and hence, contribute to effectively preventing torture in their countries, and foster the long needed changes for a genuine protection of all persons deprived of their liberty in the OSCE region

Golos Svobody Public Foundation

Our recommendations to the Government [Kyrgyzstan] and the OSCE participating States:

- Approve the Practical Guidance on the governmental level and implemented it in all eight parallel health care systems, that is, make it compulsory for the medical staff of the Ministry of Internal Affairs, State Penitentiary Service, State Committee on National Security, Ministry of Social Development, and others. Because the medical staff in these structures are not directly subordinated to the Ministry of Health.
- Ensure the protection of medical personnel for objective filling the Form of Medical Examination.
- Put on a system level the process of training the doctors and printing the forms.
- We would like to ask OSCE representative also to provide technical support to the Ministry of Health in the implementation of international standards for documentation of torture.

Human Rights Movement "Bir Duino-Kyrgyzstan"

Kyrgyzstan:

- to the government officials and politicians to be guided by the recommendations of the Venice Commission and to stop lobbying amending the Constitution and respect “Partner for Democracy” status in PACE
- To accelerate the implementation of 664 recommendations of the UN agencies in the field of human rights addressed to Kyrgyzstan, making them central to the realization of all state bodies and institutions.
- To the state and local authorities to create favorable conditions for the work of NGOs in accordance with the principle 2 (the State's obligation to respect, protect and promote the right to freedom of association) and other principles laid down guiding principles on the freedom of associations of OSCE / ODIHR;
- To cancel the compulsory registration of religious groups and to ensure that legislation concerning the registration guarantees human rights to ensure the free practice of religion and religious beliefs, including creation of formal organizations. To exclude various territorial statuses for religious and public associations since as the violation of international guarantees of the human rights and right to freedom of association;
- Regarding threats to attorneys: To implement national legislative norms that require any criminal proceedings against lawyers to take place after the official consent of Council of the Bar of the Kyrgyz Republic. To provide stricter punishment for illegal obstruction of lawyers’ work.
- To enforce the decision of the UN Human Rights Committee to immediately release Azimjan Askarov. To respect the latter decision during his re-trial in Chui Oblast Court on October 4th, 2016.

Norwegian Helsinki Committee

The OSCE bodies and **participating states** should:

- Invoke the Moscow mechanism against the Republic of Azerbaijan, sending a mission of experts to assist Azerbaijan in securing constitutional reforms to bolster division of powers and particularly democracy in the country.
- Organize a high level special session on the existence of political prisoners in Azerbaijan, inviting human rights defenders, to establish the facts and to develop a decisive plan of action for a speedy resolve of the problem.

The OSCE participating States should:

- Consider imposing targeted sanctions against those individuals who are responsible for grave human rights violations, including the persecution and conviction of political prisoners in Azerbaijan, including government officials, prosecutors, investigators and judges, for example through a Magnitsky style mechanism.

Recommendations to the OSCE Institutions

Ukraine

- We underline the need for the competent **OSCE**, UN and Council of Europe structures in the area of prevention of torture to undertake monitoring activities in Russia in connection with the reports of torture against the illegally detained Ukrainian citizens and assist Russia’s compliance with its international obligations on preventing and combating torture, including through prompt and impartial investigation of the acts of torture

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The **OSCE bodies** and participating states should:

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Recommendations to the International Organizations

Ukraine

- We underline the need for the competent OSCE, UN and **Council of Europe** structures in the area of prevention of torture to undertake monitoring activities in Russia in connection with the reports of torture against the illegally detained Ukrainian citizens and assist Russia's compliance with its international obligations on preventing and combating torture, including through prompt and impartial investigation of the acts of torture

Monday, 26 September 2016

Working session 10: Tolerance and non-discrimination I, including address by the OSCE High Commissioner on National Minorities

Recommendations to participating States

United States

- We urge **Belgrade** and **Pristina** to implement agreements reached via the EU-led Dialogue talks, which will help end Serb parallel institutions and ensure that Kosovo's authorities and society respect and protect the rights of all citizens regardless of ethnicity. Kosovo should be represented here.
- The political crisis in **Macedonia** makes inter-ethnic tensions a concern. We urge a renewed commitment by all to the letter and spirit of the Ohrid Framework Agreement. We also encourage more effort to improve opportunities for young people through integrated education.
- We urge **Kyrgyzstan** to improve access for ethnic Uzbeks to education and to media in their native tongue, and to stop targeting ethnic Uzbek clerics with charges of "terrorism" on the basis of ethnicity.

United Kingdom

To participating States:

- Work together, in the spirit of consensus, to agree upon a suitably qualified and able successor to Astrid Thors to take forward this important work without further delay.

Slovakia / European Union

- Participating States meet the commitment made by all OSCE participating States, without exception, to fully cooperate with the High Commissioner in order to enable the High Commissioner to fulfil its mandate. This includes granting HCNM full, free and unrestricted access.

- Participating States extend an invitation to the HCNM and make full use of the expertise of this Institution. Quiet diplomacy, which the High Commissioner also implements, is complementary to public diplomacy and can help to bring results of lasting importance.
- Persons belonging to national minorities should be able to exercise fully and effectively their human rights and fundamental freedoms without discrimination and in full equality before the law.

Analytical Center on Interethnic Cooperation and Consultations

To Georgia:

- we recommend to the government of Georgia to ensure full compliance to the obligations undertaken by the country within the OSCE Human Dimension framework and ensure protection for the minorities in the country

Association of Turkish Culture, Art and Interaction TURSKADER

To Bulgarian authorities:

- Take measures to fully implement the Public Education Act for mother tongue studying and adopt new regulations for teaching mother tongue.
- Make efforts to abolish the ban on use of mother language in the electoral law.

Federation of Western Thrace Turks in Europe

To Greece:

- We call upon Greece to restore the educational autonomy of the Turkish minority of Western Thrace. We request from Greek authorities to establish bilingual minority kindergartens in Western Thrace in line with the minority schooling system and allow the Turkish Minority to establish private kindergartens where the language of education will be in Turkish and Greek.

Legal Information Centre for Human Rights

To Estonia and Latvia:

- Власти Эстонии и Латвии должны обеспечить в самое ближайшее время на законодательном уровне предоставления гражданства своей страны без каких-либо условий и ограничений всем проживающим на их территориях постоянным жителям лицам без гражданства.
- До полного решения проблемы безгражданства власти Эстонии должны обеспечить на законодательном уровне право на защиту представительства Эстонии в иностранном государстве всем негражданам – обладателям эстонского паспорта иностранца.

To participating States:

- В государствах при отсутствии процедур признания лицом без гражданства необходимо на законодательном уровне установить упрощенный порядок признания лицом без гражданства, предусматривающий выдачу необходимых документов удостоверения личности.

To the Russian Federation:

- Хочется надеется, что до решения проблемы безгражданства в Латвии и Эстонии власти России в ближайшее время рассмотрят вопрос упрощения визового порядка посещения страны для всех лиц без гражданства, проживающих в этих странах Балтии.

National Association “Northern Epirus 1914”

To **Albania**:

- We demand the implementation of the Protocol of Corfu that Albania signed in 1914 which offers us autonomy, as well as the Framework Convention for the Protection of National Minorities so that the Ethnic Greek Minority of Northern Epirus in Albania will be efficiently protected.

Western Thrace Minority University Graduates Association

To **Greece**:

- we call upon the Greek State to have a concrete and constructive dialogue with the Turkish Minority representatives.

To participating States:

- we call upon the OSCE Participating States to monitor Greek implementations of the OSCE commitments.

Recommendations to the OSCE Institutions

Ahiska Turkish American Council

To **OSCE High Commissioner on National Minorities**:

- В связи с вышеизложенными пунктами хотим обратиться к Верховному комиссару ОБСЕ по национальным меньшинствам с просьбой создать группу с участием правозащитников из России и Грузии, экспертов по проблемам малочисленных народов и представителей Ахыска турок с целью мониторинга положения нашего народа на юге России и выполнения Грузией обязательств по репатриации турок-месхитинцев.

Analytical Center on Interethnic Cooperation and Consultations

To **OSCE High Commissioner on National Minorities**:

- We recommend to the OSCE High Commissioner on National minorities to continue its monitoring and outreach work in the country and reinforce ties with the ethnic minority CSOs.

Association of Turkish Culture, Art and Interaction TURSKADER

To **OSCE/ODIHR**:

- OSCE to suggest specific measures to fully implementation of the Public Education Act for mother tongue studying.
- OSCE to recommend abolition the ban of using mother language during political campaign.

European Center for Democracy Development

- I would suggest the HCNM to hold a meeting as soon as possible on the topic "Problems of the recognition of national minorities in the OSCE area", where, inter alia, to discuss accession to the Framework Convention for the Protection of National Minorities in its entirety for those countries that do not made it, as well as the question of standardization of surveys on hate crimes.

Salut et Misericorde

To **ODIHR**:

- L'association Salut et Misericorde demande à ce que l'ODIHR demande à l'ONU l'institution d'une commission chargée de lister an vue de leur élimination tous les

nouveaux droits ne défendent pas la nature humaine, mais seulement des phantasmes personnels

Ukrainian Orthodox Church Kyiv Patriarchate

- мы просим ОБСЕ обратить особое внимание на нарушения Россией прав религиозно-национальных меньшинств, в том числе на систематическое нарушение прав украинской общины в оккупированном Крыму

Western Thrace Minority University Graduates Association

To OSCE High Commissioner for National Minorities

- We would like to repeat once more that we will be honored if a fact finding mission of OSCE High Commission on National Minorities pay a visit to Western Thrace.

Monday, 26 September 2016

Side Event: #StopTheHate

Recommendations to the participating States

European Parliament Anti-Racism and Diversity Intergroup (ARDI)

- we are pushing the EU and Member States to move forward with creating protections for these groups such as adopting the Anti-discrimination Directive.

Monday, 26 September 2016

Centre for Research and Protection of Fundamental Rights

Рекомендации странам участницам:

- Соблюдать и имплементировать в национальное законодательство ратифицированные международно-правовые акты, как универсальные, так и региональные, касающиеся защиты прав меньшинств, справедливости и запрета дискриминации.

Рекомендации для Литвы:

- Принимать меры по изменению законодательства, регламентирующего права меньшинств, только после проведения надлежащих консультаций с меньшинствами, включая контакты с организациями и правозащитными ассоциациями таких меньшинств.
- Ускорить процесс принятия нового Закона о национальных меньшинствах, а до этого момента принять эффективные меры по обеспечению полной защиты прав национальных меньшинств, в том числе их языка, религии, культуры и самобытности, включая использование их имен в их оригинальной форме.
- Обеспечить, чтобы национальные меньшинства имели право на образование на родном языке. Для этого определить понятие «школа национального меньшинства», внести поправки в Закон об образовании, который ограничил использование языков национальных меньшинств в финансируемых государством школах, восстановив предшествующий этому закону порядок, в том числе пересмотреть требования к единому государственному экзамену, подготовить учебно-методическую базу, чтобы

процент не сдавших единый экзамен среди представителей национальных меньшинств смог значительно снизиться.

- При необходимости, согласно запросу этнической общины, способствовать подготовке педагогических кадров для школ национальных меньшинств.
- Ратифицировать: Европейскую хартию региональных языков или языков меньшинств, Конвенцию ЮНЕСКО о борьбе с дискриминацией в области образования и 12-ый протокол к Европейской конвенции о правах человека.
- Для партий и организаций национальных меньшинств при выборах депутатов предусмотреть более низкий процентный барьер. Предусмотреть возможность создания списков национальных меньшинств, которые имели бы права партии на участие в парламентских выборах, как это предусмотрено при формировании списков на муниципальных выборах и выборах в Европарламент.
- Не создавать препятствий распространению информации, доступу к ней на своем родном языке.
- Предпринимать эффективные меры по борьбе с предрассудками и ксенофобией в средствах массовой информации и сети Интернет;
- Предоставлять публично информацию о возбужденных делах и вынесенных приговорах на основании правовых норм о введении уголовной ответственности за участие в деятельности групп и организаций, пропагандирующих расовую ненависть и дискриминацию.
- Проводить во властных, следственных и структурах государственной безопасности регулярные курсы по правам человека и правам меньшинств, по повышению компетентности в деле борьбы с дискриминацией.
- Перестать оказывать давление на правозащитников и способствовать работе правозащитников.
- Установить порядок выдачи уведомлений иностранцам о запрете на въезд в Литву, соответствующий требованиям директивы ЕС (предусмотреть иной порядок подачи жалобы для иностранцев, находящихся за рубежом, так как согласно законодательству многих стран нотариальное заверение документов, удостоверяющих личность, запрещено) о свободе передвижения и таким образом обеспечить доступ к правосудию. Принимая во внимание опыт Эстонии на официальной станции Департамента миграции при министерстве внутренних дел Литовской Республике создать возможность интерактивной проверки для лиц не являются ли они лицами, которым запрещён въезд в Литву перед посещением Литвы.
- Расширять диалог с организациями гражданского общества и работающими в сфере защиты прав человека и прав меньшинств. Обязать Департамент государственной безопасности в своих отчётах анализировать преступления и нарушения на почве ненависти, а не строить размышления по поводу законопослушной деятельности правозащитников, общественных деятелей, русскоязычных СМИ Литвы и русских школ, проводящих работу по интеграции разнообразных обществ согласно Люблянским рекомендациям и в отношении Православной Церкви Литвы.

Working session 11: Tolerance and non-discrimination I (continued), including prevention and responses to hate crimes in the OSCE area, and combating racism, xenophobia and discrimination, also focusing on intolerance on religious grounds

Recommendations to the participating States

United States

- OSCE participating States can make efforts to combat hate crimes more effective by: disaggregating data; using common criteria for identifying hate crimes; and addressing barriers that impede the ability of survivors to report the crimes committed against them.
- **Russia** should repeal its law criminalizing “wittingly spreading false information about the activity of the USSR during the years of World War Two.”
- Governments must enforce laws against discrimination, violence and other manifestations of these evil doctrines, but political and religious leaders should not ask courts to become the policemen of thought or expression
- Governments must combat discrimination in all its ugly forms. We ask participating States to join us in increasing funding for ODIHR’s tolerance initiatives through the unified budget and extra-budgetary projects

United Kingdom

To participating States:

- We call on participating States to work with ODIHR to: improve hate crime recording; by creating a climate where victims feel able to report it.

Slovakia / European Union

Pour les Etats participants :

- Veiller à ce que chaque individu puisse jouir, sans distinction, des droits de l’Homme et des libertés fondamentales et dispose de moyens de recours effectif en cas de discrimination ou autre violation de ses droits et libertés;
- Favoriser l’apprentissage de la diversité, du dialogue et de la tolérance et déconstruire les préjugés en promouvant les droits de l’Homme et des sociétés inclusives et solidaires;
- Condamner de façon systématique les appels à la haine quels qu’en soient les auteurs, les motifs ou les individus visés ; encourager à ce que les crimes de haine soient rapportés;
- Coopérer activement avec le BIDDH pour prévenir et combattre toutes les formes d’intolérance, notamment en contribuant à ses statistiques sur les crimes de haine.

Pour les **Etats participants**, les structures exécutives/institutions de l’OSCE et la société civile:

- Maintenir une approche inclusive de la lutte contre l’intolérance et les discriminations, basée sur l’universalité des droits de l’Homme et la lutte contre toutes les formes de discriminations sans distinction;
- S’assurer que les activités de l’OSCE en matière de lutte contre l’intolérance et les discriminations réaffirme notre cohésion sur la base de principes communs dont la lutte contre toutes les formes d’intolérance, et l’égale dignité de tous les êtres humains sans exceptions;

- Mieux prendre en compte les multiples formes de discrimination dans la promotion des droits de l'Homme et la lutte contre l'intolérance.
- Encourager une meilleure articulation des travaux des représentants personnels de la présidence avec le BIDDH pour une meilleure cohérence et efficacité des activités au sein de la dimension humaine de l'OSCE.

France

- A titre de recommandations, nous appelons l'OSCE à poursuivre ses efforts pour promouvoir l'accès universel aux droits des femmes qui constitue la base de l'égalité entre les femmes et les hommes et de la lutte contre les violences contre les femmes. Nous soutenons le plan d'action sur la mise en œuvre de la résolution 1325 à l'OSCE, co-sponsorisé par l'Autriche, la Finlande, le Kazakhstan et la Turquie. Nous appelons à accroître le rôle de l'OSCE dans prévention et la lutte contre les violences faites aux femmes et encourageons les États qui ne l'ont pas encore fait à ratifier la Convention du Conseil de l'Europe sur la prévention et la lutte contre la violence à l'égard des femmes et la violence domestique, dite « Convention d'Istanbul ».

Personal Representative of the OSCE Chairperson-in-Office on Combating Intolerance and Discrimination against Muslims

To participating States:

- Commit to (a) recording of Islamophobia as a category of hate crime by all police, (b) working with social media companies to protect free speech while developing good guidelines to tackle hate speech online (c) consider primary legislation to deal with social media offences and hate speech online.
- Commit to developing teaching materials to educate young people on Islamophobia, racism and anti-Semitism; to fund projects to promote educational programmes on Islam awareness; to prioritise religious education in the national curriculum to prepare young people for life in a religiously plural society.
- Commit to tackling religious discrimination in the workplace and address the low level of economic activity among Muslims through targeted interventions at stages of recruitment, retention and promotion; improving access to employment for Muslim women.
- Commit to support the adoption of the EU Equal Treatment Directive to advance protection against discrimination on the grounds of religion to education, healthcare, housing, access to goods and services and social protection.
- Commit to preserving the Human Rights Act and the protection of minority rights including rights to religious slaughter, circumcision and wearing of religious dress or symbols.
- Commit to curbing the encroachment of counter-terrorism policies on civil liberties by working with Muslim communities not against them in the so-called `de-radicalisation` programmes;
- Commit to democracy and human rights promotion abroad, including the rights of religious minorities.
- It is still an urgent call that participating States should ensure implementation of OSCE Ministerial Decisions. We should reassess what capacity-building activities have been implemented for law-enforcement, prosecution and judicial officials dealing with anti-Muslim hate crimes and discrimination.

ACT for America – Minneapolis Chapter

To the **United States** of America:

- Recommends that the US authorities recognize the CVE (Countering Violent Extremism strategy) is not working, and apply an analytical approach to identifying the nature of security threats.

ADF International

To participating States:

- ADF International further calls on Participating States to repeal vaguely worded “hate speech” laws, and ensure that adequate safeguards against abuse of restrictions on freedom of expression are established, to ensure a free exchange in the marketplace of ideas.

Anti Defamation League

Recommendations for Action:

- Governments bear the primary responsibility to ensure that Jews are afforded the right to live in security and with dignity in their communities. Whether it is espoused by hate groups on the margins or political parties garnering support in elections, governments and civic leaders can mobilize political will to reject anti-Semitism and to use human rights and anti-discrimination instruments to institutionalize a systemic, comprehensive strategy against anti-Semitism and other forms of violent bigotry.

What Participating States Can Do:

- Start by using your own government’s bully pulpit to speak out. Political leaders have the most immediate and significant opportunity to signal that the government takes seriously that anti-Semitism is a threat to stability, security broader societal values. It goes a long way to help reassure Jews that they aren’t alone in fighting it.
- Define the problem. It’s impossible to effectively address a problem without understanding its elements. Though not legally binding, - the clear definition adopted by the International Holocaust Remembrance Alliance (IHRA) in June is vital as a common reference point and a guidepost for understanding, recognizing and addressing today’s anti-Semitism. It elucidates the types of anti-Jewish themes that are often the backdrop of anti-Semitic incidents, including references to Israel that cross the line into anti-Semitism. It is a helpful training and awareness raising tool for officials ranging from diplomats to law enforcement to school administrators. Its use by the US as a guide for monitoring has dramatically improved the focus and precision of State Department reporting on the issue. It should be utilized by OSCE and ODIHR as a tool for educating and capacitating officials to address anti-Semitic incidents effectively.
- Protect Jewish communities and sites. Increase cooperation with Jewish communities to assess security risks needs and to ensure that a comprehensive plan is in place to ensure that law enforcement agencies protect vulnerable sites. In addition, threats by ISIS and other terror groups should place Jewish communities and institutions in focus for law enforcement as potential targets of terrorist attacks.
- Monitor and spotlight the problem, sunlight is the best disinfectant. Governments simply must do better in monitoring anti-Semitism and improving data collection and reporting. Half of participating States either did not report at all or reported zero crimes for their country. We urge governments, especially in the states where there is no government reporting to take a hard look at hate reported by Non-Governmental Organizations (NGOs) in the OSCE participating states where there was no government monitoring. No government can craft policy to protect people, if they don’t have eyes on the problem.

