



Human Dimension Implementation Meeting

CONSOLIDATED SUMMARY

Warsaw, 26 September - 7 October 2011

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I. EXECUTIVE SUMMARY

The fifteenth OSCE Human Dimension Implementation Meeting (HDIM) took place in Warsaw from 26 September to 7 October 2011. As always, it attracted a great number of participants from the OSCE area and partner countries as well as international organizations and civil society. Organized by the OSCE Office for Democratic Institutions and Human Rights (ODIHR), it aimed at reviewing the implementation of the full range of OSCE human dimension commitments.

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

Ambassador Janez Lenarčič, Director of the OSCE ODIHR chaired the Opening Plenary Session and gave an opening statement. The opening plenary was then continued by statements from: Mr. Evaldas Ignatavicius, Vice-Minister of Foreign Affairs of Lithuania, representing the Lithuanian Chairmanship of the OSCE; Ms. Grażyna Maria Bernatowicz, Under-Secretary of State of the Ministry of Foreign Affairs of Poland, representing the host country; Ambassador Lamberto Zannier, Secretary General of the OSCE; Ambassador Knut Vollebaek, OSCE High Commissioner on National Minorities; Ms. Dunja Mijatovic, OSCE Representative on Freedom of the Media; and Mr. Matteo Mecacci, Chair of the Committee on Democracy, Human Rights and Humanitarian Questions of the OSCE Parliamentary Assembly.

The keynote address was delivered by Ms. Khadija Chérif, Secretary General of the International Federation for Human Rights (FIDH). A number of participating States also delivered statements in the opening session.

Working Sessions of the first week focused on: Fundamental freedoms I, including freedom of expression, free media and information; Fundamental freedoms I (continued), including freedom of thought, conscience, religion or belief; Fundamental freedoms II, including freedom of assembly and association, national human rights institutions and the role of civil society in the protection of human rights, and human rights education; Rule of law I, including legislative transparency, independence of the judiciary, and the right to a fair trial; Rule of law II, including an exchange of views on the question of abolition of capital punishment, prevention of torture, and protection of human rights and fighting terrorism. Two specifically selected topics were also covered during the first week: Freedom of movement and Democratic elections and electoral observation.

Working Sessions of the second week were devoted to: Discussion of human dimension activities (with special emphasis on project work), including presentation of activities of the ODIHR and other OSCE institutions and field operations to implement priorities and tasks contained in relevant OSCE decisions and other documents; Humanitarian issues and other commitments I, including migrant workers, the integration of legal migrants, refugees and displaced persons, treatment of citizens of other participating States, citizenship and political rights, and democracy at the national, regional and local levels; Tolerance and non-discrimination I, covering the issues of national minorities, and preventing aggressive

nationalism, racism and chauvinism; Tolerance and non-discrimination II: Review of the implementation of commitments on promotion of mutual respect and understanding, including responses to and prevention of hate crimes in the OSCE area, combating racism, xenophobia and discrimination, also focusing on intolerance and discrimination against Christians and members of other religions, combating anti-Semitism, and combating intolerance and discrimination against Muslims; Tolerance and non-discrimination II (continued), including equality of opportunity for women and men, implementation of the OSCE Action Plan for the Promotion of Gender Equality, and prevention of violence against women; Humanitarian issues and other commitments II, including: trafficking in human beings and implementation of the OSCE Action Plan to Combat Trafficking in Human Beings. The third specifically selected topic, Roma and Sinti issues, was covered during the second week.

At the Closing Reinforced Plenary Session, the Rapporteurs presented their reports from 17 Working Sessions. The closing plenary was continued by a statement of the Chair of the Human Dimension Committee and a number of statements by participating States and one Partner for Co-operation. The closing statements were delivered by Ambassador Alfonsas Eidintas, Ambassador-at-Large, OSCE Chairmanship Department, Ministry of Foreign Affairs of Lithuania, and Ambassador Janez Lenarčič, Director of the OSCE ODIHR.

The following moderators were involved in the HDIM: Ambassador Janez Lenarčič chaired the Opening Plenary Session as well as the Closing Reinforced Plenary Session. He also moderated one Working Session on Democratic Elections and Electoral Observation. Dr. Andrey Rikhter, Director of the Office of the OSCE Representative on Freedom of the Media, moderated the Working Session on Fundamental Freedoms I. The following Working Session on Fundamental Freedoms I was moderated by Mr. Gerhard Robbers, Member of OSCE/ODIHR Advisory Council of Experts on Freedom of Religion or Belief. The Working Session on Fundamental Freedoms II was moderated by Ms. Simona Granata-Menghini, Deputy Secretary of the Venice Commission. Mr. Daniyar Kanafin, Lawyer, Member of the Almaty Bar Association, moderated the Working Session on Rule of Law I while the Working Session on Rule of Law II was moderated by Dr. Krassimir Kanev, Chairperson of the Bulgarian Helsinki Committee, Member of the UN Voluntary Fund for Victims of Torture, lecturer and trainer on detention monitoring, prevention of torture, and access to justice. Mr. Oleksandr Sushko, Research Director, Institute for Euro-Atlantic Cooperation, Kyiv, Ukraine, moderated the Working Session on Freedom of Movement. This topic was continued at the following Working Session that was moderated by Dr. Irina Ivakhnyuk, Senior Researcher and Deputy-Director of the Population Department of the Faculty of Economics at Moscow State Lomonosov University and member of the Expert Council of the Federal Migration Service of the Russian Federation. The second Working Session on Democratic Elections and Electoral Observation as well as the Working Session on Discussion of Human Dimension Activities were moderated by Mr. Douglas Wake, First Deputy Director of the OSCE ODIHR. Dr. Alexander Janda, Managing Director of the Austrian Integration Fund, moderated the Working Session on Humanitarian Issues and Other Commitments I. The Working Session on Tolerance and Non-Discrimination I was moderated by Ms. Ilze Brands Kehris, Director of the Office of the OSCE High Commissioner on National Minorities. The Working Session on Tolerance and Non-Discrimination II was moderated by Ms. Vjollca Meçaj,

Executive Director, Albanian Helsinki Committee. Working Sessions on Enhancing the implementation of OSCE commitments regarding Roma and Sinti were moderated by Mr. Dezideriu Gergely, Director of the European Roma Rights Centre and Ms. Dolores Ruiz Bautista, Deputy Director for Social Programmes at the General Directorate for Social Policies, Families and Childhood, Ministry for Health, Social Policy and Equality of Spain. The Working Session on other issues of Tolerance and Non-Discrimination II was moderated by Ms. Wendy Patten, Special Representative of the OSCE Chairperson-in-Office on Gender Issues. Ms. Joy Ngozi Ezeilo, UN Special Rapporteur on trafficking in persons, especially women and children, moderated the last Working Session on Humanitarian issues and other commitments II.

A total of 56 side events highlighted and addressed a wide range of human dimension topics. These provided opportunities for governments to present best practices, for NGOs to brief on their activities and for more in-depth and focused discussions on various issues related to democracy and human rights in the OSCE area.

Participating States as well as NGOs provided a wide range of recommendations on human dimension issues that addressed the implementation of OSCE commitments in participating States and relevant programmes for OSCE Institutions. These recommendations were compiled thematically by ODIHR for each working session and distributed to all participants. The final compilation of written recommendations is included in this report.

As in previous years, ODIHR used its electronic Documents Distribution System (DDS). This tool allowed all documents and recommendations to be immediately displayed in electronic form on terminals available at the conference venue and accessible through the OSCE website. With the possibility of sending documents via e-mail directly from the terminals, the system facilitates additional input to and feedback from the debate. It also significantly reduces costs of the Meeting. The list of documents distributed during the HDIM is attached to this report. A CD-ROM with electronic copies of all documents is distributed to representatives of all participating States and is available upon request from ODIHR. During the Meeting participants also had a possibility to familiarize themselves with two other main tools developed and offered by ODIHR – the Tolerance and Non-Discrimination Information System (TANDIS) and Legislationline. TANDIS is a tool allowing ODIHR to serve as a collection point for information related to tolerance and non-discrimination as tasked by the 2003 Ministerial Council while Legislationline is a free-of-charge online legislative database assisting the participating States in bringing their legislation into line with relevant international human-rights standards. Both databases can be accessed through ODIHR website.

LINK TO THE AGENDA

English: <http://www.osce.org/odihr/81392>

Russian: <http://www.osce.org/ru/odihr/82057>

II. PARTICIPATION

Total number of participants - **1082**, including:

407 participants from 54 participating States (all except Monaco and Turkmenistan)

14 representatives from 7 Partners for Co-operation (Algeria, Thailand, Egypt, Japan, Israel, Korea, Australia)

18 representatives of International Organizations:

- UNESCO
- International Organization for Migration, Poland
- Council of Europe; European Commission for Democracy through Law (Venice Commission)
- United Nations High Commissioner for Refugees; Liaison Office in Austria
- Council of Europe
- Council of Europe, Information Centre on the Council of Europe in Warsaw
- Office of the Council of Europe Commissioner for Human Rights
- European Union Agency for Fundamental Rights (FRA)
- Parliamentary Assembly of the Council of Europe
- Council of Europe; European Commission against Racism and Intolerance
- Community of Democracies
- Council of Europe Committee of Experts on Roma Issues (CAHROM)
- Frontex-European Agency for the Management of Operational Cooperation at the External Borders

22 participants from the OSCE Structures:

- OSCE Secretariat
- OSCE High Commissioner on National Minorities
- OSCE Representative on Freedom of the Media
- OSCE Secretariat: Office of the Co-ordinator of OSCE Economic and Environmental Activities
- OSCE Secretariat: Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings
- OSCE Secretariat: Action against Terrorism Unit
- OSCE Parliamentary Assembly, Italy
- OSCE Parliamentary Assembly, The Netherlands
- OSCE Parliamentary Assembly; International Secretariat

59 representatives of 17 OSCE Field Operations:

- OSCE Mission in Kosovo
- OSCE Mission to Bosnia and Herzegovina
- OSCE Presence in Albania
- OSCE Mission to Skopje
- OSCE Office in Yerevan
- OSCE Mission to Moldova
- OSCE Project Co-ordinator in Ukraine

- OSCE Project Co-ordinator in Uzbekistan
- OSCE Centre in Bishkek
- OSCE Office in Baku
- OSCE Centre in Ashgabad
- OSCE Mission to Serbia
- OSCE Mission to Montenegro
- OSCE Centre in Astana
- OSCE Office in Tajikistan
- OSCE Office in Zagreb
- OSCE Centre in Bishkek/OSCE Academy in Bishkek

562 representatives of 412 NGOs from 45 participating States and one Partner for Co-operation.

Link to Final List of Participants:

<http://www.osce.org/odihr/83715>

III. RAPORTEURS' REPORTS

Working Session 1: Fundamental freedoms I

Rapporteur: Mr. Hendrik Roggen, First Secretary, Permanent Mission of Belgium to the OSCE

<p>No. of statements: 52 Delegations: 16 Civil Society: 31 OSCE Inst./Int'l Org: 0 Rights of Reply: 5</p>
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Working Session 1 was devoted to freedom of expression, free media and information. The introducer, OSCE's Representative on Freedom of the Media, Dunja Mijatovic, identified a basic paradox, on the one hand technological advances give more and more people the opportunity to publicly express themselves, but on the other hand many governments are taking restrictive actions to prevent people from doing so. Mijatovic strongly rejected violence against journalists; she called on all participating States to give political support to the prevention of such violence. She also reiterated that pluralistic media are a prerequisite for the expression of different opinions and for the marketplace of ideas to flourish. Furthermore she added that the new technologies necessitate new approaches to safeguarding existing OSCE commitments regarding media freedom and freedom of expression.

Many delegations and non-governmental organisations (NGOs) referred to specific cases of violence against journalists in OSCE participating States. It was stressed that attacks on media professionals need to be prevented by fighting a climate of impunity, as impunity of perpetrators breeding further violence. Many delegations were in favour of adopting a decision at the Ministerial Council in Vilnius to bolster the protection of journalists. The meeting's participants were also informed that work is underway on a manual of good practices in ensuring journalists' safety.

While acknowledging the need to respect media freedom and freedom of expression, some speakers pointed to situations in which those freedoms can legitimately be limited. A large number of participants addressed the issue of undue restrictions that are imposed by governments on these freedoms. It was stated that such restrictions result in a chilling effect on journalists and can lead to self-censorship. Many different ways of restricting media freedom and freedom of expression were cited, such as outright banning of media outlets, blocking of websites, preventing access to distribution channels (such as internet operators, radio frequencies or printing houses), or through administrative and legal actions. A group of participants claimed legal actions against journalists were often based on questionable charges and that excessive sentences were applied, while some speakers claimed legal actions were unrelated to the journalistic activities of the individuals concerned.

A large number of participants supported the need to guarantee media freedom, freedom of expression, and media pluralism in the online world. They expressed the hope that the Ministerial Council in Vilnius could adopt a decision on this topic.

With respect to media pluralism some participants referred to the importance of minority representation in the media landscape. One NGO referred to the need for a code of conduct that would reflect the multi-ethnic dimension of journalism.

Some speakers called for the decriminalisation of defamation.

A number of speakers referred to the role the media should play in creating a climate of tolerance towards religious groupings. In this context it was also stressed that religious persons should be free to express themselves on moral and ethical issues. One participant noted that religious groups must tolerate critical public statements. A few speakers called on journalists to develop voluntary professional guidelines to prevent intolerant discourse against religions.

Finally, some speakers referred to the challenges posed to media pluralism by the digital switchover. One NGO suggested the RFOM to make information on this topic available to lawmakers.

Recommendations to the participating States:

- Ensure that media laws are in line with international standards and OSCE commitments and are implemented subsequently.
- Ensure that journalists can work safely and without undue restrictions or intimidation.
- Adopt practical measures to assure that the media as well as the political and public discourse are respectful for religions.

- Provide the office of the RFOM with increased resources to implement its mandate.
- Decriminalize defamation.

Recommendations to the OSCE, its institutions and field operations:

- The RFOM should continue to assist participating States in achieving full implementation of the OSCE commitments.
- The RFOM should continue to assess the impact of the digital switchover on media pluralism and should make information on this topic available to lawmakers.
- The RFOM should ensure that citizen journalists receive the same protection as traditional journalists.
- ODIHR should continue to protect freedom of expression as a key human right.
- ODIHR should continue to monitor hate speech legislation, including its interpretation and application.
- The OSCE should continue to pay attention to the issue of hate speech on the internet.

Working Session 2: Fundamental freedoms I (cont.)

Rapporteur: Ms. Paula Vicente, Counsellor, Permanent Representation of Portugal to the OSCE

<p>No. of statements: 66 Delegations: 11 Civil Society: 47 OSCE Inst./Int'l Org: 0 Rights of Reply: 8</p>
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Working session 2 focused on freedom of thought, conscience, religion or belief.

The introducer, while acknowledging decades of positive developments which reflect the OSCE's formative role in the development of international human rights standards, pointed out two key areas of concern in the domain of the protection of freedom of thought, conscience, religion or belief: the protection and promotion of freedom of religion as a right of individuals and their religious communities; and the need to address intolerance and discrimination in an effective and lasting manner.

Furthermore, she identified a number of practices that emerged recently which are problematic, including: governmental regulation, and re-regulation of access to legal entity status - often referred to as "church registration"; protection of the rights of traditional or historic churches resulting in discrimination towards and - even persecution - of minority, foreigner or lesser known faiths and communities; use of legitimate security concerns to justify improper restrictions on freedom of religion or belief; and prevent or ban altogether the involvement of children in religious communities and activities.

She concluded that some of these measures have the potential to induce a general suspicion and ultimately hostility towards religious minorities, spark tension and grave disagreement between dominant majorities and less powerful minorities. Furthermore, criminal legislation aimed at curbing religious extremism and reducing terrorist violence is also a suitable instrument for wiping out dissent and political disagreement. In addition, such measures were seen to contribute to an atmosphere of fear of the government surrounded by societal distrust, legitimizing a wide range of even further restrictions on individual rights.

A number of delegations informed on the legal guarantees and existing practices on freedom of thought, conscience, religion or belief in their countries.

Most NGOs expressed concern that in an increasing number of participating States the conditions of religious freedom or belief have degraded, and worrying new tendencies undermine the rights of individuals and communities to profess and practice their religion or belief freely. They noted the tendency of introducing restrictive policies and laws that impose difficult registration requirements, place restrictions on religious education, proselytizing, religious publications and on property or building permits for places of worship. It was also highlighted that security concerns were utilized to restrict this freedom, in particular of minority or non-traditional religious groups.

It was underlined that freedom to express and to change one's religion or belief are an integral part of these freedoms and that the failure to protect these rights also contributes to the erosion of freedom of expression, freedom of association and assembly, and other human rights and fundamental freedoms.

It was claimed that some participating States discriminate against citizens based on their religious beliefs. It was also mentioned that religious affiliation shouldn't be a requirement to being able to hold a public office or profession. One NGO considered that the State shouldn't entrust the education system to a religious confession.

One NGO mentioned the existence of blasphemy laws in some participating States, considering that the freedom of expression should only be limited by the interdiction of incitement to hatred and violence and noted that religious groups should accept criticism.

Some concerns were expressed in relation to the ongoing lawmaking processes on religious issues in some participating States. It was stressed that a consultative approach with the active involvement of the civil society was necessary, and done in accordance with OSCE commitments.

Strong views were expressed on the existence of "anti-sect" policies in some participating States not in line with OSCE commitments. Also, some NGOs mentioned the question of the legal measures seeking to restrict the wearing and display of religious clothing and of religious symbols. In reply to both these criticisms, some delegations gave explanations regarding the exact nature of such policies.

It was noted that non-discrimination and hate speech laws were being used to prevent individuals from acting on their religious convictions. It was also referred the right to conscientious objection and one NGO defended that it should not be limited to

military services. The existence of religious and conscientious objection prisoners in the OSCE area was also mentioned.

Some speakers claimed that due to existing tensions and conflicts in the OSCE area, religious cultures and education, as well as access to shrines, was being restricted or denied and properties confiscated or destroyed.

One speaker noted that the recent uprisings in North Africa and Middle East created favorable conditions for a reinforcement of religious extremist groups intolerant towards different religious traditions.

One NGO called to attention the existence of persons whose sexual attractions are in collision with their religious beliefs.

Finally, many participating States and NGOs commended the work developed by the OSCE and ODIHR in protecting freedom of religion and belief.

Recommendations to the participating States:

- To remove blasphemy crime from domestic laws.
- To recognize and condemn intolerance and discrimination against individuals, religious or belief communities and ensure freedom of expression and their right to participate fully in public life.
- To adopt practical measures to assure that the media as well as political and public discourse are respectful of religions, their representatives, teachings and symbols.
- To take measures against the rising intolerance against and negative stereotyping of religious or belief communities in the media.
- To avoid legislation which would hinder freedom of speech or cause partialities.

Recommendations to the OSCE, its institutions and field operations:

- To assess legislation in the participating States in view of discrimination and intolerance against religious or belief communities.
- To increase its monitoring and reporting on violations of OSCE commitments of the freedom of thought, conscience, religion or belief.
- To improve the professional standards of journalism when dealing with religious questions and regularly convene meetings involving mass media leaders on the issues of tolerance and ethics.
- To review OSCE commitments related to the problem of discriminatory registration policies.
- In co-operation with participating states and non-state actors: To facilitate legislation and dissemination of information on legislation concerning the protection and guarantee of believers' rights, including those belonging to minority religions or beliefs.
- With the CoE: to evaluate options of linking activities of the ODIHR Advisory Panel of Experts on Freedom of Religion or Belief to the CoE Committee of Ministers thematic monitoring procedure.

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

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

Working Session 3: Fundamental freedoms II

Rapporteur: Mr. Simon Deignan, Attache, Permanent Mission of Ireland to the OSCE

<p>No. of statements: 63 Delegations: 13 Civil Society: 44 OSCE Inst./Int'l Org: 1 Rights of Reply: 5</p>
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Working Session 3 on Fundamental Freedoms covered freedom of assembly and association; NHRIs and the role of civil society in the promotion of human

rights; and Human Rights education.

The introducer underlined the freedom of assembly and association as crucial to a democratic society and pointed to the situation of human rights defenders as an indicator of democracy in a given country. She noted that increased security concerns and invasive anti-terror legislation has been used to clamp down on these fundamental freedoms. Some states have used their national laws to silence NGOs, making it virtually impossible for them to operate legally, while others severely restrict assembly rights and legitimize the use of violence against protesters. The introducer concluded by pointing to the recent UN Human Rights Council Resolutions on Freedom of Assembly and Association as a good basis for the OSCE.

On the freedom of assembly and association speakers stressed that many states have failed to fully ensure these fundamental freedoms, and a number of governments actively suppress them: selectively refusing permits to assemble and demonstrate, offering alternative venues that are unsuitable or in inconvenient locations, or simply banning the assembly altogether. Police have used force in suppressing and dispersing demonstrations by opposition groups, and in some instances, organizers and participants have been harassed or detained. The authorities restricted and sometimes harassed the activities of some NGOs, particularly those involved in human rights in some cases even closing the organisations, through selective application of the laws and other mechanisms or prevent them from registry.

A number of participating States pointed to legal guarantees of freedom of assembly and association in their countries as proof that these freedoms exist.

Most interventions also noted the importance of independent National Human Rights Institutions in safeguarding fundamental freedoms and acting as a bridge between civil society and government.

Recommendations to the participating States:

- Invite the UN Special Rapporteur on Freedom of Assembly and Association for an official visit to your country, and follow-up recommendations resulting from this visit
- Invite ODIHR to introduce its guidelines on Freedom of Assembly and Association in your country
- Include ODIHR recommendations into national legislation.
- Deal with the causes behind protests and demonstrations instead of banning them
- Ensure an environment in which human rights defenders can work freely;
- Condemn publicly and strongly attacks on and killings of human rights defenders and ensure effective investigations of these acts by eliminating impunity
- Release all political prisoners.

On NHRIs

- Agree on a Ministerial Council Decision at Vilnius which calls for the establishment of NHRIs where they do not yet exist
- Safeguard the independence of NHRIs and allow them to monitor and report effectively.
- Ensure that NHRIs have a strong legal basis on which to perform their work and give due consideration to their recommendations
- Encourage dialogue between NHRIs and civil society
- Ensure a balanced composition of NHRIs so as to represent all elements of society

On Education

- Ensure that human rights education is targeted, up to date, and in line with international human rights values.

Recommendations to the OSCE, its institutions and field operations:

- Publicly call on participating States to allow free assembly and association
- Analyze current best and worst practice in the area of free assembly and produce a set of minimum standards that should be applied
- Monitor the implementation and application of laws on freedom of assembly and association, and make violations public
- Further promote current guidelines and encourage their introduction into national legislation
- Develop a set of guidelines on freedom of association for NGOs
- Institutionalize freedom of assembly and association within the OSCE through the creation of a Special Representative
- Expand the activities of the OSCE/ODIHR Expert Panel on Freedom of Assembly
- In the area of human rights education, coordinate with other international organizations in order to share best practice

Working Session 4: Rule of law I

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

<p>No. of statements: 49 Delegations: 9 Civil Society: 28 OSCE Inst./Int'l Org: 2 Rights of Reply: 10</p>
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Working Session 4 focused on the rule of law in the OSCE region with specific attention being given to legislative transparency, independence of the judiciary and the right to a fair trial.

Some states described how they have taken steps to embed respect for rule of law norms in their constitutions and to improve public access to both draft and adopted laws. Many speakers commended the OSCE and ODIHR for their work on the rule of law. One speaker noted that the recent uprisings in North Africa demonstrated the universality of the rule of law.

Many speakers highlighted abuses of the rule of law in certain participating States. The targeting of political activists, judgments being handed down without proper evidence and fabricated charges and judgments were among the many violations reported. A number of speakers called for political prisoners to be released.

Legislative Transparency

It was noted that the 1990 Copenhagen Document contained commitments on the need for open, transparent and publicly accessible legislative processes. Speakers stressed that the lawmaking process should involve the widest range of stakeholders including civil society and the public. Access to parliamentary proceedings should be granted and adopted legislation should be readily available and accessible. Such a consultative and inclusive approach improved the quality and effectiveness of law making. A number of speakers highlighted the importance of the internet as a means of accessing information about legislation though some argued that modern technology was occasionally used to advance corruption in the judiciary. A number of cases were cited in which transparency had not been followed in drafting legislation in certain participating States. It was noted that one consequence of this was ambiguity in the way that laws are interpreted.

Independence of judiciary

Ambassador Lenarčič noted that that OSCE participating States had long recognized the importance of an independent judiciary as being at the core of a democratic society. However, there continued to be credible reports of insufficient respect for the independence of the judiciary with judges being exposed to undue influence from a range of actors. A number of speakers mentioned cases of judges being dismissed and lawyers disbarred as a result of executive interference. It was noted that such interference deprives victims of human rights abuses of the administration of justice. Some participating States highlighted the importance of ODIHR's Kyiv recommendations on judicial independence in Eastern Europe, the South Caucasus

and Central Asia. Ambassador Lenarčič encouraged all participants to consider how this tool could be used to examine how judicial independence could be improved in their countries.

Fair trial

The introducer to the session noted that recent case law relating to Article 6 of the ECHR had clarified the rules regarding the right to legal assistance in the pre-trial phase as well as the applicability of Article 6 to administrative fining procedures. It was noted that the right to a fair trial consists of a number of essential guarantees including the right to a fair and public hearing by a competent, independent and impartial tribunal established by law, equality of arms between the prosecution and defence, the right to prompt and affordable legal assistance and the presumption of innocence. However, many speakers cited examples of when these guarantees had been violated. One speaker said that in many cases there was a presumption of guilt rather than innocence.

A number of recommendations were made during the working session.

- OSCE and ODIHR should consider providing assistance to the countries involved in the so-called Arab Spring.
- All participating States should employ high standards when ensuring fair trial rights of individuals in their judicial systems.
- The OSCE and participating States should reinforce international mechanisms to prevent the violation of human rights including through closer monitoring.
- The OSCE should give more technical assistance to consolidate the international rule of law and democracy.
- Participating States should adopt decisions to ensure that the independence of the judiciary is protected from all forms of external pressure.
- OSCE Field Missions should have a 3 year mandate in all three dimensions including the rule of law.
- Participating States should ensure that lawyers can work free from interference and intimidation. OSCE Field offices should monitor the implementation of this right.
- The appointment of judges should be fair and based on merit.
- Political prisoners should be freed.

Working Session 5: Rule of law II

Rapporteur: Ms. Sonja Recchi, Political and Administrative Assistant, Permanent Representation of the Grand-Duchy of Luxembourg

<p>No. of statements: 51 Delegations: 8 Civil Society: 32 OSCE Inst./Int'l Org: 3 Rights of Reply: 8</p>

Working session 5 addressed the issues of the abolition of capital punishment, prevention of torture and the protection of human rights in the fight against terrorism.

The Director of the ODIHR, Ambassador Lenarčič, highlighted that despite the adoption of the OSCE Bucharest Plan of Action for combating terrorism 10 years ago, human rights were still not fully respected when taking counter-terrorism measures. He stressed the need for comprehensive strategies in order to combat the use of torture and noted that ODIHR can provide useful assistance in implementing the Optional Protocol to the UN Convention against Torture (OP-CAT). He also noted that capital punishment was slowly but steadily disappearing but that the trend had slowed down during the last year.

Dr. Alex Conte focused his introduction on the protection of human rights in the fight against terrorism 10 years after 9/11 and the adoption of the OSCE Bucharest Plan of Action. He identified 10 lessons learned during the last decade, including that states have an obligation to protect their citizens but have to act in compliance with all international obligations including human rights law, refugee law and international humanitarian law; that the lack of a universally agreed-upon definition of terrorism has resulted in the use of too broad definitions of the term thus creating great potential for abuse (and here Dr. Conte referred to the definition proposed by the former UN Special Rapporteur on human rights and counter-terrorism, Mr. Scheinin, which also takes into account if the action has passed a certain threshold of seriousness); that the fight against terrorism and the respect of human rights are complementary and that compliance with human rights is necessary to address the long-term conditions conducive to the spread of terrorism; that the lack of accountability for human rights violations in the name of fighting terrorism can not be allowed to persist and that those whose human rights have been violated must be granted access to effective remedies.

On capital punishment, many speakers called for the abolition of the death penalty, which is still carried out in 2 participating States, and for a moratorium on its use. Concerns were raised regarding the lack of transparency in relation to information on the use of the death penalty in one participating State and also regarding the application of the death penalty in a sometimes discriminatory manner. It was underlined that the death penalty has no proven deterrent effect and implies many problems and risks, such as the execution of innocent people.

The majority of interventions focused on the prevention of torture and the respect for human rights in the fight against terrorism. It was noted that the prohibition of torture is a core OSCE commitment to which all participating States must adhere and that it

can under no circumstances ever be justified. Torture, however, continues to exist throughout the OSCE area. Victims often have no means to report on it and there is also still a lack of quick and independent investigations into allegations of torture, especially when laws on extremism and the fight against terrorism are used to justify this form of inhuman treatment. The importance of establishing national preventive mechanisms (NPM) under the OP-CAT with a continued involvement of the civil society was underlined. Many speakers stressed the need to grant regular and unhindered access to NGOs and international organizations such as the ICRC in order to monitor places of detention and thus the functioning and independence of the NPMs. Several participating States gave examples for national independent preventive mechanisms against torture and acknowledged the importance of effective examination of allegations of torture (some referred in this context to the guidelines provided in the “Istanbul Protocol”). People who have committed torture have to be held accountable for their acts.

It was recognized that national security can only be defended in accordance with international law, in particular, human rights law, refugee law and humanitarian law. It was however noted that, despite the commitments undertaken in this area, the balance between security aspects and human rights was still not sufficiently observed throughout the OSCE area. Concerns were raised that counter-terrorism measures were often not subject to sufficient legal control and that they were sometimes used in order to silence critical political and social groups and movements. Many speakers called for a closer co-operation between governments and civil society in the fight against terrorism. It was stressed that the threat of terrorism has not gone away despite all efforts taken and that counter-terrorism measures which violate human rights may have adverse effects and lead to more support for extremist ideologies. The need to address the factors contributing to terrorism in order to decrease any form of further radicalization was underlined.

A number of recommendations were raised during the working session:

Recommendations to the participating States:

- to introduce a moratorium on the death penalty and, if a moratorium already exists, to abolish the death penalty and to convert all sentences into life-long imprisonment;
- to encourage public debate on the abolition of death penalty if capital punishment still exists;
- to provide adequate funding for the legal defense of persons who might be sentenced to death;
- to refuse information/data exchange on citizens who might face the death penalty in their country of origin;
- to ensure transparency regarding the use of the death penalty and to make information on it available to the public;
- to ratify and implement all instruments against torture, especially the OP-CAT;

- to extend open invitations to all UN Special Rapporteurs including the one on torture;
- to consult with civil society prior to establishing NPMs and to give due weight to their recommendations on their design;
- to ensure institutional, personal and financial independence of NPMs, in accordance with the Paris principles;
- to grant regular and unhindered access to places of detention to NGOs and international organizations without prior notice;
- to provide sufficient resources for the regular monitoring of places of detention;
- to ensure accountability and to introduce harsher punishments for the use of torture;
- to ensure independent and transparent investigations into all allegations of torture (according to the guidelines on effective examination of allegations of torture provided in the “Istanbul Protocol”);
- to fight discriminatory practices against prisoners of certain ethnic or religious groups;
- to establish independent forensic services in order to determine cases of torture;
- to establish mechanisms to report on torture without fear of reprisal;
- to investigate cases of abduction;
- to transfer cases of torture in sensitive areas to authorities in other regions;
- to ensure the independence of prosecutors and investigation services;
- to ensure protection of and assistance to victims of torture and to ensure that proper rehabilitation of torture survivors is provided for;
- to provide medical assistance to those in custody;
- to make the work in detention places more transparent;
- to provide training on torture prevention to law enforcement agents and prison personnel;
- to develop criminal investigation techniques to minimize the role of confessions, which are often likely to motivate torture or cruel, inhuman or degrading treatment or punishment;
- to ensure that measures taken to prevent and combat terrorism and violent extremism are in line with international humanitarian law, human rights and refugee law;
- to strengthen the co-operation of NGOs with the youth in order to counter extremist ideas;
- to conclude the investigations into the role of some European states in the context of CIA flights, secret detention centers and the hand-over of prisoners to the CIA and to close all detention facilities, including Guantanamo Bay;

- to foster co-operation with the civil society in the fight against terrorism.

Recommendations to the OSCE:

- to intensify the efforts to combat torture;
- to call for investigations into cases of torture brought to the attention of the OSCE;
- to expand the activities undertaken by ODIHR and the OSCE field missions in supporting the efforts of participating States to strengthen the rule of law;
- to monitor the situation in places of detention in Transnistria;
- to call on participating States to provide annual reports on places of detention where the public has no access and where ill-treatment and torture are supposed to take place. Investigations into cases of death in prisons should be made public.

Working Session 6: Freedom of movement

Rapporteurs: Ms. Odile Robert, Adviser to the Chairmanship of the Human Dimension Committee, Swiss Delegation to the OSCE; Ms. Katharina Stoffl, Political Adviser, Swiss Delegation to the OSCE

<p>No. of statements: 24 Delegations: 10 Civil Society: 9 OSCE Inst./Int'l Org: 0 Rights of Reply: 5</p>

Working session 6 focused on the Implementation of OSCE commitments related to freedom of movement and human contacts. The Director of ODIHR, Ambassador Janez Lenarčič, introduced the specifically selected topic of ‘Freedom of movement’ and recalled the importance of freedom of movement as a fundamental right in facilitating human contacts between citizens of OSCE participating States. After defining the term freedom of movement according to the OSCE commitments, he highlighted that freedom of movement is often a pre-requisite for the exercise of many other rights in the human dimension and that the registration systems and the registration criteria on which they are based should take into account the principle of facilitating freedom of movement. While significant progress had been made in the promotion of freer cross border human contacts, which was manifested in regional multilateral agreements, on the basis of which citizens enjoy visa-free travel, restrictions still existed.