- Designate dedicated focal point or envoy to monitor and combat anti-Semitism. Combatting anti-Semitism and hate crime requires the attention of someone with relevant experience to focus on crafting a strategy to address it.
- Governments should reach out to and have visible contact with Jewish and other communities that feel under siege. While some participating States have deep and longstanding relationships with Jewish and other community activists, these relationships need constant attention. We urge governments to create space for groups to work with you and to collaborate with each other in mutually supportive safe spaces like this one here today.
- Law enforcement and prosecutor training programs should include a focus on improving the policing and prosecution of anti-Semitism and hate crimes. States should engage and use ODIHR's toolkit on hate crime. It is the most serious and comprehensive such resource produced by any IGO.
- What you say matters. Officials, delegation heads and diplomats to the OSCE can lead by example and use every opportunity to decry divisive appeals whether based on race, ethnicity, sexual orientation, gender, gender identity, or religion. Never lose sight of the power that words have to shape, not just our political debate, but the environment in which targeted communities live.

Atheist Ireland

To participating States:

- We further recommend that you tackle prejudice-motivated crime against ex-Muslim atheists, and against Ahmadiyya Muslims.
- We recommend that genitally mutilating girls, and forcing women to wear specific clothing, be treated as prejudice-motivated crimes based on religion and gender.
- OSCE/ODIHR and all states and NGOs to support the recommendations in the Dublin Declaration on Secularism and the Place of Religion and Public Life, put together by atheist advocates internationally at a conference in Dublin in 2011.
- OSCE/ODIHR and all states and NGOs to support the recommendations in the Dublin Declaration on Empowering Women through Secularism, put together by atheist advocates internationally at a conference in Dublin in 2011.
- OSCE/ODIHR and all states to treat the Vatican/Holy See/Catholic Church as an NGO religion, and not as a State, and the Holy See to choose not to undermine civic democracy by telling politicians to follow religious ethics instead of legislating for all citizens.

To Ireland:

- We recommend that Ireland removes the blasphemy law and religious oaths, and obliges publicly funded schools to deliver all services, including employment, state curriculum and enrolment, in an objective, critical and pluralistic manner, and with no religious discrimination of any kind.
- OSCE/ODIHR and Ireland to support atheists having the same legal recognition that is given to religions in Ireland. The Constitution prevents only discrimination between religions, not between religions and nonreligious philosophical groups.
- End religious discrimination in the Irish education system - OSCE/ODIHR to reinforce to Ireland, and Ireland to urgently implement legislative and/or constitutional changes with regard to the education system.
- OSCE/ODIHR to reinforce to Ireland, and Ireland to urgently implement, the following: Amend the Civil Registration Act to treat religious and atheist groups equally, and to remove the effective State monopoly that the Act now provides for

private entrepreneurs to sell secular ceremonies for profit after being nominated as solemnises by the Humanist Association of Ireland.

- OSCE/ODIHR to reinforce to Ireland, and Ireland to urgently implement, the following: Repeal Article 40.3.3 of the Irish Constitution, to enable the Oireachtas to legislate for the right to abortion. Decriminalise abortion by repealing sections 22 and 23 of the Protection of life During Pregnancy Act 2013. Repeal the Abortion Information Act 1995. Provide a human rights compliant framework for abortion, in law and in practice.
- OSCE/ODIHR to reinforce to Ireland, and Ireland to urgently implement, the following: Implement full and independent inquiries into symphysiotomy and Magdalen laundries, leading to prosecutions where wrongdoing is established. Adopt and implement a consistent approach, in line with international human rights law, to all inquiries into historical abuse.
- Implement conclusions of the UN Human Rights Committee - OSCE/ODIHR to reinforce to Ireland, and Ireland to urgently implement the concluding observations of the United Nations Human Rights Committee from its examination in July 2014 of Ireland's breaches of human rights of atheists and minority faiths under the ICCPR

B'nai B'rith International

To participating States:

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

Buergerbewegung (Citizens' Movement) PAX EUROPA e.V.

To participating States:

- BPE calls on participating States to refrain from shackling freedom of expression by official censorship, which is disguised by charges of hate speech and which is imposed by governments, police and courts.
- BPE recommends that a clear and just definition of the term "hate speech" be provided by ODIHR and participating States, as this would improve general acceptance of the concept. If this cannot be achieved then the concept of hate speech must be abandoned altogether

East European Security Research Initiative Foundation (EESRI)

To the participating States of the OSCE:

- Increasing efforts on implementation of the OSCE Ministerial Council's Decision No.9/09 of 2009 on combating hate crimes;

- Taking effective measures to prevent the usage of intolerant and hate speech in political agitation and propaganda; providing proper response to the relevant violations of the international and national legislation;
- Providing full support to the activities of the Office for democratic Institutions and Human Rights in preventing hate crimes; providing full support and access to own territory to the OSCE High Commissioner on National Minorities;
- Improving identifying and recording of the hate crimes and regular submitting of the relevant data to the ODIHR;
- Paying proper attention to the Russia's responsibility for the human rights violations. Including the hate crimes, in the illegally annexed Crimea and de-facto occupied territories in the Donetsk and Luhansk regions.

European Association of Jehovah's Christian Witnesses

request the authorities in the Donetsk and Luhansk regions of Ukraine to:

- Allow Jehovah's Witnesses to carry out their worship peacefully, including their volunteer community service of talking to their neighbours about God's Word
- Allow Jehovah's Witnesses to assemble peacefully for worship
- Return all illegally seized Kingdom Halls (houses of worship)
- Legally register the activity of Jehovah's Witnesses, in harmony with the European Convention on Human Rights
- Legally register the activity of Jehovah's Witnesses, in harmony with the European Convention on Human Rights

request the government of **Ukraine** to:

- Prosecute vandals and hooligans who attack their houses of worship and harass and harm our members during their religious activity
- Lift the unconstitutional provision of Article 21(5) of the Law of Ukraine "On Freedom of Conscience and Religious Organizations" to allow renting of community facilities for religious meetings

European Forum of Muslim Women EFOMW

To participating States:

- We hence urge all the present country delegations to take heed of the issue of increased institutionalized discriminations through public discourses, more pressingly in countries such as France where it has become rampant, and to take the available means to hold such countries accountable to their commitment to fundamental rights.
- We hence urge all the present country delegations to acknowledge institutionalized discriminations and to hold such countries accountable to their commitment to fundamental rights.
- We urge all States to protect the rights of all women, including Muslim women, in their freedom of expression, of thought and of religion

European Muslim Initiative for Social Cohesion (EMISCO)

We call upon the participating States to:

- Encourage political leaders and public figures to speak out strongly and promptly when anti-Muslim incidents occur as well as for other majority religions; - Re-define European values through an inclusive, pluralistic approach based on a Reflexive VIRTUE ethics that acknowledges the fruitful historical interaction between Judeo-Christian and Muslim values in order to move towards a more inclusive definition of what Europe stands for today; - Introduce a new contract between governments, majority societies, and all ethnic and religious minorities, based on this re-defined

discourse about “Western values”. – Take steps to effectively address intolerance against Muslims in the OSCE area, both in preventing and responding to incidents by implementing concrete measures in every level;

- Implement existing OSCE commitments related to monitoring hate crime and collecting relevant data on incidents targeting Muslim communities, ensuring that data is disaggregated to show specific bias motivations related to religion; – Ensure that security measures and anti-terrorism efforts are not directed at any specific ethnic, religious or cultural group, in their design, implementation or impact; – Collaborate with local civil society groups, and Muslim communities, through effective partnerships and strengthened dialogue to address intolerance, discrimination and to promote mutual respect and understanding. – Encourage cultural and religious diversity in public debates, as well as in consultations during important legislative initiatives.
- Make progress in intercultural and interreligious education as recommended in the Council of Europe Reference Book on Religious Diversity and Intercultural Education published in 2007 in line with the European Cultural Convention (1954) (ETS No. 18) which underlines the need for education to develop mutual understanding between peoples.

Federation of Western Thrace Turks in Europe

To Greece:

- We request from the Greek Government to take result-oriented measures for eliminating discrimination and hate speech against the Minority and to improve diversity throughout the system by eliminating prejudices and to develop strategies that are inclusive of minorities which would be part of an overall governmental policy for the promotion and protection of minority rights in the country.

“Giuseppe Dossetti” Observatory for Religious Tolerance and Freedom

To participating States:

- record carefully hate crimes committed against religious properties.
- provide disaggregated data on hate crimes, paying more attention to the hate crimes against Christians – also where they are majority – in the questionnaire collecting data from national data collection point.
- compile and publish a national report on hate crimes.
- request the assistance of the OSCE/ODIHR in order to implement TACHLE and PAHCT at national level.
- develop training programs on hate crimes for public officials and law enforcement agencies operating at local level.
- adopt national action plan in order to prevent and respond to hate crimes

Human Rights Without Frontiers

To the **Russian** Federation:

- To put a moratorium on the implementation of the Yarovaya Law which restricts missionary activities and has already been used to criminalize activities of non-Orthodox religions and their members;
- To take into consideration the 100,000 signatures gathered by an online petition posted on the state-owned portal of "Russian Public Initiative" (RPI) and directed against "Yarovaya's package of laws;"
- To have the Yarovaya Law assessed by the Venice Commission of the Council of Europe.

Latvian Human Rights Committee

Recommendations for Latvia:

- To restore the network of minority schools and use of minority languages as languages of instruction. To differentiate Latvian language exam requirements for Latvian-only and minority (bilingual) schools.
- To grant voting rights to permanently resident “non-citizens” (and other permanent residents) in local elections. To simplify naturalization and to allow judicial review for all refusals to naturalise. To ensure automatic registration of newborn children of “non-citizens” as citizens of Latvia.
- To lower Latvian language requirements for local councillors so as not to interfere with popular choice and not to hinder minority participation in public life in Eastern Latvia.
- To allow “non-citizens” to work as notaries. To equate their rights to pensions with those of citizens.
- -To allow use of minority languages in daily communication with local authorities, and to allow writing personal names in identity documents without Latvian-language gender endings and with those double consonants not doubled in Latvian.
- To condemn discourses: a) honouring those having collaborated with Nazi Germany; b) equating phenomenon of refugees to terrorism threats.
- To raise both the benefits for refugees and the minimal pension.
- To adopt a comprehensive anti-discrimination law. In the meantime: to add anti-discrimination provisions to the Law on Residential Tenancy; to include language, sexual orientation and gender identity in the lists of grounds of discrimination prohibited in the Education Law, Law on the Rights of Patients, Consumer Rights Protection Law and Law on Social Security.
- To allow submitting individual complaints under CEDAW and ICERD. To join the protocol to the Convention against Discrimination in Education.

Legal Information Centre for Human Rights

To Latvia and Estonia:

- Властям Латвии и Эстонии отменить пресловутые «40 на 60» в системе образования на русском языке в школах и гимназиях и обеспечить в детских учебных заведениях для детей представителей русскоязычного сообщества образование на родном русском языке в соответствии с нормами международного права по недопущению дискриминации и соблюдению культурных, религиозных и языковых прав меньшинств, в частности, с Международным пактом о гражданских и политических правах (ст. 26 и 27).
- Министерству образования и науки Эстонии, учитывая выводы и рекомендации результаты добросовестно проведённых независимых исследований результатов проводимой реформы школьного образования, разработать стратегию образования в сотрудничестве с руководителями и педагогами де-факто русских школ; подготовить и внедрить эффективные программы обучения эстонскому языку, методику и учебники.
- Создать институцию на государственном уровне по обращению жителей по проблемам дискриминации и неравного обращения и создать государственный механизм эффективного решения этих проблем, в том числе и в сотрудничестве с неправительственными организациями.

- Повсеместно обеспечить государственную поддержку НПО, оказывающим защиту пострадавшим от дискриминации лицам, независимо от их национальной принадлежности.

NGO Public Advocacy

To Ukraine:

- Содействовать повышению эффективности реагирования полиции на преступления на почве ненависти, в частности путем разработки и принятия специальных разъяснений органам, ответственным за поддержание правопорядка, - о необходимости тщательного расследования правонарушений на почве ненависти по религиозному признаку;
- Обеспечить понимание органами местной власти необходимости воздерживаться от необоснованного вмешательства в межконфессиональные отношения, в особенности путем поддержки одной стороны конфликта;
- Содействовать неукоснительному исполнению принципа верховенства закона, признав необходимым во всех случаях перехода прав на объекты спорного имущества использовать только юридические процедуры, рекомендуя и разъясняя участникам конфликтов право обращения в суд и в особенности акцентируя их внимание на необходимости принудительного выселения или передачи имущества от одного лица другому только специально уполномоченными органами, исключая любые случаи самоуправства, ведущие к столкновениям и насилию;
- Устранить любые предпосылки неравного и предвзятого отношения к верующим УПЦ и юридическим лицам относящимся к юрисдикции УПЦ, привлекая к административной, а при наличии оснований - к уголовной ответственности лиц, виновных в разжигании религиозной вражды;
- В ближайшее время разработать на основе стандартов БДИПЧ и ОБСЕ законопроекты и подзаконные акты специального законодательства о предотвращении преступлений и речей ненависти, направленных на дискриминацию по религиозному признаку;
- Приложить все возможные усилия для создания, как это предусмотрено методическими рекомендациями ОБСЕ БДИПЧ, - комитетов и специальных групп, содействующих сближению полиции, органов власти и местного сообщества с целью предотвращения вражды, речей и преступлений ненависти;
- Обратить внимание медийного сообщества на необходимость соблюдения профессиональных этических правил и норм, ограничивая высказывания, способствующие разжиганию вражды на религиозной почве;
- Признать полезным и продолжить практику примирительных и медиативных процедур, с участием миссии СММ ОБСЕ между представителями конфессий с целью предотвращения конфликтов.

Observatory on Intolerance and Discrimination Against Christians in Europe

To participating States:

- Provide disaggregated data on hate crimes, paying due attention to hate crimes against Christians in all areas, including where they are majority.
- Register religious affiliation of refugees and asylum seekers at reception centres.
- Declare the systematic targeting and killing of Christians and other religious minorities in Iraq and Syria genocide.

- Recognise the special status of Christians and other religious minorities, and receive refugees and asylum seekers from alternate channels, instead of solely from UNHCR camps.
- Train and educate police, social welfare office staff, and accommodation security on the topic of religiously motivated conflict.
- Improve the balance in ethnic/religious composition of refugees, as well as staff, security, and translators in asylum centres, and remove offending staff in incidents of religiously-motivated bias or violence.
- Permit anonymous reporting of religiously-motivated incidents, protect whistleblowers, remove perpetrators from accommodations, and deport violent offenders.
- Support private accommodations for Christians. As a last resort or temporary measure, in the absence of the above-mentioned protections, establish separate accommodations for Christian refugees.
- Compile and publish a national report on hate crimes, including against Christians.
- Develop training programs on hate crimes for public officials and law enforcement agencies operating at local level.
- Adopt national action plans in order to prevent and effectively respond to hate crimes.

Order of St. Andrew

To Turkey:

- First, the Government of Turkey should reopen and extend the August 27, 2012 Decree deadline for the submission of applications to recover seized property, which did not give applicants sufficient time to respond. The Decree should be expanded to include all seized properties that were excluded. The Government should also revamp the manner by which the Decree is implemented. A Public Advocate, who is not a Government bureaucrat, should be employed to ensure that the Decree is implemented in a fair and expeditious manner.
- Second, the Government of Turkey should allow the Halki School of Theology to reopen and operate with its own theologians and in a manner consistent with its own Christian beliefs.
- Third, the Government of Turkey should refrain from interfering in the internal affairs of the Ecumenical Patriarchate. The 1923 and 1970 directives of the local Istanbul Government, relating to the citizenship of those who are entitled to vote for, or be elected as, a new Ecumenical Patriarch, should be rescinded.
- Fourth, the Government of Turkey should desist from its recent policy of converting museums which were historic Christian sites into mosques, as there is no overriding need for additional mosques in such locations, and the policy is an affront to harmony among religious groups.

Religious Society Path Guru Jara

To Czech Republic:

- to issue a new passport to Jaroslav Dobes and Barbora Plaskova, detained for being undocumented at the Immigration Detention Center of Manila in the Philippines since spring 2015 because the Czech embassy withdrew their passport;
- to take into consideration the cancellation of the sentence to a prison term of Jaroslav Dobes and Barbora Plaskova by the High Court of Olomouc and the ensuing presumption of innocence;

- to actively resolve the case of Guru Jara and Barbora Plaskova in a timely matter, with diplomacy and respect for basic human rights, the presumption of innocence and the Geneva Convention;
- to actively support and protect religious diversity and tolerance in Czech society, and to prosecute cases of hate speech or hate crimes;

Russian School of Estonia

- I consider that the authorities of **Estonia** should stop creating the interethnic conflict. The authorities should investigate and take under the special control all the actions of the Estonian Security Police, because this organization does not work for the good, but it brings damage to our country

SOVA Center for Information and Analysis

For the OSCE Participating States

- Change the crime reporting system so that suspected hate motive could be recorded at any stage, including the earliest one. Specialized police units are more effective in investigating hate crimes, but regular police should conduct such investigations as well.
- Publish hate crime statistics, highlighting the different types, regions, and number of victims. Official statistics should be based both on court decisions (for both proven and unproven cases), and on the number of opened criminal cases.
- More actively use the information collected by non-governmental organizations that perform systematic monitoring of racist groups, and consult NGOs on law enforcement issues. Despite methodological, and even political, differences, such cooperation can be very productive.
- Take statements from victims of suspected hate crimes also at mediation with such NGOs and specialized public authorities, dealing with discrimination problems.
- 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 law enforcement agencies should reflect the same priorities.
- To give an evaluation to the national laws on incitement to hatred and their implementation, with reference to the Rabat Action Plan, adopted by UN Human Rights Council in 2013.
- There is a need to adopt and develop comprehensive anti-discrimination legislation or a series of individual acts containing effective rules and procedures of proving discrimination
- Public officials should have no right to express publicly their intolerance or even disrespect to any minorities. Civil service legislation should include effective sanctions against such actions. These penalties also need be made public.

Thinkout

To participating States:

- Encourager les acteurs politiques a lutter efficacement contre le terrorisme;
- Encourager, soutenir le dialogue et la coopération avec les ONG ;
- Encourager le dialogue interculturel et interreligieux au sein de débat public

Unconstrained Analytics, Inc

To participating States:

- Unconstrained Analytics recommends that the OSCE and all participating States rethink the narratives they are so casually putting in motion on the assumption that ‘we all know what it means’ when what it appears to mean is the suppression of dissent through intimidation under color of state authority.

The Values Foundation

- We recommend to the governments represented here that they fully respect and uphold in their legislation the right of religious private schools to exist.

Western Thrace Minority University Graduates Association

To Greece:

- To take urgent measures to eliminate attacks targeting Muslim Turkish minority as well as other non-Greek ethnic origin inhabitants of Greece.
- To arrest those who are responsible for the hate motivated attacks and crimes against the Turkish Minority and its foundations.

Recommendations to the OSCE Institutions

United States

- The OSCE must mobilize political will and resources to combat racism, xenophobia, injustice and hate crimes against members of marginalized communities throughout our region.

Armenia

- We would like to recommend optimization of the ODIHR’s TND programme by terminating those tools and events, which lack any added value and focus on security aspects of tolerance and non-discrimination.

Slovakia / European Union

Pour les Etats participants, les structures exécutives/institutions de l’OSCE et la société civile:

- Maintenir une approche inclusive de la lutte contre l’intolérance et les discriminations, basée sur l’universalité des droits de l’Homme et la lutte contre toutes les formes de discriminations sans distinction;
- S’assurer que les activités de l’OSCE en matière de lutte contre l’intolérance et les discriminations réaffirme notre cohésion sur la base de principes communs dont la lutte contre toutes les formes d’intolérance, et l’égale dignité de tous les êtres humains sans exceptions;
- Mieux prendre en compte les multiples formes de discrimination dans la promotion des droits de l’Homme et la lutte contre l’intolérance.
- Encourager une meilleure articulation des travaux des représentants personnels de la présidence avec le BIDDH pour une meilleure cohérence et efficacité des activités au sein de la dimension humaine de l’OSCE.

Personal Representative of the OSCE Chairperson-in-Office on Combating Intolerance and Discrimination against Muslims

To OSCE Chairmanship:

- We also hope and expect that the current Chairmanship and the next Chairmanship uses its power to secure a stable budget to support activities on combating intolerance and discrimination against Muslims.

ACT for America – Minneapolis Chapter

To OSCE:

- Jihad (which Islamic law defines as warfare against non-Muslims) be included in the OSCE guidelines as a hate crime.
- That OSCE recognize jihad as part of an attempt to replace democratic law with shariah, and thus, an assault of the freedoms of non-Muslims as well.

ACT for America 5280 Coalition

- recommends that the OSCE define the violent imposition of the Shari'a as a "hate crime" against non-Muslims

ADF International

To OSCE:

- ADF International strongly urges the OSCE to restate the foundational importance of freedom of expression, particularly as applied to undesirable ideas and minority opinions.

Atheist Ireland

To OSCE:

- We recommend that the OSCE promotes the separation of the State from either religion or atheism, as the foundation of protecting everybody equally.
- We recommend that you also specifically address discrimination against atheists.
- We further recommend that you tackle prejudice-motivated crime against ex-Muslim atheists, and against Ahmadiyya Muslims
- We recommend that genitally mutilating girls, and forcing women to wear specific clothing, be treated as prejudice-motivated crimes based on religion and gender

To OSCE/ODIHR

- OSCE/ODIHR to host an event specifically to quantify and combat discrimination against atheists, similar to the events held to specifically combat discrimination against Christians, Muslims and Jews
- OSCE/ODIHR and all states and NGOs to support the recommendations in the Dublin Declaration on Secularism and the Place of Religion and Public Life, put together by atheist advocates internationally at a conference in Dublin in 2011.
- OSCE/ODIHR and all states and NGOs to support the recommendations in the Dublin Declaration on Empowering Women through Secularism, put together by atheist advocates internationally at a conference in Dublin in 2011.
- OSCE/ODIHR and all states to treat the Vatican/Holy See/Catholic Church as an NGO religion, and not as a State, and the Holy See to choose not to undermine civic democracy by telling politicians to follow religious ethics instead of legislating for all citizens.
- OSCE/ODIHR and Ireland to support atheists having the same legal recognition that is given to religions in Ireland. The Constitution prevents only discrimination between religions, not between religions and nonreligious philosophical groups.
- End religious discrimination in the Irish education system - OSCE/ODIHR to reinforce to Ireland, and Ireland to urgently implement legislative and/or constitutional changes with regard to the education system.
- OSCE/ODIHR to reinforce to Ireland, and Ireland to urgently implement, the following: Amend the Civil Registration Act to treat religious and atheist groups equally, and to remove the effective State monopoly that the Act now provides for

private entrepreneurs to sell secular ceremonies for profit after being nominated as solemnises by the Humanist Association of Ireland.

- OSCE/ODIHR to reinforce to Ireland, and Ireland to urgently implement, the following: Repeal Article 40.3.3 of the Irish Constitution, to enable the Oireachtas to legislate for the right to abortion. Decriminalise abortion by repealing sections 22 and 23 of the Protection of Life During Pregnancy Act 2013. Repeal the Abortion Information Act 1995. Provide a human rights compliant framework for abortion, in law and in practice.
- OSCE/ODIHR to reinforce to Ireland, and Ireland to urgently implement, the following: Implement full and independent inquiries into symphysiotomy and Magdalen laundries, leading to prosecutions where wrongdoing is established. Adopt and implement a consistent approach, in line with international human rights law, to all inquiries into historical abuse.
- Implement conclusions of the UN Human Rights Committee - OSCE/ODIHR to reinforce to Ireland, and Ireland to urgently implement the concluding observations of the United Nations Human Rights Committee from its examination in July 2014 of Ireland's breaches of human rights of atheists and minority faiths under the ICCPR

Buergerbewegung (Citizens' Movement) PAX EUROPA e.V.

To OSCE:

- BPE recommends that the words “hate” and “hatred” be abandoned by all official OSCE organs and in all OSCE publications.
- BPE recommends that a clear and just definition of the term “hate speech” be provided by ODIHR and participating States, as this would improve general acceptance of the concept. If this cannot be achieved then the concept of hate speech must be abandoned altogether.

East European Security Research Initiative Foundation (EESRI)

To the OSCE Secretary General:

- Elaborating measures to provide access of the OSCE monitoring missions to the whole territory of Ukraine, including the Crimea and Donbas;
- Calling on Russia to fulfil its international commitments, to stop preventing the OSCE High Commissioner on National Minorities from access to the illegally annexed Crimean peninsula, and to stop discrimination of the Crimean Tatar and Ukrainian-speaking communities in the Crimea and Donbas;
- Facilitating exchange of experience among the OSCE participating States on prevention and responses to hate crimes and combating racism, xenophobia and discrimination.

To the ODIHR:

- Elaborating measures to organise regular monitoring and reporting on human rights situation in the annexed Crimea and de-facto occupied territories in the Donetsk and Luhansk regions;
- Appointing a special rapporteur on the cases of intolerance, discrimination and hate crimes committed in the Crimea and Donbas;
- Supporting regional, subregional and national initiatives on monitoring and protecting human rights, including the issues of tolerance and non-discrimination;
- Providing assistance to Ukrainian public authorities to further improve the legislation in the sphere of combating hate crimes, racism, xenophobia and discrimination.

European Center for Democracy Development

- To organize a separate Conference under the auspices of the OSCE High Commissioner for Human Rights on anti-Semitism in the OSCE countries.
- To start a regular OSCE monitoring of anti-Semitism in Ukraine

European Muslim Initiative for Social Cohesion (EMISCO)

To the OSCE:

- Given new challenges, OSCE political bodies and institutions should draft new, consolidated and deepened commitments on fighting the manifestations of direct and indirect Islamophobia experienced by Muslim communities, based on best practices and decisions of international human rights bodies, including opinions of the UN Human Rights Committee and jurisprudence of ECHR over the last decade. This work should be taken forward in the framework of Helsinki+40 process;
- OSCE should move beyond a focus on discrimination based on race/ ethnicity and expand the focus on discrimination based on religion. Discussion of Islamophobia should be more visible and institutionalized.
- OSCE terminology used in the field of religious discrimination should be updated and refined to bring it in line with the most progressive approaches.
- The OSCE/ODIHR unit dealing with Islamophobia should be strengthened.¹
- OSCE political bodies and institutions should strengthen cooperation with other relevant intergovernmental bodies addressing the issues of Islamophobia - for example, EU Commission's coordinator relating to Islamophobia, newly established initiative to deal with Islamophobia in the EU Parliament, EU Fundamental Rights Agency, European Commission against Racism and Intolerance – ECRI , UN special rapporteur on Islamophobia, etc.
- OSCE political bodies and institutions should urge participating States to provide funding for independent civil society groups among Muslim communities working on issues of Islamophobia.

To OSCE Chairmanship:

- The OSCE Chairmanship should publicly and consistently uphold the position that religious beliefs or traditional values cannot serve as justification for hate crimes against Muslims.

To ODIHR:

- Facilitate open discussion and constructive dialogue among and between government officials, civil society, and religious or belief communities with the aim of implementing OSCE commitments on the freedom of thought, conscience, religion or belief;
- Highlight patterns on intolerance and discrimination against Muslims, in order to better understand and proactively address intolerance and discrimination against Muslims;
- Foster broad civil society co-operations, and the sharing of best practices among stakeholders, on educational initiatives, as well as other measures to raise awareness of intolerance against Muslims;
- ODIHR should develop and promote new guidelines for combating and preventing hate crimes against Muslims, including legislation, systems of registration and collection of statistical data on hate crimes, assistance to victims, etc., based on best practices and decisions of international human rights bodies, including decisions of the UN Committee for Human Rights and jurisprudence of ECHR over the last decade.

¹ Note from ODIHR: OSCE/ODIHR Tolerance and Non-Discrimination Department

- Presentation of ODIHR’s annual report on Islamophobia and its discussion by participating States should be included in the agenda of the Permanent Council and Human Dimension Committee.²

Federation of Western Thrace Turks in Europe

To OSCE High Commissioner on National Minorities:

- We kindly request OSCE High Commissioner on National Minorities Ms. Astrid Thors and her Office to pay greater attention to the risk of escalation of tensions in the region of Western Thrace in Greece.

Foundation for Research and Support of the Indigenous Peoples Crimea

To OSCE:

- Органам, должностным лицам и экспертам ОБСЕ, таким образом, следует уделять особое внимание терминологии применительно к отдельным категориям населения Украины, имеющим гарантированные ООН коллективные права коренных народов и использовать при этом исключительно терминологию, закрепленную в Декларации ООН о правах коренных народов и в иных универсальных актах международного права.

“Giuseppe Dossetti” Observatory for Religious Tolerance and Freedom

To ODIHR:

- Develop and strengthen capacity building activities with regard to the protection of religious properties, including the Christian ones.
- Train law enforcement agencies, media and civil society to consider carefully also the hate crimes perpetrated against majority groups.
- Develop Guidelines for educators on countering intolerance and discrimination against Christians.

To the Chairmanship-in-Office:

- consult closely with the Personal Representatives and support their work.
- 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.

To the Personal Representatives of the Chairmanship-in-Office:

- focus on, and adopt a standardized approach to, country visits and subsequent reports. Intervene when incidents do occur, through public statements and engagement with authorities of relevant participating States.

International Association of Independent Democrats Against Authoritarian Regimes

To ODIHR:

- Мы просим ОБСЕ-БДИПЧ не делать упор на дискриминации по признаку веры, существует огромное число дискриминаций по другим базовым Правам Человека. Просим также обсуждать и такие примеры.

NGO Public Advocacy

To OSCE:

² Note from ODIHR: OSCE/ODIHR publishes only Annual Hate Crime Report (available at: <http://hatecrime.osce.org/>)

- Содействовать повышению эффективности реагирования полиции на преступления на почве ненависти, в частности путем разработки и принятия специальных разъяснений органам, ответственным за поддержание правопорядка, - о необходимости тщательного расследования правонарушений на почве ненависти по религиозному признаку;
- Обеспечить понимание органами местной власти необходимости воздерживаться от необоснованного вмешательства в межконфессиональные отношения, в особенности путем поддержки одной стороны конфликта;
- Содействовать неукоснительному исполнению принципа верховенства закона, признав необходимым во всех случаях перехода прав на объекты спорного имущества использовать только юридические процедуры, рекомендуя и разъясняя участникам конфликтов право обращения в суд и в особенности акцентируя их внимание на необходимости принудительного выселения или передачи имущества от одного лица другому только специально уполномоченными органами, исключая любые случаи самоуправства, ведущие к столкновениям и насилию;
- Устранить любые предпосылки неравного и предвзятого отношения к верующим УПЦ и юридическим лицам относящимся к юрисдикции УПЦ, привлекая к административной, а при наличии оснований - к уголовной ответственности лиц, виновных в разжигании религиозной вражды;
- В ближайшее время разработать на основе стандартов БДИПЧ и ОБСЕ законопроекты и подзаконные акты специального законодательства о предотвращении преступлений и речей ненависти, направленных на дискриминацию по религиозному признаку;
- Приложить все возможные усилия для создания, как это предусмотрено методическими рекомендациями ОБСЕ БДИПЧ, - комитетов и специальных групп, содействующих сближению полиции, органов власти и местного сообщества с целью предотвращения вражды, речей и преступлений ненависти;
- Обратить внимание медийного сообщества на необходимость соблюдения профессиональных этических правил и норм, ограничивая высказывания, способствующие разжиганию вражды на религиозной почве;
- Признать полезным и продолжить практику примирительных и медиативных процедур, с участием миссии СММ ОБСЕ между представителями конфессий с целью предотвращения конфликтов.

Observatory on Intolerance and Discrimination Against Christians in Europe

To the **Chairmanship**-in-Office:

- Consult closely with the Personal Representatives and support their work.
- Appoint a fourth Personal Representative focused on Combating Intolerance and Discrimination against Christians.

To the **Personal Representatives of the Chairmanship**-in-Office:

- Focus on, and adopt a standardized approach to, country visits and subsequent reports.
- Intervene when incidents do occur, through public statements and engagement with authorities of relevant participating States.

To **ODIHR**:

- Develop guidelines for educators on countering intolerance and discrimination against Christians.
- Develop and strengthen capacity-building activities for the protection of all religious properties, including Christian sites.

- Train law enforcement agencies, media, and civil society to recognise and report hate crimes perpetrated against majority groups.

Salut et Misericorde

- Puisque suffisamment d'études ont montré que le chaos du Moyen-Orient a été orchestré depuis l'Occident, j'invite l'OSCE à présenter au TPI la demande d'ouverture du procès des véritables horreurs du Moyen-Orient et en particulier du génocide des chrétiens et des autres minorités

SOVA Center for Information and Analysis

To OSCE:

- Compile and distribute experience gained from 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 series of seminars for law enforcement officials from different countries, presenting a summary of successful practices for collecting information and recording hate crimes statistic
- Conduct a comparative analysis of a wider range of national laws in the area of combating intolerance, as they pertain to incitement to hatred, discrimination, or activity of relevant groups, based on the existing experience of comparative analysis of the Participating States' legislation aimed at combating hate crimes.

Ukrainian Orthodox Church Kyiv Patriarchate

- Пользуясь нынешней возможностью хочу вновь призвать находящихся здесь представителей Московского Патриархата к реальному диалогу с целью уменьшить напряженность между нашими конфессиями. Мы призываем ОБСЕ принять активное участие в этом процессе в качестве медиатора и модератора.

Unconstrained Analytics, Inc

To OSCE:

- Unconstrained Analytics recommends that the OSCE and all participating States rethink the narratives they are so casually putting in motion on the assumption that 'we all know what it means' when what it appears to mean is the suppression of dissent through intimidation under color of state authority.

Recommendations to the OSCE Field Missions

East European Security Research Initiative Foundation (EESRI)

To the Project Co-ordinator in Ukraine:

- Further supporting of the interaction between public authorities and civil society oriented on human rights monitoring and protection, including combating hate crimes and other manifestations of intolerance;
- Assisting Ukrainian law-enforcement authorities in improving the identification and recording of hate crimes; establishing programs to encourage victims to report hate crimes;
- Continuing project activity on the conflict sensitive journalism, including teaching on objective reporting from the conflict zone, tolerance, non-discrimination, and avoiding harsh language;

- Establishing projects on teaching tolerance in the education institutions; elaborating together with the Ministry of Education and Science of the program to include the human rights into the educational curricula at all levels;
- Establishing cooperation with the OSCE field presences in Western Balkans to exchange experiences in prevention of hate crimes and combating discrimination.

To the Special Monitoring Mission to Ukraine:

- Recording all detected hate crimes, cases of intolerance and discrimination in the territory of its monitoring with subsequent transmitting of such records to the Ukrainian law-enforcement authorities and the OSCE ODIHR for the further response.

Tuesday, 27 September 2016

Working session 12: Fundamental freedoms I (continued), including freedom of thought, conscience, religion or belief

Recommendations to participating States

United States

- We encourage all participating States to act consistently with the 2014 ODIHR Guidelines on the Legal Personality of Religious or Belief Communities. These Guidelines detail commitments from the Helsinki Final Act and provide practical guidance for the relationship between a State and religious or belief communities. We also welcome ODIHR's work in the field of religion or belief and the contributions of the Panel of Experts. We encourage participating States to refer draft laws intersecting with this right to the Panel for expert analysis and review.

Armenia

- we would encourage **Turkish** authorities to reconsider unilateral decision and actions and enter into meaningful dialogue with the relevant representatives of the Armenian community

Slovakia / European Union

Pour les Etats participants :

- Garantir en toutes circonstances la sauvegarde de la liberté de religion ou de conviction; faciliter notamment l'enregistrement et la reconnaissance des organisations religieuses ou de conviction, à partir de normes justes et claires, conformément aux engagements internationaux et de l'OSCE;
- Lutter de manière inclusive contre toutes violations à la liberté de religion, en évitant toute discrimination en faveur ou au détriment d'une religion ou conviction;
- Prendre en compte le caractère interdépendant de la liberté de religion ou de conviction et de la liberté d'expression, droits qui se renforcent mutuellement et protègent tous les individus - pas les religions ou les convictions en tant que telles - et qui couvrent également le droit d'exprimer des opinions sur une religion ou une conviction;
- Encourager les autorités et les leaders politiques à dénoncer sans équivoque les manifestations d'intolérance religieuse ; sanctionner les incitations à la haine religieuse;

- Prévenir les violations à la liberté de religion ou de conviction par l'éducation, la promotion du dialogue intra et inter-religieux et la promotion du rôle de la société civile et de médias libres et indépendants

Pour les Etats participants, institutions et structures exécutives de l'OSCE

- Prendre en compte les liens entre les libertés fondamentales, en particulier la liberté de religion ou de conviction, et les questions de tolérance et non-discrimination et faire en sorte que ces liens soient reflétés dans toutes les activités pertinentes de l'OSCE

Italy

- L'Italia reputa, infine, di fondamentale importanza potenziare la collaborazione tra gli Stati membri dell'OSCE, anche al fine di realizzare incontri ed eventi con rappresentanti delle istituzioni e delle comunità ebraiche che siano dedicati allo scambio delle buone prassi, all'elaborazione di linee guida ed all'identificazione di strumenti efficaci di lotta al fenomeno, nonché di indicatori comuni per una corretta e omogenea rilevazione dei dati, strumento indispensabile per poter più efficacemente conoscere e sradicare l'antisemitismo nell'area OSCE

Russian Federation

- **Власти Украины** должны установить и расследовать все подобные случаи и привлечь виновных к ответственности. Требуем беспрепятственного консульского доступа ко всем задержанным российским гражданам. Ожидаем также полноценной вовлечённости Спецмониторинговой миссии ОБСЕ на Украине в решение проблемы незаконных задержаний.
- Количество инцидентов с похищением российских граждан и насильственным перемещением в **США** уже превысило два десятка. Настоятельно призываем американские власти прекратить такую практику и наладить нормальное сотрудничество между правоохранительными органами.

France

- A titre de recommandations pour l'OSCE, face à la montée des clivages confessionnels et au risque de segmentation du corpus international selon des lignes religieuses ou ethniques, nous appelons l'ensemble des institutions et Etats participants à promouvoir activement l'universalité des droits de l'Homme pour tous les individus, sans discrimination.

ABTTF - Federation of Western Thracian Turks in Europe

To Greece:

- We therefore urge Greece to fully comply with the Treaty of Lausanne of 1923 and prior Athens Treaty of 1913 and Its Third Protocol and allow the Turkish minority in Western Thracian to elect freely its own religious leaders as the Jewish Central Board or the Catholic and Protestant Church.
- We request from the Greek government to repeal the Law 4115/2013 which hinders the minority from managing and controlling its own religious institutions and exercising its religion freely therein.

ADF International

- strongly urges participating States to robustly safeguard not just the right to hold different beliefs, but also the right to live out those beliefs
- further urges participating States to refrain from compelling individuals to engage in activity that is in serious conflict with their genuinely-held religious or other convictions, so as to force them to act against the dictates of conscience

Administrative Centre of Jehovah's Witnesses in Russia

request the Russian Federation to:

- Cease misapplying legislation on extremism to the peaceful worship of Jehovah's Witnesses
- Rescind the Warning issued to the Administrative Centre of Jehovah's Witnesses
- Remove religious publications from the Federal List of Extremist Materials
- Ensure that Jehovah's Witnesses can peacefully enjoy freedom of religion and assembly without interference
- Enforce media standards prohibiting libel and slander

Atheist Ireland

To Ireland:

- Ireland should urgently hold a referendum to remove the offence of blasphemy. Islamic states at the UN have cited the Irish law when trying to spread global laws against defamation of religion.

To Poland:

- OSCE/ODIHR to reinforce to Poland, and Poland to urgently implement, the rejection of the current Bill to restrict abortion rights, and the implementation of a law to decriminalise abortion, and provide a human rights compliant framework for abortion, in law and in practice.

To participating States:

- OSCE States should reject the use of the propaganda term 'Islamophobia'. This word is used to conflate bigotry against People, which is bad, with criticism of Religion, which is necessary and good.
- OSCE States should protect the right of all pregnant women to health and bodily autonomy. In particular, Ireland should repeal the religiously-motivated 8th Amendment to the Constitution, and Poland should not introduce its barbaric anti-abortion Bill. Just five minutes from this building, Polish citizens are holding black protests against this breach of human rights.
- OSCE States should oppose Sharia courts and tribunals that discriminate against women, as well gay people and dissident Muslims. There should be one secular law for all. Religious states promote religion. Atheist states promote atheism. We want secular states, that promote neither.

Buergerbewegung (Citizens' Movement) PAX EUROPA e.V.

- BPE ersucht die **Österreichische** Bundesregierung und das Österreichische Parlament darum, dass die Gültigkeit jener – derzeit verletzten – Gesetzes-, Verfassungs- und Grundrechtsnormen wiederhergestellt wird, die auf den Europäischen Werten beruhen.

CAPLC - Coordination des Associations et Particuliers pour la Liberte de Conscience

- We therefore ask Mr Valls, **France's** Prime Minister, to put an end to the financial support of FECRIS, sending it back to its status of NON GOVERNMENTAL organization

Christian Solidarity Worldwide (CSW)

To Turkmenistan

- Turkmenistan should also allow Islamic and other belief communities to import, publish and distribute religious materials; allow the construction and hiring of places of worship; allow peaceful proselytism; prosecute public officials, including law enforcement officers, who fail in their duty to protect the rights of religious individuals and communities; and enable all religious and belief communities to establish their own clerical and theological institutions.
- in the spirit of the OSCE Guidelines on the Legal Personality of Religious or Belief Communities, CSW recommends that the Turkmen government should ensure that all belief groups and their institutions can exercise the right to FoRB without state permission and obtain legal personality if they so desire. Relatedly, it should also ensure that the means of official registration for religious activities are neither discriminatory nor used in any way to curtail the right to religious freedom of any individual or group.
- we recommend that Turkmenistan implements the recommendations on FoRB made during the 2013 UPR and fully cooperates with UN Special Procedures. We also suggest that Turkmenistan should issue a standing invitation to the incoming UN Special Rapporteur on FoRB, offering unhindered access to all parts of the country, and cooperating constructively to find suitable dates for such a visit

Christliche Gemeinde des Vollen Evangeliums "Neues Leben" e.V.