The introducer, Dr. Joanna Fomina, co-ordinator of the Friendly EU Border Project, Open Europe Programme, Stefan Batory Foundation, started by saying that human contacts could not be possible with visa barriers. She stressed positive developments such as visa liberalization, readmission agreements and visa facilitation agreements. She highlighted the remaining challenges; inter alia, the limitation to some particular states, the slow processes and difficulties in the implementation practice. She concluded that there was a need for political will to address the fears of both sides and build trust through civil society and media.

19 interventions were made after the introduction, of which 9 by non-governmental organizations. In addition, five participating States made use of their right of reply in response to prior interventions.

Many delegations reaffirmed their commitments to freedom of movement. Some recommended that more efforts should be made to fulfil freedom of movement commitments among the participating states and called for simplification and liberalization of the visa regime. Others reiterated that a visa regime was not an impediment to freedom of movement and that if freedom of movement included the right to leave and return to one's country, the regulation of entrance in a country was a sovereign matter for all participating states. The restrictions to freedom of movement in some participating state, through exit visas among others, were regretted. A number of delegations informed on their efforts to promote freedom of movement within their borders and between the borders through proper regulations and migration management.

Most non-governmental organizations (NGOs) drew attention to restrictions and shortcomings existing in the visa processes and legislations of the participating States which were limiting or effectively denying freedom of movement. Some of the NGOs deplored that some groups (women, children, human rights, defenders, journalists, etc.) were discriminated against in exercising their right to freedom of movement. Other NGOs requested participating states to abolish exit visas and *propiska* so that they follow the international rules.

Recommendations to the participating States:

- To fully implement OSCE commitments related to freedom of movement.
- To respect human rights, the rule of law and all OSCE commitments in order to achieve freedom of movement within the OSCE region.
- To simplify and liberalize visa regimes
- To abolish the requirement of *propiska* residence registration
- To provide explanation for restrictions on freedom of movement;
- To abolish restrictive regulations to free movement, such as exit visa requirements.

Recommendations to the OSCE, its institutions and field operations:

- To compile a set of principles on freedom of movement, on the model of the guidelines to peaceful assembly, so that national law can be brought up to date in all OSCE participating states.

- To initiate a cycle of conferences and seminars, which would provide specific recommendations on freedom of movement for the 2012 summit.

Working Session 7: Freedom of movement (cont.)

Rapporteur: Ms. Ketevan Gogolashvili, Counsellor, Permanent Mission of Georgia to the OSCE

<p>No. of statements: 22 Delegations: 3 Civil Society: 14 OSCE Inst./Int'l Org: 0 Rights of Reply: 5</p>

Working session 7 focused on freedom of movement within participating States and across State borders throughout the OSCE area.

First Deputy Director of the ODIHR Mr. Douglas Wake highlighted the necessity to facilitate contacts among citizens and cross border travel within the OSCE area. He noted that OSCE participating States have accomplished quite a lot in this sphere. There are large regions within the OSCE area, established on the basis of multilateral agreements, in which cross border travel is facilitated. Besides the regional agreements, a range of bilateral agreements have been concluded between participating States with the purpose of establishing visa-free cross-border travel or otherwise facilitating travel for their citizens. Nevertheless, there still are some difficulties with regards to visa obtaining procedure, price, and time. Sometimes journalists, human rights defenders and other specialists, who intend to travel due to their professional reasons, are refused to be given visas without any explanation. The OSCE participating States should explore legal criteria in order to facilitate cross border travel for their citizens.

The Introducer of the Session Mr. Bucinkas focused on freedom of choice of residence and movement within the OSCE participating States. He noted that many OSCE participating States require registration of their citizens' place of residence. Registration, in some cases, serves as one of the cornerstones of modern administration, facilitating democratic governance; it is used for delivery of state services and to contact people. In this sense, registration is supposed to be within the interests of the residents, especially if registration of place of residence requires a simple notification to relevant authorities. However, in some other States, registration of residence is dependent on fulfilling certain administrative criteria and, where procedures are complex and onerous, they may constitute an obstacle to freedom of movement for individuals and for certain categories of the population. Mr. Bucinkas called on the OSCE Participating States to reduce to the minimum restriction of free movement and choice of place of residence for their citizens.

The majority of NGOs highlighted the importance of movement/visa facilitation for human rights defenders, journalists and other representatives of the civil society while travelling abroad due to their professional purposes. They also underlined the

necessity of abolition of so called “black lists” and stated that these lists should, at least, be made public so that the persons on them could have access to legal mechanisms to appeal. The States should not restrict free movement under excuse of terrorism threat or increased number of asylum-seekers. Herewith, one participating State noted that Freedom of Movement does not constitute a right to enter or remain on the territory of another State without its consent.

One NGO raised an issue of lack of documentations mostly in the post-Soviet participating States, which makes undocumented people legally and administratively invisible and thus, restricts their free movement.

Another NGO drew attention to practice in a participating State to restrict exportation of automobile fuel, which hampers freedom of movement of the citizens and violates international norms and treaties.

Yet another NGO informed the delegations on the achievements in the sphere of free movement and choice of residence in its own country.

Some participating States and NGOs drew attention to the situation in the conflict zones in one participating State, specifically, restriction of free movement to/from these regions. They stated that restriction of movement should not be used for political games. Some NGOs expressed concern regarding the fact that travel documents issued by the local, internationally non-recognized authorities does not permit the residents of conflict regions to travel abroad. One State expressed concern regarding further deterioration of the situation in the conflict regions and drew attention to the number of incidents related to crossing the administrative border-lines. Another State noted that issues relating to free movement might be considered only after signing an agreement on non-use of force between the participating State in question and its breakaway regions.

One participating State expressed concern over persistent discrimination of Roma population who faces lack of documentation, statelessness and displacement. In this context it was noted, that the concept of Free Movement implies the right not to move at all.

During the working session some States raised an issue related to the recent developments in a particular region. It was underlined that the EU and OSCE missions on the ground should follow the principle of status neutrality, and the sides should aim at peaceful settlement of the situation based on mutual dialogue.

Recommendations to the participating States:

- The OSCE participating States should reduce to the minimum restriction of free movement and choice of place of residence within their States.
- The OSCE participating States should explore legal criteria in order to facilitate cross border travel for their citizens.
- The OSCE should pay particular attention to restrictions on the freedom of movement of human rights defenders.
- Black/white lists for travel abroad should be open and appeal to being placed on such lists – made possible.

- The OSCE participating States should not use terror attacks as a justification for the tightening of visa regimes.
- The issue of lack of adequate documentation should be addressed.
- Restriction of movement to/from conflict zones should not be used for political games.

Recommendations to the OSCE and its Institutions:

- The OSCE and the ODIHR should undertake a mission to one participating State to assess the implementation of the recommendation of the 2008 report.
- The EU and OSCE missions in Kosovo should follow the principle of status neutrality.

Working Session 8: Democratic elections and electoral observation

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

<p>No. of statements: 37 Delegations: 11 Civil Society: 19 OSCE Inst./Int'l Org: 2 Rights of Reply: 5</p>
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Working session 8 focused on the implementation of commitments undertaken by OSCE participating States regarding the holding of elections but election observation issues were also addressed. Statements were made on behalf of nearly 50 States and 21 NGOs. Session moderator, ODIHR Director Ambassador Lenarčič, stressed the expertise accumulated by ODIHR in assisting participating States meet their election-related commitments. Session introducer, ODIHR election department head Dr. Martin-Rozumilowicz, stated that ODIHR strives to strengthen election observation methodology in order to help participating States implement their commitments and that States must stay committed to following up ODIHR's recommendations.

Many States reaffirmed the validity of relevant commitments and underlined that holding regular, free and fair elections is a *sine qua non* in a democracy. They underlined that responsibility to fulfil election-related commitments lies squarely with the governments of participating States. They stressed the importance of the following elements for ensuring a genuine electoral process: universal and equal suffrage, open and inclusive pre-election environment for citizens and political parties; transparent registration and accuracy of voter registration/lists; independence of the Central Election Commission; secrecy of vote; freedom of expression, information and the media, including new media; freedom of association and assembly; independent judicial system.

The progress achieved in meeting relevant commitments was welcomed but many States and NGOs lamented that shortcomings in the conduct of democratic elections remain in some participating States. Restrictions and limitations were mentioned in respect of the following: universal suffrage (exclusion of some groups was referred to); right to nominate, to stand and to be elected; right to freely exercise right to vote; right to campaign freely; access to and coverage in media; voter registration; accurate voter lists; party registration; vote count and tabulation transparency; vote secrecy; complaint and appeal mechanisms; political and media pluralism; number and work of observers. Also mentioned were the lack of proper legal framework, non-transparent election administration, insufficient length of election campaign period, lack of political competition, voter pressure and intimidation, fraud, falsification and miscalculation of votes, high concentration of government officials in Central Election Commissions, lack of confidence in the electoral process, lack of effective investigation of reported violations, inadequate consultation with civil society on electoral law amendments, high threshold required for election, lack of legislative provisions for access of observers and the inadequate separation of State and party.

Many States expressed appreciation for the assistance given to participating States by ODIHR in the conduct of elections and called upon all States to issue timely invitations to ODIHR to independently observe elections, without any restrictions. They also stressed the importance of implementing election observation recommendations. Some speakers stressed that elections should be held primarily in accordance with national legislation. One delegation opined that common standards for election observation are not feasible. Another speaker opined that uniform election observation criteria were needed to avoid differing conclusions by different groups of observers. Guaranteeing the vote for people with disabilities, the Roma communities, and nationals of a given State abroad, were stressed. The insufficient participation of women in elections and in political life and the low percentage of women in office were also raised. Election observation was mentioned as the best tool for participating States to eradicate shortcomings in the electoral process.

Some States reported on their follow-up on ODIHR's recommendations regarding elections therein, their amendments to relevant legislation, drawing on recommendations of international organizations and in consultation with civil society, while others elaborated on preparations regarding upcoming elections.

Recommendations to participating States:

- To fully implement but also complement existing election-related commitments.
- To ensure criminal and administrative responsibility for violations in electoral process.
- To engage in systematic exchanges on the methodology of election observation and to consider in this context the equal representation of participating States in election observation teams.
- To try to reach a common understanding on a Code of Conduct for Election Observers.
- To issue timely invitations for election observation before, during and after an election and refrain from imposing restrictions on the number of observers or their work.

- To follow-up and implement election observation recommendations, including through strengthening the reporting practice in the Human Dimension Committee.
- To ensure that the electoral legal framework provides for international and domestic election observation, including observation of the voting process by domestic non-partisan organisations.
- To consider introducing a legislative quota of women on voter lists and adopt measures to ensure the equal participation of women in the electoral process.

Recommendations to ODIHR:

- To conduct election follow-up visits within a specific period of time after the publication of its report.
- To include follow-up reports of participating States to ODIHR recommendations in ODIHR annual report.
- To publish good practices based on its experiences and compare them with best practices of other international organizations.
- To compile a comparative study on election legislation in participating States.

Working Session 9: Democratic elections and electoral observation (cont.)

Rapporteur: Mr. Uwe Petry, Counsellor, Permanent Mission of the Federal Republic of Germany to the OSCE

<p>No. of statements: 19 Delegations: 5 Civil Society: 11 OSCE Inst./Int'l Org: 0 Rights of Reply: 3</p>

Election observation

Working session 9 focused on election observation as a means to promote democracy and strengthen democratic institutions and political rights in the OSCE region at the national, regional and local levels.

The moderator of the session, Mr. Douglas Wake, First Deputy Director, OSCE/ODIHR, drew attention to the comprehensive nature of the instrument of election observation comprising the pre- and post-election period, election day itself as well as recommendations and follow-up based on the assessments by election observation missions. The moderator noted that the ODIHR stood ready to assist participating States also with the follow-up of election assessment recommendations. According to the moderator, the impact of election observation depended ultimately on the political will of participating States concerned.

Norway, in its introductory remarks, provided a best practice example for the follow-up on election assessment recommendations related to elections held in 2009. In this

context, ODIHR's expertise which had fed into the post-election review process in Norway and had helped to meet international standards was especially welcomed. Recent co-operation with ODIHR on a pilot project concerning new voting technologies showed the usefulness of expert assistance even beyond standard election observation processes.

Some delegations welcomed measures undertaken by ODIHR in order to implement the Ministerial Council Decision 19/06. They expressed their support for ODIHR's ongoing election-related activities and methodology as well as ODIHR's autonomy and impartiality in this regard. They emphasized the need for a consistent follow-up to ODIHR's election-related recommendations. They also stressed the importance of a close and trustful co-operation between ODIHR and the OSCE Parliamentary Assembly in the field of election observation.

While the above interventions supported a comprehensive long-term approach regarding the use of the instrument of election observation, other delegations called for a streamlining of procedures and a limitation to the campaign period, the election day, and to the review of potential appeals. There were calls for an adaptation of election observation methodology to national election legislation, thus putting into question general standards for election observation. On the other hand, some delegations pointed to the need to remedy shortcomings in national election legislation with regard to international standards.

Most non-governmental organizations drew attention to restrictions and shortcomings existing in the election processes and legislation of the participating States. Among enumerated concerns, speakers particularly referred to limitations on effective domestic election observation, shortcomings in registration procedures, uneven conditions for campaigning, the importance of citizenship in election processes, challenges to freedom of expression, assembly and association as well as lack of independent media. On the other hand, recent positive developments were noted in a number of participating States in the preparation and conduct of elections as part of the democratic process. Non-governmental organizations informed about their efforts to enhance election processes through domestic election observation and the active involvement of the civil society.

Recommendations to the participating States:

- To fully implement OSCE election-related commitments.
- To acknowledge the role of political parties in the election process and to allow for their registration in an unhindered and unbiased way.
- To acknowledge ODIHR's expertise in election observation and invite ODIHR in a timely fashion to observe national elections process.
- To fully cooperate with ODIHR, before, during and after elections.
- To reinforce the follow-up of recommendations provided by the ODIHR in the election observation reports.
- To continue to adapt national election legislation to international standards, wherever necessary.
- To improve the access and the full involvement of civil society with regard to election processes in their respective home countries.

Recommendations to the OSCE, its institutions and field operations:

- To ensure universality, mutual action, transparency, professionalism and impartiality in the scale and conduct of election observations and with regard to election assessment reports.
- To conduct comparative expert analysis of national election legislation of participating States.
- To encourage participating States to reinforce the follow-up to ODIHR's election observation recommendations.
- To mutually reinforce cooperation between the ODIHR and the OSCE Parliamentary Assembly on the basis of the 1997 Cooperation Agreement.
- To assess the human rights situation in between elections as part of a comprehensive election observation methodology, by giving special attention to media and gender issues, and including also new areas such as social networks.

Working Session 10: Human Dimension activities, with a special emphasis on project work

Rapporteur: Ms. Viktorija Budreckaite, Attache, Permanent Mission of the Republic of Lithuania to the OSCE

<p>No. of statements: 9 Delegations: 3 Civil Society: 2 OSCE Inst./Int'l Org: 0 Rights of Reply: 4</p>

Working session 10 focused on discussions on the human dimension activities (with special emphasis on project work), including presentation of activities of ODIHR and OSCE Field Operations to implement priorities and tasks contained in the OSCE commitments in the Human Dimension.

The First Deputy Director of ODIHR, Douglas Wake, as the moderator of the session, noted that remarks from the participating States and non-governmental organizations are important in evaluating ODIHR's activities and guiding its future work.

The moderator introduced ODIHR's structure and various departments within the ODIHR. The review of the work done by the ODIHR departments so far followed.

[ODIHR's Elections Department and Contact Point for Roma and Sinti were only briefly introduced as other working sessions at the Human Dimension Implementation Meeting were dedicated to these topics.]

In the introduction of ODIHR's Elections Department activities, the Fund for Diversification of Election Observation Missions, legislative assistance and development of observation methodology were highlighted.

The moderator also mentioned education and social integration projects which were carried out by the Contact Point on Roma and Sinti Issues.

Among the activities of ODIHR's Tolerance and Non-discrimination Department, Education and Awareness – Raising programmes, including high-level conferences on Confronting Anti-Semitism in Public Discourse, Preventing and Responding to Incidents and Hate Crimes against Christians and Confronting Intolerance and Discrimination against Muslims in Public Discourse and Programme for Combating hate Crimes were specifically mentioned.

Karen Polack, Head of the Education Department of Anne Frank House in Amsterdam, presented the education project to combat anti-Semitism run by ODIHR in co-operation with Anne Frank House. Karen Polack also stressed that each year 2 to 3 participating States ask to join the project.

ODIHR's Democratization Department continued its support to participating States to improve democratic governance and the rule of law, to strengthen parliaments and to develop multiparty political landscapes. As an example of the synergies between ODIHR's work and that of the OSCE Field Operations, the War Crimes Justice Project was presented by a representative of the OSCE Mission to Serbia, Ms. Ana Petrovic.

ODIHR's Human Rights Department continued its work in monitoring the implementation of human rights commitments, building capacity of the civil society and combating trafficking in human beings, with a particular focus to the protection of the rights of trafficking victims. He also highlighted three areas of focus of ODIHR in the Human Rights field, namely National Human Rights Institutions, Human Rights and Anti-Terrorism Programme and Human Rights Education.

Another example of co-operation between ODIHR and other organizations was reflected in the presentation on the development of Guidelines on Human Rights Education, delivered by Dr. Peter Kirchschräger, Co-Director of the Centre of Human Rights Education of the University of Teacher Education Lucerne.

A number of recommendations were made during the working session.

Recommendations to the participating States:

- ensure the greater use of the opportunities afforded by Human Dimension events and the Human Dimension Committee meetings for the review of the implementation of the commitments and the exchange of experiences and best practices;
- ensure the participation of civil society to the OSCE human dimension events;
- further develop programmes and projects aimed at strengthening civil society, including human rights defenders;
- take account of, and follow up on the recommendations made by the OSCE institutions;
- encourage in-depth international exchange on the experiences in teaching anti-Semitism and sharing the good practices and lessons learned;

- further support the implementation of ODIHR projects through financial and other contributions;

Recommendations to the OSCE, its institutions and field operations:

- enhance co-operation and strengthen co-ordination with other multilateral organisations, such as the UN Human Rights Council, treaty bodies, the Council of Europe and other regional and international organisations;
- extend OSCE institutional knowledge and technical expertise to the OSCE Partners for Cooperation;
- further strengthen the OSCE Field mission activities and extend their co-operation with the civil society;
- ensure that election observation missions are effective, efficient and transparent;
- continue to present general overview of ODIHR's programmes and other activities to the OSCE participating States.

Working Session 11: Humanitarian issues and other commitments I

Rapporteur: Ms. Tania Falierou, Second Secretary, Permanent Mission of Greece to the OSCE

<p>No. of statements: 38 Delegations: 11 Civil Society: 23 OSCE Inst./Int'l Org: 2 Rights of Reply: 2</p>
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Working Session 11 was dedicated to the review of the implementation of the OSCE commitments concerning migrants, refugees and internally displaced persons (IDPs), treatment of citizens of other participating States, as well as on democracy at the national, regional and local levels, and on citizenship and political rights.

At the beginning of the session, the introducer spoke mainly about the problem of integration of migrants in Europe, giving insights on how host countries could manage migration flows. He pointed out that Europe did, in fact, need immigrants in order to prevent economic and pensions systems from collapsing and to offset current gloomy demographic prospects. He stressed that migrants could contribute significantly to the development of the host country, playing sometimes the role of cultural bridges between countries. The introducer highlighted that integration was key to democratic participation of migrants and needed to be a two-way process, taking into consideration migrants' cultural background.

Many participants in the session pointed out that various human rights problems still existed with regard to migrant communities in the OSCE region. Many representatives of NGOs reported that in many countries, migrants still lived in bad

conditions, did not receive full payment for their work, were arbitrarily detained, were not protected from evictions or refoulement, and had no access to legal assistance. It was stressed by some participants that States should enhance the protection of migrants, especially during the economic downturn. Some participants warned of particular vulnerability of migrants, who could easily become victims of xenophobia, discrimination, racial profiling and negative stereotyping. Furthermore, it was reported that the economic recession impacted disproportionately on migrants' wages, working and living conditions, unemployment levels, and social benefits.

In this context, some participants underlined the need for close cooperation between migrants' countries of origin and destination, on the basis of international norms and taking into consideration the protection of the rights of migrants and their families. A number of participants suggested the need to further explore bilateral labour agreements, since they could lead to better regional migration management. Some participating States reported certain good practices with respect to labour migration management. It was underlined by a number of NGOs that if States did not improve legal and humane labour migration policies, illegal migration would continue.

Another issue raised by many participants was the role of the media and education in preventing racism, xenophobia and discrimination and promoting integration of migrants. It was also mentioned by some participants that the role of international organizations and civil society remained vital in this field.

A number of participating States reported on legislation adopted on migration and the protection of migrants' rights, especially regarding anti-discrimination, access to health services, freedom of association, access to courts, citizenship, work permits and family reunification. They also informed on their efforts to improve mechanisms of regulation and to allow foreigners better access to the labour market.

A significant part of the discussion in this session was devoted to the issue of refugees and displaced persons. Most participants stressed that States were not adequately implementing their commitments to protect and respect human rights and fundamental freedoms of refugees, IDPs and stateless persons. During the discussion much attention was given to displacement as a result of various conflicts inside the OSCE area. Concerns were voiced about an increase in the number of displaced persons due to recent events in North Africa. A participating State stressed that the circumstances giving rise to refugees and displaced persons around the Mediterranean Basin should remind us that the requirements of the Dublin regulation have placed a disproportionate asylum burden on OSCE border countries. On the other hand, a regional programme for finding housing solutions for displaced persons, agreed by 4 countries in the region of Western Balkans and supported by the ODIHR and the UNHCR, was welcomed as a good example of regional cooperation in this field.

Regarding the topic of treatment of citizens of other participating States and the topic of citizenship and political rights, a number of positive developments by some participating States were mentioned, such as visa regime liberalization and participation of migrants in local elections, while at the same time serious limitations were observed by a number of NGOs in the area of the freedom of movement, obtaining host country's citizenship, free choice of place of residence, and contacts among the citizens of participating States. Participants also welcomed the fact that

many OSCE participating States have elaborated projects against statelessness, which was particularly important for Roma and displaced persons with undocumented nationality.

A number of recommendations were made during the working session. Summarizing, the participants recommended the following:

Recommendations to the participating States:

- To review the implementation of OSCE commitments concerning migrants, refugees and IDPs with a view to discussing possible gaps
- To adopt a coherent long-term approach to the question of migration and asylum, encouraging participation in society and promoting inter-culturalism
- To further raise awareness of the issue of migration in the media and educate people on this matter
- To keep on exchanging information on how to regulate and regularise migration in the OSCE area
- To enhance cooperation between origin and destination countries in the field of migration
- To encourage participation of migrants in public and political life

Recommendations to the OSCE, its institutions and field operations:

- To help OSCE participating States to revise migration legislation so that it meets OSCE commitments and international law standards
- To further elaborate on means to combat phenomena of xenophobia and discrimination against migrants
- To integrate displacement aspects into OSCE conflict management

Working Session 12: Tolerance and non-discrimination I

Rapporteur: Ms. Christina Hayovyshyn, Second Secretary, Permanent Mission of Ukraine to the OSCE

<p>No. of statements: 39 Delegations: 15 Civil Society: 15 OSCE Inst./Int'l Org: 1 Rights of Reply: 8</p>
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Working session 12 of the HDIM was devoted to tolerance and non-discrimination, in particular to the issues of national minorities and prevention of aggressive nationalism, racism and chauvinism in the OSCE region.

The High Commissioner on National Minorities (HCNM) H.E. Mr. Knut Vollebaek addressed various concerns in the field of national minorities in the OSCE area. Particular focus was placed on the effective participation by minorities in all spheres

of life. It was stressed that the root causes of interethnic tensions and conflict are frequently found in situations where the perspectives and interests of minorities are not adequately taken into account by the State and the majority. Avoiding socio-economic exclusion and discrimination in such areas as employment, education, health and other public services must be an essential part of any state's policy agenda if it wants to create full and effective quality. The HCNM recalled that effective political participation is in the OSCE human dimension commitments.

The HCNM recognized participation of minorities in public affairs as one of the key challenges throughout the OSCE region. Particular concern was expressed with regard to the fact that many people within the OSCE region still do not hold citizenship of any country. It was underlined that effective participation by representatives of minorities in all aspects of society requires creation of the conditions that encourage such participation. The HCNM called for objective, reliable and disaggregated data on the number and situation of members of minorities since the formulation of policies can only be effective if it is based on evidence and analysis of the existing situation. It was emphasized that despite the fact that the conduct of the census is particularly sensitive for certain majority or minority groups within some participating States it is however necessary for realistic analysis and policy-formulation.

The majority of those who intervened highlighted importance of the mandate of the OSCE High Commissioner on National Minorities and expressed support to his activities. Some interventions encouraged to continue close cooperation with the HCNM on matters related to national minorities and make full use of his expertise.

The need for further coordination between OSCE, UN and the Council of Europe in the field of national minorities was also highlighted during discussion. Role of field operations in decreasing tensions as well as adequate involvement of civil society were mentioned as important and necessary. Several participants supported High Commissioner's call for reliable and disaggregated data on the number and situation of minority members.

Many NGO participants referred to individual cases of violation of the rights of persons belonging to national minorities in the participating States as well as informed on various restrictions that pose serious challenges to the participation of national minorities in social and political life such as for instance inadequate number of minority schools, cut of financing or absence of right to vote for non-citizens. In this regard they called for full compliance of the participating States with the OSCE commitments, norms and principles.

A few interventions dealt with concerns regarding the non-citizenship issue. One participating State raised concerns with regard to the growth in intolerance and racism throughout the OSCE area, indicated cases of glorification of fascism in some participating States and called on the HCNM to mention these particular cases publicly. In this regard the High Commissioner emphasized that the advantage of the work of the HCNM is in his obligation to work quietly and in confidence.

A number of delegations informed about their efforts at national level to protect the rights of persons belonging to national minorities, prevent racism and chauvinism, implement relevant international obligations as well as national legislation in this

field. Some participating States reported on the progress made in adoption of legislation in the field of national minorities with the aim of bringing their legislative framework in line with international standards and commitments.

Support for the Bolzano/Bozen Recommendations on National Minorities in Inter-State Relations and need to transform them into a binding document was voiced.

Recommendations made to the participating States:

- PS should strengthen implementation of the OSCE commitments in the field of national minorities;
- PS should ensure that their national legislation is in line with international standards and OSCE commitments and take actions to ensure better implementation of the national legislation;
- PS should intensify efforts to ensure effective participation of the persons belonging to national minorities in all spheres of life;
- PS should fully cooperate with the HCNM and make use of his expertise.

Recommendations made to the High Commissioner on National Minorities and the OSCE:

- The HCNM should undertake effective measures to ensure that national minorities enjoy equal rights throughout the OSCE area;
- The HCNM should continue to address issues related to the national minorities in the OSCE area;
- The OSCE should continue to cooperate with other international organizations on national minorities issues.

Working Session 13: Tolerance and non-discrimination II

Rapporteur: Ms. Mischa Thompson, Policy Advisor, U.S. Commission on Security and Co-operation in Europe (Helsinki Commission)

<p>No. of statements: 54 Delegations: 8 Civil Society: 37 OSCE Inst./Int'l Org: 3 Rights of Reply: 6</p>

The Session was heavily attended. The first hour was dedicated to remarks from the moderator, introducer, and three Personal Representatives on Tolerance (PR), resulting in the time for interventions to be reduced to 2 minutes.

Hate crimes and Hate discourse. Concern was expressed about continuing hate crimes occurring in the OSCE region. The failure of participating States to adequately implement OSCE hate crimes commitments was a central theme, with many civil society speakers citing the need for participating States states to collect

disaggregated hate crimes data and to report the data to ODIHR. A large number of participants spoke in support of ODIHR's hate crimes training for law enforcement and tolerance education programs. Several speakers raised concerns about growing intolerance and xenophobia fuelled by statements from political leaders and called for far right parties to be banned. The adoption of xenophobic views by mainstream parties was cited as an even greater challenge. A number of speakers called on participating States to monitor and prevent hate on the internet and in the media.

Racism and Xenophobia. Several speakers called for an increased focus on racism and xenophobia, including by the Personal Representatives. One delegation noted that it had specifically called for the upcoming Supplementary Human Dimension Meeting to focus on racism and xenophobia given trends in which visible ethnic minorities have experienced heightened levels of discrimination in the region and that 2011 is the International Year for People of African Descent. Rights of reply included responses to concerns raised about alleged persecution of minorities in two participating States. One participating State noted the creation of several government positions on tolerance and an upcoming visit by the three Personal Representatives of the Chairperson-in-Office on tolerance issues.

LGBT. Speakers noted escalating violence targeting the LGBT community and called on participating States to provide ODIHR with a mandate to adequately address the issue. Additionally restrictions on gay pride parades were repeatedly raised. The cancellation of the gay pride parade in one participating State was especially noted as disappointing and a step backward. The participating State in question utilized its right of reply to note all events had been cancelled that week and that it was not helpful for NGOs to raise the gay pride parade issue in a public forum.

Discrimination against Christians. Discrimination against and marginalization of Christians was mentioned by a number of speakers, including efforts to ban the display of Christian symbols and cases of reverse discrimination. Several participants argued that they were discriminated against because they were Christians attempting to provide counsel to persons with unwanted homophobic feelings. Noting that Christians were sometimes intolerant, Personal Representative on Combating Racism, Xenophobia, Discrimination and Intolerance against Christians and members of other religions Massimo Introvigne commended the recent OSCE events focused on Christians and cited the need for the OSCE to increase its focus on discrimination against Christians in the OSCE region in areas where Christians were in the minority. One participating State backed this statement, noting that Christians were the most discriminated against in the OSCE region.

Discrimination Against Muslims. Several Muslim organizations mainly from Germanic countries and France noted continuing concerns with the stereotyping of and prejudice towards Muslims, in addition to failures for participating States to respect the practice of Islam. Specific concerns included the equation of Islam with terrorism, stereotypical portrayals of Muslims in the media, and the proliferation of legislation across the region seeking to restrict the religious practices of Muslims, including dress. Speakers called for an OSCE high level conference on anti-Muslim discrimination and commended the upcoming meeting on anti-Muslim discrimination. ODIHR's new guidelines for educators on discrimination against Muslims were

praised. PR Akhmetov specifically raised concerns about internet hate, legislation in Europe focused on mosques and headscarves, and cautioned against ranking cultures.

Anti-Semitism. Several Jewish organizations called for high level conferences on anti-Semitism. Criticism of Israel was cited as a form of anti-Semitism by several organizations and calls to implement the Berlin Declaration and utilize the EUMC working definition of anti-Semitism were made. Personal Representative of the Chairperson-in-Office on Combating Anti-Semitism, Rabbi Andrew Baker, called for an increased focus on anti-Semitism from Muslim communities including a focus on tolerance issues at the upcoming Vilnius civil society meeting with Arab Spring countries.

Religious Freedom. Several speakers noted regulations by participating States that impeded religious practice, including cumbersome registration requirements and bans on religious materials in addition to government-led campaigns against religions viewed as non-traditional. One participating State utilized its right of reply to dispute concerns raised to its anti-Sect laws and noted that legal suits could be filed in cases where the laws were misused. Another utilized its right of reply to dispute civil society claims that a New Life Church leader was brutalized by the government. One participating State announced it was creating an office focused on religious freedom.

Recommendations for participating States included:

- support and increase funding for the work of ODIHR and the three Personal Representatives on Tolerance, including in the areas of racism and xenophobia,
- compliance with OSCE human rights, tolerance, and hate crimes commitments, including monitoring and reporting on hate crimes and the collection of disaggregated data,
- utilizing ODIHR’s guidelines for hate crimes legislation, law enforcement and other hate crimes and anti-discrimination trainings;
- partnering with civil society to monitor and address hate crimes and discrimination;
- better cooperation to address hate discourse, including by political leaders, in the media, and on the internet;
- providing better assistance and access to justice for victims of hate crimes, including for LGBT communities;
- to focus future tolerance meetings on implementation and concrete initiatives participating States could engage in to fulfill OSCE commitments.

Working Session 14: Enhancing the implementation of OSCE commitments regarding Roma and Sinti

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

<p>No. of statements: 30 Delegations: 8 Civil Society: 19 OSCE Inst./Int'l Org: 1 Rights of Reply: 2</p>

Working session 14 focused on effective responses to intolerance directed at Roma and Sinti, and especially on the role of public discourse, the media and civil society. The introducer of the session, Mr. Schokkenbroek from the Council of Europe, noted that in the atmosphere of anti-Gypsyism present in many European countries, the escalation of violent events was a real threat. He stressed that acts of anti-Gypsyism must be prosecuted, and that there is also a need to foster a culture of tolerance. He highlighted the role of the media, including Roma journalists, and of awareness raising campaigns. He noted that many challenges persist on the local level despite existing legislative frameworks and coordinated efforts by for instance international organizations. Some judgments of the ECtHR also remain to be implemented in certain participating States. The introducer called on States to redouble their efforts and reminded that national governments have the primary responsibility for the protection of rights and wellbeing of all citizens.

28 interventions were made after the introduction, of which 17 were by non-governmental organizations and one by an independent expert. In addition, two participating States made use of their right of reply in response to prior interventions. While serious shortcomings in the implementation of commitments were identified, also some good practices were mentioned and recommendations presented.

One delegation quoted the Council of Europe's Commissioner for Human Rights, who had pointed out that there has been no genuine change of attitudes towards the Roma in Europe after the Second World War. The Nazi ideology had portrayed the Roma as inadaptably and criminal, and similar rhetoric is still used today. It was noted that anti-Roma statements and acts of violence are spreading through Europe, and that the political exploitation of anti-Gypsyism by the extreme right is an especially worrying trend. It was stated that the European institutions need to condemn racist violence against Roma, and that the Council of Europe, the OSCE, and the EU should revitalize the dialogue with the governments in order to urge them to create the political will for Roma integration.