To Kazakhstan

- Убедительно просим казахскую делегацию отнестись более серьезно к соблюдению взятых страной обязательств в области реализации прав и свобод человека, в том числе права на свободу совести и вероисповедания закрепив в Казахстане нормы и механизмы использования данных законодательных и правовых актов по профилактике правонарушений в вышеизложенной сфере

East European Security Research Initiative Foundation (EESRI)

To the participating States of the OSCE:

- Refraining from the politically motivated speculations, as if the national security protection can benefit from the restriction of fundamental freedoms, including freedom of thought, conscience, religion or belief;
- Facilitating the human rights education in accordance with the OSCE commitments, ensuring that it is mainstreamed in educational curricula at all levels;
- Paying proper attention to the Russia's responsibility for the fundamental freedoms violations in the illegally annexed Crimea and de-facto occupied territories in the Donetsk and Luhansk regions.

European Association of Jehovah's Christian Witnesses, United Kingdom

request the government of Kazakhstan to:

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

request the government Kyrgyzstan to:

- Allow Jehovah's Witnesses to register their local religious organisations in the southern regions of Kyrgyzstan
- End harassment of individuals and interference with religious services by the police in the southern regions of Kyrgyzstan

request the government of **Turkey** to:

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

request the government of **Turkmenistan** to:

- Release Bahram Hemdemov, who was imprisoned for peaceful religious activity
- Release Mansur Masharipov, who was also imprisoned for peaceful religious activity
- Permit Jehovah's Witnesses to register their religious organisations in the country
- Recognize the right to conscientious objection to military service and provide for alternative civilian service
- Allow Jehovah's Witnesses legally to import and share Bibles and their Bible-based literature
- Terminate illegal searches and seizures of religious literature from homes of believers
- Stop arresting and prosecuting people for attending peaceful religious gatherings

request the government of **Uzbekistan** to:

- Grant registration to the local community of Jehovah's Witnesses in Tashkent and other cities
- Terminate illegal searches of private homes and seizures of religious literature
- Stop arrests and prosecutions for attending religious meetings and for peacefully and respectfully sharing one's beliefs with others
- Cease harassing Jehovah's Witnesses for mere possession of religious literature
- Uphold the fundamental freedoms guaranteed by the Constitution of Uzbekistan and the International Covenant on Civil and Political Rights

European Baptist Federation

- We call on the **Tajik** government to immediately and firmly respond to threats against religious minority groups. Repeal laws which infringe upon the freedom of religion and belief for all, particularly minority religious groups. Apply laws related to religious groups, including how to gain legal registration status, clearly and consistently. Train local authorities, including the police and government officials, on the importance of the freedom of religion or belief and on how to consistently apply related laws. Take concrete steps in order to foster greater cooperation and brotherhood among different faith groups. Establish a representative body of religious leaders who could consult with the government on issues of freedom of religion or belief. Encourage interfaith dialogue and understanding through education as well as cultural events. Repeal or modify the law limiting the participation of minors in religious activities. Remove administrative barriers prohibiting the local printing or importation of religious literature such as Scriptures and religious training materials

European Muslim Initiative for Social Cohesion (EMISCO)

- We call upon the participating States to reexamine their laws, governmental practices and societal trends to combat the discrimination against Muslim communities and minorities.

FEMYSO - Forum of European Muslim Youth and Student Organizations

I will finish this statement with three recommendations towards the **European countries** and EU institutions:

- The official recognition of Islamophobia with a clear (working) definition. We understand Islamophobia as a specific form of racism that refers to acts of violence and discrimination, as well as racist speech, fuelled by historical abuses and negative stereotyping and leading to exclusion and dehumanisation of Muslims, and all those perceived as such. Islamophobia can also be the result of structural discrimination. Islamophobia has nothing to do with criticism of Islam.
- The harmonization of data collection related to Islamophobic hate crimes. EU hate crime legislation (Framework Decision 2008/913/JHA) falls short of providing detailed indications on how law enforcement and judicial authorities should investigate and prosecute hate crimes. According to the EU Fundamental Rights Agency, only five Member States collect comprehensive data on hate crime. Member States should therefore make sure that bias is properly investigated and prosecuted in cases of hate crime against Muslims and should collect data on Islamophobic crime.
- Work in close collaboration with the Gender Equality Unit, to address the specific issue of multiple discrimination affecting Muslim women.

FOREF Europe (Forum for Religious Freedom - Europe)

calls upon the Government of **Hungary**:

- To introduce legislation to Parliament that will amend Hungary's law on the legal status of churches in a way that harmonizes with Helsinki standards, the European Convention on Human Rights, and the ruling of the ECtHR in *Magyar Keresztény Mennonita Egyház and others v. Hungary*.
- Restore the legal status of churches stripped of legal personality in 2011 through a procedure ruled unconstitutional by Hungary's Constitutional Court and found in breach of the European Convention of Human Rights by the European Court of Human Rights.

Forum 18 News Service

participating States, OSCE institutions and field operations, and civil society could:

- insist that human dimension commitments are implemented in full by all participating States;
- mainstream freedom of religion or belief work within an all human rights for all perspective, firmly linking implementation of the freedom of religion or belief with other fundamental freedoms such as expression, assembly, association, and the right to be free from torture;
- insist in line with human dimension commitments that the non-negotiable first and most effective step to ensure security is fully implementing fundamental freedoms commitments;
- challenge the misuse of concept such as "anti-terrorism", "extremism", "religious tolerance" and "dialogue" to disguise human dimension commitment violations;
- use tools such as the *EU Guidelines on the promotion and protection of freedom of religion or belief*, the *OSCE/Venice Commission Joint Guidelines on the Legal Personality of Religion or Belief Communities and on Freedom of Association*, the *OSCE Guidelines on Freedom of Peaceful Assembly*, and *on the Protection of Human Rights Defenders*.

"Giuseppe Dossetti" Observatory for Religious Tolerance and Freedom

Participating States are urged to:

- benefit from the Guidelines on the Legal Personality of Religious or Belief Communities in drafting and reviewing legislation pertaining to registration of religious communities.
- 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.
- 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.
- return to religious communities the place of worship which were confiscated by public authorities, returning them to the original owner instead allocating to other religious communities.
- adopt legislation and zoning laws which prohibits zoning of place of worship for different use than the original.
- 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 morally sensitive questions.
- not force children to a compulsory 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.
- request the assistance of the OSCE/ODIHR in reviewing or drafting legislation pertaining freedom of religion or belief.
- mainstream freedom of religion or belief in their foreign policies.

Greek Orthodox Ladies Philoptochos Society, Inc.

recommends that the government of **Turkey** do the following:

- Officially recognize that the Ecumenical Patriarchate and its institutions have legal personality and standing, with rights to acquire, own, build and repair property
- Officially recognize the “Ecumenical” status of the Patriarch and Patriarchate.
- Fairly and expeditiously implement the August 2011 decree allowing for the return of all confiscated property.
- Allow the Ecumenical Patriarchate to reopen the Theological School of Halki.
- Abstain completely from any national or local government interference related to the internal governance of the Ecumenical Patriarchate.
- Fully implement the 1948 Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, to which Turkey has subscribed, and provide equal rights to all religious minority communities.

Human Rights Without Frontiers

To the **Russian** authorities:

- to recognize that Jehovah's Witnesses are non-violent and not extremist as they respect the beliefs of other people;
- to stop using the “Law on combating extremist activity” against them;
- to lift the ban on all their publications filed on the Federal List of Extremist Materials as their brochures do not pose any problem in any of the countries of the world where they are freely distributed;

- to respect their right to freedom of expression and to share their beliefs in the public space.

Institute for Religious Freedom (IRF), Kyiv

- We recommend to participating states to expand the mandate of the OSCE Special Monitoring Mission in Ukraine, to include the investigation of the numerous incidents of religious persecution by Russian-backed militants in the Donbas. Also it is necessary to prepare a special report on situation with human rights in eastern Ukraine after such monitoring. And the issue of religious freedom should also become a part of negotiations in the Minsk and Normandy formats

International Civil Liberties Alliance (ICLA)

- recommends the development of legal measures to enable OSCE participating countries to implement the requalification as “anti-democratic political organization” of any organization or group individually or collectively involved in sharia law’s rules dissemination, whether by teaching, by promotion, or by any form of incitement. Such organizations, once reclassified, can then see their work become part of the criminal field reserved for attacks on the democratic form of countries, incitement to discrimination, hatred and violence, and finally for attacks on the rights and freedoms of others.

International Raelian Movement

propose [to **France**]:

- la dissolution de la MIVILUDES, l'arrêt du financement des organismes anti sectes, la suppression de l'arsenal juridique anti secte et l'interdiction des mots "secte" et "sectaires " dans les documents officiels en ce qu'ils visent les minorités religieuses; autant de dispositifs qui ont montré leur inefficacité et leur dangerosité pour les libertés;
- la mise en place d'une instance indépendante soumettant tous les écrits religieux à la lecture des textes sur les droits humains afin de supprimer ceux qui sont contraires aux libertés et droits fondamentaux; cette instance pourrait être l'observatoire de la laïcité;
- le développement d'une éducation permettant d'enseigner aux enfants les valeurs de respect, et incluant la parole des athées

KrymSOS

To **Russia**:

- Мы обращаемся к РФ прекратить серьезные нарушения свободы совести и вероисповедания и преследования религиозных групп в Крыму. Мы также обращаем к государствам-участникам ОБСЕ продолжать обращать внимание на данную ситуацию и использовать доступные механизмы для ее улучшения.

Legal Information Centre for Human Rights

- Государствам **Латвии, Литвы и Эстонии** законодательно сузить и обнародовать круг деяний, за совершение которых граждане Евросоюза и третьих стран могут быть привлечены к ответственности в этих государствах по обвинению в угрозе национальной безопасности и к ним могут быть применены санкции в виде внесения в, так называемые, «чёрные списки».

- Властям **Эстонии** обеспечить соблюдение положения конституционного права на свободу иметь и выражать собственное мнение; принять эффективные меры по защите этого права лиц всех национальностей, проживающих в стране.

Muslim Denomination in Bulgaria

our recommendations to the **Bulgarian** authorities are:

- We appeal to the Members of Parliament of the Republic of Bulgaria to vote in accordance with their conscience and not to allow the rights of a portion of citizens to be disrespected; in this way they can guarantee the freedom of religion and conscience. To respect human rights and religious freedoms when adopting laws and amendments, which are guaranteed by international treaties and the Constitution;
- We urge the Constitutional Court to review the decision of parliament about the above mentioned laws and amendments. To observe the constitutional rights of the citizens and to defend democracy and fundamental freedoms in Bulgaria;
- Take effective measures, including the adoption, in conformity with the constitution and international obligations of Bulgaria, of such laws which can be necessary to provide protection against any acts that constitute incitement to hatred and violation of fundamental rights;
- If necessary the matter of law drafts and amendments to be referred to the Venice Commission, Council of Europe;
- Ensure that public officials at all levels, including ministers and politicians, refrain from making statements that incite violence and discrimination;
- Develop codes of conduct for political representatives to condemn unequivocally all manifestations of hate in public discourse and acts of violence based on bias and refrain from making discriminatory statements;
- Launch public awareness activities disassociating terrorism and violent extremism with Muslims and Islam;
- Develop comprehensive education policies and awareness raising strategies to combat discrimination and promote tolerance and mutual understanding. Education must be the essential central plank to every strategy. Overcoming prejudice requires education, community engagement and dialogue;
- Discriminatory attitudes are often deeply embedded and hard to shake. Overcoming prejudice requires education, community engagement and dialogue, leadership and, laws and policies which reflect – and promote – the principle of non-discrimination.

Observatory on Intolerance and Discrimination Against Christians in Europe

We have five concrete recommendations to contribute to the promising work already being done:

- we respectfully remind participating states to combat underreporting by collecting disaggregated data on hate crimes against Christians. For example, in some countries, vandalism against Christian churches continues to be merely reported as vandalism against a public building.
- we urge participating states to guarantee freedom of conscience and the right to exercise this freedom through conscientious objection, not only in relation to compulsory military service, but also in relation to the provision of services and performance of morally sensitive activities.
- we urge participating states to recognize and address the special problem of Christian refugees, with the understanding that all refugees deserve protection, but that religious and ethnic conflicts do not disappear as people cross borders. Further, given that many Christians and other religious minorities do not begin their perilous

journeys to Europe through UNHCR refugee camps because of harassment and bullying, we urge participating states to make special efforts to bring Christian refugees and internally displaced persons to safety through channels beyond the UNHCR camps

- light of the continuing genocide of Christians and other religious minorities in Iraq and Syria, combating persecution of Christians outside the OSCE area must be a priority of the foreign secretaries of participating states in their foreign policy

Office of the Church of Jesus Christ of Latter-day Saints

We respectfully submit participating States the following considerations:

- Freedom of religion or Belief is a fundamental human right – one that is now protected in the laws of many nations represented in at this conference and around the world, as well as in global compacts like the Universal Declaration of Human Rights (1948);
- Religious freedom promotes stability in a pluralistic society, but when limited, it correlates to increased violence and conflict. Wherever religious freedom is high, there is more economic prosperity, better health, lower income inequality and prolonged democracy. Religious freedom directly correlates with the protection afforded other civil and human rights

Open Viewpoint Public Foundation

[To **Kyrgyzstan**]:

- Необходимо обеспечить деление кладбищ на сектора, чтобы обеспечить захоронение умерших кыргызов-не мусульман.
- Обращаюсь к властям обеспечить расследование противоправных действий в отношении верующих и их общин, и защитников свободы религии. Ожидаю реакции Генпрокуратуры и привлечение к ответственности сотрудников Госкомитета нацбезопасности (ГКНБ) и МВД, которые год назад нарушили неприкосновенность моего жилища и частной жизни.
- Обращаюсь к властям Кыргызстана помнить о пролитой в 2010 году крови, отказаться от изменения Конституции, не лишать верующих прав и свобод, включая обращение в КПЧ.

Order of St. Andrew

[To **Turkey**]

- Officially recognize that the Ecumenical Patriarchate and its institutions have legal personality and standing, with rights to acquire, own, build and repair property. If necessary, the laws related to minority foundations should be amended.
- Officially recognize the “Ecumenical” status of the Patriarch and Patriarchate.
- Fairly and expeditiously implement the August 2011 decree allowing for the return of all confiscated property.
- Allow the Ecumenical Patriarchate to reopen the Theological School of Halki.
- Abstain completely from any national or local government interference related to the internal governance of the Ecumenical Patriarchate.
- Fully implement the 1948 Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, to which Turkey has subscribed, and provide equal rights to all religious minority communities.

SOVA Center for Information and Analysis

Мы призываем **российские** власти

- Отменить «антимиссионерские» поправки, фактически сделавшие рискованной любую религиозную деятельность вне культовых сооружений.
- Отказаться от использования такого инструмента защиты толерантности, в том числе религиозной, как списки запрещенной литературы. Этот инструмент уже продемонстрировал свою полную неэффективность, зато он порождает множество нарушений прав человека.
- Инициировать пересмотр ранее принятых судебных решений о запретах религиозных организаций, так как во всех таких случаях есть, по меньшей мере, некоторые основания сомневаться в достаточности рассмотренных доказательств.

Unconstrained Analytics, Inc

- recommends that the OSCE and all **participating States** rethink the role they play in facilitating attacks on freedom of speech masked in sophistic narratives that pretend to uphold those freedoms when in fact suppress them

Western Thrace Minority University Graduates Association

calls upon the **Greek State**:

- To take necessary steps to eliminate the problems regarding the religious rights of the Muslim Turkish Minority
- To recognize the elected muftis of the Turkish Minority
- To respect and implement the provisions of 1913 Athens Treaty and 1923 Lausanne Peace Treaty
- To have a dialogue with the representatives of the Turkish Minority

Recommendations to the OSCE Institutions

Azerbaijan

- we suggest the OSCE **ODIHR** to appreciate Azerbaijan`s policy on state-religion relation and explore applicability of Azerbaijani practices on tolerance and multiculturalism in the other countries.

Slovakia / European Union

Pour les Etats participants, institutions et structures exécutives de l'OSCE

- Prendre en compte les liens entre les libertés fondamentales, en particulier la liberté de religion ou de conviction, et les questions de tolérance et non-discrimination et faire en sorte que ces liens soient reflétés dans toutes les activités pertinentes de l'OSCE

ABTTF - Federation of Western Thrace Turks in Europe

- We would like to the OSCE/**ODIHR** Advisory Panel of Experts on Freedom of Religion or Belief to ensure that the participating States respect the right of the religious minorities and communities to select, appoint and replace their personnel in accordance with their respective requirements and standards in accordance with Vienna 1989, Questions Relating to Security in Europe

Act for America 5280 Coalition

- recommends that the **OSCE** become familiar with the Shari'a Law that denies these basic human rights granted under Article 18.

- further recommends that the **OSCE** be reminded of the findings of the ECHR that “the institution of *Sharia* law and a theocratic regime, were incompatible with the requirements of a democratic society”⁸

Atheist Ireland

- **OSCE/ODIHR** to reinforce to Poland, and Poland to urgently implement, the rejection of the current Bill to restrict abortion rights, and the implementation of a law to decriminalise abortion, and provide a human rights compliant framework for abortion, in law and in practice.

East European Security Research Initiative Foundation (EESRI)

To the **ODIHR**:

- Establishing a special international commission on human rights monitoring in the annexed Crimea and occupied territories in the Donetsk and Luhansk regions;
- Providing assistance to further improve the legislation on fundamental freedoms in Ukraine with paying special attention to the proper recording of violations in this sphere and bringing abusers to responsibility;
- Supporting regional, subregional and national initiatives on monitoring and protecting the fundamental freedoms.

European Muslim Initiative for Social Cohesion (EMISCO)

- We call upon the **OSCE** to give more financial support to NGOs dealing with Islamophobia issues through supporting ODIHR' efforts for capacity building and training

Forum 18 News Service

participating States, **OSCE institutions** and field operations, and civil society could:

- insist that human dimension commitments are implemented in full by all participating States;
- mainstream freedom of religion or belief work within an all human rights for all perspective, firmly linking implementation of the freedom of religion or belief with other fundamental freedoms such as expression, assembly, association, and the right to be free from torture;
- insist in line with human dimension commitments that the non-negotiable first and most effective step to ensure security is fully implementing fundamental freedoms commitments;
- challenge the misuse of concept such as “anti-terrorism”, “extremism”, “religious tolerance” and “dialogue” to disguise human dimension commitment violations;
- use tools such as the *EU Guidelines on the promotion and protection of freedom of religion or belief*, the *OSCE/Venice Commission Joint Guidelines on the Legal Personality of Religion or Belief Communities and on Freedom of Association*, the *OSCE Guidelines on Freedom of Peaceful Assembly*, and on the *Protection of Human Rights Defenders*.

"Giuseppe Dossetti" Observatory for Religious Tolerance and Freedom

The **OSCE/ODIHR** is called upon to:

- raise awareness on the positive contribution of the religions to the building and the well-being of our democratic societies.
- assist – in cooperation with the Advisory Panel of Experts on Freedom of Religion or Belief – 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.

- assist – in cooperation with the Advisory Panel of Experts on Freedom of Religion or Belief – the participating States in reviewing or drafting legislation pertaining freedom of religion or belief in order to guarantee the right to conscientious objection in all morally sensitive questions, providing that the rights of others to be free from discrimination are respected and that the access to lawful services is guaranteed

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 selfregulation of the media aimed to (i) promote knowledge and understanding of religions, (ii) give a fair and accurate account of religious beliefs, and (iii) ensure that members of religious communities are given the chance to express their own views on the media.

Muslim Denomination in Bulgaria

Recommendations to **ODIHR/OSCE**

- The Office of Democratic Institutions and Human Rights/OSCE to monitor the irregularities in the above proposals for amendments to the laws and their voting in the Parliament hall.
- If necessary the matter of law drafts and amendments to be referred to the Venice Commission, Council of Europe;
- 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;
- ODIHR to observe closely the process of combating intolerance and discrimination against Muslims, as well as the Freedom of Religion of Muslim minorities in non-Muslim countries;
- OSCE Ministerial Council to adopt a decision according to which Islamophobia should be a specific form of racism and recognize officially and condemn it. The OSCE to agree on a roadmap to ensure that participating states adopt national strategies to combat Islamophobia in areas such as employment, education, health, hate crime, criminal justice and legislation etc.

Observatory on Intolerance and Discrimination Against Christians in Europe

- we reiterate our previous 2014 and 2015 recommendations to **OSCE** to develop materials on how to combat intolerance against Christians and to disseminate them through the OSCE region. Manuals on how to combat anti-Semitism and discrimination against Muslims have previously been developed.

Russian Association for Religious Freedom

- РАРС призывает **БДИЧП** обратить внимание на проблемы религиозной свободы, обозначенные в докладе и принять меры для их решения. РАРС готова сотрудничать с **БДИЧП** по всем актуальным вопросам защиты религиозной свободы в странах входящих в ОБСЕ

Salut et Misericorde

To OSCE:

- Pour ma part, je recommande que dorénavant, dans tout échange entre l'OSCE et un pays musulman, en vue de supprimer les graves atteintes à la liberté de conscience et de religion, soit cherchée ensemble la réponse aux deux questions suivantes :
 - Comment l'islam peut-il accuser autrui de blasphème alors que lui-même blasphème continuellement la Sainte Trinité ;
 - Comment est-il possible pour un non-musulman de vivre en pays musulman sans blasphémer ni professer l'islam ?