Participants also expressed their support for the work of the ODIHR Contact Point for Roma and Sinti Issues. A number of delegations informed on their efforts to implement commitments and to draft Roma strategies. One delegation proposed that an EU-level Roma Strategy should be drafted to complement national Roma integration strategies.

Concern was expressed that there is a "cultural genocide" of Roma taking place, in the sense that the Roma do not possess the social and cultural capital needed to thrive in certain participating States. On a more positive note, some participating States told about their experiences in improving tolerance for Roma by using the media, including electronic media. The film industry, theatres and other cultural institutions can have a role in this work.

Many non-governmental organizations drew attention to the violence against the Roma and to the negative portrayal of the Roma in the media. It was stated that education and awareness-raising is needed to counter extremism. It was also pointed out that the Roma need to mobilize, to create a common vision, and to find unconventional solutions. Roma NGOs should be supported while remembering the differences among the various Roma communities. Special emphasis is needed for Roma women and children as they are especially vulnerable groups.

A number of recommendations were made during the working session. They included the following:

Recommendations to the participating States:

- To involve the Roma and the local level in decision making.
- To make use of lessons learned.
- To put an emphasis on education and awareness-raising also with regard to the majority population.
- To step up efforts to avoid further ethnic tensions between Roma and non-Roma populations.
- Public officials should respond to manifestations of hatred directed against the Roma, and they should clearly, unequivocally and promptly speak up against these whenever they occur.
- To uphold OSCE commitments to respond to intolerant public discourse in the media and to promote a balanced portrayal of Roma.
- To inform the media about positive developments regarding the Roma: i.e. projects realized.
- To enhance the implementation and monitoring of the implementation of the relevant OSCE commitments in order to counter negative prejudice, stereotypes against the Roma in the media.
- To promote tolerance for the Roma and Sinti and to organize campaigns for this purpose, also involving public figures.
- To increase the number of Roma in the police force.
- To organize community safety programs in the Roma communities.
- Regularly collect, publish and analyze data on hate crimes (incidents, investigation, prosecution, judgments).
- To ensure full assistance to the victims of hate crimes.
- Senior public officials should denounce violence against Roma whenever it occurs.
- To issue guidelines on how to identify, investigate and prosecute hate crimes, and to provide systematic training on these to the police, prosecutors, and judges.
- To support independent Roma media.
- To send a clear message that human rights are a top priority for the government, including combating anti-Gypsyism.
- To provide Roma NGOs easier access to funds available for Roma inclusion.
- To stop dealing with the Roma issues as an external phenomenon.
- To show the contribution of the Roma to European culture and societies.

Recommendations to the OSCE Institutions and Field Operations:

- To enhance the monitoring of the implementation of the relevant OSCE commitments in order to counter prejudices and negative stereotypes of the Roma in the media.
- OSCE should always take a firm stance against extremism.
- ODIHR CPRSI should organize special country-specific meetings on Roma issues and collect and present best practices on solving e.g. the problem of the lack of personal identification documents.

Recommendations to Others (NGOs, IOs and other Actors):

- The European institutions need to condemn racist violence against Roma and the political exploitation of anti-Gypsyism.
- The Council of Europe, the OSCE and the EU should revitalize the dialogue with the governments to urge them to create the political will for Roma integration.
- The Roma need to mobilize, and to create a common vision.
- Awareness-raising is needed for instance to counter extremism.

Working Session 15: Enhancing the implementation of OSCE commitments regarding Roma and Sinti (cont.)

Rapporteur: Mr. Patrick Connell, Political Officer, United States Mission to the OSCE

<p>No. of statements: 19 Delegations: 9 Civil Society: 8 OSCE Inst./Int'l Org: 1 Rights of Reply: 1</p>
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First Deputy Director of ODIHR Douglas Wake emphasized that State actors need to enable Roma and Sinti and in particular Roma and Sinti Women to participate in policy making of their concern and the need for partnership between states and Roma representatives in the design of policies of integration.

The Session's introducer, Mr. Zelko Jovanovic of the Open Society Institute, said participation is a good topic to measure progress in implementing Roma related policies. He said for the last 15 years, Roma and Roma organizations have demanded a say in the design and implementation of programs for Roma and Sinti. While governments took this on as a basic principle, after 15 years little has changed. Participation is only effective when Roma and Sinti have power proportionate to their numbers. Mr. Jovanovic said even half way through the Decade of Roma inclusion and 15 years of different frameworks for participation – many states fabricated an

exclusive role for former Roma activists working in government in what Mr. Jovanovic called “Roma in charge” – in charge to participate, but not to decide. As a result, he said critical voices today are limited by Roma working in government and who have no incentive or interest to be critical of government policies lest they endanger their employment; and by NGOs who also have no incentive to be critical for fear they will jeopardize opportunities for EU funds. So “Roma in Charge” is not enough.

Mr. Jovanovic posed several questions: how can participation be effective where violence and vote buying are among the main ways of engaging Roma in some participating States. He asked how we can improve the format of dialogue where governments report about their successes while civil society talks about its failures.

In the general discussion that followed, the participating States mostly addressed their past actions in developing National Strategies and/or Action Plans for addressing Roma and Sinti issues. Others also addressed plans to comply with the EU Framework Strategy for developing national plans due at the end of December 2011, calling the new program the cornerstone of the a common EU policy on Roma. One participating State said reliable research data are still missing and called for the need to have disaggregated data. It said EUR six billion are the costs of a lack of economic integration. Another cited improvement in last 20 years had been very slow due to the complexity of the issues. Several participating States discussed the emergence of extremists and/or radical political parties and the need to make timely amendments of legislation to punish extremism.

Several participating States spoke of the need for closer cooperation and coordination between majority and Roma communities. Many participating States spoke about their willingness and readiness to engage with Roma and Sinti civil society as equal partners in the formulation of the new strategies. Agreeing with the concept of Roma for Roma, one participating State said it would include in its national action plan any of the proposals from Roma civil society that it deemed to be pertinent; however it did not elaborate on what process it would use to determine which proposals by Roma for Roma were not pertinent. Many participating States discussed their role in the Decade for Roma inclusion and how its goals should be reflected in the development of national strategies (employment, education, housing, and health). One participating State spoke about including Roma in the highest levels of political life and cited a Roma citizen who holds a high level ministerial position and a role in the Presidential cabinet. Another said a lack of political will was often rooted in ignorance about the cultures and traditions of Roma. One participating State favored a faith-based approach as contributing to integration and social cohesion. One participating State called 2011 a year of change and pointed to changes in legislation ensuring that fewer Roma children would be placed in schools for special needs students. It also discussed other proactive measures which remain “in the pipeline.”

Among civil society speakers, several pointed to recent violence in two participating states in the last weeks -- where thousands of anti-Roma demonstrators called for extermination of Roma or lynching of Roma. Several pointed to anti-Roma statements made by the Prime Minister or Foreign Minister in at least seven (7) participating States in the past year. Many speakers highlighted the similarity of views across Europe about Roma and the plethora of statements, strategies,

frameworks, directives and action plans, to little result. Several said this sends a message that the exclusion of Roma and Sinti is not a priority in Brussels. Several called upon participating States to urgently address hate speech, lest another Kristallnacht become unavoidable. Another NGO said all the mechanisms already available provide sufficient tools but will remain fruitless without long-term political will behind them. The speaker said the absence of political will is the biggest problem and a fundamental human rights approach to Roma issues is required. Several speakers said Roma voices should be included not as mere window dressing or a cosmetic part of the process.

Recommendations to participating States and NGOs:

- Don't tolerate extremism in any form and urgently address hate speech;
- Make timely amendments of legislation to allow punishment of extremists if necessary;
- Dedicate special attention to the development of the national strategy;
- Include Roma in the development of the national strategy at all levels and not on a merely cosmetic or superficial basis;
- Consultations should be effective and meaningful - not one written request for input with no follow-up before reaching final document;
- Action Plans and Strategies must be more pragmatic;
- Include Roma proposals in the development of the national strategies;
- Raise awareness among Roma representatives about strategies, policies and proposals that target them, even if not exclusively focused on Roma issues;
- Goals from the Decade of Roma Inclusion should be reflected in the development of new national strategies (addressing employment, education, housing, and health) – plus gender discrimination;
- Teacher training should include elements of intercultural training;
- Action must also take place at local levels since discrimination is also occurring there;
- Education must remain open to all – as key to improving future for all of society - -Roma and non-Roma.
- Integration into the mainstream education system is imperative;
- Early education for Roma children is critical;
- Reliable research data are still missing and there is a need to have disaggregated data;
- Roma mediators are helpful for better co-operation between public institutions and Roma;
- Participating States must comply with judgments by the European Court of Human Rights – not merely pay the fine and continue with the same violations.

Recommendations for OSCE/ODIHR:

- Make continued and greater use of field visits
- Recognizing that it is difficult to address issues such as access to education while at the same time responding to urgent human rights issues relating to Roma, ODIHR must continue to do both.

Working Session 16: Tolerance and non-discrimination II (cont.)

Rapporteur: Ms. Ingibjörg Davíðsdóttir, Minister Counsellor, Permanent Mission of Iceland

<p>No. of statements: 22 Delegations: 12 Civil Society: 9 OSCE Inst./Int'l Org: 0 Rights of Reply: 1</p>

Working session 16 addressed equal opportunities for women and men, the implementation of the OSCE Action Plan for the Promotion of Gender Equality and prevention of violence against women.

Mr. Janez Lenarčič, ODIHR Director stated in his introductory remarks, that progress has been made as regards gender equality, but still much remains to be done. Women continue to be under-represented in all spheres of life - political, economic, and security sector. He highlighted ODIHR's role in facilitating transfer of expertise and good practices for promoting gender equality and women's political participation and welcomed feedback on OSCE's efforts to mainstream gender into its structures, policies and programmes. He stated that violence against women remains one of the most widespread human rights violations in the OSCE area and reaffirmed OSCE mission to combat violence against women. Governments and law enforcement agencies must prevent, identify, and punish perpetrators of violence against women.

The moderator, Ms. Wendy Pattern, Special Representative of the OSCE Chairperson in Office on Gender Equality, introduced the session. She particularly welcomed the presence of civil society representatives and gender equality advocates in the room – and expressed the vital importance of their participation. Active civil society is the basis of vibrant democracy. Combating violence against women requires partnership between law enforcement and civil society – and partnership between civil society and governments. Legislation must be implemented effectively. Furthermore, she referred to the OSCE Gender Action Plan and other commitments that highlight the importance of women's participation in peace and security. She also referred to gender discrimination in employment and access to economic resources – no society can prosper when it leaves half of its society behind.

The introducer, Ms. Sonja Lokar, Executive Director of the CEE Network for Gender Issues focused her introductory remarks on women's political participation and briefly touched upon the historical battle for women's right to vote. Then she discussed one of the present indicators, namely the percentage of women in parliaments. Only one OSCE country has more than 50% women representation in Parliament. The OSCE average is 22%. Women represented in Parliaments in the OSCE area, are from 6.5% to 53.6%. 35 OSCE participating States fall below the OSCE average, and those include old and new democracies. She recommended that OSCE would take a stronger stand on positive measures to promote women's political participation, particularly in political parties, and also to promote women in decision-

making positions in its own structures. She highlighted that setback in larger and mature democracies can lead to setbacks in smaller ones. OSCE has a great potential to serve as a centre of expertise and to facilitate knowledge sharing. OSCE needs to actively observe women's participation in elections and electoral processes; ODIHR can provide the methodology and strategies on voluntary measures that parties can adopt to promote women in their structures.

Many participants provided information about their national experiences and legislations on gender equality, promotion of women's participation in public life and regarding efforts to combat and prevent violence against women. Many participants expressed deep concerns and recognised serious challenges with existing violence against women, in particular domestic violence. Participants referred to the fact that in some countries there is a lack of effective domestic legal framework, hindering proper implementation of the laws. Prevention activities, adequate training for all institutions and state services providing assistance to victims as well as training for law enforcement was highlighted as essential.

Many participants referred to the importance that women be guaranteed equal rights and opportunities to access all spheres of life at all levels, including accessing education, employment, health, and political functions.

Several participants stated that equal rights and opportunities of women and men are essential to sustainable peace and security, sustainable democracy and economic development. The importance of effective implementation of SC resolution 1325 on women, peace and security was repeatedly emphasized. Some participants referred to the need to make further efforts to gender mainstreaming in the OSCE's first dimension.

A number of recommendations to the OSCE as well as to participating States were made by participants; they can be summarized as follows:

Recommendations to the OSCE and participating States:

- to introduce and discuss in the OSCE's Forum for Security Cooperation (FSC) gender issues that relate to the first dimension, that appear in the most recent Annual Evaluation Report of the 2004 Gender Action Plan.

Recommendations to participating States:

- to ensure full implementation of international and regional commitments, and to promote effective implementation of national legislations in the field of gender equality, women, peace and security, and combating violence against women, - and to ensure that women's rights are fully protected;
- to do their utmost to eradicate all forms of discrimination and violence against women, including domestic violence;
- to ensure and monitor effective implementation of the OSCE's 2004 Action Plan for the Promotion of Gender Equality, and to add specific targets and benchmarks to the Plan;
- to draft a specific OSCE action plan/reference guide for the implementation of SC resolution 1325, with indicators and benchmarks;

- those participating States's that have not to date adopted national action plans for the implementation of 1325, to do so without further delay;
- more participating States should consider including information on their national implementation of SC resolution 1325, in their replies to the Code of Conduct questionnaire on the Politico-military Aspects of Security, following the example by several participating States;
- to facilitate women's access to political and public life and decision-making, particularly in political parties, and by introducing special measures to address discriminatory practices wherever they occur;
- to identify and nominate qualified female candidates for posts in OSCE;
- to encourage men to contribute more actively in promoting gender equality, as it is not only a women's issue.

Recommendations to OSCE institutions, executive structures and field operations:

- to assist participating States in their efforts to prevent and combat violence against women, including domestic violence;
- to work closely with participating States in ensuring and monitoring full implementation of the OSCE gender action plan, relevant Ministerial Council decisions and other commitments relating to gender equality;
- to facilitate a gender balance among OSCE staff, particularly by recruitment women for the management positions;
- to have a stronger gender component in all training;
- to offer a basic human rights training, that includes gender equality and mainstreaming, to OSCE delegates across all three dimensions.

Working Session 17: Humanitarian issues and other commitments II

Rapporteur: Mr. Domenik Wanger, Counsellor, Deputy Head of Permanent Mission of the Principality of Liechtenstein to the OSCE

<p>No. of statements: 22 Delegations: 12 Civil Society: 7 OSCE Inst./Int'l Org: 2 Rights of Reply: 1</p>

Working Session 17 allowed participating States to evaluate progress in implementation of commitments and to share and discuss good practices and remaining challenges in effectively combating trafficking in human beings with focus on victims' access to justice and effective remedies. In his opening remarks, the Director of ODIHR, Ambassador Janez Lenarčič called on all participating States to urgently and systematically address the root causes of trafficking, the underlying factors and the human rights violations, which increase the vulnerability of individuals and groups to being trafficked and exploited for profit. He noted that the

study on Compensation for Trafficked and Exploited Persons in the OSCE Region, published by the OSCE in 2008, outlined a number of obstacles and barriers that trafficked persons encounter in accessing justice. Unfortunately, many of them are still valid today and required urgent attention and action. He urged all Governments to monitor and review the laws and practices in their countries to ensure that victims have effective access to justice and their rights protected.

Dr. Maria Grazia Giammarinaro, the OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings underlined the crucial importance of continued and sustained efforts by participating States to prevent and combat all forms of Trafficking in Human Beings (THB) by renewing and reinvigorating commitments to address modern-day slavery. She commended ODIHR for its groundbreaking work on effective remedies and access to justice and urged participating States and civil society to make full use of all criminal, labour, administrative and civil tools to uphold the rights of trafficked persons and improve their access to justice and claim their rights, including to compensation. Furthermore, she emphasized that access to justice and compensation was also crucial for child victims and underlined that measures to empower and support trafficked persons and workers in general – especially migrant workers – should be available and accessible to all, regardless of their status.

The Moderator of Session 17, Joy Ngozi Ezeilo, the United Nations Special Rapporteur on Trafficking in Persons, especially women and children, elaborated on the need that effective coordination of the various anti-trafficking initiatives and enhanced cooperation among all actors involved in combating trafficking is essential to maximising available resources and minimising duplication. She pointed out that, as part of her mandate, she has cooperated and will continue to cooperate with regional organizations, such as the OSCE. She emphasised, that her most recent Annual Report to the UN Human Rights Council, focuses on this important issue of the right to an effective remedy for trafficked persons and she then shared some of the recommendations put forward in her report. She emphasised, that in many States, trafficked persons were still not provided with remedies as a matter of right, but only with ad hoc measures, predominantly aimed at facilitating criminal investigation, such as temporary residence permits contingent upon cooperation with law enforcement authorities. Trafficked persons would rarely receive compensation and often had no access to information and legal assistance, which was crucial to claim their rights. She also presented her draft basic principles on the rights to an effective remedy for trafficked persons, which are annexed to the above-mentioned report. As these basic principles were still work in progress, she invited all participating States to provide input, especially on how to best make them standard practice among States.

In the discussion, a number of delegations outlined their ongoing efforts in combating THB, such as by strengthened legislative frameworks, cooperation and coordination mechanisms, improvement of victim identification, specialised training for law-enforcement agents and prosecutors. As a major challenge of the 21st century, THB requires a global response and decisive, joint action. Countries should not act alone, only through sustained and collaborative efforts. Civil society actors called for the provision of adequate legal assistance, funded by participating States. Many participants called for the ratification of relevant UN and CoE instruments and for closer cooperation between International Organisations and Governments across

borders, by avoiding, at the same time, duplication. The OSCE structures and institutions involved in fighting THB were commended for consistently keeping the focus on their mandate as well as their efforts to offer tools and platforms for a best practice exchange.

It was noted that particularly vulnerable children, such as children on the move, migrant children and children from marginalized communities, such as Roma, Sinti and Egyptian Communities often fall through the net of social protection. The Alliance against Trafficking in Persons *Joint Statement on Child Protection, Especially among Migrant, Undocumented, Unaccompanied, Separated and Asylum Seeking Children, to enhance Prevention of Child Trafficking*, presented at the OSCE Review Conference in Warsaw in October 2010 was emphasized as a sound framework for action that should be acted upon. The necessity to ensuring the access of the victims to remedies was highlighted here as well; trafficked persons can only seek remedies if they are aware of their rights and how to access them. Another topic that was tackled by some participants was the exploitation of domestic workers including in diplomatic households and the need to improve measures to combat this crime and protect the victims.

Recommendations to Participating States:

- Ensure full implementation of existing commitments and develop new commitments, particularly in the area of labour trafficking and domestic workers in diplomatic households
- Fill gaps in national legislation and practice
- Ensure access to early legal assistance and better cooperation between NGOs, public officials and lawyers
- Continue to share best practices and conduct training for law-enforcement agents
- Ensure that prosecutors and judges are trained and equipped to adequately deal with trafficking cases
- Ensure that relevant law enforcement agencies have adequate capacities to identify trafficked persons accurately
- Make full use of all criminal, labour, administrative and civil tools to uphold the rights of trafficked persons
- Enhance victims' access to compensation, rights information, free legal assistance, and provision of regular immigration status, at least for the duration of all relevant proceedings
- Continue, improve and harmonise data collection and analysis on labour exploitation
- Develop and implement specific anti-trafficking measures, but also integrate anti-trafficking efforts into other existing policies and programs
- Work towards the adoption of a strong Decision on Human Trafficking, with focus on labour trafficking, at the Ministerial Council Meeting in Vilnius
- Effectively prevent the punishment of victims of trafficking inline with international standards, including their immigration detention

- Ensure access of lawyers and NGOs to detention facilities in an effort to identify victims and ensure that children are never detained because of their migration status and offer alternatives to detention
- Provide continued funding for field activities

Recommendations to the OSCE, its Institutions and Field Operations:

- OSCE to continue the work on awareness raising on labour exploitation among participating States
- OSCE to continue to provide its expertise on best practices and providing expertise and training
- OSCE to pay continuous attention to provide training activities for law-enforcement agents and prosecutors
- OSCE promote the establishment or the strengthening of child protection systems and improve the protection of particularly vulnerable children
- OSCE to continue assisting participating States improving international cooperation in combating Human trafficking
- OSCE to continue to focus on implementing the Action Plan on Trafficking and other relevant commitments
- ODIHR and the OSCE Secretariat to continue and strengthen to supporting the field presences
- ODIHR to continue to provide support on individual cases, including to Field Presences
- ODIHR, in cooperation with UN Special Rapporteur on Trafficking in Persons, to circulate the draft basic principles on the right to an effective remedy for trafficked persons to all participating States for regional consultation and input

IV. COMPILATION OF WRITTEN RECOMMENDATIONS

Monday, 26 September 2011 OPENING PLENARY SESSION

Recommendations to participating States

Delegation of Switzerland

Es muss unser aller Anliegen sein, den umfangreichen Normenkatalog der OSZE zu bewahren und einer regelmässigen und systematischen Umsetzungsprüfung zu unterziehen.

Dabei gilt zu bedenken, dass eine Überprüfung des Normenkatalogs in der menschlichen Dimension - sollte sie umfassend, systematisch und unter Einbezug der Zivilgesellschaft erfolgen - anspruchsvoll ist.

Von den Teilnehmerstaaten kann der Ausschuss zur menschlichen Dimension genutzt werden, um offen und transparent über Erfolge, aber auch Mängel und neue Herausforderungen zu sprechen. Andererseits kann auch die OSZE – das Sekretariat, die Institutionen und die Feldoperationen – von diesem Ausschuss profitieren, indem sie sich proaktiv in die dort geführten Debatten einbringen.

Schliesslich sollten wir in Zukunft darauf achten, dass die drei speziell vom Vorsitzenden ausgewählten Spezialthemen des Implementierungstreffens - dieses Jahr sind es die Themen Bewegungsfreiheit; Wahlen; Roma und Sinti -, dazu dienen, den Ministerrat vorzubereiten und auch einem konkreten follow-up zugeführt werden.

Monday, 26 September 2011 WORKING SESSION 1: Fundamental Freedoms 1

Recommendations to participating States

International Observation Mission of the Committee on International Control over the Situation with Human Rights in Belarus

- bringing the law “On Mass Media” in line with the recommendations of the Office of the OSCE Representative on Freedom of the Media (2008);
- cessation of expulsion and unjustified deprivation of accreditation of foreign journalists;
- compliance by the authorities of the Republic of Belarus with their international commitments in the sphere of freedom of the media, concerning, in particular, the facilitation of entry and granting accreditation to foreign journalists;

- guarantees from the Republic of Belarus to prevent similar cases of pressure towards journalists in the future.
- the compliance by the authorities of the Republic of Belarus with their international obligations in the sphere of freedom of peaceful assembly and guaranties on the freedom of expression through peaceful means for everyone, including by bringing current legislation of the Republic of Belarus, as well as law enforcement practices in line with international standards on freedom of assembly, in particular, embodied in the OSCE Guidelines on the Freedom of Peaceful Assembly;
- conducting an immediate investigation by prosecution authorities of the Republic of Belarus of the facts contained in the reports by Belarusian media, as well as in online resources:
- of the detention of journalists and damage to equipment belonging to them in the context of Article 198 of the Criminal Code “Obstruction to carrying out journalist activities”;
- of the disproportionate use of violence by the law enforcement officers against people who participated in peaceful rallies on June 22nd and those just present at that time on the square;
- bringing the law enforcement practices in the Republic of Belarus closer to the standards of the European Court of Human Rights, including those on the freedom of peaceful assembly and freedom of expression, according to the position statement of the General Prosecutor of the country G.A. Vasilevich while being in the position of the head of the Constitutional Court of Belarus;
- compliance by the authorities of the Republic of Belarus with their international obligations in the sphere of freedom of the media, concerning, in particular, non-prevention of coverage of important issues and events by journalists;
- guarantees from the authorities of the Republic of Belarus to prevent similar situations in the future.

The Mission expresses its hope that the state of the Republic of Belarus is ready to demonstrate to the international community its commitment to the universally accepted norms and strict observance of the human rights obligations under the ratified international agreements guaranteeing the freedom of speech and carrying out professional activities by the journalists in strict compliance with the international human rights standards.

Western Thrace Minority University Graduates Association

We call upon the Greek State,

- To respect the right to freedom of expression and the press freedom, in particular smaller and minority press in order to protect and enrich diversity of opinion in the media,
- To put an end to selective penalization of media institutions and press by ethnic, sectarian, and political motives,
- To uphold the principle of fair and proportional punishment in judicial process,
- To guarantee that the legal amount of compensation should not enrich the claimant in an unjust way, but compensate the moral loss of the claimant,

- To reconsider and revise the relevant legislation and ensure that the principle of equality is guaranteed for each element in society, including the Turkish minority of Western Thrace
- To respect the letter and the spirit of the Treaty of Lisbon along with all other European covenants and declarations while implementing article 14 of the Constitution of the Hellenic Republic on freedom of expression and press.

Associazione culturale “Giuseppe Dossetti: i Valori”

Participating States are urged to:

- Create an atmosphere of tolerance and appreciation of religions within which freedom of religion or belief can best flourish. This space should be open to all and the media can play an important role in the creation of this space.
- Adopt practical measures to assure that the media as well as the political and public discourse are respectful for religions, their representatives, teaching and symbols.
- Protect all religions – also the majority ones – from prejudices and misrepresentation, particularly in the field of education, culture and information.

Delegation of Switzerland

La Suisse aimerait faire trois recommandations:

- Tout d’abord, nous recommandons aux Etats participants la nécessité de revoir, lors de la conférence ministérielle, les engagements de l’OSCE en matière de liberté d’expression par l’obtention de deux décisions ministérielles concernant la liberté d’expression : dans le domaine des nouveaux médias et dans celui de la sécurité des journalistes.
- Deuxièmement, nous recommandons au Bureau de la Représentante des médias de se pencher sur la question des « journalistes citoyens » afin de proposer des mesures visant à les faire bénéficier d’une protection similaire à celle des journalistes oeuvrant dans les médias traditionnels.
- Enfin, la Suisse recommande aux Etats participants de tenir compte dans leur approche relative à la lutte anti-terrorisme des droits humains et des opportunités que peuvent représenter les médias dans ce cadre. Dans tous les cas, nous appelons les Etats à circonscrire au minimum nécessaire les restrictions à la liberté d’expression.

European Union

Participating States should:

- reaffirm the existing principles and commitments in the field of freedom of expression and freedom of the media as well as their determination to implement them,
- consider how to enhance the implementation of commitments with regard to freedom of the media as well as to examine the updating and strengthening of those commitments including to reflect technological developments such as the internet,

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

Observatory on Intolerance and Discrimination Against Christians in Europe

We recommend to OSCE Participating States:

- To recognize and condemn intolerance and discrimination against Christians and ensure Freedom of Expression and the right of Christians to participate fully in public life, as stated in the recent OSCE Parliamentary Assembly’s “Resolution on Combating Intolerance and Discrimination Against Christians in the OSCE Area”
- To take measures against the rising intolerance against and negative stereotyping of Christians in the media.
- To avoid legislation which would hinder freedom of speech or cause partialities.
- As stated in the annotated agenda: „attempts at silencing critical voices with the help of violence should be seen and handled by law,“ also when victims are Christians.

Recommendations to the OSCE

European Union

The OSCE Representative on Freedom of the media should:

- continue to assist participating states in achieving full implementation of the OSCE commitments,

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

Observatory on Intolerance and Discrimination Against Christians in Europe

We recommend to OSCE/ODIHR, and OSCE Missions:

- To continue to make freedom of expression a key focus and to be aware of current threats to Christians by attempts to curb the rights of those who use new or traditional media to present differing or critical views.
- To monitor legislation, with special attention to so called hate-speech legislation, its content, interpretation and application; that such legislation neither impair free speech, debate or disagreement, nor exercise partiality to special interest groups at the expense of others.
- To use all available OSCE means to work against intolerance against Christians, inter alia by encouraging the media not to spread prejudices against Christians, and by working more closely with representatives of Christian churches.

Almaty Confederation of NGOs 'Ariptes'

Рекомендации для ОБСЕ:

1. Обучающие и образовательные программы для журналистов по социальным сетям.
2. Представителю ОБСЕ по вопросам свободы слова выставить на сайте лекции экспертов и «звезд-журналистов» по опыту работы в социальных сетях и их рекомендации.
3. В странах ОБСЕ. Внедрение международных стандартов, разработанных ЮНЕСКО, в образовании журналистов согласно Болонскому процессу, в том числе и по социальным сетям.
4. Постоянный мониторинг социальных сетей в области нетерпимости и дискриминации, нетолерантного отношения, насилия в отношении женщин и

детей, порнографии, терроризма и др. Единые международные стандарты в этой области, возможно, только для стран ОБСЕ.

5. Новые технологии, новые подходы, новые СМИ должны иметь единые международные стандарты стран ОБСЕ в целом. Работа огромная, но посильная для ОБСЕ. Пока этого не будет, каждый будет трактовать все по-своему. А ОБСЕ только констатировать факты: это – хорошо, а вот это – плохо!

6. Могу поделиться нашим казахстанским опытом. Мы активно включаемся в информационное сообщество. Обсуждается законопроект о телевизионном и радиовещании – один из шагов странового подхода к цифровому эфирному телерадиовещанию. Идет обсуждение и экспертиза. Сейчас приводился пример о том, что экспертизу проводил и г-н Андрей Рихтер, Директор Бюро Представителя ОБСЕ по вопросам свободы СМИ.

Проектом закона предусмотрены гарантии соблюдения прав на доступ к информации для граждан страны и свободу распространения информации для телевизионных и радиоканалов.

Законопроект предусматривает процедуру упрощения создания новых телевизионных и радиоканалов. Это даст возможность развития отечественным телевидению и радиовещанию.

7. На сайди-венде г-жа Агата Вацлавик-Вейман, Советник по политическим вопросам Google, сказала в отношении социальных сетей:

- Мы только в начале пути в Интернет.

Действительно, все еще впереди, и именно «на берегу», сейчас надо не только обсуждать, но и, не смотря на трудность и «долгость» процесса – выработать международные стандарты по социальным сетям среди стран ОБСЕ.

Associazione culturale “Giuseppe Dossetti: i Valori”

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

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

HazteOir.org

To use all available OSCE means to work against intolerance against Christians, inter alia by calling upon media groups to show respect for religious beliefs (Christians in particular, as they are the preferred target of offensive contents) and to take responsibility in maintaining an open, tolerant and free society.

Alliance Defense Fund

For this reason, the Alliance Defense Fund calls upon the OSCE to restrict “hate” speech laws to punishing only speech which is inciteful and where an imminent threat of violence occurs. “Hate” speech laws must also exempt religious speech, including that which deals with moral views.

Tuesday, 27 September 2011

WORKING SESSION 2: Fundamental Freedoms 1 (cont.)

Recommendations to participating States

Atheist Ireland

We urge all OSCE States and NGOs to discuss, adopt and promote the principles in the Dublin Declaration on Secularism:

1. Personal Freedoms

(a) Freedom of conscience, religion and belief are private and unlimited. Freedom to practice religion should be limited only by the need to respect the rights and freedoms of others. (b) All people should be free to participate equally in the democratic process. (c) Freedom of expression should be limited only by the need to respect the rights and freedoms of others. There should be no right 'not to be offended' in law. All blasphemy laws, whether explicit or implicit, should be repealed and should not be enacted.

2. Secular Democracy

(a) The sovereignty of the State is derived from the people and not from any god or gods. (b) The only reference in the constitution to religion should be an assertion that the State is secular. (c) The State should be based on democracy, human rights and the rule of law. Public policy should be formed by applying reason, and not religious faith, to evidence. (d) Government should be secular. The state should be strictly neutral in matters of religion and its absence, favouring none and discriminating against none. (e) Religions should have no special financial consideration in public life, such as tax-free status for religious activities, or grants to promote religion or run faith schools. (f) Membership of a religion should not be a basis for appointing a person to any State position. (g) The law should neither grant nor refuse any right, privilege, power or immunity, on the basis of faith or religion or the absence of either.

3. Secular Education

(a) State education should be secular. Religious education, if it happens, should be limited to education about religion and its absence. (b) Children should be taught about the diversity of religious and nonreligious philosophical beliefs in an objective manner, with no faith formation in school hours. (c) Children should be educated in critical thinking and the distinction between faith and reason as a guide to knowledge. Science should be taught free from religious interference.

4. One Law For All

(a) There should be one secular law for all, democratically decided and evenly enforced, with no jurisdiction for religious courts to settle civil matters or family disputes. (b) The law should not criminalise private conduct because the doctrine of any religion deems such conduct to be immoral, if that private conduct respects the rights and freedoms of others. (c) Employers or social service providers with religious beliefs should not be allowed to discriminate on any grounds not essential to the job in question. In particular, we urge the Irish State to hold referenda to remove the religious clauses of our Constitution, to establish a secular State education system that respects the human rights of all citizens, to replace religious oaths for officeholders

and in courts with neutral declarations, and to repeal the Irish blasphemy law and the clauses that exempt religious organisations from complying with Irish equality laws. Religious States promote religion. Atheist States promote atheism. We want a secular State which promotes neither. We want a secular State for a pluralist people, where citizens behave ethically and the State does not take sides on religious issues.

Public Fund "Information and Consultative Group "Perspective"

По-прежнему актуальной задачей для Казахстана является создание экспертного аналитического центра, в функции которого должны входить: мониторинг и анализ ситуации и тенденций развития религиозности, экспертиза псевдорелигиозной литературы, оценка деструктивной деятельности псевдорелигиозных организаций. Поэтому представляется необходимым объединять профессиональные возможности по комплексному мониторингу, раннему распознаванию, выявлению и предупреждению деструктивной деятельности псевдорелигий с выработкой эффективных механизмов ее блокирования и нераспространения, как на национальном, так и на межгосударственном уровнях. Мы предлагаем на международном уровне разработать критерии для определения псевдорелигиозной деятельности и принять решение о механизме их применения при мониторинге прав граждан на свободу вероисповедания.

Поэтому складывающаяся идеологическая ситуация обязывает осуществлять сильную научно-обоснованную политическую идеологию как способ консолидации общества. В плане эффективного противодействия религиозно-экстремистским попыткам навязывания несвойственной менталитету казахстанцев псевдорелигиозной идентичности, необходимо:

1. Провести перерегистрацию всех религиозных организаций, а во время перерегистрации - осуществить аудит всех неорелигиозных образований, срок присутствия которых в стране составляет не более 25 лет на предмет изучения а) мировоззренческой части распространяемой доктрины; б) социальной доктрины и социальной деятельности организации; в) связи с политическими претензиями, противостоящими государственной политике.

2. Приступить к разработке комплекса взаимосвязанных положений в части совершенствования законодательства в области религии, образования, воспитания, семейно-брачных отношений, производственных отношений и др. Необходимо найти и внести критерии, определяющие границы возможной (в смысле допустимости) деятельности на религиозной основе. Законодательно ввести концепты «псевдорелигиозной», «деструктивной» деятельности. Разработать критерии для определения такой деятельности.

3. Для проведения аудита необходимо выработать систему научно-обоснованных и аксиологических критериев с позиций соответствия а) системе общегражданских ценностей, исторически сложившихся и принятых в казахстанском обществе; б) законодательным нормам РК; с точки зрения опыта (практики, прецедентов) в) проявления негативной деятельности организации, ее реальных угроз и потенциальных последствий для общества и личности.

3. Предложить всем религиозным организациям представить гражданскому обществу свои социальные программы и результаты их претворения для всестороннего обсуждения.

4. Провести мониторинг деятельности всех международных организаций, так или иначе вмешивающихся в духовно-культурную ситуацию в Казахстане.

5. Выявить ангажированность казахстанских НПО, работающих под патронатом международных партнеров. Провести разносторонний аудит целей, задач, эффективности их деятельности.

6. Разработать методические комментарии для проведения аудита псевдорелигиозной деятельности.

7. Осуществить переподготовку экспертов социогуманитариев с аттестацией, занимающихся проведением экспертиз в сфере религиоведения, философии религии, психологии религии, социологии религии др.

8. Открыть соответствующую специализацию в закрытых учебных заведениях для подготовки молодежи к квалифицированной профессиональной работе.

9. Создать цикл просветительских программ о традиционных религиях на государственных ТВ и радиоканалах.

10. Создать единый банк данных социогуманитарных исследований религиозности в РК.

11. Показать политическую уязвимость терминологических споров о толерантности, свободе совести.

12. Разработать эффективный в применении и непротиворечивый глоссарий для законодательства о религии.

13. Разработать положения о псевдорелигиозной, квазирелигиозной, деструктивной деятельности, имеющей политический характер и оказывающей негативное воздействие на личностное развитие, групповую идентичность и общественную безопасность.

14. Разработать подзаконные акты в виде перечня деструктивных организаций, камуфлирующих свою деятельность под религиозную и запрещенных в других регионах мира. Сделать этот перечень открытым и широко известным.

15. Разработать новые правила регистрации религиозных организаций и мониторинга религиозной деятельности, включая миссионерскую, исключить в структуре и в содержании такой деятельности политические мотивы и устремления.

16. Проводить экспертный анализ массивов ввозимой и распространяемой религиозной литературы на предмет соответствия/несоответствия Конституции и Законам РК.

17. Разработать положение о Центре реабилитации и социальной адаптации пострадавших от деструктивной деятельности псевдорелигий и создать такие центры во всех регионах.

18. Провести мониторинг публикаций по тематическим рубрикам «Религия в Казахстане», включая Интернет порталы и блоги. Изучить уровень напряженности дискуссий по предмету.

19. Осуществить мониторинг деятельности государственных органов, научных организаций, учебных заведений, выступлений и публикаций их руководителей и сотрудников на предмет соответствия/несоответствия государственной политике в области религии.

20. Разработать Государственную программу досуга (выделив ее специальной строкой в Республиканском бюджете как приоритетную) для различных групп населения.

Muslim Denomination in Bulgaria

RECOMMENDATIONS TO THE BULGARIAN AUTHORITIES:

- Prevent the interference of the state organizations in the religious matters and the political regulation of religious problems.
- Encourage Bulgarian authorities to make amendments on the Law On Religious Communities of 2002 so that the decisions taken at the “National Conferences of Muslims in Bulgaria” are not subject to court registration.
- Streamline the Criminal Code so that attempts and actions of this nature against religious and ethnic minorities will not be treated as “hooligan activities”, but will be considered as acts “threatening ethnic and religious peace” in the country and be punished strictly and uncompromisingly, regardless of ethnic and religious affiliation of the perpetrator and to whom they are directed.
- Undertake measures to ensure that the Council for Electronic Media and the Law of Media to be effective in controlling and combating with the explicit form of racism and discrimination committed through media and internet.
- Introduce amendments to the relevant law which will facilitate restitution of foundation properties of the Religious Denominations.
- Urge Bulgarian authorities to submit periodically the annual hate crime list to ODIHR.
- Facilitate religious self-identification of the Bulgarian citizens by acknowledging that Orthodox and Muslims religious practices are traditional for Bulgaria.
- Guarantee freedom of belief and implement effectively anti discriminatory legislation.

Institute on Religion and Public Policy

The INSTITUTE urges Kazakhstan to request the assistance of the OSCE Panel of Religious Experts to review the draft Religion Law so that the panel may advise the government of Kazakhstan regarding the compatibility of the provisions of the proposed legislation with OSCE standards and international human rights law.

Human Rights Without Frontiers

Human Rights Without Frontiers recommends to the Hungarian Parliament to revise this law so as to put its legislation in conformity with international standards.

Human Rights Without Frontiers recommends to the Russian authorities

- To put a moratorium on the implementation of the 2002 Law On Fighting Extremist Activity as it is used and abused to restrict religious freedom, to repress and attempt to ban non-violent religious groups such as Jehovah’s Witnesses or Said Nursi readers;

- To revise Article 14 of the 1997 Law on Freedom of conscience and association which deals with the banning of the activities of Religious Organizations and their liquidation as several of its provisions are not necessary in a democratic society;
- To establish clear guidelines for the implementation of Article 282 of the Criminal Code (incitement of national, racial or religious enmity) so as to stop the misuse of it in restricting the legitimate activities of religious communities (e.g. teaching the superiority of their doctrine over those of other religions);
- To reconsider cases against individuals and organizations which have been accused of extremism for conducting normal religious activities protected under international norms and laws;
- To put an end to the harassment of Jehovah's Witnesses and Said Nursi's readers (innumerable check ups, banning of their religious literature, accusations of extremism and religious enmity);
- To dissolve the Expert Council for Conducting State-Religious Studies put in place under the Ministry of Justice as its powers have been unduly extended to limit the freedom of "non-traditional" religious movements and its members include activists of the Orthodox Church and anti-sect movements;
- To fully implement the decisions of the European Court.

Western Thrace Minority University Graduates Association

In this respect we call upon the Greek State to:

- Take necessary steps to recognize elected muftis of the Turkish Minority, and abolish the practice of state appointed imams (law no: 3536/2007) that is against the religious autonomy of the Turkish-Muslim minority that was enshrined in the 1913 Athens, 1920 Greek Sevres and 1923 Lausanne Treaties.
- Take into consideration the minority's recommendations and after a concrete dialogue between the government and the minority make the necessary changes and revise the law No: 3647/2008 regarding the pious foundations (Wakfs) passed by the Greek Parliament and entered into force on February 29, 2008, which was prepared without taking the opinion and will of Western Thrace Turkish Minority.

European Association of Jehovah's Christian Witnesses

Jehovah's Witnesses call upon the government of Kyrgyzstan to:

- (1) Release Iskandar Kambarov and Jonibek Nosirov from pre-trial detention where they have been since January 29, 2011.
- (2) Permit Jehovah's Witnesses to register local religious organizations in the cities of Osh, Naryn, Jalal-Abad, and Kadamjay.
- (3) Stop the unwarranted criminal and civil cases against the Religious Center.
- (4) Provide for alternative service that does not require a monetary contribution to the Ministry of Defense, since this also violates the religious conscience of individual Jehovah's Witnesses of military age.

Jehovah's Witnesses call upon the government of Tajikistan to:

- (1) Re-register the national organization of Jehovah's Witnesses in Tajikistan.
- (2) Discontinue unlawful and unwarranted searches for religious literature in private homes; and cease interrogating and mistreating individuals professing religion of Jehovah's Witnesses.

Jehovah's Witnesses in Uzbekistan and their over 7 million co-religionists call upon the government of Uzbekistan to:

- (1) Grant amnesty to the three Witness men who are prisoners of conscience. This would be in compliance with the Uzbekistan Constitution and international guarantees of religious freedom.
- (2) Accept registration applications for congregations in the localities where these Witnesses live, which would eliminate the prison sentences for Jehovah's Witnesses who were found guilty of "criminal activity."

Jehovah's Witnesses in Turkmenistan call upon President of Turkmenistan as the ultimate Guarantor of the Constitution and human rights to:

- (1) Grant amnesty to the eight men who are imprisoned as conscientious objectors.
- (2) Consider the introduction of a genuine alternative civilian service.

Jehovah's Witnesses in Armenia and as a worldwide organization respectfully request the government of Armenia to:

- (1) Apply the judgment of the Grand Chamber of the ECHR in Bayatyan and abide by its earlier commitments to the Council of Europe and immediately release all conscientious objectors who are Jehovah's Witnesses from prison, stop arresting and convicting new conscientious objectors, and allow for acceptable alternative civilian service.
- (2) Recognize their right to hold peaceful annual religious conventions without interference and protect their right to assemble, in accordance with the Constitution of the Republic of Armenia and the European Convention of Human Rights.
- (3) Reduce the valuations on donated religious literature, thus allowing Jehovah's Witnesses to freely import religious literature used for worship.

Jehovah's Witnesses in Azerbaijan and as a worldwide organization call upon the government of Azerbaijan to:

- (1) Provide re-registration to the religious community of Jehovah's Witnesses.
- (2) Protect the right to profess one's religious beliefs individually or jointly with others.
- (3) Prevent further illegal interference from the police authorities with the peaceful exercise of the freedom of religion and freedom of assembly.
- (4) Provide acceptable alternative civilian service for conscientious objectors.
- (5) Allow importation of Bible literature without censorship, as guaranteed by the Azerbaijan Constitution and the European Convention on Human Rights.

Jehovah's Witnesses in Bulgaria and worldwide call upon the government of Bulgaria to:

- (1) Allow Jehovah's Witnesses, without interference or harassment, to build houses of worship, hold worship services, and share information from the Bible with others.
- (2) Sanction those who use the media as a vehicle for baseless slander.
- (3) Stop the aggression by political elements such as the VMRO and ATAKA parties against the legally registered and peaceful religious minority of Jehovah's Witnesses.
- (4) Inform governmental agencies about the rights of minority religious denominations in Bulgaria as well as the potential repercussions of governmental officials and/or public servants spreading false, slanderous and discriminatory information.

Jehovah's Witnesses in France suffer discrimination at the hands of both government officials and private individuals and organizations. We respectfully request the government of France to:

- (1) Stop its stigmatization policy conducted against Jehovah's Witnesses.
- (2) Allow prisoners to receive faith-based help from Jehovah's Witnesses in the same manner as they do from other religions.

- (1) Jehovah's Witnesses in Kazakhstan and as a worldwide organization call upon the government of Kazakhstan to expeditiously conclude the unlawful second "expert study" of their literature.
- (2) We call on the Almaty city administration to provide the final construction approval permits to construct the Assembly Hall and Kingdom Hall on the property of the Religious Center.
- (3) Jehovah's Witnesses respectfully request that the police and other authorities protect the rights of the citizens of Kazakhstan to freely practice their religion without fear of harassment or physical assault.

Jehovah's Witnesses in Russia and as a worldwide organization respectfully request the government of Russia to:

- (1) End its campaign of harassment and the misapplication of the Extremist Law against Jehovah's Witnesses, and terminate all legal cases and criminal investigations based on extremist charges.
- (2) Remove the religious publications of Jehovah's Witnesses from the Federal List of Extremist Materials.
- (3) Register the Moscow Community of Jehovah's Witnesses and allow them to peacefully enjoy their worship as guaranteed by the Russian Constitution and the European Convention on Human Rights.
- (4) Abide by their commitment to uphold the fundamental freedoms guaranteed by the Constitution of Russia and the European Convention for all citizens, including minority religious groups.

Associazione culturale "Giuseppe Dossetti: i Valori"

Participating States are urged to:

- Adopt anti-discrimination laws which do not violate the autonomy and self-organization of the religious communities.
- Not force children to a compulsory sexual, religious or ethical teaching which may be not consistent with the convictions of the children's parents, providing for this case non-discriminatory opt-out possibilities.

- Guarantee the right to wear religious symbols and attire in public space which is encompassed by the freedom of religion or belief.
- Guarantee the conscientious objection not only to the compulsory military service but also in relation to all ethical sensitive questions pertaining family and human life.

Chernivtsy Regional NGO 'Human Rights'

Рекомендации: мониторинг Украины по поводу выполнения обязательств, связанных со свободой религии и убеждений

Recommendations to International Organizations

Human Rights Without Frontiers

Human Rights Without Frontiers recommends to the EU Fundamental Rights Agency which has remained silent about this discriminatory law to tackle this issue.

Recommendations to the OSCE

Associazione culturale “Giuseppe Dossetti: i Valori”

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

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

Institute on Religion and Public Policy

THE INSTITUTE calls on all OSCE participating states to give greater importance to the issue of religious liberty in their internal deliberations, and calls on the OSCE institutions to consider methods by which to strengthen monitoring and response mechanisms to institutional violations of freedom of religion and belief by participating states.

Muslim Denomination in Bulgaria

RECOMMENDATIONS TO ODIHR/OSCE:

- ODIHR’s Panel of Advisers on Freedom of Religion or Belief to observe whether Bulgarian authorities are implementing the Religious rights of Muslims in the country, as well to recommend and advise Bulgarian government on the issue of Religious freedom and Fundamental rights;
- Bulgaria ratified international convention for abolition of all kinds of discrimination. It has also passed a special law for protection from discrimination. In fact, discriminatory practices against religious and ethnical minorities take place very often. ODIHR should suggest specific measures to prevent intolerance, xenophobia and hate crimes.
- ODIHR to observe closely the process of Freedom of Religion of Muslim minorities in non-Muslim countries.

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. In this regard, we urge Greece and all participating States to act in accordance with the OSCE Commitments related to the freedom of religion or belief. We request the OSCE/ODIHR Advisory Panel on Freedom of Religion or Belief to have a greater role in the work of the OSCE on further implementation of the freedom of religion or belief in all participating States.

HazteOir.org

- To demand the same degree of protection for Christians expressing their beliefs that as for any other citizen.
- To Maintain Freedom of Religion, Conscience and Expression as a Key Mandate of OSCE/ODIHR and the OSCE Chairperson-in-Office's Personal Representative on Combating Racism, Xenophobia and Discrimination
- To create working documents on hate crimes against Christians – as they exist for example with regard to anti-semitism.
- To research and document hate crimes against Christians separately, because this pressing issue must not to be mixed up with differently motivated crimes.
- To create an international day against discrimination against Christians; or a day of commemoration of contemporary violence against Christians. There are many such days, but the Christian issue is largely missing.

Forum 18 News Service

To stand in solidarity with civil society activists working for the implementation of human dimension commitments, recommendations for participating States and OSCE institutions would include:

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

Alliance Defense Fund

The Alliance Defense Fund therefore calls upon the OSCE to ensure that parental rights in education are respected by providing opt-outs from classes parents deem to contradict their religious beliefs and with how they wish to raise their children. We also recommend that alternative methods of education done with the best interests of the child in mind be protected rather than punished.

ADF therefore recommends that the OSCE promote the concept of reasonable accommodations for religious belief and practices within the spectrum of employment and the provision of goods and services.

Centre d'Action Laïque

CAL therefore urges OSCE countries to remove blasphemy crime from their domestic laws.

Church of Scientology, Russian Federation

We urge the members of the OSCE to urge Kazakhstan to immediately implement its obligations to protect the right to freedom of religion, ban the new law on religion and stop persecution of religious minorities.

Observatory on Intolerance and Discrimination Against Christians

We recommend to OSCE and participating states to pay particular attention to the following areas:

1) Freedom of conscience in realm of healthcare, particularly with regard to medical procedures that are considered unethical by many. Similarly, pharmacists must have freedom of conscience not to dispense chemicals, which they deem unethical, such as chemical abortifacients. This is by definition a major concern for Christian medical staff and pharmacists, but not exclusively.

2) In the field of education we urge OSCE/ODIHR to ensure the right of parents to know and have a final say on what their children are being taught with regards to religion and human sexuality.

3) With regards to the teaching of religion, freedom of religion is protected only if it is possible to teach religion in an affirmative way.

Christian views on human sexuality must not be repressed as a possible viewpoint in public schools. Religion teachers must retain the right to teach sexual ethics and morality. And Christian private schools must be free to teach Christian teachings.

4) Wearing religious symbols, such as crosses, rings, clerical clothing, etc, must be protected as a manifestation of freedom of religion.

5) Freedom of conscience and freedom of contract must be respected with regard to private entrepreneurship. In researching and documenting instances of discrimination against Christians in Europe we often come across the side effects of anti-discrimination legislation. We are extremely worried about equality legislation

which becomes itself discriminatory, especially in the area of the economic freedom of contract, as well as the institutional dimension of freedom of religion with regard to hiring policies. Religious institutions such as agencies, churches, missions, etc must not be forced to hire those opposed to the goals of the institution.

(Examples: A Christian architect should not be sued for declining to design a mosque; A Christian publisher should not be sued for declining to publish materials opposed to his/her faith; A Christian Advertising agency must not be sued for declining to advertise a lifestyle opposed to conscience.

6) Expression of faith and its moral contents in the public square must be possible without the threat of harassment, social exclusion and/or being ridiculed. Even if such expressions are critical of contemporary trends or deemed to be “politically incorrect”.

Center of Social-Political Researches

Рекомендуем ОБСЕ выработать принципы свободы в электронном пространстве и меры демократического ограничения распространения информации террористического и другого криминального толка, тем самым выполнив свои функции органа, отвечающего за безопасность в Европе.

Tuesday, 27 September 2011

WORKING SESSION 3: Fundamental Freedoms 2

Recommendations to participating States

Delegation of the United States of America

USCIRF recommends that the U.S. government re-designate Uzbekistan as a CPC, drop the waiver, and, as a consequence of the designation, impose sanctions, including a ban on visits to the United States by high-level Uzbek officials. In addition, as described more fully below, USCIRF recommends that the U.S. government should prioritize freedom of religion or belief as an issue in U.S.-Uzbek bilateral relations, encourage greater international scrutiny of Uzbekistan’s human rights record, and support Uzbek human rights defenders and religious freedom initiatives.

I. Prioritizing Freedom of Religion or Belief as an Issue in Bilateral Relations

In addition to continuing to designate Uzbekistan as a CPC, the U.S. government should:

- lift the waiver that has been in place since January 2009 and impose sanctions, including a ban on visits to the United States by high-level Uzbek officials, as a consequence of Uzbekistan’s CPC designation;
- reduce aid and arms sales to Uzbekistan and ban visits by high-level Uzbek officials in response to the Uzbek government’s refusal to allow an independent investigation into the violence in Andijon in May 2005;

- ensure that U.S. statements and actions are coordinated across agencies to ensure that U.S. concerns about human rights conditions in Uzbekistan are reflected in its public and private arrangements with the Uzbek government;
- ensure that U.S. assistance to the Uzbek government, with the exception of assistance to improve humanitarian conditions and advance human rights, be made contingent upon establishing and implementing a specific timetable for the government to take concrete steps to improve conditions of freedom of religion or belief and observe international human rights standards, steps which should include:
 - --ending reliance on convictions based solely on confessions and implementing the recommendations of the UN Committee Against Torture (June 2002) and the UN Special Rapporteur on Torture (February 2003);
 - --establishing a mechanism to review the cases of persons previously detained under suspicion of or charged with religious, political, or security offenses, including Criminal Code Articles 159 (criminalizing “anti-state activity”) and 216 (criminalizing membership in a “forbidden religious organization”); releasing those who have been imprisoned solely because of their religious beliefs or practices as well as any others who have been unjustly detained or sentenced; and making public a list of specific and detailed information about individuals who are currently detained under these articles or imprisoned following conviction;
 - --revising the 1998 Law on Freedom of Conscience and Religious Organizations to bring it into compliance with international standards, including making changes consistent with recommendations made by the Organization for Security and Cooperation in Europe (OSCE) Panel of Experts on Freedom of Religion or Belief, and registering religious groups that have sought to comply with the legal requirements; and
 - --ensuring that every prisoner has access to his or her family, human rights monitors, adequate medical care, and a lawyer, as specified in international human rights instruments, and allowing prisoners to practice their religion while in detention to the fullest extent compatible with the specific nature of their detention;
- ensure that U.S. security and other forms of assistance are scrutinized to make certain that this assistance does not go to Uzbek government agencies, such as certain branches of the Interior and Justice Ministries, which have been responsible for particularly severe violations of religious freedom as defined by the International Religious Freedom Act of 1998; and
- use appropriate avenues of public diplomacy to explain to the people of Uzbekistan both why religious freedom is an important element of U.S. foreign policy and what specific concerns about violations of religious freedom exist in their country.

II. Encouraging Greater International Scrutiny of Uzbekistan’s Human Rights Record
 The U.S. government should:

- work with other governments to urge the UN Human Rights Council to reverse its decision ending human rights scrutiny of Uzbekistan under the confidential 1503 procedure and to address this situation in a public country resolution at the Council;
- encourage public scrutiny of Uzbek human rights concerns in appropriate international fora, such as the OSCE and other multilateral venues, and facilitate the participation of Uzbek human rights defenders in multilateral human rights mechanisms; and
- urge the Uzbek government to agree to visits by UN Special Rapporteurs on Freedom of Religion or Belief, the Independence of the Judiciary, and Torture, set specific visit dates, and provide the full and necessary conditions for such a visit.

III. Supporting Uzbek Human Rights Defenders and Religious Freedom Initiatives

The U.S. government should:

- continue to monitor closely the status of individuals who are arrested for alleged religious, political, and security offenses, and continue efforts to improve the situation of Uzbek human rights defenders, including by pressing for human rights groups and religious communities to be allowed to register or to operate freely without registration;
- support efforts to counteract the Uzbek government's blockade on information into the country by increasing radio, Internet, and other broadcasting of objective news and information on issues relevant to Uzbekistan, including education, human rights, freedom of religion, and religious tolerance, and continue funding for the Voice of America (VOA) Uzbek Language Service;
- ensure that the U.S. Embassy in Uzbekistan maintains active contacts with Uzbek human rights activists and publicly recognizes their contributions;
- increase foreign travel opportunities for civil society activists, religious leaders, and others in Uzbekistan concerned with religious freedom so as to permit them to take part in relevant international conferences;
- work to develop effective assistance programs to encourage the creation of civil society institutions to protect human rights and promote religious freedom in Uzbekistan, including training in human rights, the rule of law, and crime investigation for police and other law enforcement officials, for example by:
 - --expanding legal assistance programs for Uzbek relatives of detainees and expanding "train-the-trainer" legal assistance programs for representatives of religious communities to act as legal advisers in the registration process;
 - --specifying freedom of religion as a grants category and area of activity in the Democracy and Conflict Mitigation program of the U.S. Agency for

- --encouraging national and local public roundtables between Uzbek officials and representatives of Uzbek civil society on freedom of religion; and
- increase opportunities in its exchange programs for Uzbek human rights advocates and religious figures, and
- --expand exchange programs for Uzbek religious leaders to include representatives from all religious communities;
- --ensure that the U.S. Embassy vigorously protests if Uzbek authorities harass participants in such exchange programs after their return to Uzbekistan, and if such harassment continues, impose negative consequences in other areas of U.S.-Uzbek bilateral relations, including a ban on high-level meetings.

USCIRF's trip to Turkey and northern Cyprus in February 2011 highlighted the ongoing religious freedom restrictions imposed on religious minorities in both Turkey and northern Cyprus by the Turkish government and military. USCIRF recommends that the U.S. government, in its bilateral relations with Turkey, urge the Turkish government to bring its laws and practices into compliance with international standards on freedom of religion or belief.

I. Pressing for Immediate Improvements to End Religious Freedom Violations

- On the legal status of minority religious communities and governance of their internal affairs, the United States should urge Turkey to:
- grant full legal recognition for all religious communities in Turkey, such as the Alevis; Greek, Armenian, Georgian and Syriac Orthodox; Roman Catholics; Protestants; Jews; and others, by:
 - --fully implementing the 1923 Lausanne Treaty and the Universal Declaration of Human Rights and providing all non-Muslim communities with legal status that affords them full property rights including the right to inherit, purchase, possess, maintain, and sell property; or
 - --amending the Law on Associations so that it provides religious communities with legal status that affords them the right to inherit, purchase, possess, maintain, and sell property; and
 - --fully respecting articles 18 and 27 of the International Covenant on Civil and Political Rights and withdrawing the reservation that limits its application to the three Lausanne minorities;
- permit religious communities to select and appoint their leadership in accordance with their internal guidelines and beliefs, according to Turkey's international obligations, end Turkish citizenship requirements for the Ecumenical Patriarchate and Holy Synod of the Greek Orthodox Church, and grant official recognition to the Ecumenical status of the Greek Orthodox Patriarch, in line with the 2010 opinion by the Council of Europe's Venice Commission;

- encourage the Prime Minister's office and the Diyanet to work with the Alevi community regarding the recognition of that community in Turkey, and grant legal status to Alevi cem houses of worship as places of worship; and
- allow for the independent and peaceful practice of Islam outside of the Diyanet and end the legal prohibitions on Shi'a Islam and on Sufi spiritual orders.
- Regarding restrictions on religious expression, the United States should urge Turkey to:
 - abolish Article 301 of the Turkish Penal Code, which restricts the freedoms of thought and expression and negatively affects the freedom of religion or belief;
 - remove restrictions on all clergy and members of religious minority communities to wear religious garb in public areas, state institutions, and public and private universities, and remove additional restrictions on leaders of the minority Christian, Jewish, or other religious communities from wearing clerical garb in the public space;
 - allow women the freedom to express their religious or non-religious views through dress so as to respect their beliefs, as well as the secular status of the Turkish republic, while ensuring a lack of coercion for those choosing not to wear headscarves and protecting the rights and freedoms of others, and providing access to public education and to public sector employment for those choosing to wear a headscarf;
 - draft legislation to provide alternative service to military service, on the grounds of conscientious objection and release imprisoned conscientious objectors; and
 - omit the legal requirement to list religious affiliation on official identification cards, in line with the March 2010 ruling by the European Court of Human Rights, including the adoption of specific steps to implement this new requirement.
- Regarding property and education rights for religious minorities, the United States should urge Turkey to:
 - expand the process to regain clear title or fair compensation for expropriated holdings to include properties sold to third parties or held by the government, end the authority of the Vakıflar or any government agency to seize the property of any religious community, and submit the recent Supreme Court decision on the land property case of the Mor Gabriel Syrian Orthodox monastery to Turkey's constitutional court or to the European Court of Human Rights;
 - permit all religious minorities, including those not covered by the Lausanne Treaty, to train religious clergy, including by:

- --permitting the reopening of the Halki Theological Seminary, according to Turkey's international obligations, and allowing for religious training to occur;
 - --organizing a technical committee comprised of representatives from the Ecumenical Patriarchate and Turkish government representatives, to review all technical details relevant to expeditious opening of the Halki seminary;
 - --returning the Greek Orthodox school on the island of Imvros to the Ecumenical Patriarchate and approving the Patriarchate's application for the operation of the school; and
 - --encouraging the Ministry of Education to respond favorably to the official request of the Armenian Patriarch to permit his community to establish a theological faculty on Christian theology that incorporates instruction from the Patriarch, as required under Turkey's international obligations;
- encourage the Ministry of Education to respond favorably to requests from the Armenian community to allow children of migrant workers to attend Armenian minority schools in Turkey; and
- amend public school curricula on religion in line with the 2010 European Court of Human Rights ruling in the case brought by an Alevi.
- Regarding combating intolerance, the United States should urge Turkey to:
 - continue to undertake practical initiatives to establish and enhance trust among the country's diverse religious and ethnic communities, including: convening public roundtables on the local and national levels; at a high political level, publicly expressing commitments to a democratic and diverse Turkish society; and developing civic education programs that reflect the religious and ethnic diversity of Turkish society, past and present;
 - continue to condemn violent hate crimes against members of religious and ethnic communities and ensure prompt investigation and prosecutions of such crimes;
 - take all appropriate steps to prevent and punish acts of anti-Semitism, including condemnation of such acts, and, while vigorously protecting freedom of expression, counteract anti-Semitic rhetoric and other organized anti-Semitic activities; and
 - act in accordance with international human rights obligations to protect and punish discrimination against Alevis.

II. Advancing Religious Freedom through Multilateral Efforts

The U.S. government should:

- encourage the Turkish government, in view of its invitation to UN human rights special rapporteurs, to actively schedule such visits, including by the

- encourage the Turkish government to remove its reservation to Article 27 of the ICCPR to ensure full respect for the protection of freedom of religion or belief to minority communities;
- speak out publicly at Organization for Security and Cooperation in Europe (OSCE) meetings and events about violations by the government of Turkey of OSCE human rights commitments, including those concerning respect for freedom of religion or belief;
- urge the Turkish government to request that the OSCE Office of Democratic Institutions and Human Rights (ODIHR) Panel of Experts on Freedom of Religion or Belief to:
 - --provide an assessment of Turkey's legislation relating to that issue;
 - --conduct conferences with relevant government officials, leaders of religious communities, and members of civil society on teaching about religion in public schools from a human rights perspective; and
 - --provide training sessions for members of the Turkish judiciary and law enforcement on how to combat hate crimes, including those motivated by religious prejudice; and
- urge the Turkish government to interpret the Turkish Constitution and the Lausanne Treaty consistent with international obligations, such as Article 18 of the ICCPR and OSCE commitments on freedom of religion or belief.

III. Recommendations concerning northern Cyprus

The U.S. government should:

- urge the Turkish government to allow religious communities living in the Republic of Cyprus and religious minority communities living in northern Cyprus access to (including rights to restore, maintain, and utilize) religious sites, places of worship, and cemeteries that are located within the borders of Turkish military bases and zones in northern Cyprus;
- urge the Turkish government and/or Turkish Cypriot authorities to abandon all restrictions on the access and use of churches and other places of worship, including requiring applications for permission to hold religious services;
- urge the Turkish Cypriot authorities and Turkish military to return all religious places of worship and cemeteries to their rightful owners; cease any ongoing desecration and destruction of Greek Orthodox, Maronite, Armenian Orthodox, and Jewish religious properties; and cease using any such religious sites as stables, military storage sites, vehicle repair shops, and public entertainment venues or any other non-religious purpose;

- urge the Turkish government and/or the Turkish Cypriot authorities to permit the restoration of St. Andreas monastery and other churches located in northern Cyprus;
- urge the Turkish government and/or the Turkish Cypriot authorities to return Christian religious iconography and other religious art that is in the hands of Turkish Cypriot authorities and that remain in churches to their rightful owners; and
- urge the Turkish Cypriot authorities to provide a full list of catalogued religious artifacts and to allow access by UNESCO authorities, if UNESCO deems it appropriate and necessary to review such materials under possession of the Turkish Cypriot authorities and/or Turkish military.

Tajikistan

I. Promoting Reform to Protect Freedom of Religion or Belief

The U.S. government should:

- urge the Tajik government to limit its definition of extremism to address only acts that involve violence or incitement to imminent violence and to drop bans on non-violent organizations, literature, and groups;
- work with Tajik government officials responsible for religious affairs, human rights, and legal issues, as well as Tajik parliamentarians, civil society representatives, and the international community, to seek amendments to the 2009 religion law and other relevant legislation to bring it into conformity with Tajikistan's international commitments, including those of the OSCE, on freedom of religion or belief;
- continue to monitor the status of individuals who are arrested for alleged religious, political, and security offenses, and continue to monitor the trials of leaders or members of religious communities that lose their registration and urge that appropriate legal measures be adopted;
- urge the Tajik government officials, particularly President Rahmon, to affirm publicly their intention to comply fully with Tajikistan's international commitments to respect freedom of religion or belief, as well as the rights of members of all non-violent religious communities in the country.

II. Emphasizing Tajikistan's Religious Freedom and Human Rights Record

The U.S. government should:

- publicly criticize Tajik government violations of international and OSCE commitments on human rights, including respect for freedom of religion or belief, in Tajikistan and at international meetings, particularly at the October 2011 UN Human Rights Council Universal Periodic Review (UPR);

- urge the OSCE Mission in Tajikistan to pay particular attention to violations of freedom of religion or belief and to undertake relevant programs, including holding training sessions with local officials and journalists on international obligations;
- ensure that U.S. assistance to the Tajik government, with the exception of assistance to improve humanitarian conditions and advance human rights, be contingent upon establishing and implementing a specific timetable for the government to take concrete steps to reform the religion law and improve conditions of freedom of religion or belief;
- ensure that U.S. security and other forms of assistance are scrutinized to make certain that this assistance does not go to Tajik government agencies, such as certain branches of the Interior and Justice Ministries, which have been responsible for violations of religious freedom;
- work with the international community in Tajikistan to undertake efforts to improve judicial standards and to provide training for judges and prosecutors in civil law and international human rights standards; and
- increase opportunities for Tajik human rights advocates and religious figures to participate in exchange programs, and use appropriate avenues of public diplomacy to explain to the people of Tajikistan both why religious freedom is an important element of U.S. foreign policy and what specific concerns about violations of religious freedom exist in their country

USCIRF concludes that the human rights and security aspects of the issue of freedom of religion or belief should be given a higher priority in the “reset” of U.S.-Russian bilateral relations. Russia faces security concerns as a result of serious threats from groups which advocate or perpetrate violence in the name of religion. Nevertheless, the Russian government’s broad-brush approach to this situation is problematic, due to its arbitrary application of vague anti-extremism laws against religious adherents and others who pose no credible threat to security. In USCIRF’s view, despite certain improvements, more can and should be done to ensure that Russian law enforcement agencies do not dismiss hate crimes as “hooliganism,” but recognize them for what they are—human rights abuses—and take steps to prevent and punish such crimes, including those involving ethnicity and religion.