Soteria International

- recommends for the **OSCE**, and other competent bodies to investigate the situation when actions related to a spiritual path can be considered as material elements of criminal behaviour and to take the needed measures in order to avoid the misinterpretation of spiritual beliefs and choices and the potential of subsequent subjection of spiritual communities or practitioners to investigations based on such alleged crimes.

Unconstrained Analytics, Inc

- recommends that the **OSCE** and all participating States rethink the role they play in facilitating attacks on freedom of speech masked in sophistic narratives that pretend to uphold those freedoms when in fact suppress them

Recommendations to the OSCE Field Missions

East European Security Research Initiative Foundation (EESRI)

To the **PCU**:

- Further supporting of the interaction between public authorities and civil society on the issues of fundamental freedoms monitoring and protection;
- Continuing assistance to improve the legal education in Ukraine, including the implementation of the concept of legal education reform, organizing special training courses for the personnel of the law-enforcement authorities, elaborating together with the Ministry of Education and Science of the program to include the human rights education into the educational curricula at all levels;
- Organizing an information campaign for the wide audience on the essence of the fundamental freedoms and importance of their protecting and promoting.

To the **SMM**:

- Recording all detected violations of the fundamental freedoms in the territory of its monitoring with subsequent transmitting of such records to the Ukrainian law-enforcement authorities and the OSCE ODIHR for the further response.

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participating States, OSCE institutions and **field operations**, and civil society could:

- insist that human dimension commitments are implemented in full by all participating States;
- mainstream freedom of religion or belief work within an all human rights for all perspective, firmly linking implementation of the freedom of religion or belief with other fundamental freedoms such as expression, assembly, association, and the right to be free from torture;

- insist in line with human dimension commitments that the non-negotiable first and most effective step to ensure security is fully implementing fundamental freedoms commitments;
- challenge the misuse of concept such as “anti-terrorism”, “extremism”, “religious tolerance” and “dialogue” to disguise human dimension commitment violations;
- use tools such as the *EU Guidelines on the promotion and protection of freedom of religion or belief*, the *OSCE/Venice Commission Joint Guidelines on the Legal Personality of Religion or Belief Communities and on Freedom of Association*, the *OSCE Guidelines on Freedom of Peaceful Assembly*, and on the *Protection of Human Rights Defenders*.

"Giuseppe Dossetti" Observatory for Religious Tolerance and Freedom

- The OSCE Field Mission are urged to mainstream freedom of religion or belief in their programs and activities

Recommendations to the International Organizations

Legal Information Centre for Human Rights

- Международным правозащитным организациям разработать и внедрить круг мер по обеспечению контроля над действующими в государствах механизмами, позволяющими вносить тех или иных лиц в так называемыми «черные списки», на соответствие этих механизмов установленным нормам и принципам международного права.

Non-Government and Non-Commercial Organizations' Association

- Поэтому сегодня международные институты обязаны жестко отслеживать такие действия и привлекать к ответственности, своевременно реагировать на обращения и давать письменные ответы своевременно, а также реагировать на публичные заявления о нарушении прав человека, без избирательности, вне геополитических интересов.

Friday, 27 September 2016

Working session 13: Fundamental freedoms II, including freedom of movement

Recommendations to participating States

Armenia

we would like to make the following recommendations:

- Participating States should comply with their commitment to facilitate free and secure movement of persons through ensuring open and secure borders.
- Participating States should remove the illegal restrictions imposed on the freedom of movement of all individuals residing in the conflict affected areas and ensure humanitarian access of international organizations, including OSCE institutions to those areas.
- Participating States should promote regional and cross-border cooperation at all levels of governance, including civil society through ensuring freedom of movement

for representatives of governmental bodies, NGOs and international actors, including OSCE.

Slovakia / European Union

We would therefore like to make the following recommendations:

- The OSCE participating States should enable the residents of conflict zones, refugees and IDPs to exercise their right to freedom of movement, in particular, to access health-care as well as for other humanitarian purposes. Security-related restrictions should be proportional and in response to a specific public need
- The OSCE participating States should ensure the right of IDPs to a safe, dignified and voluntary return, as stipulated in the UN Guiding Principles on Internal Displacement.
- The OSCE participating States should effectively ensure freedom of movement of human rights defenders across its territory to pursue their human rights activities. This should include access to unrecognized territories for the purpose of human rights monitoring and reporting, as well as other human rights activities

Barnabas Fund

- OSCE states recognise the genocidal nature of actions of Islamic state and other armed groups in Syria and Iraq, against Christians, Yazidis and other minorities.
- OSCE states recognise that refugees from vulnerable minority groups, fleeing violence, have a particular call on aid and for asylum, and should be included among other priority groups.
- All countries should ensure that aid programmes into the region actually reach minority groups, as marginalised groups are rarely helped by generally distributed aid.
- All states should ensure that vulnerable religious minorities, especially Christians and Yazidis, are adequately represented among asylum places provided. This is especially important for the USA and UK, whose own figures show minorities to be woefully under-represented among Syrian refugees receiving asylum.
- OSCE states address issues of minorities among refugee groups, who are often persecuted by larger groups within refugee populations. Christians, Yazidis, converts from Islam, should not be placed within housing centres dominated by a hostile majority population.

European Federation for Freedom of Belief (FOB)

- once again we invite the **Italian** and **all other governments** to respect the human rights of all minority groups, whether religious or not, and the individuals belonging to such groups in compliance with their International obligations as member of International Organizations.

International Association of Independent Democrats Against Authoritarian Regimes

- Пограничники (прежде всего немецкие и польские, «центр Европы») должны иметь бэйдж с информацией этого пограничника, чтобы можно было конкретно пожаловаться на действия пограничника.

International Society of Meskhetian Turks "VATAN"

- Мы призываем международные организации, парламенты и правительства стран **Европы** и всего мира, правозащитные и гуманитарные организации повлиять на власти Грузии с целью добиться выполнения этим государством

своих международных обязательств и реального, а не декларативного урегулирования ситуации с репатриацией турок-месхетинцев в Грузии

Legal Information Centre for Human Rights, Estonia

- Внести в Шенгенские визовые правила изменения, обеспечивающие объективный механизм обжалования решения об аннулировании шенгенской визы.
- Привести Директиву 2003/86/ЕС в соответствии с нормами международного права так как государство обязано не только не вмешиваться в дела семьи, но и создавать условия для её защиты, в частности, в соответствии со ст. 8 Европейской конвенции о защите прав человека и основных свобод

Recommendations to the OSCE Institutions

Non-Governmental and Non-Commercial Organizations Association

- в целях повышения доверия к международным институтам которое не только в нашей стране катастрофически падает, рекомендую строго отслеживать предоставление своевременных официальных ответов на направляемые к ним официальные письма-обращения представителей гражданского сектора. В связи с чем прошу прописать в регламенте деятельности таких организаций, время предполагаемого ответа, как на письменные так и публичные обращения

Recommendations to the OSCE Field Missions

Non-Government and Non-Commercial Organizations' Association

- в целях повышения доверия к международным институтам которое не только в нашей стране катастрофически падает, рекомендую строго отслеживать предоставление своевременных официальных ответов на направляемые к ним официальные письма-обращения представителей гражданского сектора. В связи с чем прошу прописать в регламенте деятельности таких организаций, время предполагаемого ответа, как на письменные так и публичные обращения

Recommendations to the International Organizations

International Society of Meskhetian Turks "VATAN"

- Мы призываем **международные организации**, парламенты и правительства стран Европы и всего мира, правозащитные и гуманитарные организации повлиять на власти Грузии с целью добиться выполнения этим государством своих международных обязательств и реального, а не декларативного урегулирования ситуации с репатриацией турок-месхетинцев в Грузии

Legal Information Centre for Human Rights, Estonia

- Международным правозащитным организациям провести мониторинг судопроизводства в Эстонии, Латвии и Литве на соблюдение норм и принципов международного права с привлечением неправительственных организаций этих стран по делам о применении запрета на въезд.

Non-Government and Non-Commercial Organizations' Association

- в целях повышения доверия к международным институтам которое не только в нашей стране катастрофически падает, рекомендую строго отслеживать

предоставление своевременных официальных ответов на направляемые к ним официальные письма-обращения представителей гражданского сектора . В связи с чем прошу прописать в регламенте деятельности таких организаций, время предполагаемого ответа, как на письменные так и публичные обращения просим руководство ООН и Всемирного банка:

- Дать оценку действиям генерального секретаря МЦУИС госпожи М. Киннер:
 - по оказанию постоянного неправомерного давления на Кыргызскую Республику по исполнению вышеуказанного арбитражного решения по делу по иску «Sistem Muhendislik Insaat Sanayi ve Ticaret A.S.»;
 - потребовать от Генерального секретаря МЦУИС обосновать в рамках Вашингтонской Конвенции причину столь откровенного превышения своих полномочий, выражающееся в оказании давления по исполнению решения международного арбитража в отсутствие соответствующих норм.
- Довести до сведения всего руководства МЦУИС, что Кыргызская Республика в настоящее время не прошла все необходимые процедуры в качестве участника Вашингтонской Конвенции, и вытекающее из этого обстоятельство, что юрисдикция МЦУИС по данному конкретному спору не является подтвержденной и безусловной.
- Поручить руководящему Комитету МЦУИС
 - рассмотреть ответственность арбитров, по результатам, рассмотреть необходимость принятия мер дисциплинарного и иного правового воздействия в отношении арбитров МЦУИС, вынесших необоснованное решение по делу №ARB/(AF)/06/1 от 09 сентября 2009 года, а именно: Prof. AV Lowe, Judge N.Elaraby, Dr.P.Patocchi;
 - дать правовую оценку вынесения международным арбитражем неправомерного решения, которое грубо нарушает принцип судебного иммунитета Кыргызской Республики, вынести данный вопрос на расследование руководящим комитетом МЦУИС.

Wednesday, 28 September 2016

Working session 14: Tolerance and non-discrimination II, including ensuring equal opportunity for women and men in all spheres in life, including through implementation of the OSCE Action Plan for Promotion of Gender Equality

Recommendations to participating States

United States of America:

- States need to prioritize support for female IDPs and refugees fleeing conflict, crisis, and repression. We need to reduce the vulnerability of women and girls in transit and while their migration status is being determined
- We urge **Kyrgyzstan** to combat practices like non-consensual so-called “bride kidnapping.” This is not a historical or cultural symbol, it is a crime.
- The United States encourages participating States to cooperate with the Office of Democratic Institutions and Human Rights, and the OSCE Senior Advisor on Gender Issues

Azerbaijan

- we call on all **OSCE participating States, OSCE executive structures** to pay close attention to the issue of the protection of the women in the OSCE area, in particular in the context of armed conflicts.

United Kingdom

- Finally, the UK welcomes the OSCE's focus on supporting the implementation of National Action Plans for UN Security Council Resolution 1325 and subsequent related resolutions. 1325 is the cornerstone of global efforts to promote gender equality, advance women's rights and participation, and steer us all in our efforts. We would fully support enhancement of the OSCE framework in this regard, including an OSCE wide action plan on UNSCR 1325. But as, if not more important, is ensuring that the 2004 OSCE Action Plan for the Promotion of Gender Equality and other related commitments are fully implemented, both by the OSCE and all its participating States, and that progress is fully evaluated.

Serbia

we should address the following emerging issues:

- shift from women-for-women approach towards society approach: both men-and-women-for-women approach;
- greater focus on prevention and investment in education of youth and children, peer to peer programs, as well as involvement of teachers, educators and parents to take an active role in prevention of violence and promotion of peaceful and non-violent communication;
- human security of women, with special focus to vulnerable groups of women and women from minority groups;
- developing and investing in culture in which violence will not be tolerated and invest in social cohesion that would keep our democratic and human rights' values high in the societal agenda.

Slovenia

- In order to further promote gender equality and empower women in OSCE participating states, the OSCE 2004 Gender Action Plan needs updating. Slovenia supports additional efforts to adopt an addendum as tasked by the Basel Ministerial Council in 2014. We would also like to see the adoption of the OSCE-Wide Action Plan on Women, Peace and Security that was initiated by Austria, Finland, Kazakhstan and Turkey three years ago.

Slovakia/European Union

We would like to present the following recommendations to the OSCE and to the **participating States**:

- Continue to work towards an update and strengthening of the OSCE 2004 Gender Action Plan and to adopt an addendum with the view to bringing added value to the Action Plan. Significant efforts were invested into agreeing on an Addendum in Belgrade.
- Enhance reporting and accountability on the implementation of the Action Plan. Explore how the internal accountability to ensure senior leadership and management actively support and facilitate the full implementation of the OSCE Gender Action Plan.
- Enhance efforts to combat violence against and sexual exploitation of women and girls throughout the OSCE area, including in the armed conflicts.

- Increase the engagement and participation of men and boys in the prevention and elimination of all forms of violence against women and girls, including domestic violence.
- Enhance efforts to adopt the OSCE-Wide Action Plan on Women, Peace and Security that was initiated by Austria, Finland, Kazakhstan and Turkey in 2013.
- Encourage participating States to further increase representation of women in political and public life, and encourage States to fully implement the UNSC 1325 resolution and its subsequent resolutions.
- Improve the gender balance in all work on peace and security, including with regard to senior OSCE positions, from both the Secretariat and participating States.
- Strengthen commitments on human rights education and training on gender equality issues.

Switzerland

To OSCE participating States:

- Gewalt gegen Frauen und Mädchen gehört bedauerlicherweise auch im Jahr 2016 zu einer der grössten Herausforderungen, die sich unseren Gesellschaften im gesamten OSZE Raum stellen. Die im Juli vom deutschen OSZE-Vorsitz in Partnerschaft mit der OSZE Gender Section in Wien organisierte Konferenz führte uns dies einmal mehr deutlich vor Augen. Daher hat die effektive Umsetzung des Basler Ministerratsbeschlusses 14/07 zur Verhütung und Bekämpfung von Gewalt gegen Frauen und Mädchen für die Schweiz hohe Priorität und wir fordern alle OSZE Teilnehmerstaaten dazu auf, diese Verpflichtungen effektiv umzusetzen.
- Die Bedeutung des Einbezugs von Männern und Jungen in die Bestrebungen zur Förderung der Geschlechtergleichstellung und zur Eliminierung von Gewalt gegen Frauen und Mädchen kann nicht hoch genug gewertet werden. Die Schweiz begrüsst daher das OSZE MenEngage Netzwerk, welches 2012 ins Leben gerufen wurde. Wir empfehlen den OSZE Teilnehmerstaaten, den Einbezug von Männern und Jungen als wichtigen Bestandteil ihrer Gleichstellungspolitik zu sehen und diese stärker in die Initiativen zur Bekämpfung von Gewalt gegen Frauen einzubinden.

France

- A titre de recommandations, nous appelons l'OSCE à poursuivre ses efforts pour promouvoir l'accès universel aux droits des femmes qui constitue la base de l'égalité entre les femmes et les hommes et de la lutte contre les violences contre les femmes. Nous soutenons le plan d'action sur la mise en œuvre de la résolution 1325 à l'OSCE, co-sponsorisé par l'Autriche, la Finlande, le Kazakhstan et la Turquie. Nous appelons à accroître le rôle de l'OSCE dans prévention et la lutte contre les violences faites aux femmes et encourageons les Etats qui ne l'ont pas encore fait à ratifier la Convention du Conseil de l'Europe sur la prévention et la lutte contre la violence à l'égard des femmes et la violence domestique, dite « Convention d'Istanbul ».

Act for America Minneapolis:

- Act for America Minneapolis recommends that participating countries, the targets of this strategy, issue a protest with the OIC, consider closing the representations of ISESCO, and establish commissions of inquiry aimed at identifying institutions applying this strategy in their respective territories, in order to stop activities that directly undermine the rights and freedoms of their citizens.

ADF International

- further urges Participating States to repeal vaguely worded ‘hate speech’ laws to ensure a free exchange in the marketplace of ideas.

CitizenGO

To participating States:

- to demand the respect and protection (in terms of social security and in other areas) of women who decide to educate their children personally at home;
- to promote maternity as the most important goal for a woman and not as an obstacle, which interferes with her career;
- to research and document the situation of woman in the beginning as well as in the continuation of their professional career after giving birth and raising children.

European Roma Rights Centre (ERRC)

My recommendations are that the State:

- Introduce a bespoke compensation scheme for victims of forced sterilisation that does not require them to go to court.
- Establish clear procedural guidelines to follow up on complaints of rights violations and strengthen administrative accountability mechanisms at hospitals;
- Introduce clear guidelines for medical staff and provide long term and systematic training of healthcare personnel on how to ensure informed consent for any medical intervention including sterilisations.
- The training should also focus on the practical aspects of respectful communication and on overcoming any prejudices of healthcare providers against Roma and other marginalised groups.
- The State party should also monitor the implementation of the current legislation by healthcare providers and introduce effective sanctions if violations occur.
- And finally, all participating states should revise their Roma National Integration Strategies to fully mainstream gender equity; to adopt comprehensive policy interventions, with adequate budgeting, that address the intersectional forms of exclusion faced by Romani women and girls; policies that affirm their reproductive rights; that combat the multiple forms of discrimination inhibiting their access to health care, education, employment and housing; to empower them to participate as active and fully equal citizens, and accord them the respect and recognition that is their due.

Human Rights Movement "Bir Duino-Kyrgyzstan"

To Kyrgyz Republic:

- The Parliament of the Kyrgyz Republic should pass a bill to prevent marriages involving underage.
- To strengthen the information campaign on the prevention of early marriages, risk behavior among adolescents, sexual crimes against underage in cooperation with government agencies, NGOs and young people;
- To create a monitoring group for the study of early marriages, motherhood and make recommendations to decision-makers;
- To improve the interaction of health and education systems in the promotion of the lectures on marriage laws, the harmful effects of early and forced marriages, reproductive health and family planning for high school students, especially in rural areas, taking into account the age of children, national, ethical and religious norms;

- To develop and implement a system for collecting statistical information on the number of religious marriages by Religious Administration of Muslims of Kyrgyzstan;
- To monitor the conditions of detention in all maternity hospitals in Kyrgyzstan.
- To create a single database system of women in labor with biometric and medical data;

Independent Human Rights Activist - Gwendolyn Albert

- To the delegation of **Uzbekistan**, I recommend that Participating state pay particular attention to the practice of the forced sterilization of women and the urgent need for reform there, as described in the report on this issue produced for the Open Society Foundations by Natalia Anteleva.
- To the delegations of the **Czech Republic** and **Slovakia**, I recommend they avail themselves of Norway's experiences with providing ex gratia compensation in order to redress the hundreds of women who have survived these harms and remain unredressed (Norway's approach will be described in the forthcoming report from the CPRSI on the 1 June 2016 meeting on this issue in Prague). The survivors of these abuses and their civil society allies in the Czech Republic are disappointed that the Government proposed a bill on compensation for these abuses last year and then failed to adopt it, and a coalition of NGOs including women's organizations has criticized other proposed legislation on the general provision of free legal aid as failing to meet the needs of these women for access to justice and their right to effective remedy.
- To the delegations of all **Participating states**, I recommend they translate into their national languages and incorporate into their gynecology and obstetrics training programs the 2014 interagency statement on eliminating forced, coercive and otherwise involuntary sterilization, published jointly by seven UN agencies; the information developed by the Women's Rights, Health and Empowerment Task Force of the International Federation of Gynecology and Obstetrics (FIGO); and the report on torture in health care settings by the UN Special Rapporteur on torture, which has noted that forced sterilization is an act of violence, a form of social control, and a violation of the right to be free from torture and other cruel, inhuman, or degrading treatment or punishment

International Civil Liberties Alliance (ICLA)

- The International Civil Liberties Alliance recommends that participating countries, the targets of this strategy, issue a protest with the OIC, consider closing the representations of ISESCO, and establish commissions of inquiry aimed at identifying institutions applying this strategy in their respective territories, in order to stop activities that directly undermine the rights and freedoms of their citizens.

Kyrgyz Family Planning Alliance (KFPA)

To Kyrgyz Republic:

- Правительству разработать проект межправительственного Соглашения со странами приема по медицинскому обслуживанию трудящихся-мигрантов.
- Совместно со страховыми компаниями стран приема разработать механизм страхования кыргызских трудовых мигрантов с правом приобретения ими страховых полюсов до въезда или о признании полученных в Кыргызской Республике полисов медицинского страхования.

- Создать базу данных о медицинских учреждениях по вопросам репродуктивного здоровья в странах пребывания женщин-мигранток.
- Пред выездная подготовка потенциальных-женщин мигранток о методах контрацепции.
- Проведение кампаний по информированию женщин-мигранток посылающих стран в сфере сексуального поведения.
- Создание единого ресурса на родных для мигрантов языках с информацией об анатомии и физиологии, контрацепции и с возможностью индивидуального подбора контрацепции.
- Выстраивание партнерств между разными организациями (НПО, диаспоры, сообщества), в т.ч. с роддомами и поликлиниками – по информированию их о возможностях получения помощи.
- Развитие системы приютов, пунктов временного пребывания, оказывающих помощь вне зависимости от формальных критериев (гражданство, регистрация).

Meghri Women's Resource Center

To Armenia:

- Develop and adopt relevant gender equality policies considering country's international commitments in the field;
- Strengthen special measures to ensure equal participation;
- Create favourable conditions for women's political participation in promoting women independent candidates, in particular in the context of ongoing consolidation reforms.

Set My People Free

To participating States:

- Encourage and support initiatives led by empowered minority women who promote gender equality. Their voices should not be silenced when wanting to share their experiences and to empower other women.
- Teach staff at refugee homes on the importance of creating an environment that encourages gender equality; discourage the introduction of segregated asylum homes. That is to take a step backwards.
- Teach human rights values to the asylum worker staff and asylum seekers in the asylum and refugee homes.

Western Thrace Turkish Minority

To Greece:

- To eliminate all discriminatory applications towards the Turkish Minority Women and to take special measures in line with the international standards in order to ensure effective participation of the Turkish Minority Women to the public and political life in Greece.

Recommendations to the OSCE Institutions

Armenia

- We would like to recommend the OSCE Gender Section to address human rights of women residing in conflict areas.

United Kingdom

To OSCE:

- Finally, the UK welcomes the OSCE's focus on supporting the implementation of National Action Plans for UN Security Council Resolution 1325 and subsequent related resolutions. 1325 is the cornerstone of global efforts to promote gender equality, advance women's rights and participation, and steer us all in our efforts. We would fully support enhancement of the OSCE framework in this regard, including an OSCE wide action plan on UNSCR 1325. But as, if not more important, is ensuring that the 2004 OSCE Action Plan for the Promotion of Gender Equality and other related commitments are fully implemented, both by the OSCE and all its participating States, and that progress is fully evaluated.

Slovenia

To OSCE:

- In order to further promote gender equality and empower women in OSCE participating states, the OSCE 2004 Gender Action Plan needs updating. Slovenia supports additional efforts to adopt an addendum as tasked by the Basel Ministerial Council in 2014. We would also like to see the adoption of the OSCE-Wide Action Plan on Women, Peace and Security that was initiated by Austria, Finland, Kazakhstan and Turkey three years ago.

Slovakia/European Union

We would like to present the following recommendations to the **OSCE** and to the participating States:

- Continue to work towards an update and strengthening of the OSCE 2004 Gender Action Plan and to adopt an addendum with the view to bringing added value to the Action Plan. Significant efforts were invested into agreeing on an Addendum in Belgrade.
- Enhance reporting and accountability on the implementation of the Action Plan. Explore how the internal accountability to ensure senior leadership and management actively support and facilitate the full implementation of the OSCE Gender Action Plan.
- Enhance efforts to combat violence against and sexual exploitation of women and girls throughout the OSCE area, including in the armed conflicts.
- Increase the engagement and participation of men and boys in the prevention and elimination of all forms of violence against women and girls, including domestic violence.
- Enhance efforts to adopt the OSCE-Wide Action Plan on Women, Peace and Security that was initiated by Austria, Finland, Kazakhstan and Turkey in 2013.
- Encourage participating States to further increase representation of women in political and public life, and encourage States to fully implement the UNSC 1325 resolution and its subsequent resolutions.
- Improve the gender balance in all work on peace and security, including with regard to senior OSCE positions, from both the Secretariat and participating States.
- Strengthen commitments on human rights education and training on gender equality issues.

Switzerland

To OSCE:

- Die OSZE anerkennt die wichtige Rolle, die Frauen in der Konfliktprävention und im Krisenmanagement sowie in allen Bereichen des öffentlichen und privaten Lebens spielen können und müssen. Der OSZE-Aktionsplan für die Förderung der

Geschlechtergleichstellung von 2004 erwähnt diese Bereiche explizit, trägt jedoch den Entwicklungen der letzten zwölf Jahre nicht Rechnung. Die Schweiz plädiert daher seit mehreren Jahren für die Verabschiedung eines Addendums zur Aktualisierung des OSZE-Aktionsplans.

ADF International

- strongly urges the **OSCE** to ensure the right of parents to be the primary educators of their children is respected and restated in measures aimed at promoting gender equality and combating violence against women.

HazteOir

To OSCE:

- First, that the OSCE should work towards the protection of all unborn persons, particularly in terms of sex-selective abortions.
- Secondly, that the OSCE should demand the respect and protection of women who decide to educate their children personally at home.
- Finally, that the OSCE should promote maternity as the most important goal for a woman and not as an obstacle which interferes with her career.

Islamic Renaissance Party of Tajikistan (IRPT)

To OSCE:

- To particularly send the OSCE and other organizations' representatives to my house to observe my family members' situation and raise their voice against the worst human rights abuses in Tajikistan;
- To pressure the Tajik government to make an end to using family members of the activists as hostages. Thank you very much.

Wednesday, 28 September 2016

Working session 15: Tolerance and non-discrimination II (continued), including Roma and Sinti issues, including implementation of the OSCE Action Plan on Improving the Situation of Roma and Sinti

Recommendations to participating States

Russian Federation

To participating States:

- Складывающаяся ситуация с рома требует придания свежего импульса усилиям государств-участников ОБСЕ, исполнительных структур Организации и цыганских объединений на этом направлении

Slovakia / European Union

The European Union would like to make the following recommendations regarding the Roma and Sinti issues in the OSCE area:

- increase the efforts to implement all OSCE commitments, in particular the Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area and continue the regular review of its implementation;

- take effective policy measures to ensure the equal treatment and the respect of fundamental rights, including access to education, employment, healthcare and housing; take measures to ensure that all Roma population is registered and holds identity documents;
- enhance efforts to increase Roma and Sinti children and youth school enrolment at all levels in State-provided education system and reduce school dropout rate; enhance efforts to eliminate segregation of Roma and Sinti at all levels in education; adopt measures to avoid that children fall victims to labour exploitation and trafficking and child marriage;
- demonstrate further commitment towards education about and remembrance of the Roma and Sinti genocide during World War II;
- support vocational training, on-the-job training, as well as self-employment and entrepreneurship;
- enhance efforts to strengthen the rights of Roma women and girls and to eliminate discrimination on multiple grounds; fight violence, including domestic violence, against women and girls, trafficking, underage and forced marriages; promote the effective and equal participation of Roma and Sinti women in public and political life, including through the promotion of women's access to public office, public administration and decision making positions;
- prevent further marginalization and exclusion of Roma and Sinti and address the rise of discrimination and violent manifestations of intolerance against Roma and Sinti; combat anti-Roma rhetoric and hate speech; pay particular attention to Roma and Sinti migrants, refugees and IDPs, many of which are subject of multiple discrimination;
- where appropriate, promote the training and employment of qualified mediators dedicated to Roma and use mediation as one of the measures to tackle inequalities in terms of access to education, employment, healthcare and housing;
- where appropriate, enhance the participation of Roma and Sinti in the elaboration, implementation and evaluation of the policies that affect them;
- enhance implementation of the OSCE commitments with regard to Roma and Sinti by local authorities;
- enhance data collection with regard to the situation of Roma and Sinti in all fields of the Action Plan, as far as this is in compliance with the legal framework and overall policy of a Member State;
- include, where appropriate, a monitoring and assessment component in strategies, policies, measures and programmes related to Roma and Sinti, as well as review mechanisms taking into account the respective results of monitoring and assessment, as far as this is necessary by taking into account any existing monitoring mechanisms especially in the framework of the European Union.
- enhance cooperation among all international stakeholders with regard to Roma and Sinti;
- continue activities of the OSCE field operations with regard to improving the situation of Roma and Sinti.

Crimean Tatar Resource Centre

Recommendations:

- It is necessary to have legislative regulation of this issue: to adopt a law on the concept of ethnic policy of Ukraine, which was registered by the leader of the Crimean Tatar people, MP M.Dzhemilev, as there is no law on indigenous peoples of Ukraine up to present moment;

- To create a central state executive body that should deal with the issues of ethnic policy in Ukraine;
- The Ministry of Culture of Ukraine should intensify their efforts in the implementation of state policy aimed at the integration of the Roma population. The interdepartmental working group set up in December 2015, which was composed of representatives of relevant ministries and representatives of regional authorities, should begin its work immediately;
- To enhance the efficiency of inter-agency body it is necessary to ensure representation in the work of civil society organizations that represent the interests of the Roma national minority, as well as human rights organizations. Involving experts from the Roma and public sector will provide a complete and versatile learning needs of the Roma population in different regions of the country, as well as the development of effective solutions to these problems;
- The effectiveness of the Interagency Working Group will be provided with its proper administration. The Ministry of Culture of Ukraine together with the relevant ministries should ensure its administration and the Cabinet of Ministers of Ukraine, should provide human and financial resources to carry out its activities. International organizations, in particular should join the contact point for Roma and Sinti issues, OSCE experts who will help the existing international practices of implementation of the state policy towards the Romani to the Ukrainian realities;
- It is necessary to establish a hierarchy of interaction with the regional authorities to provide timely information on the real needs of Roma communities in the region, as well as to develop appropriate implementation plans for Roma integration strategies, taking into account regional specificities;
- Interagency Working Group, should improve the existing action plan in accordance with international standards: a) setting Plan tasks in connection with the real needs of the Roma population, in view of the problems associated with the existing public perceptions and stereotypes towards Roma; b) Development of indicators of effectiveness of the Action Plan; c) temporary work framework. To improve the action plan we recommend to involve experts and specialists from the international environment, as well as the experience of the OSCE;
- In the areas with the largest Roma population, to create councils at regional state administration or an adviser on Roma population at the head of the Regional State Administration;
- For law enforcement officers to conduct training sessions on the issues of specifics of the interaction with the Roma communities and carrying out preventive work based on the principles of non-discrimination

European Roma Rights Centre (ERRC)

Recommendations that participating states:

- Adopt laws explicitly recognising the human right to water and sanitation and ensure that all people in the country enjoy access to safe drinking water and sanitation
- Make sure that conditions of housing informality do not inhibit this right
- Adopt policies and allocate budgets to connect Roma settlements to public drinking water and sewage systems, and ensure the quality of water is guaranteed.

Independent Human Rights Activist - Gwendolyn Albert

- To the delegation of **Ukraine** I would like to echo the calls from the delegation of the United States of America and from Romani civil society in Ukraine that there be no

impunity for the perpetrators of the August pogrom in the Odessa area and that they be prosecuted to the full extent of the law.

- To the delegation of the **Czech Republic**, I recommend the Government avail itself of Norway's experiences with providing ex gratia compensation in order to redress the hundreds of women who have survived these harms and remain unredressed (Norway's approach will be described in the forthcoming report from the CPRSI on the 1 June 2016 meeting on this issue in Prague). The survivors of these abuses and their civil society allies in the Czech Republic are disappointed that the Government proposed a bill on compensation for these abuses last year and then failed to adopt it, and a coalition of NGOs including women's organizations has criticized other proposed legislation on the general provision of free legal aid as failing to meet the needs of these women for access to justice and their right to effective remedy. I also echo the call from the delegation of the United States of America that action be accelerated to remove the pig farm from the former concentration camp site at Lety and construct a dignified memorial there that meets the requirements of the Romani Holocaust survivors and their loved ones. Since the European Commission has begun infringement proceedings against the Czech Republic regarding the Racial Equality Directive and Romani children's access to education, I recommend the organization, funding and long-term implementation of the collection of data disaggregated by ethnicity from all schools to ascertain what ethnic distribution patterns are like in education; the investigation of Romani children's experiences of bullying, discrimination and ostracism in the schools; and the training of educators to transform educational environments, including at preschool level, into ones where non-discrimination and tolerance are the rule and the standard, not the exception.
- To the delegation of **Slovakia** I recommend the Government avail itself of Norway's experiences with providing ex gratia compensation in order to redress the hundreds of women who have survived these harms and remain unredressed (Norway's approach will be described in the forthcoming report from the CPRSI on the 1 June 2016 meeting on this issue in Prague). Since the European Commission has begun infringement proceedings against Slovakia regarding the Racial Equality Directive and Romani children's access to education, I recommend the organization, funding and long-term implementation of the collection of data disaggregated by ethnicity from all schools to ascertain what ethnic distribution patterns are like in education; the investigation of Romani children's experiences of bullying, discrimination and ostracism in the schools; and the training of educators to transform educational environments, including at preschool level, into ones where non-discrimination and tolerance are the rule and the standard, not the exception.
- To the delegation of **Hungary**. Since the European Commission has begun infringement proceedings against Hungary regarding the Racial Equality Directive and Romani children's access to education, I recommend the organization, funding and long-term implementation of the collection of data disaggregated by ethnicity from all schools to ascertain what ethnic distribution patterns are like in education; the investigation of Romani children's experiences of bullying, discrimination and ostracism in the schools; and the training of educators to transform educational environments, including at preschool level, into ones where non-discrimination and tolerance are the rule and the standard, not the exception.
- To the delegations of all **Participating states** and intergovernmental organizations, extensive recommendations to various stakeholders on the segregation of Roma children in education in Europe were published last year in a condensed format in the publication: Segregation of Roma Children in Education: Successes and Challenges.

UCCU Roma Informal Educational Foundation

[To **Hungary**:]

- To discontinue the urban ghetto and provide a better housing conditions for those people and with this action give a better future for the whole town of Miskolc.
- Instead of blaming them with crimes and reckless housekeeping, you should help to understand the majority part of the town that these poor people have a right for a better housing as well so that is why you take this action.
- You need to involve them in the process of re-location and to inform them continuously about the developments.
- And help them to relocate themselves inside the town where they belong and connected with thousand bond. Instead of creating administrative obstacles.

Recommendations to the OSCE Institutions

Russian Federation

To **ODIHR, High Commissioner on National Minorities, and OSCE Representative on Freedom of the Media**:

- Полагаем необходимым, чтобы БДИПЧ, Представитель ОБСЕ по свободе СМИ, Верховный комиссар по делам национальностей активизировали работу по мониторингу проявлений расизма и агрессивного национализма в отношении рома, преступлений на почве ненависти, сфокусировали свою деятельность на борьбе с языком ненависти в СМИ и сети Интернет, на пресечении распространения там материалов радикального и экстремистского толка, объективному исследованию причин сохранения дискриминационного положения рома.
- Складывающаяся ситуация с рома требует придания свежего импульса усилиям государств-участников ОБСЕ, исполнительных структур Организации и цыганских объединений на этом направлении.

European Center for Democracy Development

To **OSCE**:

- once again officially announce the OSCE position on the segregation and the rights of national minorities to receive education in their mother language and thereby clarify the respective recommendations of Ljubljana.

To the **Chairmanship**:

- also appeal to the new Austrian presidency with a proposal to conduct appropriate training for representatives of non-governmental organizations that call themselves human rights.

Thursday, 29 September 2016

Working session 16 (specifically selected topic): Rights of the child

Recommendations to participating States

Austria

Zum Abschluss würden wir gerne folgende Empfehlungen an die OSZE Teilnehmerstaaten anbieten:

- Regelmäßige Überprüfung der nationalen Rechtsordnungen und Politiken um diese in Einklang mit internationalen Kinderrechtsverpflichtungen zu bringen
- Aufforderungen an die OSZE Teilnehmerstaaten, allen internationalen Kinderrechtsinstrumenten beizutreten. Im Besonderen fordern wir alle Staaten auf, dem Übereinkommen des Europarats zur Verhütung und Bekämpfung von Gewalt gegen Frauen und häuslicher Gewalt, der Istanbul Konvention, beizutreten, die ein zentrales Instrument für den Schutz vor Gewalt darstellt.
- Aufruf, sich -falls noch nicht geschehen- der Abschlussresolution der Wiener Kinderrechtekonferenz vom Juni 2016 anzuschließen und sich aktiv für ein effizientes gesetzliches Verbot jeder Form von Körperstrafen bei Kindern einzusetzen

Azerbaijan

- we call on all **OSCE participating States** to pay close attention to the issue of the protection of the children in the OSCE area, in particular in the context of armed conflicts.

Russian Federation:

To participating States:

- Настоятельно призываем государства-участники принять неотложные меры по защите наилучших интересов ребенка в соответствии с нормами международного права и обязательствами ОБСЕ.

Slovakia / European Union

Recommendations (according to EU Guidelines for the Promotion and Protection of the Rights of the Child):

- Raise awareness of children's rights and of international norms and standards concerning their promotion and protection;
- Promote the ratification and effective implementation of relevant international instruments on the rights of the child;
- Promote legislative reform to ensure conformity of national laws with international norms and standards on the rights of the child;
- Promote the development of national independent institutions on the rights of the child in conformity with the Paris Principles;
- Promote the effective coordination of cross-departmental activities and of actions between national and sub-national authorities, as well as the allocation of adequate resources with a view to ensuring the promotion and protection of the rights of the child;
- Advocate engagement of civil society in promoting and protecting the rights of the child;
- Support measures to eliminate the worst forms of child labour and to implement minimum working age and adequate working condition requirements for children in accordance with ILO core labour standards.
- Prevent the detention of children on the basis of their migration status and seek alternatives to detention wherever children (or their families) are involved, given the negative impact detention has on a child's development and their particular vulnerability to physical and psychological violence.
- Support measures to preserve refugee and migrant children's family unity and legal identity to avert statelessness and guarantee the child's right to family life.

- Promote equal access to quality services for refugee and migrant children, such as education, health, shelter, nutrition, water and sanitation and access to legal and psychosocial support.
- Promote the participation of children in decision making processes for the promotion and protection of their rights. Members of parliaments should more actively include children and young people in the decision-making process so that children can freely and openly voice their opinions and suggest ideas.
- End all forms of violence against children, it should be a legal, ethical and economic imperative. In order to prevent violence against children every country should build a statutory ground and mechanisms to deal with the cases when rights of the child are violated. Governments must support protection of children by strengthening child protection systems, taking measures to prevent trafficking, and adopting provisions to reduce the vulnerability of children along their migration routes. To prevent violence and sexual abuse, we call all countries to ratify the Lanzarote Convention and Istanbul Convention, and to implement their measures.

European Roma Rights Centre (ERRC)

- The recommendation to **Hungary** and other participating states is simple: meet your commitments under the UN Convention on the rights of the child, the EU Roma Framework, and the OSCE/ODIHR action plan. Observe the rulings of the European Court of Human Rights, pay heed to the European Parliament resolutions, and recommendations from the Council of Europe and UN bodies when it comes to the rights and dignity of Romani children.

Independent Human Rights Activist - Gwendolyn Albert

- To the delegations of all Participating states: Ensure that there is no impunity for the sexual abuse of children and prosecute it to the full extent of the law, wherever it occurs.
- To the delegations of all Participating states and intergovernmental organizations, extensive recommendations to various stakeholders on the segregation of Roma children in education in Europe were published last year in a condensed format in the publication: Segregation of Roma Children in Education: Successes and Challenges.
- To the delegation of the **Czech Republic**, since the European Commission has begun infringement proceedings against the Czech Republic and other Participating states regarding the Racial Equality Directive and Romani children's access to education, I recommend the organization, funding and long-term implementation of the collection of data disaggregated by ethnicity from all schools to ascertain what ethnic distribution patterns are like in education; the investigation of Romani children's experiences of bullying, discrimination and ostracism in the schools; and the training of educators to transform educational environments, including at preschool level, into ones where non-discrimination and tolerance are the rule and the standard, not the exception.
- To the delegation of **Slovakia**, since the European Commission has begun infringement proceedings against Slovakia and other Participating states, I recommend the organization, funding and long-term implementation of the collection of data disaggregated by ethnicity from all schools to ascertain what ethnic distribution patterns are like in education; the investigation of Romani children's experiences of bullying, discrimination and ostracism in the schools; and the training of educators to transform educational environments, including at preschool level, into

ones where non-discrimination and tolerance are the rule and the standard, not the exception.

- To the delegation of **Hungary**. Since the European Commission has begun infringement proceedings against Hungary and other Participating states regarding the Racial Equality Directive and Romani children's access to education, I recommend the organization, funding and long-term implementation of the collection of data disaggregated by ethnicity from all schools to ascertain what ethnic distribution patterns are like in education; the investigation of Romani children's experiences of bullying, discrimination and ostracism in the schools; and the training of educators to transform educational environments, including at preschool level, into ones where non-discrimination and tolerance are the rule and the standard, not the exception.

Recommendations to the OSCE Institutions

Core Issues Trust

To OSCE:

- The OSCE is asked to examine closely the fundamental tenets of Comprehensive Sexuality Education and its foundational ideas of Pansexual Humanism and Post-genderism to protect itself from complicity with harmful, indoctrinatory attempts to sexualize children. To not do so is to risk a violation of the fundamental rights of children the OSCE seeks to protect.

Institute of European Studies

To OSCE:

- to creation electronic database of children who are at risk.