Accordingly, USCIRF recommends that the U.S. government respond to the deteriorating conditions in the Russian Federation by taking specific steps to strengthen promotion of human rights, including freedom of religion or belief; prioritize this problem in its bilateral and multilateral diplomacy; and address specific Russian human rights issues, particularly by pressing the Russian government to amend the extremism law, ensure the equal legal status and treatment of all of Russia’s religious communities, and combat xenophobia, intolerance, and hate crimes.

I. Strengthening U.S. Promotion of Human Rights, including Freedom of Religion or Belief

The U.S. government should:

- urge the Russian government, in public and at high political levels, to undertake programs and adopt legal reforms to ensure respect for international norms on freedom of religion or belief;
- implement the provisions of the “Smith Amendment” of the 2010 Consolidated Appropriations Act (Section 7074 of P.L. 111-117) to prohibit U.S. financial assistance to the Russian Federation government due to, inter alia, its discrimination against religious groups through laws and government actions, excessive application of the vague and overly-broad
- maintain a mechanism to monitor publicly the status of human rights in Russia, including freedom of religion or belief, particularly in the case of repeal of the Jackson-Vanik amendment with respect to Russia, as well as establish a program to monitor implementation of Russia’s law on non-commercial organizations (NGO Law), including its impact on religious organizations,
- reinstitute regular roundtables in Washington with members of the National Security Council and representatives of religious communities and civil society as well as academic specialists on the status of freedom of religion or belief in Russia;
- ensure that U.S. government-funded grants to NGOs and other sectors in Russian society include projects on legal protections and respect for freedom of religion or belief and methods to combat xenophobia, such as by funding training programs on freedom of religion or belief, promoting interreligious cooperation, encouraging pluralism, and combating hate crimes;
- support programs to train lawyers to contest violations of Russian and international law regarding freedom of religion or belief in Russian courts and before the European Court of Human Rights (ECtHR);
- translate into Russian and make available, including on the U.S. Embassy Web site, U.S. Federal Bureau of Investigation and Department of Justice materials on combating hate crimes and information relating to international standards on freedom of religion or belief, xenophobia, and hate crimes, including relevant U.S. Department of State and USCIRF reports;
- ensure that Russia’s citizens have access to U.S. government-funded radio and TV broadcasts, as well as Internet communications, including information on freedom of religion or belief and on combating xenophobia and hate crimes, in particular by:
 - --restoring the previous levels of Russian-language radio broadcasts of Voice of America and Radio Free Europe/Radio Liberty (RFE/RL), restoring staffing levels, and considering new broadcast vehicles; and
 - --increasing funding for programs in minority languages, including the RFE/RL Tatar and North Caucasus services;
- include in U.S.-funded exchange programs a wider ethnic and religious mix of students, including from the North Caucasus, Tatarstan, and other regions of

- implement a U.S. visa ban and asset freeze against Chechen leader Ramzan Kadyrov, whom the ECtHR has found responsible for severe and on-going human rights abuses, and urge
- ensure that U.S.-funded conflict resolution and post-conflict reconstruction programs for the North Caucasus also fund credible local partners; and
- initiate International Visitor Programs on the prevention and prosecution of hate crimes for Russian officials and other relevant figures and include training sessions by the Department of Justice and the Federal Bureau of Investigation as well as relevant NGOs and academic experts.

II. Prioritizing Freedom of Religion or Belief in U.S. Bilateral and Multilateral Diplomacy

The U.S. government should:

- organize as part of the U.S.-Russia Bilateral Presidential Commission a working group comprised of legal experts on international norms on freedom of religion or belief;
- ensure that U.S. Embassy officials and programs engage with local officials throughout the Russian Federation and disseminate information on international norms on freedom of religion or belief, including unregistered religious communities;
- urge the Russian government to invite and schedule dates for one or more of the three Personal Representatives of the Organization for Security and Cooperation in Europe (OSCE) on combating intolerance and the UN Special Rapporteur on Freedom of Religion or Belief to visit the country during 2011;
- ensure that human rights issues, including freedom of religion or belief, are raised in the context of negotiations on Russian accession to the World Trade Organization, and work with members of the G-8 to ensure that human rights issues, including issues concerning migration and counter-terrorism, are raised at bilateral and multilateral meetings;
- ensure that the humanitarian crisis in Chechnya and human rights abuses perpetrated by the Russian federal military and local security and police forces there, as well as in other North Caucasus republics, are issues raised in U.S.-Russian bilateral relations;
- urge the Russian government to respect all resolutions of the Parliamentary Assembly of the Council of Europe on the human rights and humanitarian situation in the North Caucasus and reinstate regular on-site visits by the Council of Europe's Special Rapporteur for Chechnya;

- urge the Russian government to address the issues raised by the UN Human Rights Council's Universal Periodic Review and relevant treaty bodies concerning Chechnya, accept visits to Chechnya by the UN Special Rapporteurs on Extrajudicial Executions and Torture, and fully cooperate with those Special Rapporteurs; and
- advocate , along with other OSCE States, that human rights abuses in the North Caucasus receive greater attention in OSCE deliberations and programs and also encourage the OSCE to offer humanitarian and other assistance to the civilian populations affected by the decade-long conflict in Chechnya and in the North Caucasus.

III. Addressing Russian Human Rights Issues

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

- implement the February 2010 Constitutional Court decision that the Civil Procedural Code be amended to require Russian courts to abide by decisions by the ECtHR rather than the payment of fines as is current practice;
- reform the Ministry of Internal Affairs system of quotas for arrests and detentions of alleged suspects which may result in denials of justice;
- amend the Russian extremism law to address acts that involve violence or incitement to imminent violence, and drop bans on nonviolent organizations, literature and religious communities;
- halt current investigations, and reconsider previous legal cases, against individuals and organizations accused of extremism solely for their exercise of internationally protected rights, including freedom of religion or belief;
- withdraw or substantially amend the NGO law or develop regulations consistent with international standards limiting the state's discretion to interfere with the activities of NGOs, including religious organizations; and
- cease and prosecute all alleged acts of involuntary detention, disappearances, torture, rape, and other human rights abuses by the Russian security services in Chechnya, including by pro-Kremlin Chechen forces, and in other republics of the North Caucasus.

IV. Ensuring the Equal Legal Status and Treatment of Russia's Religious Communities

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

- affirm publicly at a high political level the multi-ethnic and multi-confessional nature of Russian society and that all religious communities in Russia are equal under the law and entitled to equal treatment regardless of registration status, and direct government officials at all levels not to grant preferences to or discriminate against members of religious, ethnic and migrant groups;

- refrain from media attacks on any peaceful religious community and adopt administrative measures against government officials who engage in such attacks;
- cease interference in the internal affairs of religious communities, unless stipulated by law and in conformity with international human rights standards;
- ensure that law enforcement officials investigate and prosecute crimes against members of all religious communities and establish a fair and effective review mechanism outside the Procuracy to investigate and sanction any officials who are found to have encouraged or condoned such crimes;
- amend the legal provision of the extremism law allowing any court to rule that the Russian translation of a text constitutes extremism, resulting in its ban throughout Russia, and re-examine recent court rulings deeming as extremist the publications of the Jehovah's Witnesses and the Turkish theologian Said Nursi;
- reform the mandate and personnel of the Ministry of Justice's 2009 Expert Religious Studies Council in order to diversify its membership and revoke its authority to recommend investigations of religious groups, including of their activities and literature;
- distribute on a regular basis updated information on freedom of religion or belief, including international law, relevant OSCE commitments, Russian constitutional provisions, relevant legislation and court decisions, to the Russian judiciary, religious affairs officials, the Justice Ministry, the Procuracy, and law enforcement bodies;
- extend the current annual training program for regional and local religious affairs officials to include the judiciary, the Procuracy, law enforcement agencies, and the Justice Ministry;
- direct the Russian Federation Human Rights Ombudsman to set up a nationwide monitoring system on the status of freedom of religion or belief in the 84 regions of Russia; and
- accept visits from the three OSCE Tolerance Representatives and the UN Special Rapporteur on Freedom of Religion or Belief, and grant unrestricted access for these officials to religious communities and regions.

V. Combating Xenophobia, Intolerance, and Hate Crimes

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

- condemn – publicly, promptly and specifically – acts of xenophobia, anti-Semitism, intolerance, and hate crimes, and ensure that such acts will be fully

- condemn publicly rhetoric that promotes xenophobia or intolerance, including religious intolerance, while vigorously promoting freedom of expression;
- provide training programs for law enforcement officers and other officials to address ethnic and religious hatred and promote tolerance;
- establish a special nationwide anti-discrimination body that provides regular reports to the press, public, and parliament;
- implement recommendations on addressing anti-Semitism, xenophobia, and hate crimes from the Russia Federation Presidential Council on Human Rights, the Russian Federation Human Rights Ombudsman, the Council of Europe's Commission against Racism and Intolerance, and implement the decisions of the ECHR; and
- report, as required, to the OSCE on national measures to address hate crimes, including legislative initiatives and statistics, and participate in relevant OSCE training programs for law enforcement and judicial officials.
- In response to the prevailing state of religious freedom and related human rights in Belarus, USCIRF urges the U.S. government to support a number of measures to aid in the fight to end religious freedom violations and to promote religious liberty through bilateral and multilateral diplomacy, as well as through specific U.S. programs and policies.

Belarus

I. Ending Violations of Religious Freedom in Belarus

- The U.S. government should urge the government of Belarus to:
- repeal the highly restrictive 2002 religion law, as several of its provisions violate international norms on freedom of religion or belief, as called for in the 2008 popular petition urging reform of the religion law, which was the largest non-party political petition in Belarusian history;
- end the practice of denying registration to religious groups and then erecting obstacles to religious practice because of that unregistered status;
- ensure that no religious community is given a privileged status that may result in, or be used to justify, discrimination against individuals who are secular or belong to other religious groups;
- provide the right to conduct religious education and distribute religious material;

- adopt effective measures to halt attacks on the persons and property of minority religious groups and prosecute individuals who perpetrate such attacks;
- ensure a greater effort on the part of government officials to find and hold accountable perpetrators of attacks on the persons and property of members of religious minorities;
- publicly condemn, investigate, and prosecute criminal acts targeting Jews and the Jewish community, as well as members of other ethnic and religious communities; and
- provide free access by domestic and international human rights groups and others to sites of religious violence or the destruction of places of worship.

II. Advancing Religious Freedom through Bilateral and Multilateral Diplomacy

The U.S. government should:

- use public and private diplomacy to advance the protection of religious freedom and human rights in Belarus, such as conducting enhanced monitoring and public reporting by the U.S. Department of State, including the Special Envoy on Anti-Semitism and the Ambassador-at-Large for International Religious Freedom, and by the appropriate international organizations, including the Organization for Security and Cooperation in Europe (OSCE) and the UN;
- coordinate with the European Union on the application of financial sanctions and visa bans on high-ranking Belarusian officials, particularly those who are directly responsible for or who have carried out the government's abuses of religious freedom;
- work with international partners to reinstate the position of UN Special Rapporteur on the situation of human rights in Belarus and support that position's efforts to gain unrestricted access to the country, and work to reopen the OSCE Mission in Minsk;
- use diplomatic contact with representatives of the Belarusian government as a forum to discuss the failure of religious oppression tactics to further policy goals of prosperity, international comity, and political stability; and
- urge the Belarusian government to issue invitations to relevant UN Special Procedures, including the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Expression; the Special Representative of the Secretary-General on the Situation of Human Rights Defenders; the Special Rapporteur on Freedom of Religion or Belief; and the Working Group on Enforced and Involuntary Disappearances.

III. Advancing Religious Freedom through U.S. Programs and Policies

The U.S. government should:

- ensure that the activities to promote democracy authorized by the Belarus Democracy Reauthorization Act, as well as in the Belarus civil society programs of the National Endowment for Democracy, include the right to freedom of religion or belief and the promotion of religious tolerance;
- ensure that U.S. government-funded radio broadcasts to Belarus, including those of RFE/RL, continue at least at their present levels; that efforts are made to secure sufficient transmission capacity to ensure reliable reception throughout that country; and that the programs discuss issues relating to freedom of thought, conscience, and religion or belief;
- use appropriated Internet freedom funds to develop free and secure email access for use in Belarus; facilitate the dissemination of high-speed Internet access via satellite; and immediately distribute proven field-tested counter-censorship programs in order to prevent the arrest and harassment of religious freedom and human rights activists, helping them maintain their freedom of expression and legitimate expectations of privacy;
- award funds appropriated by Congress to counter censorship in Belarus, including those from the FY2010 Consolidated Appropriations Act, through a competitive and merit based process;
- provide increased international travel opportunities – particularly opportunities to attend international conferences – for Belarusian civil society leaders, including representatives of human rights organizations and religious groups, as well as others who defend freedom of religion in that country;
- continue to privately and publicly support those engaged in the struggle against repression in Belarus, including the group of religious and opposition activists who make up the Freedom of Religion Initiative that published the “White Book;”
- organize roundtables inside Belarus between members of registered and unregistered religious communities and international experts on freedom of religion, particularly the OSCE Panel of Experts on Freedom of Religion or Belief; and
- assist in funding Belarusian NGOs seeking reform of the country’s religion law

While the geo-strategic importance of Turkmenistan is on the rise, the United States should continue raising concerns about human rights and religious freedom in its meetings with the Turkmen government, urge it to implement new laws and practices that comply with international human rights standards, and, if concrete improvements are not met, designate Turkmenistan as a CPC. To this end, USCIRF recommends that

the U.S. government take a number of specific steps to expand its bilateral relations with Turkmenistan, promote religious freedom and related human rights, and expand U.S. programs and other activities in pursuit of this aim.

I. Expanding U.S.-Turkmen Bilateral Relations

The U.S. government should:

- urge the Turkmen government to limit its operational definition of extremism to address only acts that involve violence or incitement to imminent violence;
- urge the Turkmen government to embrace fully USAID's technical critique of Turkmen laws affecting religious freedom; and
- discuss human rights and freedom of religion or belief during bilateral meetings with the government of Turkmenistan, explore ways in which Turkmenistan can implement laws and practices to comply with international human rights standards, and establish a regular reporting mechanism on these issues.

II. Promoting Freedom of Religion or Belief and Other Human Rights

The U.S. government should urge the government of Turkmenistan to:

- repeal all laws, decrees or regulations, and amend those articles of the religion law, that violate international norms on freedom of religion or belief, for example by implementing the recommendations of the USAID-funded analysis of that law;
- eliminate intrusive and onerous registration procedures and abolish criminal or other penalties for engaging in religious or other peaceful activity solely because it has not been approved by the state;
- halt unlawful arrest, detention, harassment, deportation, fines, and residential and workplace intimidation of members of religious communities due to their peaceful practice of religious or other beliefs;
- end fully the harassment and unlawful deportation of religious leaders and the imposition of fines on members of peaceful unregistered religious communities whose activities are deemed "illegal;"
- pledge that it will fully respect the human rights, including the right to life, of Turkmen émigré human rights and other activists;
- end the imposition of the Ruhnama or other state-sponsored texts or ideology in public institutions and religious organizations;
- end discriminatory construction codes that restrict non-Russian-Orthodox communities from building places of worship;
- end restrictions on the study of religion in higher education, including bans on non-Islamic theology;

- allow women to study Islamic theology;
- promulgate new regulations and adopt new policies to ease the importation of religious and other material for all communities, and to permit the domestic printing and dissemination of such material in accordance with international standards;
- restore genuine legal alternatives to military service on the grounds of religious or conscientious objection based on international precedents, including those of the OSCE, and cease the criminal prosecution and fully restore the civil and political rights of Jehovah's Witnesses and others who refuse to serve in the army on the grounds of conscience;
- expand and regularize the systematic and effective involvement of international legal experts, such as those of the OSCE Panel of Experts on Religion or Belief and the OSCE Panel on Freedom of Association, and relevant UN experts;
- end state interference in the management of religious communities and in the selection and training of religious leaders, including those from Sunni and Shi'a Muslim and the Russian Orthodox communities, as well as from Protestant and other minority communities; and
- permit a USCIRF delegation to return to Turkmenistan to assess current conditions for freedom of religion or belief, speak with current or former prisoners of conscience in places of detention, and speak unimpeded with religious and other organizations and their members.

II. Expanding U.S. Programs and Other Activities to Promote Human Rights and Reform Efforts

The U.S. government should:

- increase and improve radio, Internet, and other broadcasts of objective news and information, including on topics such as freedom of religion or belief and on other human rights and religious tolerance, by:
 - --expanding and improving broadcasts to Turkmenistan by the Turkmen Service of Radio Free Europe/Radio Liberty (RFE/RL), including by increasing coverage of issues relating to freedom of religion or belief, adding Russian-language broadcasts; and
 - --restoring Voice of America's Russian-language television and radio broadcasts to Central Asia, particularly those broadcasts relating to human rights, including freedom of religion or belief.
- assist in improving Turkmenistan's educational system, particularly with regard to curricula on religious freedom and other human rights, by:
 - --reprinting Russian and Turkmen language materials on human rights, particularly on international norms on freedom of religion or belief; and

- --providing funds for libraries in Ashgabat and other cities, including materials on human rights, as well as freedom of religion or belief, tolerance, civic education, and international legal standards;
- develop assistance programs to encourage civil society groups that protect human rights and promote freedom of religion or belief, including by expanding legal assistance programs for representatives of religious communities through grants that address freedom of religion or belief via the USAID Democracy and Conflict Mitigation or the Democracy Commission Small Grants program administered by the U.S. Embassy;
- expand international contacts and increase U.S. involvement in communities in Turkmenistan, including through Peace Corps and USAID programs, include religious leaders in community projects in order to address social problems and increase tolerance, and expand exchange programs, including with civil society leaders, students, and others concerned with human rights; and
- cooperate with the OSCE Center in Ashgabat, including by resuming joint activities with human rights activists from Turkmenistan to encourage civic education, including on international norms on freedom of religion or belief as well as other human rights.

III. Strengthening Efforts in the International Arena

With regard to international fora, the U.S. government should urge the government of Turkmenistan to:

- implement the recommendations of the October 2006 Report of the UN Secretary General on the Situation of Human Rights in Turkmenistan and the 2008 recommendations of the UN Human Rights Council during the UPR of Turkmenistan;
- agree to the numerous requests for visits by the UN Special Rapporteurs, as well as representatives of the OSCE, including its Panel of Experts on Freedom of Religion or Belief, and provide the full and necessary conditions for such visits; and
- participate fully in the OSCE, including in the annual Human Dimension meeting in Warsaw, and expand the activities of the OSCE Center in Ashgabat, particularly on human rights, including programs with local schools, universities, and institutes on human rights standards, including freedom of religion or belief.

Netherlands Helsinki Committee

To all OSCE participating States:

The Astana Commemorative Declaration confirmed the principle that issues relating to

human dimension commitments are matters of direct and legitimate concern to all participating States.¹⁹ In view of this principle, all participating States should make use of

any opportunities to raise concerns about violations of freedom of expression, assembly and association, as well as repression of civil society with the governments of other participating States where such violations occur. They should call on these governments to take concrete and specific measures to address existing violations.

To the authorities of Kazakhstan:

- Ensure that no one who is involved in the ongoing labor protests in western Kazakhstan, or who offers support to the protesting workers is punished (through fines, arrests, criminal charges or in other ways) for the legitimate and peaceful exercise of the rights to freedom of expression, association and assembly, the right to strike, and the right to form, join and freely carry out trade union activities;
- Ensure that the appeal hearing in the case of trade union activist Natalia Sokolova is carried out in full accordance with international fair trial standards and protects the rights mentioned above. Also ensure that the case of trade union leader Akzhanat Aminov is reconsidered in a fair process that protects fundamental rights in this area;
- Promptly and thoroughly investigate all allegations of disproportionate and unlawful action by law enforcement authorities in connection with the labor protests, as well as reported cases of violent attacks on individuals associated with the protests. Bring those responsible to justice;
- Bring legislation and practice regulating the organization of assemblies, as well as the registration of public associations into full compliance with international standards on freedom of assembly, freedom of association and other fundamental rights;
- Stop blocking access to Live Journal or other websites containing information on controversial issues, and ensure that any measure taken to prevent the spread of website content deemed illegal is limited to that material and meets the full requirements of the law;
- Ensure that Yevgeniy Zhovtis' request for parole is considered in a fair and comprehensive manner, taking into account all relevant circumstances of his case, with a view to making possible a speedy release. As long as he remains imprisoned, ensure that he is treated adequately and on an equal footing with other prisoners in his colony.

To the authorities of Turkmenistan:

- Ensure that independent NGOs that so wish can obtain legal status in a fair and transparent process, and allow international organizations and foundations that promote and support human rights, the rule of law, and the development of civil society to operate in the country;
- Put an end to intimidation and harassment targeting members of Turkmen civil society who exercise their fundamental rights to express, receive and share views challenging official accounts of the state of affairs in Turkmenistan, as

- Ensure that TIHR can carry out its work without obstruction; no one is subjected to repression for contributing, reading or commenting on information published on the TIHR website; and local officials in Dashoguz do not pay any further intimidating visits to Mrs. Tukhbatullin, hold her under surveillance or intimidate or harass her in any other ways;
- Adopt legislation on the conduct of assemblies that is consistent with international human rights standards and refrain from suppressing and punishing the participants in peaceful public protest actions. Drop any possible charges leveled against the four women accused of organizing the June protest action in Ashgabat and release them immediately if they are still held by police;
- Protect residents' right to seek and receive information on human rights and other issues from outside Turkmenistan by refraining from measures that restrict the use of the internet or access to satellite TV and radio channels.

To the authorities of Uzbekistan:

- Enable national and international NGOs to obtain registration in an uncomplicated, fair and transparent process and promptly grant/restore registration to all human rights groups that have been denied or deprived of registration on arbitrary grounds, including Human Rights Watch;
- Allow members of civil society to carry out activities to promote human rights in the country without facing intimidation, harassment or undue interference by authorities and immediately and unconditionally release all human rights defenders who have been imprisoned on fabricated criminal charges;
- Stop blocking the websites of human rights groups and human rights portals and do not restrict the use of the internet for the purpose of obtaining or exchanging information on issues relating to the promotion and protection of human rights;
- As proposed in the recent draft National Action Program on Human Rights, adopt specific legislation governing the organization of assemblies, thereby ensuring that this legislation fully corresponds with international human rights standards. Involve civil society representatives in the elaboration of the legislation, make use of advice offered by international experts (such as ODIHR experts), and draw on international best practice in this area;
- Also before new legislation has been adopted, ensure that civil society members can gather peacefully to express concerns and misgivings without being arrested, fined or punished in other ways.

“Lawyers for Constitutional Rights and Freedoms (JURIX)”

- Recommendation: Ordinary participants of peaceful assemblies should not be detained even in cases when regulatory authorities and organizers do not reach agreement about the time, place and manner of the event.

- Recommendation: Lack of approval of the regulatory authorities regarding the time and place of the event should not be a reason for the dispersal of the peaceful assembly.
- Recommendation: Ordinary participants should not be burdened with the obligation to establish the consent of regulatory authorities about the holding of the peaceful assembly, and should not be subject to sanction for participating in such peaceful assemblies.
- Recommendation: Any sanctions for organizers, who did not reach agreement with regulatory authorities about the time, place and manner of the event, should be proportionate.
- Recommendation: Applying a penalty of an administrative arrest for several days (from two to fifteen) for holding a peaceful assembly should be considered a disproportionate restriction on freedom of peaceful assembly.
- Recommendation: Political opposition should not receive harsher penalties for holding 'unauthorized' peaceful assemblies.
- Recommendation: The procedure of notifying the regulatory authorities on the time and place of the assembly and obtaining their consent should not be used as a tool to prevent protest and critical expression at the peaceful assembly.
- Recommendation: Peaceful assemblies should be allowed to be held in front of their intended audience and with maximum publicity. They have as much right to use the public venues as everyone else.
- Recommendation: Regulatory authorities should operate with the presumption for holding the peaceful assembly, not aiming to restrict it. The regulation of time, place, size and manner of the assembly should not be based on the content of its message, if it has a peaceful nature and does not call for violence and hatred.
- Recommendation: Sensibilities of the opponents of the assembly or of the alleged majority should not be a sufficient reason for banning a peaceful assembly or dispersing it.
- Recommendation: Police should protect the participants of the peaceful assembly from violent attacks.
- Recommendation: Police should not treat the participants of the peaceful assembly on the basis of the message of the assembly and personal expression of its participants.

HazteOir.org

- To explicitly leave out of human rights education controverted topics as emotional/sexual education.
- To provide effective instruments in order to guarantee the right of parents to educate their children according to their convictions.

- To defend parents "prior right to choose the kind of education that shall be given to their children" as stated in the UDHR, ICCPR, ECHR and multiple other international documents: "...the State shall respect the right of parents to ensure such education and teaching in conformity with their own religions and philosophical convictions" (ECHR Art. 8, Art. 9, Art. 2 of Protocol 1).
- To monitor legislation, with special attention to so called hate-speech legislation, its content, interpretation, application and its influence in the education system; that such legislation neither impair free speech, debate or disagreement, nor exercise partiality to special interest groups at the expense of others.
- To Defend Freedom of Speech - to include that Christians can teach Christian understanding of the human person, faith and morality.

The Observatory on Intolerance and Discrimination against Christians in Europe

We recommend to OSCE and the participating states to ensure that the composition of national human rights bodies is balanced with regard to political affiliation and views, and that the members are not or were not attached to radical advocacy groups.

Western Thrace Minority University Graduates Association

We call upon the Greek State

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

Christian Legal Centre

Therefore, the CLC urges member states of the OSCE to protect and promote the freedom of association of churches and religious organizations, and ensure that national human rights institutions do not take sides when it comes to protecting and promoting human rights.

Alliance Defense Fund, Associazione "Dossetti: i Valori" - Observatory for Religious Tolerance and Freedom, Christian Legal Centre, HazteOir.org, Observatory on Intolerance and Discrimination against Christians in Europe

Participating States are urged to not force children to a compulsory sexual, religious or ethical teaching which may be not consistent with the convictions of the children's parents, providing for this case non-discriminatory opt-out possibilities.

Human Rights House Foundation

- We would like to recommend the OSCE participating States to invite the newly appointed UN Special Rapporteur for an official visit to your country for conducting consultations with the State, civil society, national human rights institutions and other stakeholders to discuss the country-based situation and how to nationally improve and strengthen the freedom of association and peaceful assembly.

- We recommend the States to use these consultations as a tool for your follow up of recommendations set by the Universal Periodic Review as well as preparing for your new UPR report, where States are expected to have consultations with the civil society and other stakeholders on human rights issues.
- When doing so, also invite OSeE ODIHR to introduce their practical and important handbooks on the monitoring of freedom of peaceful assembly and now also on freedom of association. The States should further include the OSeE recommendations into the national legislation and practices.

Federation of Western Thrace Turks in Europe

In light of the information above, we urge all participating States, in particular Greece to ensure the effective enjoyment of the right to freedom expression and freedom of associations, particularly in the case of ethnic, religious and linguistic groups though they are not officially recognized as minorities, and fully execute or enforce ECtHR's judgements to ensure that its obligations are fulfilled in practice. And, we kindly request the OSCE, its institutions and field operations to establish a mechanism that would allow the OSCE/ODIHR to monitor and review the implementation of OSCE participating States' commitments in regard to the freedom of association.

Delegation of Switzerland

A ce titre, la Suisse aimerait faire trois recommandations :

- D'abord en ce qui concerne la lutte contre l'impunité : nous appelons les Etats à combattre ce fléau en menant des enquêtes indépendantes, transparentes et effectives sur les allégations de crimes commis dans le contexte d'assemblée pacifique.
- Ensuite concernant les causes profondes de telles manifestations : la Suisse invite les Etats participants et partenaires à saisir les opportunités qui se présentent pour s'engager dans un dialogue national et à assurer l'existence d'un espace de liberté et de concertation.
- Enfin, nous souhaitons encourager la continuation de la coordination entre notre organisation et les autres organisations régionales ou internationales, dans le but de répertorier les bonnes pratiques protégeant cette liberté.

Chernivtsy Regional NGO 'Human Rights'

Ратифицирование Украиной Декларации ООН о праве и обязанности отдельных лиц, групп и органов общества поощрять и защищать общепризнанные права человека и основные свободы;

Обеспечение защиты правозащитников на законодательном уровне;

Создание системы непрерывного образования в области прав человека

Human Rights First

Participating States must not only permit LGBTI pride parades and equality events and gatherings, but guarantee the participants' safety and security. We call on governments to respect OSCE commitments on freedom of assembly and association.

Social Found "Prometei"

Для того, чтобы совместить соблюдение прав человека и борьбы с преступностью, необходимы следующие меры:

а) разработка и реализация механизма определения принципиальных границ и предварительных условий ограничений прав человека при проведении профилактических и иных мероприятий, связанных с противодействием криминальным деяниям;

б) формирование новых и совершенствование действующих структур глобальной криминологической безопасности, основанных на тесном международном сотрудничестве;

в) формирование правового, организационного и материально обеспеченного механизма реализации закрепленных в законе и подзаконных актах положений, в силу которых защита прав человека является одной из ведущих функций всех правоохранительных органов;

г) признание наличия у системы защиты прав человека функции профилактики преступлений и переориентация содержания профилактической деятельности с правоограничительных мер на правозащитные;

д) повышение статуса и гарантий прав потерпевшего от преступления;

е) признание лиц, находящихся в социально опасном положении и склонных в силу этого к совершению преступлений, объектами защитной деятельности.

Freedom House, Partners in Human Rights Project in Kyrgyzstan

Рекомендуем добиваться от правительства Кыргызской Республики:

- - осуждения и пресечения актов насилия на собраниях граждан
- - принятия мер для обеспечения безопасности участников мирных собраний и обеспечения правопорядка в местах проведения публичных акций
- - принятия мер по адекватному и своевременному реагированию на общественные протесты, связанные с нарушением прав и свобод
- - ускорения работы, связанной с принятием нового закона «О мирных собраниях», с учетом рекомендаций высказанных международными экспертами БДИПЧ ОБСЕ и Венецианской комиссии

European Union

The EU calls on OSCE participating States:

- To ensure the promotion and protection of human rights and all fundamental freedoms, including through enabling their relevant national authorities to effectively carry out their roles.

- To draw on the expertise of ODIHR and its field missions and take concrete action to enable individuals to effectively exercise their rights to peaceful assembly and association, freedom of expression and freedom of movement.

International Partnership for Human Rights (IPHR)

To all OSCE participating States:

The Astana Commemorative Declaration confirmed the principle that issues relating to human dimension commitments are matters of direct and legitimate concern to all participating States. In view of this principle, all participating States should make use of any opportunities to raise concerns about violations of freedom of expression, assembly and association, as well as repression of civil society with the governments of other participating States where such violations occur. They should call on these governments to take concrete and specific measures to address existing violations.

To the authorities of Kazakhstan:

- Ensure that no one who is involved in the ongoing labor protests in western Kazakhstan, or who offers support to the protesting workers is punished (through fines, arrests, criminal charges or in other ways) for the legitimate and peaceful exercise of the rights to freedom of expression, association and assembly, the right to strike, and the right to form, join and freely carry out trade union activities;
- Ensure that the appeal hearing in the case of trade union activist Natalia Sokolova is carried out in full accordance with international fair trial standards and protects the rights mentioned above. Also ensure that the case of trade union leader Akzhanat Aminov is reconsidered in a fair process that protects fundamental rights in this area;
- Promptly and thoroughly investigate all allegations of disproportionate and unlawful action by law enforcement authorities in connection with the labor protests, as well as reported cases of violent attacks on individuals associated with the protests. Bring those responsible to justice;
- Bring legislation and practice regulating the organization of assemblies, as well as the registration of public associations into full compliance with international standards on freedom of assembly, freedom of association and other fundamental rights;
- Stop blocking access to Live Journal or other websites containing information on controversial issues, and ensure that any measure taken to prevent the spread of website content deemed illegal is limited to that material and meets the full requirements of the law;
- Ensure that Yevgeniy Zhovtis' request for parole is considered in a fair and comprehensive manner, taking into account all relevant circumstances of his case, with a view to making possible a speedy release. As long as he remains imprisoned, ensure that he is treated adequately and on an equal footing with other prisoners in his colony.

To the authorities of Turkmenistan:

- Ensure that independent NGOs that so wish can obtain legal status in a fair and transparent process, and allow international organizations and foundations that promote and support human rights, the rule of law, and the development of civil society to operate in the country;

- Put an end to intimidation and harassment targeting members of Turkmen civil society who exercise their fundamental rights to express, receive and share views challenging official accounts of the state of affairs in Turkmenistan, as well as their relatives. In particular, do not restrict the right of such individuals to travel abroad, through the use of “black lists” or other similar practices;
- Ensure that TIHR can carry out its work without obstruction; no one is subjected to repression for contributing, reading or commenting on information published on the TIHR website; and local officials in Dashoguz do not pay any further intimidating visits to Mrs. Tukhbatullin, hold her under surveillance or intimidate or harass her in any other ways;
- Adopt legislation on the conduct of assemblies that is consistent with international human rights standards and refrain from suppressing and punishing the participants in peaceful public protest actions. Drop any possible charges leveled against the four women accused of organizing the June protest action in Ashgabat and release them immediately if they are still held by police;
- Protect residents’ right to seek and receive information on human rights and other issues from outside Turkmenistan by refraining from measures that restrict the use of the internet or access to satellite TV and radio channels.