Thursday, 29 September 2016

Working session 17 (specifically selected topic): Rights of the child (continued)

Recommendations to the OSCE Institutions

Institute of European Studies

- Прошу руководство ОБСЕ обратить внимание на столь жестокое поведение властей Латвии в отношении детей национальных меньшинств и принять меры по их защите. Механизм международной правовой защиты нами описан в упомянутой выше книге о нарушении прав правозащитников в Прибалтике

Friday, 30 September 2016

Closing session

Recommendations to participating States

United States

- Turkmenistan, as an OSCE participating State, has committed itself to “ensure that all individuals in detention or incarceration will be treated with humanity and with respect for the inherent dignity of the human person.” We call on the Government to provide concrete information on these individuals, as well as access to them.

Slovakia / European Union

- All participating States must respect the mandates and the roles of ODIHR, HCNM and RFoM as essential instruments in their efforts to fulfil the OSCE commitments. We reiterate our constant support for the work and the mandates of the three autonomous institutions. We must also ensure that the OSCE institutions are adequately resourced to play their indispensable role.

we make the following five recommendations to **participating States** and the Executive Structures:

- Participating States should take advantage of the services offered by OSCE Executive Structures in enhancing the implementation of commitments, including by facilitating visits and monitoring missions by the institutions; EU Member States have benefited greatly from such assistance on a range of issues, and we will continue to do so.
- Participating States should ensure the timely adoption of the OSCE Unified Budget, in order to ensure that Executive Structures can properly plan their activities in good time.
- Executive Structures should continue to coordinate closely with each other and with other relevant international actors, such as the Council of Europe and the UN, to learn from each other’s experiences, avoid duplication and bolster the impact of activities.
- When designing projects and activities, Executive Structures should foster close collaboration with civil society and increase their participation in the implementation phase.
- Executive Structures should continue to improve the evaluation of their projects, including by using key performance indicators.

Switzerland

- La Suisse appelle tous les Etats participants à garantir la protection des défenseurs des droits de l’homme et les conditions nécessaires au pluralisme d’opinion, conformément aux obligations et engagements internationaux auxquels ils ont souscrit. Il n’est pas acceptable que des entraves soient posées aux activités de la société civile au coeur même de la Conférence qui a pour but de consacrer un dialogue d’égal à égal entre celle-ci et les Etats participants.
- Enfin, dans la perspective du Conseil Ministériel qui se déroulera à Hambourg, la Suisse encourage la poursuite des travaux en vue de l’adoption de l’addendum au Plan d’action de l’OSCE sur les questions de genre. De plus, la Suisse appelle de ses voeux des discussions constructives en vue d’une décision ministérielle sur la prévention de la torture – ce sous la conduite de la Présidence allemande, à laquelle ma délégation souhaite exprimer toute sa gratitude pour son engagement

Recommendations to the OSCE Institutions

Armenia

- We encourage the institutions to be more active in utilization of their early warning mandate and preventive diplomacy. The projects of ODIHR, RFoM and HCNM should be streamlined in a way to promote confidence and trust between participating States and peoples.

Slovakia / European Union

we make the following five recommendations to participating States and the **Executive Structures**:

- Participating States should take advantage of the services offered by OSCE Executive Structures in enhancing the implementation of commitments, including by facilitating visits and monitoring missions by the institutions; EU Member States have benefited greatly from such assistance on a range of issues, and we will continue to do so.
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- When designing projects and activities, Executive Structures should foster close collaboration with civil society and increase their participation in the implementation phase.
- Executive Structures should continue to improve the evaluation of their projects, including by using key performance indicators.

V. REMARKS AND SPEECHES

Opening remarks by Mr. Michael Georg Link, Director of the OSCE/ ODIHR

Ladies and Gentlemen,

2016 does not only mark the 25th anniversary of ODIHR or the 20th OSCE Human Dimension Implementation Meeting. The year coincides with the 50th anniversary of the adoption by the UN General Assembly of the twin Covenants on Human Rights. It is 40 years since those Covenants' entry into force in 1976 – which was indeed the year after the adoption of the Helsinki Final Act.

These historical milestones are not just a coincidence. For this reason ODIHR welcomes the Permanent Council's timely choice to dedicate the following two Working Sessions to take stock of the International Covenants on Human Rights and their importance for the OSCE human dimension. While it is regrettable that HDIM takes place at the same time as the UNGA, these sessions will highlight how the OSCE and UN systems powerfully complement one another in their common goal of achieving sustainable and comprehensive peace and security, including human security. The OSCE hand in the UN glove is based on the same principle of universal application of rights and freedoms.

The OSCE participating States' long-standing commitments to fully respect international law and human rights standards have been tested and strained by the extreme security challenges that have arisen in the OSCE region since the last HDIM. Heinous terrorist attacks have killed the innocent, struck fear in public opinion and shaken governments. That is precisely what they were intended to do. It is therefore of particular concern that in addressing the increasingly visible threat of terrorism, many counter-terrorism measures continue to result in undue restrictions on human rights and, as such, risk undermining their very purpose – which is to protect and maintain a democratic society.

Only by upholding the key principles of human rights, rule of law, and democratic governance can peace prevail, security be secured and prosperity preserved in the face of terrorism and other challenges. If we do not stand up for these principles today, tomorrow the terrorists will succeed in instilling change through chaos and installing populists through polls.

Ladies and Gentlemen,

As many of you know, ODIHR was originally established in 1991 as the Office for Free Elections, in order to assist participating States in their objective to conduct the genuinely democratic elections they had committed themselves to in Copenhagen the year before.

As a community committed to the respect for human rights, democracy, and the rule of law, OSCE participating States have emphasized that democratic elections are a key pillar of long-term security and stability. The key principles of democratic elections — universality, equality, transparency, secrecy of the vote, accountability, fairness and freedom.

Some 25 years later, I am proud to say that ODIHR has observed over 320 elections across 56 of the 57 OSCE participating States.

ODIHR's observation of participating States' implementation of these commitments over the past 25 years reveals a mixed picture. Positive developments have included:

- Strengthened legal frameworks that are generally accessible and aspire to respect OSCE commitments and international obligations. A number of these improvements to electoral laws are resulting from enhanced follow-up of OSCE/ODIHR recommendations;
- Greater attention to the issue of inclusion, specifically with regard to women's participation, the rights of persons with disabilities and national minorities; and
- Increased awareness of the importance of regulating campaign finance.

At the same time, several aspects continued to pose challenges. Common weaknesses include:

- Limitations to the right to be elected that unreasonably impede specific persons or groups, including independent candidates. In some cases, candidate rights were denied due to restrictive application of registration procedures, often when verifying support signatures;
- Lack of a free campaign environment and the necessary conditions to allow parties and candidates to campaign on a level playing field. The abuse of state resources, including in favour of incumbents, causes concern, particularly when such abuse amounts to intimidation of voters; and
- Lack of confidence in the impartiality and independence of election administration bodies, including concerns about undue influence by state institutions

These and other shortcomings require further attention and improvement. In this respect, our Office has continued to step up its efforts to assist states in following-up on the recommendations of our observation missions.

Ladies and Gentlemen,

The conduct of genuine democratic elections is not an end in itself. They are necessary but not sufficient pre-conditions for democracy. They need to be followed by efforts to further consolidate and strengthen democratic institutions, as recognised also in the Charter of Paris for a New Europe in 1990. There, the participating States reiterated their commitment to 'build, consolidate and strengthen democracy as the only system of government of our nations'. These three steps – building, consolidating, and strengthening of democracies – reflect the crucial steps that many democratic societies throughout the OSCE area have been going through over the last 25 years.

During these years, we have witnessed a wave of transformations of various forms of democracies across the OSCE region, under the influence of historical events and political developments. As a result of these changes, the ideals of democracy and human rights are now seen as being truly inseparable from the notion of security, the protection of fundamental freedoms of the people and their prosperity. There can be no sustainable security without respect for human rights and democratic principles – a culture of democracy is ultimately a culture of peace. No state has become less stable by implementing too many human dimension commitments.

Going back to the three steps reflected in the Charter of Paris, the first such step was to initiate a process of building democracies. Precisely in the days when the OSCE/ODIHR was established, in the spring of 1991, important parts of the OSCE region continued to undergo extraordinary political and social transformations – a process that came to be known as the third wave of democracy. In the years to come, following the spreading of civil and political

liberties, elections were monitored by the OSCE/ODIHR in almost all OSCE participating States, which supported the establishment of multi-party political systems and universal parliamentary representation. The recognition of the need to uphold the rule of law became a cornerstone of emerging democracies across the OSCE region, reflecting the democratic desires of the people and their demands for accountable and transparent state institutions.

As a second step, the process of building democratic institutions was followed by their consolidation. Over these last 25 years, as a consequence of broader civil and political rights, wider political participation and pluralism also began to define our democratic societies to a greater extent. Democracy has become increasingly multifaceted and vibrant, with active engagement through political parties and the creation of interest groups and civil society organizations. The representation of women in democratic institutions in the OSCE region has increased from 13.1% to 22.1%, on average. At the same time, young people are exploring new forms of political participation, and minority groups such as persons with disabilities are starting to make their voices heard in political discussions.

At the same time, the task of consolidating democratic gains continues to pose difficulties in numerous OSCE participating States, even today. In particular, despite having achieved remarkable progress in democratic values and standards across the OSCE region, the strengthening of democratic institutions presents serious challenges, both old and new, to all OSCE participating States. Citizens increasingly voice low levels of trust in political parties and representative institutions. In the majority of OSCE participating States, trust in national parliaments is registered at being below 25%. At the same time, many parliaments are struggling to fulfil their roles as bodies exercising oversight over the executive, due to budget constraints, lack of capacity, and an overall and increasing deterioration of the principle of the separation of powers. Voters' turn-outs during elections demonstrate a weakening link between public representation and democratic legitimacy – especially with respect to younger generations, in some cases reporting a 15% lower vote propensity than the average population. Moreover, numerous instances of corruption undermine the accountability and transparency of our democracies, together with a shrinking space in which civil society organizations may operate freely.

However, even as we face the difficulties of this moment, we cannot lose sight of the extraordinary progresses that we all, together, have achieved. We must now strengthen the democratic heritage that we have created over the last 25 years in the OSCE region, both rich and, indeed, extremely relevant. For this reason, our first duty is to show unity and to reaffirm the values that we all share in our OSCE commitments – as stated in the 2010 Astana Commemorative Declaration, we must continue to “ensure respect for human rights, fundamental freedom, democracy, including free and fair elections, and the rule of law”.

Ladies and Gentlemen,

While genuine democratic elections are about ensuring the rights to run for or vote in an election on equal footing, genuine democratic governance takes place between elections. Its quality can be measured by the extent to which diversity is encouraged, tolerance promoted and discrimination countered. Not least with regards to minority communities.

The participating States have made a host of commitments over the past 25 years to effectively address intolerance. This began in 1990 in Copenhagen with a commitment to protect individuals against discrimination, and bias-motivated violence. This was continually re-affirmed over the years, including explicit mandated tasks to ODIHR, sending the clear message that OSCE participating States would actively counter all forms of discrimination, including an in the areas of addressing anti-Semitism, intolerance against Muslims, Christians and other religions or beliefs and racism and xenophobia. We will all need to re-double our efforts to counter all forms of discrimination, not only for the protection of the

rights and freedoms of those discriminated against but for the stability, security and prosperity of our region for us all.

Ladies and Gentlemen,

In respecting the universal application of human right, the participating States have recognised that the sheer absence of discrimination is not enough for their full enjoyment by all. They recognised this, inter alia, with the Action Plan on Improving the Situation of Roma and Sinti in 2003.

There have been a number of promising efforts done at national level in the area of promoting Roma and Sinti integration, in particular when it comes to improving the legislative and policy framework and there has been tremendous expertise accumulated. ODIHR further recognizes the increased capacity of educated and professional Roma and Sinti leaders, including women and youth, who work at international, national or local level to promote human rights for all and close the gap between their communities and the mainstream.

This goes to prove that there is no dilemma in advocating the same rights for all and recognize when special measures are required in order to ensure the emancipation needed for the equal enjoyment of those rights. Just as tomorrow's CEOs will look back in wonder why businesses excluded 50% of the talent pool for so long, our societies can ill afford not to actively promote and embrace inclusive participation.

Ladies and Gentlemen,

In closing, I call on governments, parliaments and civil society organizations to work together in adapting to changes in society, to renew citizens' trust in political processes, and to create political opportunities for younger generations, women and all other groups so as to make full use of their talents, energy and resources.

Further, and on a related note, let us remind ourselves that the OSCE is not only a community of values, but also a community of responsibilities, in which we are all responsible for keeping our commitments alive and preserving our democratic achievements. On the occasion of our 25th anniversary, we at OSCE/ODIHR thus renew our commitment to assist all OSCE participating States in their efforts to build, consolidate and strengthen a vibrant democratic future that is inclusive, tolerant and participatory.

Let us continue to work together to make the democratic gains that we have achieved over the past 25 years - foundations for peace, justice and freedom - irreversible for all.

Opening speech by the OSCE Chairperson-in-Office, Dr. Frank-Walter Steinmeier

Michael Link,
Witold Waszczykowski,
Dunja Mijatović,
Christine Muttonen,
Excellencies,
Ladies and gentlemen,

Allow me to offer you all a warm welcome to the Human Dimension Implementation Meeting of the OSCE.

For over 20 years, we have met here in Warsaw not only to take stock, but first and foremost to consider how we are implementing our joint commitments to protecting human rights, fundamental freedoms and democratic standards. A hallmark of this unique and largest

human rights meeting in Europe is the fact that we conduct this analysis together with representatives from civil society. And so permit me to extend a warm welcome to all of you too!

The Charter of Paris and the Copenhagen Document on the Human Dimension of the OSCE of 1990 remain the basis of and main point of reference for our efforts.

Both documents are milestones in the development of a comprehensive security concept in Europe, and are therefore a centrepiece of European security. They flesh out the concept of security – from “human rights, democracy and the rule of law” to “economic liberty and responsibility” as the Charter of Paris puts it, to politico-military security.

Human rights and fundamental freedoms are not considered to be incompatible with lasting stability and security, but constitute their very basis.

The participants at the Moscow Meeting of the Conference on the Human Dimension of the CSCE in October 1991 therefore used strikingly clear words when they “categorically and irrevocably” declared that “the commitments undertaken in the field of the human dimension of the CSCE are matters of direct and legitimate concern to all participating States and do not belong exclusively to the internal affairs of the State concerned”.

Ladies and gentlemen,

Both East and West alike agreed, at least during the OSCE’s infancy, that human rights and democratic standards were the foundation for lasting stability and security.

Thanks to this consensus, three central institutions of the OSCE were set up to safeguard and consolidate these rights and standards.

The Office for Free Elections, which was established in 1990 as the first institution of the CSCE, became the Office for Democratic Institutions and Human Rights (ODIHR) one year later.

And, to this day, monitoring elections is probably one of the OSCE’s most well-known contributions to lasting stability and security. ODIHR has developed its comprehensive method into an acknowledged standard around the world at over 300 professional and independent election monitoring missions. This afternoon, for instance, we are awaiting a consolidated statement by the ODIHR election observation mission on the Russian elections to the Duma. Election monitoring takes place throughout the OSCE area, and ODIHR monitored Germany’s elections to the Bundestag in 2013, for example. In just a few weeks’ time, ODIHR will also be monitoring the US Presidential elections, which we are awaited around the globe with great suspense.

Ladies and gentlemen,

The insight that there is an inseparable link between stability and the protection of the weak led in 1992 to the establishment of the High Commissioner on National Minorities as the second-oldest OSCE institution.

As an instrument of preventive and quiet diplomacy, the office of the High Commissioner quickly became indispensable, and continues to prove its worth until this day.

The former Dutch Minister of Foreign Affairs Max van der Stoep once said that the High Commissioner’s work was “breathhtakingly unglamorous”. After all, its impact – as is so often the case in the world of diplomacy – can only be measured against what hasn’t happened. It is precisely for this reason that this institution remains so important to this day.

And, with the establishment of the office of the Representative on Freedom of the Media in 1997, the OSCE addressed a topic that is of paramount importance for the continued existence of our democratic societies – at that time with the appointment of Freimut Duve as the first person to hold this post.

The abuse of the media for propaganda and misinformation, fuelled by lightning-quick social media, threats to journalists' life and limb – all of these challenges remain, unfortunately, all too much of a feature of our day-to-day reality.

This is another reason why we have made freedom of the media a key priority of our Chairmanship, and we are delighted to enjoy an excellent working relationship with the OSCE Representative on Freedom of the Media Dunja Mijatović and her team.

Ladies and gentlemen,

There can be no doubt that the OSCE and its institutions have done a great service in the human dimension in the course of the past 20 years. At times, ODIHR has been hailed a protector of the human rights acquis of the OSCE.

And yet the consensus of the 1990s, that human rights, stability and security are inextricably linked, appears to be showing cracks today.

This became apparent:

Firstly, in the course of the extremely difficult negotiations in recent months on the form that this implementation meeting was to take. Without the constructive support of Poland and Austria, this meeting may well have failed to take place.

Secondly, in light of the difficult conditions under which OSCE institutions have to work today, the distrust that they often encounter, the unwarranted doubts as to their impartiality or the restrictions to their work.

Thirdly, we are observing attempts to limit once again the scope and application of human rights and fundamental freedoms, which we all considered to be non-negotiable and indivisible in the past, at times under the pretext that these contradict the cultural tradition of individual countries.

Fourthly and lastly, we are extremely concerned by the threats that courageous human rights defenders, critical journalists and committed citizens in particular have to face in many places when they call for their governments to make good on their own promises.

Allow me to be quite clear about this: we cannot and will not accept violations of human rights, or stand idly by when people are tortured or “disappeared” in the OSCE area, or when they are prevented from entering or leaving their home countries.

Ladies and gentlemen,

Experience shows that lasting stability cannot be achieved unless human rights are respected. I consider this to be one of the most fundamental lessons from the developments in the Arab world in the past few years. And an appropriate response to the challenges posed by the major movements of refugees and migrants of our age is not to restrict rights in the host countries, but to guarantee human rights and democratic standards around the globe. And we ourselves should lead by example here. Together with Jean-Marc Ayrault, I saw with my own eyes last week just how important it is to work to protect and safeguard the rights of displaced persons.

We travelled to eastern Ukraine, to the crisis regions where the OSCE is doing exceptional and courageous work to help displaced persons and those who are affected by the conflict. And I would like to take this opportunity, once again, to thank all of the courageous women and men at the OSCE who are working in the region.

Germany is continuing the exemplary tradition established by the Swiss Chairmanship of the OSCE in 2014, namely to subject its implementation of OSCE commitments in the human dimension to a review process by an independent institution with the involvement of civil society – in areas stipulated by this independent institution itself.

Next week, here in Warsaw, the German Institute for Human Rights will therefore present its report evaluating our Chairmanship.

I firmly believe that the effective implementation of our OSCE commitments, adopted by consensus, remains a joint task – and not only for our governments. This also requires the involvement of civil society.

In the face of one of the greatest challenges to our open and diverse societies, we intend, during our OSCE Chairmanship this year, to make our own contribution in this regard and to host a Chairmanship conference in Berlin on tolerance and non-discrimination next month. Allow me to cordially invite you all to attend this conference.

Ladies and gentlemen,

Allow me to close by expressing three wishes.

At the recent Informal Meeting of OSCE Foreign Ministers in Potsdam, there was a palpable willingness on the part of all those in attendance to face these challenges constructively and in concert. Let us conduct our talks here with this new common ground in mind!

We should do this in the spirit of the OSCE's characteristic method – with an open dialogue that includes our civil societies and with a willingness to learn from each other.

The human dimension is an integral component of security and stability in the Euro-Atlantic area. Let us lay the groundwork to enable our institutions to work effectively and without let or hindrance within the scope of their mandates, and ensure that they are provided with the resources that they need!

Thank you very much!

Opening address by Mr. Witold Waszczykowski, Minister of Foreign Affairs of the Republic of Poland

Mr. Chairman – dear Frank-Walter,
Mr. Director,
Excellencies,
And all Distinguished Guests gathered here today,

I am really honored to welcome you to the annual Human Dimension Implementation Meeting (HDIM) in Warsaw. The 20th edition of this major conference on human rights and democracy in Europe is even more exceptional this year, as we have been celebrating the 25th anniversary of the establishment of the OSCE Office for Democratic Institutions and Human Rights (ODHIR) here in Warsaw.

First of all, I would like to commend the German Chairmanship of the OSCE and personally my dear colleague Minister Frank-Walter Steinmeier for his able leadership and enthusiasm. I would also like to express my deep appreciation to ODIHR's Director, Mr. Michael Georg Link, and his excellent team for their effective co-operation and for organizing this conference.

As I emphasized on numerous occasions, Poland is very proud to be the host country of the Office. The establishment of ODIHR in Warsaw, formerly the Office of Free Elections, by the 1990 Charter of Paris was a token of trust and appreciation to Poland, a country which initiated the democratic changes in Central and Eastern Europe. Warsaw is a highly symbolic place, a vital forum of exchange bringing together diverse stakeholders from the East and the West who can debate together the most pressing issues with regard to human rights and democracy in the spirit of solidarity and cooperation.