To the authorities of Uzbekistan:

- Enable national and international NGOs to obtain registration in an uncomplicated, fair and transparent process and promptly grant/restore registration to all human rights groups that have been denied or deprived of registration on arbitrary grounds, including Human Rights Watch;
- Allow members of civil society to carry out activities to promote human rights in the country without facing intimidation, harassment or undue interference by authorities and immediately and unconditionally release all human rights defenders who have been imprisoned on fabricated criminal charges;
- Stop blocking the websites of human rights groups and human rights portals and do not restrict the use of the internet for the purpose of obtaining or exchanging information on issues relating to the promotion and protection of human rights;
- As proposed in the recent draft National Action Program on Human Rights, adopt specific legislation governing the organization of assemblies, thereby ensuring that this legislation fully corresponds with international human rights standards. Involve civil society representatives in the elaboration of the legislation, make use of advice offered by international experts (such as ODIHR experts), and draw on international best practice in this area;
- Also before new legislation has been adopted, ensure that civil society members can gather peacefully to express concerns and misgivings without being arrested, fined or punished in other ways.

International Observation Mission of the Committee on International Control over the Situation with Human Rights in Belarus

In connection with the above, based on the mandate of the International Observation Mission of the Committee on International Control over the Situation with Human Rights in Belarus, insists that the authorities of the Republic of Belarus:

- cease to use criminal prosecution and investigations to obstruct the work of human rights defenders, as well as a pretext to put pressure on political opponents and members of their families;
- scrupulously ensure observance of the guarantees for human dignity for all suspects and accused, as well as their access to qualified legal assistance;
- respond to reports in the media and to official appeals about human rights violations addressed to government agencies and intergovernmental structures by investigating the actions of state bodies and officials, rather than by sanctions against the authors of the appeals.

Strongly encourages the authorities of the Republic of Belarus:

- To initiate the invitation of independent OSCE experts in the field of the freedom of peaceful assembly and investigation of mass riots cases and actions of the law enforcement for an urgent and impartial international investigation of the actions on December 19th, 2010. They could analyze civilians and law enforcements actions in terms of their eligibility to peaceful assembly and possibility of extra measures from the police site, through the transfer of documents and materials on these events from the authority to the experts.
- To immediately change the preventive measure for all individuals, who are not charged of the direct involvement in violent actions, from detention in custody to house arrest (due to their low potential public danger) and for the others – from detention in custody to other preventive measures. It could inter alia help to relieve concerns of the international community about possible torture and ill-treatment in the investigative isolation ward, as well as about unlawful limitations on personal freedom of the family members of the accused being held under house arrest.
- To restore the professional capacity of the attorneys in law who ensured legal protection of the accused in the cases related to the December 19th events, but were disbarred or excluded from the Bar Association. Provide the attorneys with an opportunity to work in the interest of their clients without any hindrance.
- To ensure full observance of the international standards on the freedom of association and activity of human rights defenders and to withdraw criminal liability for participation in the activity of unregistered public organizations (Article 193-1 of the Criminal Code of the Republic of Belarus), which contradicts all the universally recognised international norms and principles.
- The Mission expresses its hope that the state of the Republic of Belarus is ready to demonstrate to the international community its commitment to democratic values and strict observance of the human rights obligations under the ratified international agreements, guaranteeing the accordance of the court trials of the participants of events following the presidential elections on December 19th, 2010, with the international standards of the right to fair trial, and granting the opportunity to conduct public monitoring of the mentioned trials.

The International Observation Mission demands:

1. The release of Ales Bialiatski from custody and termination of criminal proceedings against him in connection with his actions in the absence of a crime;

2. Termination of continued pressure on human rights and civil society organizations, in particular, the Human Rights Centre “Viasna” and the Belarusian Helsinki Committee, their staff and activists;

3. That the national legislation of the Republic of Belarus be brought in conformity with international standards on freedom of association, through amendments to the legislation guided by the recommendations of intergovernmental organizations (including by requesting official expertise of the European Commission for Democracy through Law), as well as taking into account the advice of national and international experts;

4. Announcement prior to the review of the legislation of a moratorium on investigations and prosecutions in respect of civic and human rights organizations, including the Human Rights Centre “Viasna” and the Belarusian Helsinki Committee, their staff and activists;

5. Adoption by the authorities of the Republic of Lithuania measures to minimize damage caused by the transmission of information on bank accounts of Belarusian civil society activists by its Ministry of Justice to the law enforcement agencies of Belarus, by providing them should the need arise defense in the form of skilled Lithuanian lawyers, as well as allocating funds for the payment of possible penalties;

6. Prevention of analogous actions in the transfer of information on human rights defenders and human rights organizations to the Belarusian authorities from the other OSCE participating states;

7. Inclusion of the situation with human rights and the rule of law in Belarus on the upcoming agenda of all formal meetings and activities of intergovernmental organizations (UN, OSCE and the Council of Europe), including at the highest level (UN General Assembly, OSCE Ministerial Conference).

Recommendations to International Organizations**Ukrainian Helsinki Human Rights Union**

- call on the Verkhovna Rada to pass the Law on Civic Organizations as quickly as possible, and without distorting its present democratic norms which are in accord with Council of Europe Recommendations CM/REC(2007)14.;
- call on EU institutions to raise the need to pass the Law as soon as possible with the Ukrainian authorities, including as a condition for the signing of the Agreement on Association;
- call on diplomats, representatives of the Council of Europe and OSCE to promote the adoption of democratic legislation on civic organizations at the highest level.

- The public are convinced that the adoption of an Agreement on Association without the proper conditions for the development of civil society would jeopardize Ukraine's fulfilment of its obligations. Current legislation makes effective control over the authorities and public participation in decision making impossible.

Recommendations to the OSCE

Delegation of Canada

Canada encourages the coordination of existing OSCE efforts with those of the new UN Special Rapporteur on Freedom of Association and Peaceful Assembly. We also call on the OSCE and its member states to look for other opportunities to work in inter-governmental settings, such as with the Canada-Chaired Community of Democracies Working Group on Enabling and Protecting Civil Society.

European Union

The EU recognises the important work of OSCE field presences in strengthening civil society and calls on ODIHR and field missions:

- to assist the participating States in reviewing legislation and practice with regard to international and regional human rights standards and OSCE commitments, particularly in the area of freedom of association and assembly.
- to continue to engage with national human rights institutions and Human Rights Defenders across the OSCE area, to strengthen their capacity to promote and protect, monitor and report on respect for human rights and fundamental freedoms.

Human Rights House Foundation

The Human Rights House Foundation with many of our partners invite OSeE and ODIHR to:

- to follow up the UN Special Rapporteur's invitation to look at both best and worst practices with regards to freedom of assembly and association. We need to look at both best and worst practices, since one relates to the other. We recommend OSeE to come up with a list of minimum standards of practices OSeE can accept for these two fundamental rights;
- to create both international and national expert and monitoring groups on the situation on freedom of association in the OSeE area;
- to actively promote the Guidelines on freedom of peaceful assembly and association, and actively promote their integration into national legislation and practice;

- to expand the activities of the OSCE ODIHR expert panel on freedom of assembly and ensure the involvement of civil society groups within OSCE in both the monitoring and promotion work of the Guidelines;
- National Human Rights Institutions should monitor and report on the two freedoms, and actively promote and defend the protection of these fundamental freedoms at the national level. They should also be asked to provide information and analysis to the UN Special Rapporteur and regional mechanisms;
- National Human Rights Institutions should safeguard their independence, and professionalize and consolidate their role as a bridge between government and civil society. They should collaborate, engage and consult with a broad and diverse range of civil society actors and ensure that inputs and comments are brought to the authorities.

Alliance Defense Fund, Associazione "Dossetti: i Valori" - Observatory for Religious Tolerance and Freedom, Christian Legal Centre, HazteOir.org, Observatory on Intolerance and Discrimination against Christians in Europe

The OSCE/ODIHR and to the OSCE/ODIHR Advisory Panel of Experts on Freedom of Religion or Belief are called upon to assist the participating States in reviewing or drafting legislation pertaining to 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 right of parents.

**Wednesday, 28 September 2011
WORKING SESSION 4: Rule of Law 1**

Recommendations to participating States

International Observation Mission of the Committee on International Control over the Situation with Human Rights in Belarus

Strongly encourages the authorities of the Republic of Belarus, in particular, the Supreme Court of the Republic of Belarus, individual courts of general jurisdiction and courts' administrations, which will handle the claims against the mentioned persons:

- to grant the observers of the monitoring groups of the Mission free access into the premises of the courts and directly to the courtrooms during the hearings on criminal cases against the mentioned persons;

- to conduct these hearings openly, granting access to courtrooms to international observers, media representatives, human rights organizations and the public;
- to ensure the necessary conditions to the general public wishing to attend these trials, in particular, to hold hearings on the mentioned cases in the courtrooms with sufficient capacity to accommodate observers;
- in a reasonable period of time, but not less than twenty-four hours prior to the hearings, to inform the interested parties about the time and place of hearings, in particular, by placing relevant information at the information boards in the court buildings where the hearings on the mentioned cases will be held, and giving this information on demand to journalists and observers from human rights organizations;
- to publicly announce the decisions on the mentioned cases against all defendants with the publication of the decisions in the media;
- to guarantee the observance of all the procedural norms in court proceedings on the mentioned cases in accordance with the national legislation and international obligations of the Republic of Belarus in this sphere.

The mission expresses its hope that the state of the Republic of Belarus is ready to demonstrate to the international community its commitment to democratic values and strict observance of the human rights obligations under the ratified international agreements, guaranteeing the accordance of the court trials of the participants of events following the presidential elections on December 19th, 2010, with the international standards of the right to fair trial, and granting the opportunity to conduct public monitoring of the mentioned trials.

Strongly encourages the authorities of the Republic of Belarus:

- To initiate the invitation of independent OSCE experts in the field of the freedom of peaceful assembly and investigation of mass riots cases and actions of the law enforcement for an urgent and impartial international investigation of the actions on December 19th, 2010. They could analyze civilians and law enforcements actions in terms of their eligibility to peaceful assembly and possibility of extra measures from the police site, through the transfer of documents and materials on these events from the authority to the experts.
- To immediately change the preventive measure for all individuals, who are not charged of the direct involvement in violent actions, from detention in custody to house arrest (due to their low potential public danger) and for the others – from detention in custody to other preventive measures. It could inter alia help to relieve concerns of the international community about possible torture and ill-treatment in the investigative isolation ward, as well as about unlawful limitations on personal freedom of the family members of the accused being held under house arrest.

- To restore the professional capacity of the attorneys in law who ensured legal protection of the accused in the cases related to the December 19th events, but were disbarred or excluded from the Bar Association. Provide the attorneys with an opportunity to work in the interest of their clients without any hindrance.
- To ensure full observance of the international standards on the freedom of association and activity of human rights defenders and to withdraw criminal liability for participation in the activity of unregistered public organizations (Article 193-1 of the Criminal Code of the Republic of Belarus), which contradicts all the universally recognised international norms and principles.
- The Mission expresses its hope that the state of the Republic of Belarus is ready to demonstrate to the international community its commitment to democratic values and strict observance of the human rights obligations under the ratified international agreements, guaranteeing the accordance of the court trials of the participants of events following the presidential elections on December 19th, 2010, with the international standards of the right to fair trial, and granting the opportunity to conduct public monitoring of the mentioned trials.

Delegation of Canada

Madam Chairperson, we wish to offer the following recommendations to the OSCE and the participating States within the context of this session:

- We encourage the OSCE and the participating States to reinforce the international mechanisms that prevent the violation of the rule of law in our region.
- We suggest that violations and progress related to the rule of law be monitored more closely with the support of expert non-governmental and international organisations.
- We encourage the OSCE to give further technical assistance to countries that are trying to regularize their judicial systems in order to consolidate their democracy.

Norwegian Helsinki Committee

We ask the Government of Azerbaijan to release all political prisoners in the country.

Chernivtsy Regional NGO 'Human Rights'

Рекомендації

- Привести ЗУ «О судоустройстве и статусе судей» в соответствие с рекомендациями Венецианской Комиссии Совета Европы
- Принять ЗУ «О бесплатной правовой помощи» и обеспечить финансированием;
- Внести изменения в ЗУ «Об адвокатуре», обеспечивающие независимость адвокатов от прокуратуры и судебной ветви власти

- Обеспечить возможность реализовывать право на получение правовой помощи согласно Конституции Украины не только от адвокатов, а и от других специалистов в области права
- Начать реформу уголовной юстиции, принять новый УПК Украины
- Обеспечить пересмотр судебных решений в делах, рассматриваемых по КпАП
- Все показания подозреваемых, обвиняемых, подсудимых, полученные вне открытых судебных заседаний не принимать во внимание
- Ликвидировать необходимость разрешения следователя на свидание с адвокатом или общественным защитником
- Лишить юридической силы отказ от адвоката в уголовном процессе
- Обеспечить возможность опроса свидетелей, пребывающих под защитой
- Усовершенствовать концепцию провокации преступления с учетом практики Европейского суда, провести проверку законности «оперативной» закупки наркотических средств в региональных отделениях, где достаточно высок их уровень
- Во время рассмотрения уголовных дел, касающихся несовершеннолетних, проверять состояние их здоровья, обследовать условия жизни, присоединять эти сведения к материалам дела
- Узаконить применения процедур медиации в уголовных процессах, касающихся несовершеннолетних
- Обеспечить независимый общественный мониторинг судебных заседаний с использованием практики «друг правосудия», учитывать результаты проведения процедур «общественного мониторинга при вынесении судебного решения
- Вносить все решения в Единый реестр судебных решений
- Прекратить награждения судей Верховной Радой, Президентом, Кабмином
- Определить место Государственной исполнительной службы в системе органов государственной власти
- Предусмотреть в госбюджете средства на исполнение решений, где ответчиком являются органы государственной власти

Recommendation: Changing the mechanism for setting up the High Council of Justice; in particular, all its members must be elected by the judges' Congress; this institution can also be disbanded with the transference of its functions to the entities which meet the criteria independently formed body of judicial power.

Kylym Shamy

В связи с изложенным, просим (рекомендации):

- Призвать власти КР обеспечить независимость судебной власти не только от административного ресурса, но и от агрессивно настроенных групп, которые используют насилие в отношении участников процесса,
- Призвать власти КР обеспечить безопасность адвокатов, судей, свидетелей и подсудимых, как в ходе процесса, так и вне,
- Призвать власти КР вернуться к тем уголовным делам по июньским событиям и пересмотреть их, по которым в ходе судебного процесса были заявлены факты нарушения прав человека и факты применения пыток,
- Призвать власти КР обеспечить реализацию прав и свобод человека в соответствии с принятыми обязательствами.

Recommendations to the OSCE

Public Foundation “Journalist in Troubles”

Убедительно прошу экспертов и страны ОБСЕ оказать влияние на Казахстан, который намеренно уклоняется от принятия законодательных норм, обеспечивающих реальную независимость судей от председателей судов и лиц, обеспечивающих их непрозрачное назначение на должность.

Promo-LEX Association

- Мы, правозащитники, просим ОБСЕ рассмотреть вопрос о создании в Приднестровье Суда Высшей Инстанции (на условиях «ad hoc» («для данного случая»)) и устранить зависимость защиты гражданских прав от проблемы разрешения политического конфликта.
- Мы готовы представить регламент работы такого Суда и процедуру исполнения его решений.

Wednesday, 28 September 2011

WORKING SESSION 5: Rule of Law 2

Recommendations to participating States

Delegation of Switzerland

En conclusion, la Suisse aimerait faire trois recommandations:

- Nous appelons les Etats participants appliquant encore la peine capitale à déclarer un moratoire sur la peine capitale et à commuer en peines d'emprisonnement les sentences de tous les condamnés à mort.
- Nous appelons les Etats participants où existe un moratoire sur la peine de mort à modifier leur législation en vue d'une abolition totale.
- Nous invitons les Etats participants à ratifier le Protocole facultatif à la Convention des Nations Unies contre la Torture et autres peines ou traitements cruels, inhumains ou dégradants et à mettre en place un mécanisme national de prévention dans le cadre des critères et des garanties prévus par cet instrument.

Open Society Justice Initiative

Recommendations

1) Reduce the excessive and arbitrary use of pretrial detention

Greater effort must be placed on ensuring that pretrial detention is used as an exceptional measure, in accordance with international law. Reducing the number of people and the time spent in pretrial detention has the potential to significantly reduce the risk of torture and other ill-treatment and help ease the global problem of overcrowding in facilities where pretrial detainees are held.

A concerted effort is required to link advocacy efforts with alternatives to pretrial detention and involvement in justice reform programs. In particular, civil society organizations, individuals, and governments actively engaged in torture prevention should call for the following:

- States should review and modify laws to bring them into line with international standards relevant to pretrial detention. States should consider decriminalizing certain minor offenses such as loitering or vagrancy, or modifying laws to prohibit pretrial detention for such offenses.
- Greater investment in judicial training to encourage the use of non-custodial solutions such as bail, reporting to a police station, or house arrest.
- A review of best practices for the use of non-custodial measures and the sharing of successful models that have helped reduce the number of people held in pretrial detention.
- Awareness raising activities to address public concerns about the use of noncustodial measures.
- If employed, pretrial detention should only be used for strictly specified time periods and for the shortest time possible. Any extension of pretrial detention should be duly authorized by a judge.

2) Put the prevention of torture and other ill-treatment into practice

The absolute prohibition of torture and other ill-treatment needs to be robustly defended and measures must urgently be put in place at the national level. States must ensure that they meet their obligations under international law to prohibit and prevent torture and other ill-treatment. This will include the following:

- Acts of torture that fall within the definition of Article 1 of the United Nations Convention Against Torture must be made a criminal offense under domestic law. Those responsible for torture, regardless of their rank or position, are held accountable in accordance with procedures that comply with international law.
- Prompt, efficient, and independent investigation is carried out into all allegations of torture or other ill-treatment.

- Those found guilty of torture shall be subject to appropriate sanctions that reflect the gravity of the crime in accordance with international law.
- Any statement gained through torture or other ill-treatment is inadmissible as evidence in any proceedings, except against persons accused of torture as evidence that the statement was made.
- Pretrial detention conditions must not amount to torture or other ill-treatment and those in pretrial detention must be held in places that are properly suited for them.

3) Invest in creating professional law enforcement services

An under-resourced, poorly educated, and ill-trained law enforcement service significantly increases pretrial detainees' risk of torture and other ill-treatment. Emphasis must be placed on providing training to law enforcement personnel that reflects human rights standards and emphasizes the concerns of vulnerable groups, including pretrial detainees. Interrogation practices that facilitate the use of torture and other ill-treatment should be discontinued and investment should be made into promoting practices and equipment that discourage coercive interrogation methods. Police authorities and other law enforcement officials should receive training in modern crime investigation techniques that duly reflect international human rights standards. Interrogation practices should be kept under periodic review to reflect the most recent human rights standards. Further training tools may need to be developed for law enforcement personnel to promote a better understanding of the interplay between respecting human rights and law enforcement. Other legal professionals, such as lawyers and judges, should receive appropriate training on interrogation and investigation techniques that reflect international human rights standards.

4) Engage with the legal and health professions

Access to a lawyer at the very outset of detention and before interrogation is one of the strongest safeguards against torture and other ill-treatment. Access to appropriate medical services is also essential for pretrial detainees. Widespread engagement with the legal and health professions, including national and regional bar and health practitioner associations, is essential. Specific approaches should include:

- Developing training programs for health and legal professionals on detecting, reporting, and preventing torture. These trainings could be given during professional qualification courses and as part of continuing professional development.
- Involving national bar associations in law reform programs and other policy developments such as NPM designation.
- Advocating for the establishment of national legal aid programs that guarantee access to a lawyer for all detainees including prior to interrogation.
- Supporting the implementation of paralegal programs at police stations, remand centers and prisons.
- Increasing the availability of independent health practitioners for those in pretrial detention.

5) Focus targeted interventions as part of a comprehensive set of measures addressing the criminal justice system as a whole. In order to effectively tackle torture and other ill-treatment within pretrial detention, there needs to be a robust system and framework of safeguards in place at the national level. The following specific activities could facilitate this process:

- Multi-disciplinary involvement should be encouraged in criminal justice reform programs by including torture prevention specialists, legal and medical professionals, and rehabilitation centers.
- Cooperation and constructive dialogue among different agencies within the criminal justice system should be strengthened through regular meetings among the various stakeholders in order to coordinate and share information.
- Thematic and country-specific research should be undertaken to detail a “chain of risk” in relation to torture and other ill-treatment at all stages of the criminal justice process.

Chernivtsy Regional NGO 'Human Rights'

Рекомендации.

- Определить понятие «Пытки» в соответствии с Конвенцией ООН против пыток, внести изменения в ст. 127 Уголовного Кодекса Украины
- Вести судебную статистику о преступлениях, включающих элементы «пыток»
- Ввести эффективный общественный контроль за расследованием пыток и жестокого обращения
- Обеспечить проведение независимой судебной экспертизы, обеспечить доступ потерпевших к медицинским документам
- Обеспечить бесплатную юридическую помощь потерпевшим от пыток
- Обеспечить меры безопасности к лицам, заявившим о применении к ним пыток
- Обеспечить немедленное рассмотрение жалоб о пытках
- Обеспечить право бесцензурной переписки с Европейским Судом, Комитетом ООН против пыток, общественными и международными организациями лиц, подвергшихся пыткам
- Прекращение практики наказания заключенных за обращение в Европейский суд, Комитет ООН, правозащитные институции
- Обеспечить работу превентивного механизма противодействия пыткам

Penal Reform International

PRI would like to recommend to states parties:

- To consult with civil society prior to the establishment and designation of National Preventive Mechanisms and give due weight to their recommendations with regard to its design;
- To ensure institutional, personal and financial independence of the mechanism, in particular through appropriate procedures of appointment of its members in accordance with Paris Principles;

- To ensure sufficient resources in order for the NPM to be able to uphold the necessary frequency of visits to all places where people are deprived of their liberty across the country;
- To continue granting NGOs access to places of detention, beyond the establishment of an NPM;
- For the Russian Federation and Tajikistan to ratify the Optional Protocol to the Convention Against Torture and to establish an independent NPM, following genuine consultation with civil society. The following other OSCE member states have also not ratified yet: Andorra, Austria, Belarus, Belgium, Canada, Finland, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Lithuania, Norway, Portugal, San Marino, Slovakia, Turkey, Turkmenistan, USA, Uzbekistan.
- For Kazakhstan to reconsider the transfer of the penitentiary institutions to the authority of the Ministry of Internal affairs from the Ministry of Justice and grant full access to civil society to the places of deprivation of liberty, to finalise the draft law on NPM and to include all places of deprivation of liberty in the mandate of the NPM including orphanages, psychiatric hospitals and boarding schools.
- For Kyrgyzstan to adopt the law on NPM and envisage sufficient state funding for its independent and professional functioning.
- For Ukraine to renew the process of discussion of the draft law on NPM in the Parliament and undertake close consultations with civil society.

Kazakhstan International Bureau for Human Rights and Rule of Law

- В этой связи представляется необходимым сделать ряд рекомендаций:
- ужесточить наказание за совершение пыток и привести национальное законодательство в соответствии с Конвенцией против пыток;
- принять Законы об общественном контроле в местах содержания под стражей и привести институт Уполномоченного по правам человека (Омбудсмен) в соответствии с Парижскими принципами;
- образовать национальный превентивный механизм в соответствии с Факультативным протоколом к Конвенции ООН против пыток (на что получена отсрочка до окончания 2012 г.);
- принять меры к тому, чтобы орган по расследованию сообщений о пытках стал реально независимым;
- обеспечить возможность доступа предполагаемых жертв к защите, и прозрачность процедуры расследования заявлений о пытках;
- создать условия для сбора доказательств в подтверждение пыток (к примеру, законодательно установить право общественных

- инициировать и провести быстрые, беспристрастные, независимые и эффективные расследования по всем сообщениям о плохом обращении и др.

Sipar Collegium of Advocates

На основании выше изложенного предлагаем наши рекомендации:

- Правительству Таджикистана неукоснительно соблюдать права человека во исполнении своих международных обязательств и во имя верховенства Закона;
- Внести в национальное законодательство понятие «пытки», соответствующей Конвенции против пыток и жестоких, бесчеловечных и других унижающих достоинство видов обращения и наказания (КПП) и соответственно обеспечить неотвратимость наказания и предусмотреть лишение свободы за это преступление в отношении должностных лиц.
- Создать институт независимой медицинской экспертизы и обеспечить процедуру безотлагательного медицинского освидетельствования задержанных, разработать механизм регулярного медицинского и психологического освидетельствования лиц, находящихся под стражей и в местах лишения свободы без вмешательства сотрудников правоохранительных органов и тюремного персонала.
- Сделать заявление о признании компетенции Комитета против пыток, принимать и рассматривать индивидуальные сообщения в соответствии со статьей 21 КПП.
- Повышать профессионализм персонала закрытых учреждений посредством обучения международным правилам по обращению с заключенными и психологического консультирования, мотивировать их к работе финансовыми и социальными льготами.
- Передать все оставшиеся места предварительного заключения (изоляторы временного содержания, СИЗО Государственного Комитета Национальной Безопасности) в ведение Министерства юстиции.
- Ратифицировать Факультативный протокол к КПП.
- Создать независимый и доступный механизм подачи и рассмотрения жалоб по поводу условий содержания и плохого обращения, и создать национальный превентивный механизм по осуществлению мониторинга в местах лишения свободы.
- Разрешить МККК доступ ко всем закрытым учреждениям;

- Искоренить практику применения пыток по уголовным делам.

Open Society Justice Initiative

- We urge European states complicit in the CIA's rendition program to acknowledge and disclose information relating to the human rights abuses conducted under the program, to effectively investigate and to hold relevant officials accountable for such abuses.
- Accountability and transparency with respect to the rendition program is essential to deter cooperation in counter-terrorism operations that violate the rule of law and to ensure that such abuses are not perpetuated in the future.
- In particular, we urge the Macedonian government to acknowledge and disclose information relating to its role in Mr. el-Masri's rendition, conduct an effective investigation directed at holding officials accountable, and issue just compensation in his case.
- We also urge the Polish government to acknowledge and disclose information relating to its role in Mr. al Nashiri's rendition, secret detention and torture in a CIA prison in Poland, conduct an effective investigation directed at holding officials accountable, issue just compensation, and use all available means--including written submissions to the Convening Authority for military commissions and diplomatic assurances obtained from the U.S. to ensure that Mr. al-Nashiri is not subjected to the death penalty in U.S. custody.

OSCE Centre in Bishkek

Other relevant suggestions to the Government are:

- It is important to sign an agreement with the globally-recognized International Committee of the Red Cross, thus allowing unhindered access to all prisons and detainees, whether under the Ministry of Justice, Ministry of Interior or National Security Committee;
- Ratify the Optional Protocol to the Convention against Torture allowing for a joint UN and Government prison inspection programme;
- Extend open invitations to all UN Special Rapporteurs (SR), including the SR on Torture;
- Follow up on the recommendations on nearly 2 dozen cases of individual rights violations already reviewed by the UN Human Rights Committee;

Thursday, 27 September 2011

WORKING SESSION 6: Freedom of Movement

Recommendations to participating States

Center for Support of Migrants

Предлагаю: вернуть прежнее состояние данной нормы, когда за нарушение в первый раз, давалось только предупреждение. Либо уменьшить количество МПП и дать на выбор органу налагающему взыскание от 1 до 10 МПП, в

зависимости от ситуации. Данное изменение, улучшило бы положение временно пребывающих иностранных граждан, а также облегчила работу органов миграционной полиции.

Thursday, 27 September 2011

WORKING SESSION 7: Freedom of Movement (cont.)

Recommendations to participating States

Committee on International Control over the Situation with Human Rights in Belarus

We believe that the Republic of Belarus can demonstrate real commitment to the OSCE principles and obligations only if it takes the following actions:

- immediately lift the ban on entry of representatives of the International Observation Mission and provide assistance to the Committee on International Control over the Situation with Human Rights in Belarus in monitoring human dimension conditions and verifying compliance of Belarus with relevant international obligations;
- remove active international human rights defenders, particularly representatives of the International Observation Mission Andrey Yurov, Maxim Kitsyuk, Marina Tsapok and Mihail Kameniev from the “List of persons whose entry into the Republic of Belarus is prohibited or undesirable”;
- make a formal apology for detaining aforementioned human rights defenders and for the time they spent in places of detention.
- We also encourage other civic organizations from the OSCE participating States, as well as international non-governmental organizations to join these demands and forward them to the authorities of the Republic of Belarus.

Friday, 30 September 2011

WORKING SESSION 8: Democratic elections and electoral observation

Recommendations to participating States

International Legal Initiative Public Foundation

Поэтому мы обращаемся к странам входящим в ОБСЕ, институтам ОБСЕ, таким как БДИПЧ создать рабочую группу и подготовить соответствующий документ. Это показало бы наличие действительной воли государств выполнять свои обязательства в области демократических выборов. Также мы ожидаем от властей Казахстана, что они будут совершенствовать административное и

уголовное законодательство в тесном контакте с представителями гражданского общества.

NGO Liberty

- Каждая партия должна иметь право автоматически делегировать своего представителя в члены избирательной комиссии, включая Центральную избирательную комиссию.
- Обязать ЦИК публиковать все протоколы с избирательных участков в недельный срок для сверки с данными протоколов, которые на руках у наблюдателей и представителей партий. В территориальных комиссиях давать протокол общий (сводный) с данными по району и сводную таблицу со всеми результатами по ИУ района, заверенные печатью и подписями.
- Все председатели ИК должны нести судебную ответственность в случае невыдачи протоколов, заверенных «живой» печатью и подписью по требованию наблюдателей и представителя ПсПСГ.
- В «Законе о выборах» необходимо внести поправку в ст. 20-1, что наблюдатель имеет право видеть сверку данных избирателя и заполнение списка избирателя, выдачу бюллетеня, т.е. право стоять рядом сбоку и наблюдать эти процедуры не мешая процедуре регистрации избирателя.
- Важно, чтобы акты наблюдателей и представителя партии, имели силу и явились основанием для разбирательства в самой избирательной комиссии и суде. Практика показывает формальный подход судебной системы к вопросу соблюдения законности в избирательном процессе.
- Добиться выполнения положения закона в котором говорится о представительстве в избирательной комиссии членов из разных организаций.
- Сдача экзамена на знание государственного языка кандидатами в президенты необходимо сделать в прямом эфире. Восстановить публичные дебаты кандидатов в период избирательной кампании, которые также необходимо демонстрировать в прямом эфире.

Recommendations to the OSCE

Center of Social-Political Researches

- После выборов рекомендации ОБСЕ остались без внимания со стороны акторов политического процесса. Политические партии Казахстана до сих пор ничего не сделали в направлении применения рекомендаций ОБСЕ для изменения политической реальности. А для этого необходимо модернизировать Закон «О выборах», т.к. возникли новые виды манипуляций, влияющих на результаты выборов, и закон уже не контролирует их. Это касается многих аспектов: состав и работа избирательных комиссий, введение графы «Против всех», наблюдения,

- Оставить закон в таком виде, это значит придти на выборы для подобного же результата с отработанной технологией манипулирования технологиями и выборным процессом. Его нужно менять. Понятно, что инициатива должна исходить от гражданского общества в лице политических партий, но нет оснований и ждать от них.
- Поэтому прошу ОБСЕ в Казахстане инициировать слушания по вопросу изменения выборного законодательства.

Friday, 30 September 2011

WORKING SESSION 9: Democratic elections and electoral observation (cont.)

Recommendations to the OSCE

Center of Social-Political Researches

- С одной стороны хотелось бы обратиться к ОБСЕ с рекомендацией усилить образовательную работу с политическими партиями для повышения их уровня политической активности, таким образом, влияя на развитие и гражданского общества в Казахстане.
- А с другой стороны, мы призываем БДИПЧ сотрудничать больше в Казахстане с неправительственным сектором, нежели с политическими партиями по причине их косности и самоуверенности в собственных силах, а отсюда как следствие не эффективности в политической модернизации.

Almaty Confederation of NGOs 'Ariptes'

Да, наблюдение и мониторинг выборов не является самоцелью. Одним из критериев эффективности выполнения рекомендаций БДИПЧ должны стать и новые критерии. Например:

- Рекомендации по изучению и анализу работы социальных сетей до, во время и после выборов.
- Отдельный мониторинг и анализ гендерного соотношения баланса сил и кандидатов в депутаты разных сторон и партий.
- Изучение, как проходит просвещение и обучение демократическим выборам согласно стандартам БДИПЧ/ОБСЕ.
- Анализ подготовки в университетах молодого поколения страны (по каким программам и стандартам).

- Пора изучать и опыт восточно-европейских и центрально-азиатских стран за 20 лет независимости, увидеть их и успешные практики работы, рекомендовать их к обмену опытом и привлечению в качестве стандартов. Успешные, эффективные практики должны использоваться в качестве подготовки молодого поколения стран к новым реалиям XXI века.

Monday, 3 October 2011

**WORKING SESSION 10: Discussion of human dimension activities
(with special emphasis on project work)**

Recommendations to participating States

European Union

The EU urges all participating States to take account of, and follow up, recommendations made by OSCE institutions. The opportunities afforded by Human Dimension events and Human Dimension Committee meetings for the exchange of experience and expertise between participating States and with civil society should also be exploited in full, and the EU would welcome the development of further opportunities for review of the implementation of the shared commitments of participating States within the Human Dimension;

NGO "Human Rights Center"

Итак, мы рекомендуем:

Таджикистану предусмотреть в бюджете страны необходимые финансовые средства для осуществления политики в области миграции рабочей силы, и в частности для реализации Национальной стратегии по трудовой миграции граждан за рубеж на 2011-2015 гг.

Усовершенствовать законопроект о трудовой миграции граждан за рубеж, в частности нормы законопроекта должны соответствовать общепринятым стандартам в области соблюдения права на свободу передвижения, исключить из законопроекта понятие «незаконный мигрант», предусмотреть в законопроекте меры направленные на создание оперативной процедуры реагирования компетентных органов на жалобы трудовых мигрантов, ставших жертвами торговли людьми.

При разработке закона о частных агентства занятости продолжать положительную практику консультаций с гражданским обществом и учитывать международные стандарты в этой области.

Мы также хотели бы рекомендовать ведущим международным организациям в том числе и БДИПЧ ОБСЕ имеющим экспертизу в вопросах миграции дать свое заключение по разрабатываемым в Таджикистане законопроектам в сфере

трудовой миграции, речь идет о законопроекте по трудовой миграции граждан за рубеж и о проекте закона о частных агентствах занятости.

Рекомендуем Таджикистану обратить пристальное внимание на проблему защиты прав граждан в странах назначения, в частности необходимо создать для трудовых мигрантов граждан страны, в том числе и тем кто не имеет урегулированный статус в странах назначения, доступные каналы по подаче жалоб и заявлений в случае нарушения их прав.

NGO Perspektiva+

- Максимально либерализовать законы и нормативно правовые акты со стороны государств принимающих мигрантов.
- Стране отправляющих мигрантов создать систему организованного набора и отправки трудовых мигрантов, на Родине обучать и готовить по специальностям востребованным на рынке труда стран назначения.
- Очистить посреднические структуры от криминала.
- Создавать комплексные центры помощи и горячие линии для трудовых мигрантов.
- Со стороны международных доноров создать международный консорциум по миграции.
- Создавать реальные и жизнеспособные программы по интеграции мигрантов.

Recommendations to International Organizations

European Union

The EU believes that priority should be given to activities which focus on those areas of the human dimension which are subject to serious and/or persistent breaches of commitments. Greater use should be made, in this context, of reports, findings and recommendations adopted by, or submitted to, other multilateral organisations, such as the UN Human Rights Council, treaty bodies, the Council of Europe and other regional and international organisations;

Recommendations to the OSCE

European Union

OSCE institutions and field missions, as well as participating States, are encouraged to extend the participation of civil society in the human dimension activities of the OSCE and to give priority to the development of additional programmes and projects to strengthen protections for civil society, including human rights defenders.

Center of Informational-Resource

- Во-первых, ОБСЕ должна призвать господина Кельчевского к ответственности за высказывание, оскорбляющее честь и достоинство целого народа;
- Во-вторых, во избежание аналогичных негативных случаев при подборе кадров на должности представителей ОБСЕ в регионах необходимо более тщательно изучать характеристики кандидатов и их предпочтения;
- В-третьих, миссии ОБСЕ на местах должны работать не только с ограниченным контингентом НПО, но и вовлекать более широкий круг представителей гражданского общества в свою деятельность по укреплению демократии;
- В-четвертых, деятельность центров ОБСЕ должна в равной степени распространяться на всем пространстве страны пребывания.

Monday, 3 October 2011

WORKING SESSION 11: Humanitarian issues and other commitments 1

Recommendations to participating States

Cojep International

- En ce qui concerne cette session, voici nos recommandations:
- Le manque de participation est indexé au manque de désirs dans le partage du pouvoir. Il y a là une connexion avec l'intolérance et cela doit être traité en termes de menaces aux droits de l'homme qui est en forte relation avec le racisme et la xénophobie en Europe.
- Les visites des représentants spéciaux dans certains pays doivent aller au-delà des crimes haineux pour examiner également les discriminations, les intolérances et le racisme ainsi que la place des minorités dans la société.
- L'OSCE devrait surveiller et mettre à jour ses plans d'actions en fonction de l'évolution actualisée concernant l'intolérance et la discrimination et tenir compte de nos propositions dans le cadre de la Nouvelle Europe, voir critiquer et contribuer à l'idée par le biais de ces experts et conseillers.

The international association of independent democrats against authoritarian regimes

- Обратить внимание на случаи грубейшего нарушения Прав Человека, при процедуре о решениях для статуса беженца. Хельсинки 1992, пункт

- Обратится в ООН, к Верховному Комиссару по делам беженцев о дебюрократизации его аппарата и повышение эффективности работы его сотрудников. На первом месте должен быть Человек, а не бумажка, формальный отчёт. Предложить ликвидировать должность Senior Liaison Officer to the OSCE and Vienna-based UN Agencies of **United Nations High Commissioner for Refugees**.
- Государственным органам, прежде всего стран ЕС, которые решают о статусе беженце , консультироваться с NGOs, которые созданы беженцами из конкретной страны диктатуры с тем, чтобы исключить явные факты обмана, гражданами из стран диктатуры, но которые не подвергаются преследованиям. Мы готовы помочь создать первичную анкету □ опросник, в помощь государственным служащим.
- Убедительно просим БДИПЧ обратиться в Interpol □ Europol, EU с просьбой убрать из базы данных фамилии лиц , граждан стран диктатуры (**Беларусь, Узбекистан, Туркменистан, Азербайджан**), которые получили статус беженца и прекратить преследование этих лиц. Желательно также, чтобы страны EU прекратили сотрудничество с Interpol □ Europol для поиска и задержания лиц из стран диктатуры: **Беларусь, Узбекистан, Туркменистан, Азербайджан**.
- Просим этот доклад передать непосредственно **United Nations High Commissioner for Refugees**.

Western Thrace Minority University Graduates Association

Bearing in mind the population rates in the region, the minority of Western Thrace call upon the Greek State:

- To take special measures for the effective and adequate participation and representation of the minority to political life, introducing a special quota for the minority should be considered as positive discrimination.
- To withdraw the 3% electoral threshold for independent candidates so that independent MPs can be elected.
- To protect and promote full and effective participation of the Minority in political decisions on the national and regional level concerning the region in which the Minority lives, and to create a consultative mechanism, at national, regional and local levels which would ensure an institutionalized, open, sincere and continuous dialogue with representatives of the Turkish Minority.
- To take all necessary steps in line with the international standards in order to ensure the effective participation of the Turkish Minority of Western Thrace to the political life in Greece.

Human Rights Without Frontiers International

Given the seriousness of the protracted displacement situation in Azerbaijan, **Human Rights Without Frontiers International** recommends the following to meet the expectations of the 600,000 IDPs victims of the war between Armenia and Azerbaijan:

- Active involvement in the process of conflict resolution and peaceful settlement of the Nagorno-Karabakh conflict;
- Support to the adoption and implementation of the Madrid Principles elaborated by the Minsk Group Co-Chairs as a framework for finding a soonest durable solution to the conflict on the basis of the norms and principles of international law;
- Promotion of the study of models of autonomy and self-governance in Europe (i.e. South Tyrol, Åland Islands, Northern Ireland and *Spanish provinces*), including arrangements for administration, policing and economy;
- Promotion of the study of the successful precedents of the IDPs return and restoration of peaceful co-existence in ethnically mixed areas;
- Commitment to the process of confidence-building with the involvement of the Armenian and Azerbaijani communities of the Nagorno-Karabakh region and peace-building in the region by means of cross-border programs and dialogue among civil societies as tools for conflict transformation, once the necessary political conditions are in place;
- Support to initiatives promoting reconciliation and contacts between local populations and individuals.

UNHCR

UNHCR Recommendations on Pledges States Can Make to Address Statelessness:

Identification of Stateless Persons

UNHCR encourages States to incorporate into national law the international legal definition of a “stateless person” from article 1 of the 1954 Convention relating to the Status of Stateless Persons and to compile reliable data on the number of stateless persons within a country, such as through surveys, population census or other appropriate means. The latter can be assisted by UNHCR and other UN agencies, as well as non-governmental organizations.

Preventing Statelessness

UNHCR encourages States to review and amend nationality laws to include safeguards against statelessness among children, by granting citizenship at birth to those either born on a State’s territory or to nationals abroad who would otherwise be stateless And to review and amend nationality laws to ensure that States grant citizenship to foundlings on their territory as well as to ensure that no one becomes

stateless in the process of renouncing a nationality or applying for naturalization, or on the basis of residence abroad without consular registration.

Furthermore, States are encouraged to streamline administrative procedures and reduce relevant fees in order to facilitate the acquisition of nationality of eligible stateless persons and to improve birth registration and other civil registration and the provision of related documentation, including facilitation of subsequent/late registration of births, to reduce the risk of statelessness.

Reducing Statelessness

Where it is known that certain populations are stateless within a particular State, UNHCR encourages the relevant State to undertake measures to ensure that they can confirm or acquire nationality, in particular where these stateless persons have significant links with the country on the basis of birth, descent or long-term habitual residence and to pledge to adopt a comprehensive strategy or action plan for the reduction and prevention of statelessness and its causes, in line with the 1954 Convention relating to the Status of Stateless Persons, the 1961 Convention on the Reduction of Statelessness and international and regional human rights standards.

Protecting Stateless Persons

In particular in countries where stateless persons appear in the migratory context, UNHCR encourages States to establish statelessness determination procedures that result in the granting of a national status to individuals who qualify as stateless persons under the 1954 Convention definition.

UNHCR furthermore encourages States which are not currently party to pledge to grant stateless persons the standards of treatment provided for in the 1954 Convention relating to the Status of Stateless Persons, including the provision of identity and travel documents to stateless persons.

Initiative der Migranten & Medienzentrum

- Der Schlüssel für die erfolgreiche Integration von Zuwanderern ist vor allem ihre gleichberechtigte Teilhabe am Bildungssystem und Arbeitsmarkt. Daher ist ein gleichberechtigtes Bildungssystem von der Kinderkrippe bis zum Ende der Schulpflicht und natürlich darüber hinaus notwendig. Unsere Kinder sollen in ihrer Vielfalt berücksichtigt und gefördert werden, unabhängig von ihren ethnischen oder sozialen Wurzeln oder politischen, religiösen etc. Einstellungen. Bildungschancen und Bildungsförderungen müssen allen Einwohnern in Österreich gleichermaßen zugänglich gemacht werden.
- Die Aus- und Weiterbildungsbeteiligung von MigrantInnen ist sehr gering. Sie haben beispielsweise jahrelang auf Baustellen, im Metallbereich etc. als Hilfsarbeiter gearbeitet und sich dabei umfangreiches informelles Wissen und Können angeeignet. Sie müssen unterstützt werden, damit sie ihre Zurückhaltung vor formellen beruflichen Weiterbildungsangeboten aufgeben. Somit wird auch eine gleichberechtigte Teilhabe am Arbeitsmarkt ermöglicht. Folglich wird auch das Argument, dass MigrantInnen mit niedrigem Bildungsniveau für weniger Geld arbeiten und dies zu Lohn Dumping führt ungültig.

- Die Integrationsvereinbarung sieht die Sprach- bzw. Deutschkenntnisse als ein wichtiges Merkmal für eine erfolgreiche Integration von Zuwanderern. In Anbetracht der Wichtigkeit des Vorhabens, die Deutschkenntnisse von Migranten zu fördern, erachte ich eine Neugestaltung des Integrationsprogrammes für wichtig und hier sollten die entsprechenden Lernangebote leicht zugänglich und den Lernbedürfnissen der Migranten angepasst werden.
- Ich kann mir sehr gut vorstellen, dass eine Beratungsstelle im Rahmen eines Integrationsplattformen zu starten. Hier können Expertenbeiträge für Integration gesammelt werden und diese könnten für die effektive und effiziente Integrationsarbeit dienen.
- Damit bin ich am Ende meines Vortrages angelangt und das Fazit meines Vortrages könnte lauten: Gelungene Integration braucht ein Gesamtkonzept und wir müssen die Bereitschaft zeigen, an der Entwicklung und Umsetzung der Ziele aktiv mitzuarbeiten. Auf eine Zusammenarbeit mit Ihnen würden wir uns sehr freuen. Danke für die Aufmerksamkeit!

Recommendations to the OSCE

Citizens Advice Bureau "CONSCENTIA"

- to include in general OSCE recommendations the point that in long-term perspective the participation without citizenship is most preferable solution for integration of migrant and non-citizens;
- to develop detailed international standards about criteria for enjoyment of political rights by non-citizens;
- to discuss the division between core issues reserved for nationals and other issues opened for wide democratic participation;
- to change Latvian integration policy, providing both - support for naturalization and granting voting right on municipal elections for non-citizens.

Tuesday, 4 October 2011

WORKING SESSION 12: Tolerance and non-discrimination 1

Recommendations to participating States

Council of Europe

- Encouraging States that have not yet signed or ratified the Framework Convention for the Protection of National Minorities or the European Charter for Regional or Minority Languages, to do so.
- Stressing the need to raise awareness about minority issues and about regional identity issues not only in Central and Eastern Europe, but also in Western Europe.

- Stressing the importance for States to fully implement the results of the monitoring under the Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages, including through the adoption of relevant legislation and its implementation in practice.
- Encouraging States to ensure that there is no arbitrary exclusion of persons potentially concerned by the protection offered by the Framework Convention.
- Stressing the importance of dialogue with minorities as a necessary precondition for further realising the rights of persons belonging to national minorities.
- Underlining the importance of the successful co-operation that has taken place between the OSCE HCNM and the relevant sectors of the Council of Europe dealing with minority issues, and encouraging the further use of the results of the monitoring under the Framework Convention and the Language Charter by the OSCE and by the field offices of the OSCE in their assessments and their actions.

Order of St. Andrew, the Apostle

While waiting for such reforms to be translated into law but also into everyday practice, we respectfully submit that OSCE should immediately impress on the Government of Turkey the need to fully comply with the principles of OSCE, of which Turkey is a member, namely, inter alia, to:

- Fully adhere to the principles on the rights of expression, assembly and association, dissent, and religious faith and practice of all citizens without discrimination.
- Allow full legal status for Turkey's religious minorities by making all the necessary legal changes in line with religious freedom and the other human rights guarantees found in the International Covenant on Civil and Political Rights, which Turkey has ratified.
- Defend and protect the health, safety, integrity, free movement, and religious activity, in all its manifestations, of all religious leaders, including the Ecumenical Patriarch.
- Establish a climate of respect, tolerance, and legitimate assistance toward the free functioning of ethnic and religious minorities and their various institutions.
- Fully implement the provisional Article 7 of the 2008 Law on Foundations. Cease all property confiscations.
- Implement fully and effectively the recent Government Decree on the return of confiscated properties or providing compensation, without restrictions, convoluted interpretations, or dilatory bureaucratic tactics. To take further steps to address, specifically, the issues of those seized (“mazbut”) non-Muslim Foundations and churches, with their assets, that have been usurped by the so-called “Turkish Orthodox Patriarchate.”

Western Thrace Minority University Graduates Association

We call upon the Greek State:

Respect the collective usage of individual right and recognise the existence of a Turkish minority in Greece.

To prepare an action plan to improve the quality of the education in the Western Thrace Turkish Minority Schools.

Ensure the equal opportunity for the instruction of the official language for the minority which is Turkish and the state language.

Take steps to ensure the immediate rectification of the unfortunate consequences arising from deprivation of Greek citizenship on the basis of former Article 19 of the Greek Citizenship Code for all persons concerned, especially ethnic Turks.

Ratify, without delay and any reservations, the Framework Convention for the Protection of National Minorities.

Union des Entrepreneurs Franco-Turks (UNEFT)

Il nous semble important de formuler les recommandations suivantes :

Il devient urgent de condamner fermement ces pratiques illégales.

Il est impératif que les manuels scolaires traitent du multiculturalisme européen et la place de l'islam dans la nouvelle Europe.

Il est indispensable que le conseil appelle les différents pays européen d'arrêter de stigmatiser les musulmans pour leur tenue vestimentaire ou leurs habitudes alimentaires.

Tuesday, 4 October 2011

WORKING SESSION 13: Tolerance and non-discrimination 2

Recommendations to participating States

International Raelian Movement

Nos recommandations sont toujours les suivantes :

1. L'arrêt du financement français des mouvements antisectes, par les contribuables.
2. La dissolution de la MIVILUDE et du CIAOSN.
3. La suppression de l'arsenal législatif antisecte dont la loi About Picard.

4. L'interdiction de l'usage des termes « sectes » et « sectaires » dans tous les nouveaux documents officiels et administratifs, pour être remplacés par des locutions non ambiguës.

5. L'arrêt de la formation spécifique de tout fonctionnaire (magistrat, policier, gendarme, enseignant, éducateur etc.) pour lutter contre les prétendues sectes.

Wirtschafts- und Arbeitsfoerderungsverein (WIAR)

- Installation of a permanent monitoring and reporting platform under the ministry of interior, which is also responsible for the publishing and distribution of the outcomes, increasing the awareness in the public opinion.
- Higher Security measures for the Islamic mosques, because at the moment there are no visible measures at all. Very often mosques lie outside the city centres and therefore are afield, because local authorities bann them to regions where they do not disturb. This makes them more vulnerable to such attacks.
- Effective Measures against public hate paroles ant anti Islamic hate speeches before and during election campaigns.
- To provide tools and a training of elementary school teachers, so that they can easilly adopt pedagogical methods in their classes to raise awareness of Islamophobia.
- A harder punishment and prosecution of people involved in hate attacks against islamic centers and people, to avoid the increasing number of attacks.

Russian LGBT Network

- Вопреки заявлениям официальных лиц нарушения прав человека в связи с сексуальной ориентацией и гендерной идентичностью носят в России систематический характер. Поэтому
- мы призываем страны-участницы ОБСЕ:
- Поднимать обозначенные проблемы в рамках диалога С Российской Федерации по правам человека
- Вовлекать российские ЛГБТ-организации в мониторинг и документированию нарушений прав человека и в программы помощи жертвам преступлений ненависти
- Мы призываем Российскую Федерацию:
- Немедленно прекратить практику преследований ЛГБТ-организаций
- Пригласить БДИПЧ для обучения российских полицейских, прокуроров и судей, которые занимаются преступлениями на почве ненависти
- привести законодательство в соответствие с обязательствами, принятыми в рамках ОБСЕ и Совета Европы и включить в него признаки

- Начать сотрудничать с ЛГБТ-организациями для предотвращения преступлений ненависти и дискриминации по признакам сексуальной ориентации и гендерной идентичности

International Federation for Therapeutic Choice (IFTC)

Central Recommendation to Participating States of the OSCE:

- to draft legislation to safeguard the freedom of medical and mental health practitioners, educators and researchers:

1) to study, publish and educate other professionals and the public about the possible causes, consequences and amelioration of sexual minority attractions, behaviors, orientations, and identities; and

2) to offer their professional guidance and therapeutic expertise to persons whose sexual minority behaviors, orientations, and/or identities are unwanted and who freely choose help in order to overcome or diminish their unwanted sexual attractions and behaviors.

Some sexual minorities find their attractions, behavioral tendencies, behaviors, and/or identity unwanted. Some of these persons freely choose, or have freely chosen, to seek professional guidance and therapeutic assistance in order not to base their relational and sexual lives according to their sexual minority attractions, behaviors, orientations, and/or identifications. Over one hundred years of clinical reports and other research literature document that some persons have been successful in achieving this goal. I refer you to the first volume of the Journal of Human Sexuality which reviews the clinical and scientific literature on this issue (cf. <http://www.narth.com/docs/journalsummary.html>).

We therefore recommend to OSCE Participating States:

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

Human Rights Without Frontiers

Human Rights Without Frontiers recommends to the Russian authorities

- To put a moratorium on the implementation of the 2002 Law On Fighting Extremist Activity as it is used and abused to restrict religious freedom, to

- To revise Article 14 of the 1997 Law on Freedom of conscience and association which deals with the banning of the activities of Religious Organizations and their liquidation as several of its provisions are not necessary in a democratic society;
- To establish clear guidelines for the implementation of Article 282 of the Criminal Code (incitement of national, racial or religious enmity) so as to stop the misuse of it in restricting the legitimate activities of religious communities (e.g. teaching the superiority of their doctrine over those of other religions);
- To reconsider cases against individuals and organizations which have been accused of extremism for conducting normal religious activities protected under international norms and laws;
- To put an end to the harassment of Jehovah's Witnesses and Said Nursi's readers (innumerable check ups, banning of their religious literature, accusations of extremism and religious enmity);
- To dissolve the Expert Council for Conducting State-Religious Studies put in place under the Ministry of Justice as its powers have been unduly extended to limit the freedom of "non-traditional" religious movements and its members include activists of the Orthodox Church and anti-sect movements;
- To fully implement the decisions of the European Court.

Western Thrace Minority University Graduates Association

Our hope and expectations are to stop these kinds of attacks which are harassing the harmony between the Christian and the Muslim societies therefore we hardly recommend the Greek State:

- To end all oppressive and discriminative practices targeting the minorities in Greece,
- To pay more attention on arresting the perpetrators of these incidents,
- And finally, to implement an objective and satisfactory legislation in order to prevent hate crimes, as well as hate motivated discourse and to take all necessary precautions to better police and prosecute these crimes.

International Institute for Education and Research on Antisemitism

- The OSCE and OSCE member states should focus on the problem of denial of contemporary antisemitism in the OSCE region and promote further programs to educate on contemporary antisemitism.
- The OSCE should extent its cooperation with the Mediterranean partner states to combat contemporary antisemitism in these states and promote tolerance programs.

- The OSCE should take serious the problem of state driven antisemitism in countries like Iran which lead to hate crime and terrorism against Jews not just in Israel, but also in the OSCE region.

ILGA – Europe

We remind participating States of their commitments to provide adequate education and training to all competent officials in the police, the prosecution services as well as the judiciary. In that respect, we emphasize the potential of ODIHR's inspiring publications and capacity building programmes;

Finally we call on all participating States to effectively ensure that peaceful public gatherings organised in the respect of the Constitution and other laws can be safely held. We call on governments to abide by commitments to respect the fundamental freedoms of assembly and association of LGBT people. Participating States must not only permit LGBTI pride parades and equality events. They should also guarantee the participants safety and security, as in the case of all peaceful public events.

International Network Against Cyber Hate

We therefore strongly urge the OSCE and its participating states to:

- Start efforts to incorporate media awareness in national school curricula
- Tangibly and structurally support NGOs like the INACH network and its members, but also others, to do their work.
- Promote and support educational projects by INACH –and others- directed towards countering hate on the Internet.

Delegation of Switzerland

Damit das geltende Recht vermehrt angewendet wird, muss es besser bekannt gemacht werden, und zwar sowohl bei den potenziellen Diskriminierungsopfern als auch in der Gesellschaft generell. Im Falle der Schweiz – aber nicht nur hier – könnten folgende konkrete Vorschläge näher in Betracht gezogen werden:

- Bei Erstinformations- und Begrüßungsgesprächen ist darüber zu informieren, wie man sich gegen Diskriminierungen wehren kann und wo man sich beraten lassen kann.
- Die zuständigen Fachstellen für Integration auf allen Ebenen sollen
- Betroffenen kompetente Beratung zum rechtlichen Diskriminierungsschutz und zum Verfahren anbieten oder Ratsuchende an kompetente Stellen vermitteln.
- Um Betroffenen die Angst vor einem komplizierten Verfahren zu nehmen, sollen niederschwellige, kooperativ ausgerichtete Streitbeilegungsmechanismen gefördert werden.

- Die zuständigen Fachstellen für Integration sollen sich verstärkt darauf konzentrieren, Strukturen oder Prozesse, die indirekt diskriminierend wirken, zu erkennen und abzubauen.

Associazione "Dossetti: i Valori" - Observatory for Religious Tolerance and Freedom

Participating States are urged to:

- follow-up the Cordoba, Bucharest and Astana Conferences by convening in 2012 a Conference at appropriate high-level to examine in a balanced way anti-Semitism as well as intolerance and discrimination against Christians, Muslims and members of others religions, within the realm of existing commitments.
- protect all religions – also the majority ones – from prejudices and misrepresentation, particularly in the field of education, culture and information.
- pay more attention to the hate crimes against Christians – also where they are majority – in the questionnaire collecting data from national data collection point.
- foster the participation of Christians in public life and welcome the interventions in the public debate of the representatives of religious communities that give their view – based on moral convictions deriving from faith – about everyday's life and, in particular, on legislative and administrative provisions of their Countries.
- promote a dialogue between the representatives of the religious community 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.

Observatory on Intolerance and Discrimination Against Christians in Europe

We call upon the participating states:

1) to ensure that "a public debate on intolerance and discrimination against Christians be initiated and that the right of Christians to participate fully in public life be ensured"

- paying special attention to the problem of hate speech legislation

2) to put into action the recent OSCE Parliamentary Assembly Resolution on "Combating Intolerance and Discrimination Against Christians in the OSCE Area".

This document is a milestone and must not be overlooked.

4) to encouraging the media, in its key role of public awareness building, not to enflame prejudices or negative stereotypes, including those against Christians.

Türkische Gemeinschaft Schweiz (TGS)

Das kann und muss geändert werden, durch Aufklärung der Öffentlichkeit, durch Abbau der Vorurteile und durch ehrlichen Dialog. Da kommen der Politik und den Medien besondere Aufgaben zu:

- Wir erwarten von den Politikern, dass sie die notwendigen Regelwerke und Rahmenbedingungen schaffen, um ein harmonisches Zusammenleben verschiedener Kulturen miteinander zu ermöglichen. Es soll dabei darauf geachtet werden, dass die aufrichtigen Integrationsbemühungen nicht durch kurzsichtige politische oder mediale Kampagnen zerstört werden. Es wäre erwünscht, dass die Bewilligungsverfahren für die Gebetsstätten, Friedhöfe und Imame erleichtert werden.
- Der interreligiöse und interkulturelle Dialog soll intensiviert werden, um ethisch einen gemeinsamen Werte-Nenner zu finden. Die dadurch erreichte gegenseitige Akzeptanz zwischen den Religionen und Kulturen wird die Integration der religiösen und ethnischen Minderheiten in die Europäische Gesellschaften erleichtern. Dies läuft bereits in der Schweiz.
- Die Medien sollen die Ihnen gewährten Freiheiten mit mehr Verantwortungsbewusstsein nutzen. Die Desinformation der Öffentlichkeit soll durch Selbstkontrolle und die Einhaltung der eigenen ethischen Kriterien der Medien vermieden werden. Medien sollen mit uns sprechen, statt über uns. In wichtigen Angelegenheiten sollte unsere Meinung gefragt werden, statt stereotypische Vereinfachungen zu publizieren.
- Der Aufklärung über andere Kulturen, insbesondere in den Schulen soll mehr Aufmerksamkeit geschenkt werden. Andere Kulturen sollen als eine Bereicherung der europäischen Gesellschaften und als eine Brücke zwischen den Europäern und anderen Ländern verstanden werden. Vorurteile und Feindbilder sollen abgebaut und bekämpft werden. Es soll Liebe und Verständnis für andersartige vermittelt werden. Das ist doch das gemeinsame Ziel aller Religionen.

Social Action Center in Ukraine

In light of the above stated, we would like to stress on the following recommendations to the Ukrainian State that urgently need to be implemented:

- Reform relevant legislative framework to ensure access to redress for victims of all kinds of racial discrimination. In particular in consultations with civil society organisations and relevant experts: 1) develop a comprehensive anti-discrimination legislation that would contain precise definition of discrimination, it's clear comprehensive interpretation and standards of identification; 2) review criminal, civil and administrative law remedies to ensure that victims of racial discrimination have enforceable right to redress of pecuniary and moral damage they might have suffered as a result of any form of racial discrimination.
- Take measures to effectively ban activities of organisations propagating and inciting racial discrimination. Adequately respond to infringement of minorities' right to dignity, security of a person, private and family life by private parties and as well as the authorities.
- Reform and re-establish institutional framework necessary for effective implementation of the right any person under Ukraine's jurisdiction not to be

- Further intensify its human rights training for the police, prosecutors, border-guards, staff of temporary detention facilities of undocumented migrants and refugees and judiciary as well as facilitate the reporting of cases of police abuse of Roma and other persons of different ethnic origin, effectively investigate complaints and bring those found guilty of such acts to justice, provide adequate protection and compensation to victims.
- Take measures to eliminate hate speech particularly by government officials and politicians against non-citizens of African, Central and South-East Asian and Caucasus origin including in the context of measures aimed at migration management.
- Recommendations to OSCE:
- Monitor Ukraine’s fulfillment of its obligations and its development of national legislation to meet human rights standards in the field. Provide Ukraine with expert assistance and education, first of all to law enforcement structures to increase their capability to effectively counteract to hate crimes and spread of hate propaganda.

Constantinopolitan Society

Turkey, as an OSCE participating State, is urged to meet commitments on religious freedoms. In light of these commitments, Turkish authorities are invited to:

- Give the Greek Orthodox Patriarchate the right to officially use the ecclesiastical title of “Ecumenical”, as it is a title that is historically established since the 6th century and globally recognized.
- Grant legal personality to the Ecumenical Patriarchate, so that the latter may enjoy, inter alia, ownership rights and exercise property ownership / management.
- Resolve the question of those non – Muslim Foundations considered fused / “mazbut”, which, along with their properties, should be returned to the Greek Orthodox community and the Ecumenical Patriarchate.
- End Turkish citizenship requirements for the Ecumenical Patriarch and the Holy Synod of the Greek Orthodox Church.
- Re-open without any delay the Halki Seminary with the same status it held before 1971 and permit students to enroll from both within and outside Turkey. The Ecumenical Patriarchate should have the right and the authority to call and employ priests from abroad without any residency constraints. Also, the closing of the Seminary makes it almost impossible for Turkish citizens to be trained to accept the highest responsibilities in the Orthodox Church today, thus creating a serious problem for the future of the Patriarchate and of the Church itself.

- Give permission to the Ecumenical Patriarchate to have its own printing facilities for the publishing of religious editions (books, journals etc.).
- Abolish Article 301 of the Turkish Penal Code, which restricts the freedoms of thought and expression and negatively affects the freedom of religion or belief.
- Return the Greek Orthodox school buildings on the island of Imvros (Gokceada) to the Greek community on the island and to the Ecumenical Patriarchate and approve the Ecumenical Patriarch's application for the operation of the school.
- Return the three churches of Panayia Kafatiani, Aya Yani and Aya Nikola in the district of Karakoy-Galata in Istanbul, as well as their 72 immovable properties, which have been illegally and forcibly occupied by the self – declared and nonexistent “Turkish Orthodox Patriarchate (TOP)”. The latter's involvement in the Ergenekon case deserves further investigation, as the spokesperson of TOP Sevgi Erenerol, great granddaughter of Father Eftim (Papa-Eftim), the founder and leader of the TOP, is accused in connection with the Ergenekon case. It was also alleged that one of the three occupied churches served as headquarters for the organisation.

Council of Europe

- Member States of the Council of Europe are encouraged to sign and ratify Protocol No. 12 to the European Convention on Human Rights, which provides for the general prohibition of discrimination.
- OSCE participating States are encouraged to sign and ratify the Additional Protocol to the Council of Europe's Convention on Cybercrime, on the criminalisation of acts of a racist and xenophobic nature committed through computer systems.
- OSCE participating States are encouraged to enact and implement legislation against racism and racial discrimination, if such legislation does not already exist or is incomplete, and to ensure that such legislation reflects the key elements in ECRI's General Policy Recommendation No. 7, which include the setting up of an independent body specialised in the fight against racism and racial discrimination.
- In particular, ECRI urges member States of the Council of Europe to base their policies concerning Roma on its most recent General Policy Recommendation on combating anti-Gypsyism and discrimination against Roma. Member States of the Council of Europe are also encouraged to implement ECRI's remaining General Policy Recommendations as well as its country-by-country recommendations.

Recommendations to the OSCE

ILGA – Europe

In the light of these violent incidents and of the general context in the OSCE region, our organisations would like to call on the OSCE and all its participating States to promptly and effectively deliver on all the commitments made in the last years. In particular:

We call on the OSCE and its institutions to take a new step in combating all manifestations of intolerance, by explicitly addressing homophobia and transphobia;

We strongly recommend that all Governments enforce existing criminal legislation to duly investigate all bias-based incidents;

We recommend that all participating states deliver on their commitment to enact tailored legislation to combat homophobic and transphobic hate crimes by introducing aggravating circumstances in sentencing perpetrators;

Collective Against Islamophobia in France (CCIF)

For these reasons, and to start a constructive process, we propose some recommendations:

- focus on the conference organised in Vienna at the end of the month on this issue and support ODIHR's initiative
- implement concrete projects against hate speech and hate crimes during the upcoming Irish chairmanship
- Adopt a ministerial decision to take action specifically against hate speech, applicable at a country level
- ODIHR should dedicate some efforts specifically focusing on anti-Muslim hate in the West like it has been done for other minorities.

International Federation for Therapeutic Choice (IFTC)

We recommend to OSCE/ODIHR, and OSCE Missions:

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

Centr de Sud pour le Developpement Dialogue et Citoyente

- OSCE should support the revision of educational materials promoting hate speech in the mentioned states and support non-government-organizations to do so.
- OSCE should advocate to minimize hate speech in these countries; especially in official state media such as state television, radio and newspapers.
- OSCE should help to establish centers in those countries to observe hate crime and hate speech, and all forms of discrimination.

- OSCE should support non-government-organizations from these countries with seminars on tolerance education
- OSCE should provide and/or distribute materials to combat antisemitism, homophobia, racism against minorities, homophobia and discrimination against women.

Associazione "Dossetti: i Valori" - Observatory for Religious Tolerance and Freedom

The Chairman-in-Office is called upon to:

- focus Prof. Introvigne's mandate on Intolerance and Discrimination against Christians.
- 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.

The OSCE-ODIHR is called upon to:

- train law enforcement agencies, media and civil society to consider carefully also the hate crimes perpetrated against majority religions.
- raise awareness on the positive contribution of the religious communities to the building and the wellbeing of our democratic societies.

Observatory on Intolerance and Discrimination Against Christians in Europe

Therefore we recommend to the OSCE/ODIHR and the OSCE Missions:

1) to continue to recognize and condemn the problem of discrimination against Christians in its different features, in countries of the OSCE both East and West of Vienna,

2) We recommend to the OSCE/ODIHR and OSCE Missions to regularly hold meetings such as the expert meeting on hate crimes against Christians, as well as to put structures in place for a long term response by an increased focus on the issues with regard to:

- Data-collecting (TANDIS)
- Awareness-raising
- Assessing legislation and policies of participating States in view of discrimination and intolerance against Christians as regards content, interpretation and application of pending and existing laws.