At this opening session, I think it is also vital to recall, once again, ODHIR's numerous achievements. In particular, I would like to commend the pivotal role the Office plays in diverse fields, such as election observation, education, tolerance, non-discrimination, the rule of law, and many others. Twenty years of experience clearly show that the Human Dimension Implementation Meeting, ODIHR's flagship event, helps create powerful synergies among governments, diverse agencies, on-the-ground practitioners, and the media.

Ladies and Gentlemen,

Speaking about the OSCE itself, it is important to acknowledge that currently the Organization is equipped with the necessary "acquis" that has been agreed upon by all participating States in all three dimensions throughout the last 40 years. In politico-military dimension, for instance, the Vienna Document, the Treaty on Open Skies and the Treaty on Conventional Armed Forces in Europe (CFE) proved their significance and relevance. All participating States should engage in joint efforts aimed at fostering the existing security arrangements. There is an urgent need to move forward, even with small steps.

We have to remember that prolonged conflicts would mean a permanent risk to the security of the whole OSCE area, including a constant threat to human rights situation. In particular, the ongoing conflict in and around Ukraine caused by the powerful neighbor, continues to pose the biggest challenge to our common security and to the OSCE itself. Our essential aim should be to develop a lasting solution, fully based on the international law and the OSCE principles and commitments.

Ladies and Gentlemen,

On this special occasion, I would like to underline once again that the human dimension is a fundamental component of the OSCE comprehensive concept of security. Respect of human

rights and fundamental freedoms, which are typically the first victims of any conflict, is one of the key conditions of friendly international relations. We need to fully embrace a miscellany of human concerns in order to achieve lasting peace and be able to build more secure, equitable and inclusive societies in our countries, across the OSCE region and worldwide.

In this context, I am glad that this year's Meeting will discuss in greater depth diverse issues with regard to good governance. Indeed, it is indispensable to acknowledge that well-functioning, healthy democracies imply increased and meaningful public participation, especially of under-represented groups: youth, women, persons with disabilities and national minorities. Interestingly, the average percentage of young Europeans who are members of a political party is currently less than two per cent. This clearly shows that one of the major challenges in this respect is to ensure that under-represented groups are politically empowered. It is crucial to engage them as competent partners in matters that closely affect their lives, thus strengthening community social cohesion. As a politician, I would be pleased to hear about the HDIM's solutions on how to foster political pluralism and participation, as well as on how to support youth political activism in our states.

Ladies and Gentlemen,

Perhaps one of the biggest challenges of policy makers is currently the degree to which they authorize individuals to exercise their freedom of assembly and association, considered to be the cornerstone of democracy. Given the growing risks of radicalization and terrorism, it is cumbersome at times to strike the right balance between the freedom of assembly and association and appropriate legislative measures aimed at combating terrorism and extremism. I look forward very much to hearing about the Meeting's deliberations in this respect.

Finally, I am glad that the 2016 Meeting will look at ways of combating trafficking in human beings, of preventing hate crimes, racism, xenophobia and discrimination, the fields in which a lot remains to be done.

Distinguished Guests,

I hope that the 20th Human Dimension Implementation Meeting will allow you to bring fresh perspectives and concrete proposals with regard to a wide spectrum of human rights-related causes. I wish you fruitful debates and a mutually-enriching cooperation here in Warsaw and in all your joint endeavors beyond this gathering.

Thank you for your attention.

Closing Remarks by Mr. Lamberto Zannier, OSCE Secretary General

Excellencies,

Ladies and Gentlemen, dear Michael,

I would like to congratulate you on two weeks of intense discussions. Many of you, not least our ODIHR colleagues, may be relieved that we are about to draw the curtains on this meeting but I'm sure you will all agree that HDIM is a truly unique event and always well worth attending.

Having said this once again, I regret not having been here for the opening. Finding a slot that does not coincide with high-level meetings of other international organisations may not be easy but having HDIM coincide with the high-level segment of the UN General Assembly is really rather unfortunate and in this connection I would like to encourage you to relook at the dates, perhaps even by just simply moving the HDIM forward by one week. Having just come back from New York allows me, however, to share a few thoughts about what I experienced there last week.

From listening to the statements made in the General Assembly and from my meetings with ministers and other senior officials in the corridors and at various side-events, I got the distinct impression - confirming what I heard at the Humanitarian Summit in Istanbul last May - that there is a growing sense among decision-makers that we need to better come together as a world community to effectively manage the many challenges we are up against.

Also in the OSCE, despite our divisions, the return of geopolitics, the urgency of addressing with priority many serious and dramatic issues stemming from the crisis in and around Ukraine, we need to step up our efforts to find common ground and act jointly on issues ranging from terrorism and violent extremism to climate change, sustainable development and migration. And in addressing all these challenges, we must make sure that the protection of human rights remains an integral part of our approach.

In New York, I found increasing recognition for the crucial role that regional organizations such as the OSCE can play in contributing to global discussions and supporting local level implementation of global principles. This includes our continued efforts to implement UNSCR 1325 on Women, Peace and Security, as well as our increasing engagement in areas such as climate change, disaster risk reduction or sustainable development.

In my intervention at the UN Summit for refugees and migrants, I called for a comprehensive approach toward migration governance. Promoting tolerance and non-discrimination to strengthen inclusive societies must be a central part of our efforts.

OSCE expertise exists in many migration-related areas on issues such as human trafficking, migrant smuggling, cross-border criminal activities, border management and police co-operation but most critically also in relation to the protection of human rights of migrants and refugees and the promotion of tolerance and non-discrimination. Within the OSCE, we are making good progress in pulling all of this together into a more strategic and synergetic approach.

I also attended a Ministerial Meeting of the Group of Friends of the UN Alliance of Civilisations that was dedicated to combatting xenophobia where I stressed the need to confront the growing populism and nationalist rhetoric that threatens to undermine peace and stability in many of our societies. The Summit's New York Declaration brings us closer to the aim of developing a more comprehensive and co-operative response to migration related challenges.

Mr. Chairman, close co-ordination and co-operation inside the OSCE is also a significant pre-condition for building more effective relations with outside partners, including other

international and regional organizations, civil society and the private sector, as well as an increasing number of other actors.

Towns and cities are now playing a decisive role in responding to global security challenges. In our rapidly urbanising world they are frontline actors that are increasingly shaping the political, social, economic and environmental conditions in their countries. As some of you know, in March next year, I am planning to host, in co-operation with the Mayor of Vienna a Security Day on “creating inclusive, safe and sustainable cities”, which is specifically aimed at engaging with mayors and city authorities. For this event, same as for many other projects, we will be seeking the input and support of ODIHR and other parts of the OSCE family.

Ladies and Gentlemen,

In our increasingly interdependent world, we must work together to tackle the complex and interconnected security challenges we are facing. In this challenging environment, the promotion of human rights, democratic institutions and the rule of law remain central to our mission to work towards peace and stability.

The OSCE participating States established HDIM more than twenty years ago to encourage a frank discussion with each other on the implementation of their human rights commitments. One of HDIM’s great added values is that it allows for an open exchange of views on an array of issues that is accessible to all. ODIHR organizes HDIM in full accordance with the modalities set by the OSCE participating States, but it is true that sometimes the issues you debate here are controversial, and sometimes HDIM’s openness can be misused for other aims. While we should continue to encourage the widest-possible participation, our work should take place within the framework of a civilized conversation.

In conclusion, let’s acknowledge the tremendous efforts made by Director Link and all his staff in organizing yet another fruitful meeting and wish them all continued success for the future.

Thank you.

Closing remarks by Mr. Michael Georg Link, Director of the OSCE/ODIHR

Excellencies,

Ladies and Gentlemen,

Dear Ambassador Pohl,

Dear Secretary General Zannier,

It is a great pleasure to welcome you to the closing of this year’s Human Dimension Implementation Meeting. We are looking back at two weeks of intense and sometimes controversial debates, two weeks of interesting and engaging side events, as well as two weeks of countless bilateral meetings, numerous social events and passionate discussions in the margins.

I am aware that the intensity and length of this meeting have taken their toll on all of us. I will thus refrain from giving a long and detailed report about individual working sessions today. Instead, I will provide the delegations with written reports in hard copy and present them on our website in due course. Furthermore, as per established practice, I am going to

present my full report about this year's HDIM to the participating States in front of the Permanent Council in Vienna on October 13.

Ladies and Gentlemen,

As you all know, this was the 20th Human Dimension Implementation Meeting here in Warsaw, held in the year of the 25th anniversary of the existence of our Office. This alone is a reason to celebrate.

Moreover, I am happy to report that the third Human Dimension Implementation Meeting of my tenure as the Director of ODIHR has been the third HDIM in a row to break records of attendance. We have had an impressive number of almost 1500 registered representatives from governments, NGOs and civil society, from 55 participating States. Among these, we have been able to welcome 803 representatives of civil society. Furthermore, there was another record number of 92 side events. This record becomes even more apparent as we are slowly reaching the limits of the physical capacity of this venue to accommodate such a large number of participants.

One way of dealing with this was the launch event of our new "Turning Words Into Action to Address Anti-Semitism" project on Wednesday evening, which we organised in the wonderful Polin Museum of the History of Polish Jews, as a breakout session of sorts. I warmly encourage you, delegations and civil society alike, to use this as an example of how we can break out from the routine of always having side events in the same venues, and thereby making HDIM an even more interactive and diverse event.

I also do hope that you enjoyed the panel discussion during the opening session, which was also a further step to making the exchanges of ideas at HDIM even more vivid, and to inspire an even more open debate during the numerous sessions we have in the course of these weeks.

But quantity of participants and events isn't everything. It is the quality of the contributions that counts. As every year, we have heard an impressively wide range of recommendations to participating States in the area of the human dimension, many of which pointed out significant gaps in the implementation of their commitments.

As a matter of fact, I cannot help but notice that we unfortunately see this implementation gap widening, slowly, but surely. And as the implementation gap is getting larger, the space for civil society is shrinking.

There are numerous examples from the entire OSCE region for the difficulties civil society activists face in their work, east and west of Vienna. But we don't have to look too far to see how some governments react towards these activists when they dare to speak out and criticise their shortcomings in the human dimension.

No one likes to be criticised and no one likes to be reminded of his or her very own shortcomings. I understand that this is by no means a pleasant exercise. But HDIM was never supposed to be a pleasant.

It is and always has been a place for open dialogue and discussion, a place where even controversial standpoints could be debated and exchanged, in a peaceful and civilised manner.

It is thus completely unacceptable that we have in the last two weeks witnessed and heard credible reports about attempts to intimidate and silence representatives of NGOs and civil society as a retaliation for the statements they made in the course of this meeting. Any action, whether before, during or after HDIM, directed at stifling the open and constructive debate here in Warsaw needs to be met with unequivocal condemnation by all participants, and all delegations from all participating States.

We are, after all, talking about commitments that every single one of our participating State has agreed to. Whether in Moscow, in Istanbul, in Maastricht or in Astana, we have all agreed that civil society needs to play a “vital role in the promotion of human rights, democracy and the rule of law”.

HDIM is a unique platform to reflect on these historic achievements and landmark documents, and it is one of the very few places where representatives from civil society can discuss with representatives from governments on an equal footing. This is an incredibly valuable forum, and we should all appreciate and cherish it.

It is my personal goal and commitment to preserve HDIM as this place of open debate, and to keep it as open and as accessible as possible, so that every voice can be heard. I do hope that I will be able to continuously count on your support in this matter!

Excellencies,
Ladies and Gentlemen,

Let me conclude by thanking our host country Poland, the German OSCE Chairmanship, representatives of the Troika, all Delegations of our participating States and Partners for Co-operation, Civil Society representatives, colleagues from the OSCE institutions and field operations as well as other international organizations for taking an active role in this year’s Human Dimension Implementation meeting.

I would also like to thank all introducers, moderators and rapporteurs who participated in the sessions of the past weeks. Finally, I would like to thank the interpreters and, last but certainly not least, the excellent and dedicated team of professionals at ODIHR for the very hard work they have invested to make this meeting a great success.

Closing Speech of the OSCE Chairmanship given by Ambassador Eberhard Pohl, Permanent Representative of Germany to the OSCE, Chairperson of the Permanent Council, on behalf of the Special Representative of the Federal Government for the OSCE Chairmanship 2016, Dr. Gernot Erler

Michael Link,
Lamberto Zannier,
Excellencies,
Ladies and gentlemen,

Allow me to offer you all a warm welcome to this final session of the Human Dimension Implementation Meeting of the OSCE.

I know that the HDIM demands stamina and patience.

For two weeks we have seen meetings in lots of different formats and some lively – and occasionally very controversial – debates. We government officials in particular were reminded on a daily basis here of our obligations in the human dimension and are urged to adhere to them.

This Implementation Meeting, like the entire human dimension of the OSCE, was not created merely as a jolly for when the going is good.

On the contrary: they are intended to remind us, particularly at times when security policy is facing critical challenges, that human rights and fundamental freedoms are neither an unnecessary luxury nor a decorative accessory nor a political bargaining chip.

Implementing human rights and fundamental freedoms – in a dialogue with civil society – is our obligation. Because they form the human rights backbone of our comprehensive concept of security in the OSCE area.

Ladies and gentlemen,

In his opening speech at this year's HDIM, the OSCE Chairperson-in-Office, Federal Minister Steinmeier, reminded everyone that the "human dimension is an integral component of security and stability in the Euro-Atlantic area".

We must not forget that protecting human rights and fundamental freedoms is always a contribution to security and stability. We all committed to this approach in the Charter of Paris and the follow-up documents.

In the post-Cold War days, when ODIHR and the other independent OSCE institutions were established, the awareness of this connection permeated everything.

Then as now, instability and political upheaval were the result not of too much human rights protection or too much democracy, but, on the contrary, of lawlessness, suppression of freedom and a lack of prospects.

Ladies and gentlemen,

The pioneering documents of the 1990s on which the human dimension of the OSCE rests even today attached the same value to the protection of human rights, fundamental freedoms and democratic standards as to the other dimensions of our common security for precisely these two reasons: to protect the individual and to make a contribution to stability and peace.

Some of the issues thought to be particularly important and worthy of protection back then have been the subject of intensive discussion here in Warsaw over the past few days too.

These include the crucial importance of democratic institutions and free elections. Election observation and support for democratic reform have become trademarks of ODIHR.

In this context, I am delighted that ODIHR was able to present the new "Handbook on the Follow-up of Electoral Recommendations" on the margins of this HDIM.

In it, all OSCE participating States are reminded of their undertaking, in Istanbul in 1999 for instance, to "conduct free and fair elections in accordance with OSCE commitments" and "to follow up promptly the ODIHR's election assessment and recommendations".

These recommendations, too, may occasionally be uncomfortable. But ultimately they always help to improve electoral procedures and thus also to ensure acceptance of the election result by all involved.

Strengthening the legitimacy of elections must surely be something we all aim to do. We should therefore work together to support ODIHR in its tasks and provide it with the necessary means.

Another subject on the agenda both then and now is freedom of assembly and association.

This year's HDIM also saw the launch of the new ODIHR "Human Rights Handbook on Policing Assemblies".

This will help ensure more effective implementation of OSCE commitments regarding freedom of assembly by presenting good practical approaches which participating States can adopt. These approaches are the product of concrete observations. For example, ODIHR observed the policing of demonstrations during the G7 Summit in Elmau in June last year, and we reported on these experiences to the participating States in Vienna ourselves.

Finally, two more topics discussed in the 90s and today: the rule of law and good governance. These have been central pillars of the OSCE commitments in the human dimension ever since the Charter of Paris and are indispensable elements of international stability to this day.

Ladies and gentlemen,

The annual HDIMs here in Warsaw are not only intended as a forum for reaffirming and managing a great heritage.

Fundamental freedoms and human rights are invariably the fields which give a particularly clear indication of current political developments and challenges.

That's why, at the first HDIM, in 1993, Max van der Stoep, the first OSCE High Commissioner on National Minorities, described his job as acting as a "tripwire".

I would perhaps rather say a seismograph: the HDIM is and will remain the most important sensor for detecting the slightest vibrations threatening human rights and fundamental freedoms.

At the same time, however, the HDIM is a central platform for dialogue among governments and civil society on the day's urgent challenges to our security and cooperation.

This year's record attendance of 1,800 participants shows that the HDIM is both accepted and used in this dual function as an early-warning system and platform for dialogue for positive but also worrying developments.

These might include, for example, the current challenges to freedom of opinion and of information – both basic preconditions for stable, active societies, but both also freedoms which are at particular risk in an age of aggressive misinformation campaigns and propaganda using cutting-edge communications.

They might also include a whole range of issues which have taken on new urgency in the light of the dramatic challenge posed by refugee flows and migration.

At this HDIM, for example, we discussed ways to combat human trafficking. This criminal practice particularly hits the weakest of the weak, defenceless people fleeing from their homes, and especially women and children. But it also nurtures criminal structures which endanger our common security.

We also discussed the need to improve tolerance and non-discrimination in our societies, as well as ways to combat hate crime, racism, xenophobia and discrimination.

We want to continue these talks very soon, at our Chairmanship conference on tolerance and diversity in Berlin on 20 October, to which you are all cordially invited.

Finally, this meeting focused on the protection of freedom of opinion, conscience, religion and belief.

It is not just that our ability to master the challenges posed by migration and refugee flows in our societies within the OSCE depends on our success in shaping and propagating these freedoms.

Rather, their restriction and infringement is also one of the main reasons why people flee their countries of origin outside the OSCE. We should therefore all have a shared interest in strengthening these freedoms around the world.

Ladies and gentlemen,

The wide range of issues we have discussed here in Warsaw is a reflection of the increasing importance of human rights and fundamental freedom for stability and peace in the OSCE area and beyond.

It is therefore important that this meeting could take place this year, and I am pleased that we have all taken the trouble to build bridges, arrive at compromises and ensure that our differences of opinion do not gnaw at this, the heart of the human dimension of the OSCE.

And I am grateful for the lively participation this year again of civil society, of the many organisations and above all of the many courageous defenders of human rights and fundamental freedoms all across the world.

We explicitly want to hear your critical voices, in your countries, but also at this meeting.

Yes, you should be difficult and nudging us, the OSCE participating States, to reassess and justify our priorities and political decisions in the light of our responsibility for protecting the individual.

For over twenty years, this frank exchange between government representatives and civil society has been the unmistakable trademark of our Implementation Meetings here in Warsaw. And it is more important today than ever before.

To enable such a frank exchange, it is the responsibility of each and every one of us to respect and guarantee free speech at this meeting and to respect and protect the integrity of every participant, before, during and after our meeting.

At the same time, we should be open to any constructive suggestions for further improving the efficacy and public perception of this meeting. We encourage all participating States to engage in a constructive exchange of views on this subject in the coming weeks and months.

Ladies and gentlemen,

Another important task of this meeting is to show up and allow taboo-free discussion of the differences and differing priorities we have in the human dimension.

The OSCE provides us with a forum for openness, and so I am pleased that we kept talking and will continue to keep talking about our differences of opinion.

Particularly in this, ODIHR's 25th anniversary year, however, we should remember the special context in which the human dimension of the OSCE was born: a time of instability and threats to what we had achieved for peace and freedom, the time of democratic upheaval in Europe.

In this awareness, we should continue our discussions in the weeks and months ahead, so that at the OSCE Ministerial Council in Hamburg we can issue a visible signal of the continuing importance of our commitments to human rights and fundamental freedoms.

In this, we are counting on you, and on your active support.

I believe we can succeed in this if we judge our contributions to the debate on the basis of whether they are also making a contribution towards strengthening the human dimension.

Let us work together to do what needs to be done.

Thank you for your attention. It only remains for me to wish you all a pleasant trip home.

Thank you very much.

LINK TO THE TIMETABLE

<http://www.osce.org/odihr/182381?download=true>

MODALITIES FOR OSCE MEETING ON HUMAN DIMENSION ISSUES

The 1992 Helsinki Document mandates ODIHR – as the main institution of the human dimension – to organize a meeting to review the implementation of human dimension commitments entered into by all OSCE participating States and to look at ways to enhance compliance with these commitments.

The modalities for the Human Dimension Implementation Meeting are set in the Permanent Council Decision No. 476 of 23 May 2002 (on the modalities for OSCE Meetings on Human Dimension Issues). The Decision can be found here: <http://www.osce.org/pc/13198>.

Since 1998, the HDIM has taken place annually for a two-week period in Warsaw (except for 1999 and 2010, due to the Istanbul and Astana Summits, respectively).

The agenda for these meetings is adopted by the Permanent Council reflecting three special subjects to be dealt with more in-depth.

The date, special topics and agenda for 2016 Human Dimension Implementation Meeting were adopted by the Permanent Council in Decisions No.1218 and 1219.

Decision No. 1218 as of 29 July 2016:

English: <http://www.osce.org/pc/258816?download=true>

Decision No. 1219 as of 8 September 2016:

English: <http://www.osce.org/odihr/258191?download=true>

Russian: <http://www.osce.org/ru/odihr/262526?download=true>

LINK TO THE ANNOTATED AGENDA

English: <http://www.osce.org/odihr/264261?download=true>

LINK TO THE OVERVIEW OF SIDE EVENTS

English: <http://www.osce.org/odihr/263486?download=true>

LINK TO JOURNALS

The Journals will be available on 2016 HDIM website:

http://www.osce.org/odihr/hdim_2016

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