Embargoed!

Embargoed! calls upon the HDIM to make the racism, intolerance and hate crimes which have been highlighted in this submission a serious focus of its future activities and to encourage the Republic of Cyprus to take genuine steps in order to institutionalise respect and dignity for all peoples of Cyprus.

Council of Europe

OSCE institutions are encouraged to continue their co-operation in the fight against racism, racial discrimination, xenophobia, antisemitism and intolerance with the

Council of Europe, and in particular ECRI, by further strengthening mechanisms enabling the free flow of and exchange of information and data and common action.

Wuestenstrom e.V.

Recommendations to the OSCE/ODIHR, to:

- Be aware and raise awareness of the discriminations and hate or fear-based incidents that Christians who seek help with unwanted same-sex attraction, and those who offer help, are experiencing.
- Have a category in TANDIS that covers these cases specifically
Recommendations to OSCE/ODIHR and Participating States:
- please do not promote efforts to implement culturally particular ideologies like the idea of an inherent „sexual identity“ in constitutions and laws. Subjectivity as part of the idea of human dignity must never be defined by any particular theory!

Wednesday, 5 October 2011

WORKING SESSION 14: Enhancing the implementation of OSCE commitments regarding Roma and Sinti

Recommendations to participating States

Romani CRISS

Romani CRISS urges those participating states who have first-hand experience in dealing with ethnic conflicts, such as Romania, to make such experience fully available for other participating states and for the OSCE.

Recommendations to International Organizations

Public Policy Advocacy Centre

We call upon the international and European organizations such as the OSCE, Council of Europe, and the European Union to take a more active role in the dialogue with the national governments in order to support governments' efforts on the one hand to counteract to anti-Roma attitudes, and on the other, to make integration policies effective.

Recommendations to the OSCE

Romani CRISS

The OSCE should not limit its intervention to addressing the question of the fulfilment of the political commitments by participating states or to making appeals to calm and ethnic peace. Such should be the role of NGOs or others. The OSCE is well-equipped to do much more than that. And not only is it well-equipped, but it is under the obligation to do so. The OSCE and the participating states have committed (and this commitment was also made to the Roma communities) “*to respond effectively in crisis situations to ensure protection of Roma communities at risk.*”

This is why, Romani CRISS strongly urges the OSCE to work with participating states and international organizations and to come up with a concrete common plan to ensure Roma are not subject to violence and that their security and the security of the societies they live in are properly defended, pursuant to chapter VII – point 114 of the OSCE Action Plan on Improving the Situation of the Roma and Sinti in the OSCE Area.

Wednesday, 5 October 2011
WORKING SESSION 15: Enhancing the implementation of OSCE commitments regarding Roma and Sinti

Recommendations to participating States

European Roma Rights Center (ERRC)

Key Recommendations for Government Action:

- Scale up or implement programmes to increase the number of Roma employed in police forces;
- Develop community safety and policing programmes, with close cooperation between police, Romani NGOs and Romani communities;
- Respective authorities should regularly collect, publish and analyse data disaggregated by ethnicity on violence against Roma, including hate crimes, and their prosecution;
- Ensure full assistance, protection, prosecution and compensation to the victims of violence;
- Senior government officials should publicly denounce every instance of anti-Roma violence and other kinds of hate crimes;
- Draft and distribute to all respective authorities clear guidance on the investigation and prosecution of violence against Roma and hate crimes, in line with guidance available from the OSCE and countries such as the United Kingdom;
- Provide systematic and ongoing training to police officers, prosecutors and judges on addressing violence against Roma and hate crimes; and
- Prosecute to the fullest extent of the law all perpetrators of violence and hate crimes against Roma.

The European Roma Rights Centre recommends to the Czech, Hungarian and Slovak governments the following actions:

- Scale up or implement programmes to increase the number of Roma employed in police forces;
- Develop community safety and policing programmes, with close cooperation between police, Romani NGOs and Romani communities;
- Respective authorities should regularly collect, publish and analyse data disaggregated by ethnicity on violence against Roma, including hate crimes, and their prosecution;
- Ensure full assistance, protection, prosecution and compensation to the victims of violence;
- Senior government officials should publicly denounce every instance of anti-Roma violence and other kinds of hate crimes;
- Draft and distribute to all respective authorities clear guidance on the investigation and prosecution of violence against Roma and hate crimes, in line with guidance available from the OSCE and countries such as the United Kingdom;
- Provide systematic and ongoing training to police officers, prosecutors and judges on addressing violence against Roma and hate crimes; and
- Prosecute to the fullest extent of the law all perpetrators of violence and hate crimes against Roma.

Delegation of Switzerland

Nous invitons les Etats participants à continuer à intensifier leurs efforts de mise en oeuvre des engagements énoncés dans le plan d'Action pour améliorer la situation des Roms et des Sintis, engagements réaffirmés dans les décisions 6/08 et 8/09 du Conseil ministériel. En particulier, des progrès doivent être faits pour que les communautés de Roms et Gens du voyage soient considérés comme des partenaires dans les politiques et décisions qui influent sur leur vie.

Nous appelons les autorités à oeuvrer ensemble, à tous les niveaux, pour améliorer les conditions de vie des Roms, Sintis et Gens du voyage. Il s'agit également de renforcer l'information de tous les groupes de la population majoritaire afin de créer davantage de confiance et de tolérance. Les aspects positifs des Roms, Sintis et Gens du voyage doivent absolument être mis en valeur.

Delegation of Romania

- Dedicate special attention to cooperation between central and local authorities and Roma communities;
- Raise awareness among Roma representatives about the strategies, policies and projects that target them explicitly, but not exclusively;

- Continue the practice of CPRSI/ODIHR of organizing common meetings between authorities and Roma representatives during the field visits or on thematic issues;
- Make input of Roma communities a criterion for the assessment of projects for Roma;

Rromani Baxt Albania RBA

FIRST: for us to be recognized as a POSITIVE ELEMENT in Europe. Europe should not forget that 50-60% of the Rroms are not poor and live in good conditions and good relationship with non-Rroms; they are integrated. Do not consider us anymore as a NEGATIVE ELEMENT, an asocial group, who do not want to work, who live out of social welfare etc.

Just have a look around you and see how non-Rroms work: A Rrom works much harder than that, but when he has no job, what can he do? He will live with the social aid. And if this aid is also refused to him? What will he do? He will say: too bad, they don't give me a job, and neither social assistance, come here my wife and my children, let us sit down and die slowly...

SECOND: Once we are recognized as a POSITIVE ELEMENT, the strategies are to be drawn with the participation of skilled Rroms who know the situation, and not only by bureaucrats who will perform this task exclusively on the basis of statistics, among which a half are erroneous, because their basis is erroneous. Be this in the realm of employment, of health, of education, or any other, very concrete proposals exist in the Frame Statute of Rromani People in EU, a document that is at your disposal here and also available on internet. I do not want to take more time going into the details, but you will find all these in the document I mentioned, which was written by a group of Rromani lawyers and activists 10 years ago. You might think this is too old, but it actually isn't. Ten years in the history of a nation aren't but one day.

THIRD: there is a need for adequate monitoring:

- 1) Not to exclude the Rroms from the projects and activities saying "We had sad experiences in the past with the Rroms, we better work for them without them". This is not possible.
- 2) Real and efficient monitoring is needed both on Rroms and on non-Rroms. Nowadays, many Rroms are mascots in non-Rromani organisations, kind of alibis for non-Rroms to be able to say "you see, there are Rroms with us".
- 3) We are not demanding for our organisations to be 100% Rromani conducted, but they cannot be neither 100% non-Rromani conducted... they should be for example 50%-50%...
- 4) The evaluation cannot be done only on the basis of reports, one should also see the results in real life, among the beneficiaries. The evaluator should stay one month on the spot, in the Rromani quarter and see the reality, not to come there like a tourist.
- 5) Not pressing with short terms: too short terms for achieving such or such objective push the players to lie on their realisation so as they do not lose the financing
- 6) We wish to set up a clearing house in Tirana, a place in which the realities will be discussed and debated among Rroms and our non-Rromani friends, colleagues and

partners. For many years we asked for financial support on this idea, but we have not any up to date...

7) I invite you all to read the Frame statute I mentioned before and to make sure that it is officially adopted at the European level. Our identity and our language should be recognised for what they really are and not anymore as they were treated by 200 years old tales, in a period when people did not know much about the Rroms. It is also very important that young Rroms get scholarships and high education, not only in their countries, but also abroad.

8) I call upon the creation of a wide group which will identify, on the basis of the grassroots experience, good practices, strategies and projects, for them to be spread and evaluated by people familiar with the reality and the mentality of the country. This group should dispose of the necessary means and tools to perform a continuous work through regular contacts and communication, and not to limit its activity to papers that remain in archives.

9) On April 2011 as an Albanian delegate I was invited by ERTF in Strasbourg. During my staying in France i made some work meetings including UNESCO. I learned that UNESCO will organise soon an important conference on the education of the Rroms. We should use this opportunity and write a letter to the organisers, stressing on the importance of the modern communication in education. Television is an important tool quite neglected so far in educational strategies. There exist already some TV studios (KEJA in Budapest, Clavis Films in Paris) which can contribute and distribute available educational material, for a real education of both Rroms and non-Rroms.

Recommendations to the OSCE

International Charitable Organization Roma Women Fund "Chiricli"

In light of this, we would like to ask the Contact Point for Roma and Sinti issues to organize special meeting in Ukraine with the relevant Ministries regarding problem with the personal identification cards and other documents of Roma population, and to establish exchange with the best practices on mentioned above issue between Ukraine and European countries.

Thursday, 6 October 2011

WORKING SESSION 16: Tolerance and non-discrimination 2 (cont.)

Recommendations to participating States

Delegation of Canada

We wish to offer the following recommendations to the OSCE, ODIHR and participating States:

- We strongly encourage the OSCE and its Member States to work toward the implementation of UN Security Council resolution 1325 on women, peace and

-
- We encourage the ODIHR to continue its work with participating States to achieve the full implementation of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

Delegation of Estonia

Thus, our recommendations with regard to promoting gender equality are:

- Mainstreaming of gender issues in OSCE policies and activities;
- Further involvement of men in gender equality promotion activities;
- Incorporating the commitments of UNSCR 1325, including by adopting action plans for the implementation of UNSCR 1325.

Thursday, 6 October 2011

WORKING SESSION 17: Humanitarian issues and other commitments 2

Recommendations to participating States

Delegation of Switzerland

Trafficking for the purpose of labour exploitation is a hidden phenomenon. We therefore recommend that the OSCE participating States, the OSCE Secretariat, Institutions and field operations further strengthen their efforts by:

- Continuing and improving data collection and analysis on labour exploitation in general, and the exploitation of domestic workers in particular
- Upholding the regional exchange on trends and patterns of these forms of trafficking in persons in order to improve measures to combat the crime; and
- Supporting receiving countries in their efforts to enforce the rules and protect the rights of domestic workers in diplomatic households.

Delegation of Canada

We wish to offer the following recommendations to the OSCE and the participating States within the context of this session:

- We encourage the OSCE to promote the establishment or the strengthening of child protection systems especially addressing children at risk of trafficking including unaccompanied and separated children, asylum seekers and refugee children, and improve the protection of particularly vulnerable children in the OSCE region.
- We urge the participating States to continue to take measures to ensure that trafficked persons are able to access remedies, including the right to seek compensation for damages suffered, as contemplated in the UN Trafficking Protocol.

- We urge the participating States to develop and implement specific anti-trafficking measures but also to integrate anti-trafficking efforts into existing policies and programs.
- Canada would welcome the adoption of a strong Declaration at the Ministerial Meeting later this year.

European Roma Rights Center (ERRC)

National, regional and local Government actors should:

- Transpose or adopt all relevant international conventions and directives including the EU Directive 2011/36 of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims;
- Amend national laws to conform with international legal standards and effectively implement existing anti-trafficking provisions in all countries;
- Amend national policy to reflect the apparent overrepresentation of Roma among trafficked persons and develop programming targeted at Romani communities;
- Ensure the full and effective participation of Romani organisations in National Referral Mechanisms and other relevant anti-trafficking bodies;
- Increase prevention campaigns and efforts in Romani communities, with a focus on segregated, socially excluded communities; and
- Foster relations among law enforcement authorities, general social service providers and anti-trafficking services and mandate the recruitment of Romani professionals in these services.

On the basis of the findings of this study, the European Roma Rights Centre recommends to the governments of Bulgaria, the Czech Republic, Hungary, Italy, Romania and Slovakia the following actions:

- Set standards for the collection of comparable data about the number of Romani children in State care; Annually collect comparable data disaggregated by ethnicity, gender, disability and other relevant factors, in the areas of child protection, education, housing, employment and health care, with appropriate measures to protect the personal data of children and families;
- Set policy objectives, benchmarks and indicators, targeted programme plans and monitoring and evaluation systems to prevent the separation of Romani children from their families;
- Develop a set of objective criteria and methodological guidance by which to define and assess child endangerment, accounting for all aspects of parental and familial contribution to the development of the child (not only material concerns), against which adequately trained social and child protection workers, guardians, notaries, judges and other competent authorities can make

- Provide free legal support to families at risk of child removal, especially those endangered by discrimination and social exclusion;
- Develop measures and target funding to support families who are unable to provide their children with adequate conditions and to prevent the removal of their children on material grounds. Review child protection policies and anti-poverty policies with a view to identifying any gaps and programming needs;
- Implement positive action programmes to support Roma to access employment and quality education in line with the targets established in the Europe 2020 Strategy (75% employment, below 10% school drop-out rate and at least 40% completion of tertiary education) and relevant national policies; and
- Implement positive action programmes to facilitate the employment of Romani professionals in child protection services.

Recommendations to the OSCE

European Roma Rights Center (ERRC)

The European Commission, Council of Europe and the Organization for Security and Cooperation in Europe should:

- Set standards for the collection of internationally comparable data on trafficking, including data disaggregated by ethnicity, gender, disability and other relevant factors, with appropriate measures to protect the personal data of trafficked persons;
- Work with national authorities to develop and improve systems of social support to Romani communities at risk of trafficking as a preventative measure; and
- Promote networking among Romani NGOs, Romani mediators and Romani community representatives and law enforcement and anti-trafficking authorities to combat trafficking in Romani communities.

V. REMARKS AND SPEECHES

Opening Remarks by Ambassador Janez Lenarčič, Director, OSCE ODIHR

Excellencies, Ladies and Gentlemen,

It is an honour and great privilege for me to welcome you here today for the opening of the 15th Human Dimension Implementation Meeting. Let me start by welcoming our speakers this morning: Deputy Minister of Foreign Affairs of Lithuania, H.E. Evaldas Ignatavičius, representing the Chairperson-in-Office; H.E. Grażyna Maria Bernatowicz, Under-Secretary of State in the Ministry of Foreign Affairs of Poland, representing the host country; the OSCE Secretary-General, Ambassador Lamberto Zannier; High Commissioner for National Minorities, Ambassador Knut Vollebaek, the Representative on Freedom of the Media, Ms Dunja Mijatović, and the Chair of the Committee on Democracy, Human Rights and Humanitarian Questions at the OSCE Parliamentary Assembly, representing the President of the OSCE PA, Mr Matteo Mecacci.

Particularly, I wish to welcome this year's keynote speaker, Ms Khadija Chérif, Secretary General of the International Federation for Human Rights, from Tunisia.

Je vous souhaite la bienvenue à Varsovie et j'ai hâte d'écouter vos vues sur la démocratie et les droits de l'homme, en particulier à la lumière des développements dans le pays et la région d'où vous venez.

I will have an opportunity to address each session, and will – together with our introducers – try to give an overview of where we stand as far as implementation is concerned on each item to be reviewed. I would however here wish to make a reference to three momentous events that in my view, since the Review Process last year, made our Organization stop for a while from doing business as usual, and take somewhat deeper look at where we stand with implementing the commitments States have adopted.

1) Astana Summit.

The process of preparations for and the conduct of the Summit in Astana revealed a number of issues and gaps that still need to be tackled.

One of the words and phrases that we kept hearing and using constantly is 'political will'. If there is a political will to admit that there is a lack of implementation in some areas, why is there not sufficient political will to actually move towards overcoming those identified shortcomings?

Who else – other than the heads of state and government themselves – would be best placed to garner the necessary political will?

We welcomed the Astana Commemorative Declaration, in which the OSCE participating States again categorically and irrevocably reaffirmed, this time at the highest level, that commitments undertaken in the field of the human dimension are matters of direct and legitimate concern to all participating States and do not belong

exclusively to the internal affairs of the State concerned; and that participating States value the important role played by civil society and free media in helping them to ensure full respect for human rights, fundamental freedoms, democracy, including free and fair elections, and the rule of law.

Astana provided an important and powerful confirmation that the States remain fully bound by their commitments, including those in the area of the human dimension. After all, it also reiterated a comprehensive and integral approach to security. The Astana Declaration provides anew a strong impetus for more accelerated and visible progress in closing all the gaps in implementation.

2) 20th anniversaries of independence, of the beginnings of democratic transitions, and of ODIHR anniversary.

A number of OSCE participating States in 2011 celebrate the anniversary of their independence. A number of States celebrate the time – even longer than 20 years by now – when their societies managed to set themselves free from political oppression and to embrace the values of democracy and respect for human rights. ODIHR celebrates its 20-year anniversary with them. Twenty years ago, this Office was set up by States with the task of assisting the democratic transition processes that were underway at the time – starting with free elections, building democratic institutions, respecting human rights and promoting tolerance. They also in years that followed all recognized that the assistance is not needed only in countries in transition, but that challenges in the area of the human dimension exist in other sub-regions of the OSCE area, too. Our mandate – as well as challenges in the OSCE States – kept growing in last 20 years.

I said it before, I will say it again:

There is no perfection in this world; there is no ideal society and there is no flawless democracy. There is however an idea of an ultimate goal, shared by all, and neatly put together in a comprehensive set of commitments for States to abide by.

And I come back to the political will. Political will is needed to approach this idea with greater vigour and more concretely, without looking for excuses that prevent us from doing it here and now.

3) The last, but by no means the least point – this year will stay in our memories for the developments in Southern Mediterranean. Societies there themselves decided – not all that different from what happened in the OSCE area some 20 years ago – that it is time for them to enjoy freedom and to have a say in their future. OSCE can not stay aside from the momentous happenings in our Partner countries. The importance of a stable and prosperous neighbourhood is enshrined in numerous OSCE documents.

The societies there face many similar challenges as our own participating States have been facing – and still face – on their way towards reaching the goals of ‘full democracy’.

For that reason, I see that there is a role for the OSCE to share its experience and good practices. Supporting our partner countries in their current endeavours is not only

desired, but necessary. One always has a chance to learn from own mistakes, but why do that when there is an opportunity to avoid them by learning from others. I am in no way arguing that OSCE's attention should deviate to another geographic area. Things remain to be done within our participating States. There is enough will and means to do both.

The meeting's aim is to review the implementation:

- 1) by first and foremost engaging in a peer review and calling on accountability of individual States by other States – the concept first laid down in the Moscow Document of 1991 and reiterated in Astana that raising human rights concerns in the OSCE context is the legitimate prerogative of all States and should not be construed as interference in that country's internal affairs.
- 2) by the civil society sharing their concerns and providing their input and contributing towards developing government policies.
- 3) by the ODIHR and other OSCE Institutions and Field Operations, whose main role remains the one of monitoring, assistance and reporting.

In addition to the regular working sessions, almost 60 side events will take place over the next two weeks.

I welcome you all again to Warsaw and wish you an interesting HDIM.

***Opening Remarks by Vice Minister Evaldas Ignatavičius,
Representative of the Lithuanian Chairperson-in-Office***

Excellencies, Distinguished delegates, Ladies and Gentlemen,

It is a particular pleasure that I may greet you all on behalf of the Lithuanian OSCE Chairperson-in-Office. I also want to thank Ambassador Lenarčič and his whole team at ODIHR for the organization of this, one of the most significant OSCE meetings of the year.

This year, as in the past, I anticipate lively and fruitful discussions, and – I am sure – many differences of opinion. That is part of debate and discussion in a free society. I also trust that these two weeks of interaction will bring forth numerous ideas and recommendations for the December OSCE Ministerial Council meeting in Vilnius and for the Irish Chairmanship to follow ours.

During our chairmanship Lithuania has pursued a focused agenda built on topics identified at the Astana Summit last December. We have, for example, sought to resolve **protracted conflicts** and to develop bilateral and regional cooperation to fight the **transnational threats** posed by international crime and terrorism. The preservation of the most fundamental human rights -- to live and work in safety, to travel to or trade freely with neighboring states, to be free from fear of violent

assaults, or harm inflicted by organized criminal gangs – are addressed when we address these so-called ‘security’ or ‘cross-dimensional’ issues.

The Chairman has made it a special personal effort to meet with **civil society** wherever he has traveled to promote its active role in the systems of governance throughout the OSCE region. He believes that the importance of civil society in upholding human rights commitments cannot be over-emphasized.

The Chairman-in-Office would like to thank ODIHR for advancing our priorities in this area. Particularly I would like to underscore ODIHR’s support to National Human Rights Institutions, which, working with civil society, government offices, academia and others play a critical role in the promotion of human rights in participating States. A major effort was made by the Chairman to promote the **safety and protection to journalists** and to foster a broader appreciation of the electronic media as part of the free media expression.

An open and inclusive discussion among politicians, media and civil society should help us agree on recommendations that need to be made in order to improve the security situation of journalists. A Chairmanship Conference devoted to the safety of journalists was held in June. Recommendations on the Safety of journalists adopted in Vilnius on 8 June serve as a basis for a Ministerial Council decision on this issue. The rapidly developing media landscape and changing technological realities call for a new look at our media freedom commitments. OSCE commitments oblige participating States to proactively foster **plurastic media and pluralism within the media**.

I am pleased to note that the Irish Chairmanship has already announced that **freedom of the media** will remain a priority in 2012.

The Chairmanship has promoted international and national efforts to **combat hatred and discrimination against ethnic and religious groups** through special High Level Meetings in Rome, Prague and Vienna as well as through the activities and projects of our presence in the field.

From these High Level Meetings, conferences and field programs participating States have been given practical suggestions for stepping up their efforts to address intolerance and **hate crimes** in a timely and firm manner.

Pending the results of three special events focusing on various forms of discrimination and intolerance organized by the Chairmanship and ODIHR, where the agendas include public discourse as well as violence against members of particular communities, the outcome might be laid out organically in a Ministerial Council decision. The common theme of these three thematic events is, of course, the need to respond to manifestations of intolerance in public discourse. The role of education and awareness rising, including formal and non formal educational programmes, awareness raising initiatives from or for the media, civil society, political or community leaders as well as inter-religious, inter-ethnic or inter-cultural initiatives might be emphasized.

From the very outset of our Chairmanship, however, Lithuania dealt with two major, dynamic developments which continue to concern us all. The one, Human rights situation in Belarus, touches on all aspects of the Human Dimension.

The other, the events in North Africa, affecting many of our Mediterranean Partners for Co-operation and their neighbors, has occupied us as a human rights and Human Dimension partner to those who are neighbors and friends.

In light of the particularly worrisome situation in Belarus the Chairmanship a number of times called upon the Belarus authorities to remedy the situation and engage in a constructive dialogue with the Chairmanship and OSCE institutions.

The development of civil society is one of the most important conditions for development of Belarus as a democratic, legal and social state. Fulfilment of our human dimension commitments contributes to our individual and collective security. It is with that in mind that I want to turn to my last comments today. Our Mediterranean Partner States are undergoing their own significant transformation. Their experience is not the same as ours and cannot be compared directly. But as Chairmanship, we have offered that the OSCE share our experience and provide expertise for their efforts if they request it.

Lithuanian OSCE Chairmanship intends to host a Civil Society Forum in the beginning of December before Vilnius Ministerial Council. I would like to welcome all NGO representatives to participate in this event and present valuable recommendations for the Ministers of OSCE Participating States.

I wish you now good discussions, careful deliberations and practical proposals in the days ahead of you at this 2011 Human Dimension Implementation Meeting.

Keynote Address by Khadija Chérif, Secretary General of the International Federation for Human Rights (FIDH)

Mes remerciements à Monsieur le Président, Ambassadeur Lenarcic, et aux organisateurs de cette conférence annuelle.

J'ai le plaisir et l'honneur d'être parmi vous pour parler de droits de l'homme, de liberté et de démocratie, qui représentent l'objet essentiel du combat que les défenseurs mènent à travers le monde et dont la FIDH se fait l'écho. La FIDH regroupe 164 organisations des droits de l'homme à travers le monde, couvrant ainsi toutes les régions. Pour nous, la question des droits de l'homme et de la démocratie est essentielle pour assurer la stabilité et la sécurité.

Ce qui s'est passé dans la région arabe a eu un effet sur le monde et sur sa géopolitique. Pendant longtemps les Etats de la région, au nom de la sécurité, ont violé les droits de l'homme en interdisant toute expression libre et ont limité la vie associative. Ils ont réprimé, harcelé et emprisonné les défenseurs des droits de l'homme au nom de la stabilité. Beaucoup de pays croyaient que la stabilité ne pouvait être maintenue que par une politique sécuritaire qui ne laisse pas de place aux libertés

et aux droits de l'homme. Des Etats européens ont soutenu cette politique, au nom de la stabilité et de la sécurité, et ont renforcé ces régimes autoritaires, voire dictatoriaux.

Or, l'Histoire a démontré que les limitations aux libertés amenaient à des révolutions, portées par des valeurs démocratiques et universelles. La société civile est forte et a su démontrer son rôle de contre-pouvoir. Si la démocratie est garantie, la stabilité et la sécurité le seront aussi. L'absence de société civile mène au totalitarisme, et les peuples se sont soulevés contre ce totalitarisme. En Tunisie, le peuple s'est révolté pour réclamer la justice sociale et la liberté. Il existait dans ce pays environ 10 000 ONG, dont seulement une dizaine n'était pas instrumentalisée par le gouvernement. Les défenseurs des droits de l'homme étaient accusés de trahison envers la nation ou bien d'avoir «vendu leur âme à l'Occident». Mais la révolution est venue démentir cette vision des choses. Elle a contredit toutes les prévisions du gouvernement en place et de ceux qui le soutenaient. Et aujourd'hui ce sont ces ONG qui jouent un rôle dans la transition.

L'universalité des droits de l'homme a été proclamée; mais il ne faut pas oublier une autre universalité, qui est l'universalité des méthodes répressives. Nous constatons, nous à la FIDH, que des pays de l'Europe de l'Est et d'Asie Centrale ont la même approche et les mêmes pratiques en matière de répression et d'absence de libertés d'association, d'expression et de manifestation. Les espaces de liberté y sont très réduits et les ONG sont perçues comme des opposants, accusés de vouloir déstabiliser les régimes en place et non pas comme des acteurs essentiels ayant leur rôle dans la réalisation d'un système démocratique, seul garant de la stabilité et de la sécurité. Parmi les méthodes répressives visant en particulier la société civile et communes à ces deux régions, on notera en particulier le recours au harcèlement judiciaire. Les Etats se sont ainsi dotés d'un arsenal juridique visant à limiter fortement les libertés et auxquels ils ont recours pour réprimer les militants sous couvert de la loi.

Les révolutions arabes ont suscité beaucoup d'espoir en soufflant leur vent de liberté, mais elles ont également suscité de la méfiance et de la répression, comme ce fut le cas, par exemple, en Azerbaïdjan. Suite à l'émergence des mouvements de protestation en Afrique du nord et au Moyen-Orient, incarnant une menace potentielle pour certains gouvernements en place, ceux-ci ont procédé à de nombreuses arrestations d'activistes qui se réunissaient grâce aux réseaux sociaux. Ainsi des manifestations et mouvements populaires ont été réprimés dans plusieurs pays de par le monde, notamment en Russie, dans la région du Caucase du Sud et au Belarus.

Comme vous le savez, après les élections du 19 décembre 2010, l'opposition politique et la société civile ont fait l'objet d'une répression sans précédent au Belarus. Des journalistes, des avocats et des défenseurs des droits de l'homme ont été emprisonnés, dont le vice-président de la FIDH Ales Bialiatski, président du centre des droits humains «Viasna», qui, pendant 15 ans, a apporté une assistance juridique et matérielle aux victimes de la répression politique et ce, malgré les menaces permanentes qui pesaient sur lui et ses collègues. Ales Bialiatski a été arrêté le 4 août et risque 7 ans de prison pour fraude fiscale alors que l'ONG «Viasna» avait été liquidée et dissoute il y a 7 ans à la suite d'une poursuite judiciaire sans jamais parvenir à se réenregistrer. Ales Bialiatski avait effectué un voyage en Tunisie en mars 2011 où il avait rencontré des représentants de la société civile. Il y a une semaine, le ministre des Affaires étrangères de la Tunisie a appelé

à sa libération immédiate. Je rappelle que le Comité des droits de l'homme des Nations Unies a reconnu cette violation et a appelé le gouvernement de Belarus à reconnaître officiellement «Viasna». Il s'agit de ne pas pousser hors de la légalité les défenseurs des droits de l'homme pour les arrêter par la suite... Certains pays de l'Union européenne ont une part de responsabilité dans cette arrestation du fait de leur coopération pragmatique avec ce régime autoritaire. Nous savons maintenant, avec l'expérience que nous ont apporté les événements de l'année 2011 que la garantie de la sécurité et de stabilité repose justement dans le soutien ferme aux valeurs démocratiques, les valeurs universelles telles que les droits humains, dont se montrent garantes les sociétés civiles. Le rôle de l'OSCE est justement de défendre et de protéger les défenseurs de ces valeurs, et à travers eux la démocratie, au nom de la stabilité et de l'avenir. L'ouverture de l'OSCE vers les pays du sud de la Méditerranée afin de renforcer les échanges serait en ce sens, une avancée importante.

Address by Ms. Grażyna Bernatowicz, Under-Secretary of State at the Ministry of Foreign Affairs of the Republic of Poland

Mr. Chairman, Your Excellencies, Ladies and Gentleman,

On behalf of the Minister of Foreign Affairs of Poland, Mr. Radosław Sikorski, I have the pleasure of welcoming you at the annual Human Dimension Implementation Meeting in Warsaw.

As in previous years we are gathering here to review and assess implementation of commitments undertaken by our states in the area of human rights, democracy and the rule of law. The Office for Democratic Institutions and Human Rights (ODIHR), the host of this important meeting, is a key OSCE institution which supports countries to promote democratic standards and implement commitments in the human dimension area. ODIHR is a world-recognised institution, first and foremost, on account of its activity as an election observer. Let me underline also the crucial role of the Office in promoting the rule of law, tolerance and non-discrimination, freedom of assembly and association. Impartial and professional involvement of ODIHR in these areas should not be underestimated.

The European Union, whose rotating presidency is currently held by Poland, actively supports countries going through transition. The EU's efforts to promote human rights and democratic values are often concurrent with those of the OSCE. In the forthcoming days, Warsaw will host a summit of the European Union's Eastern Partnership. The main objectives of this pioneer initiative are: to reinforce institutions and democratic mechanisms and to enhance respect for human rights. Progress in these areas will allow the Eastern Partnership countries to embark on a path towards greater political stability and dynamic development. It is also a road leading to closer cooperation with the EU.

Mr. Chairman, from the standpoint of the ODIHR's activity, 2011 is an extremely important year. In the wake of events which took place in the OSCE area and in its

immediate neighbourhood, we realized, once again, how strong the desire of societies for freedom and truth can be.

People whose rights and aspirations were brutally violated rose up to defend justice and human dignity. Their victory brought freedom but also new challenges. They have to implement difficult but necessary reforms. Properly functioning states must not only prevent human rights violations; they also have the responsibility to abide by the fundamental freedoms, guarantee free elections, protect journalists and human rights defenders, ensure the independence of the judiciary, and counteract any form of abuse of power, corruption, intolerance and discrimination.

Let me underline in this context the key place of human rights and democratic standards in the comprehensive concept of security. Without an effective and reliable fulfilment of human rights commitments, we cannot really speak about ensuring full and lasting security. Without respecting fundamental rights and civil liberties, authorities cannot hope to see their countries develop well in social and political terms. Upholding these rights also has huge consequences for international relations. The recognition and acceptance of this correlation, first by the CSCE and then by the OSCE, was the first step towards a significant re-evaluation of thinking about international relations and the appreciation of the importance of human rights. Another step was the creation of mechanisms and institutions that play a role in supporting countries participating in the uneasy process of adopting and promoting human rights protection standards.

Mr. Chairman, I trust that the discussions over the next two weeks will help us to find the best answers to the challenges we are facing today. Discussions, however, will change little if unaccompanied by a genuine desire of states to implement more efficient and reliable standards of human rights observance. A positive example of the recognition of common values and of the willingness to reach an agreement was the adoption of the declaration during last year's OSCE Summit in Astana. The text of the declaration, distinctly stressing respect for human rights, should serve as an additional inspiration for our discussions.

I am convinced that presence of numerous representatives of civil society at the Warsaw conference will positively affect the dynamics and substance of the discussions awaiting us. NGO representatives deserve our appreciation not only for supporting OSCE human dimension activities, but – above all – for their daily, passionate efforts towards human rights observance.

I wish all of you an interesting and productive debate.

Thank you for your attention.

Opening Statement by OSCE Secretary General Lamberto Zannier

Mr. Chairman, Excellencies, Ladies and Gentlemen,

I am pleased to participate, for the first time as Secretary General, in the Human Dimension Implementation Meeting.

This is the largest and the most inclusive meeting of its kind in the OSCE area. It is a unique forum, bringing together national representatives, experts and members of civil society for an inclusive debate on the state of fundamental freedoms and human rights in our region and as much as it provides an opportunity to highlight the importance of the human dimension for comprehensive, cross-dimensional security.

This meeting is also the first after the Astana Summit. At the Summit, OSCE Heads of State and Government reaffirmed their shared vision of a free, democratic, common and indivisible Euro-Atlantic and Eurasian security community. They acknowledged that the inherent dignity of the individual is at the core of comprehensive security. And they recommitted themselves to full implementation of the OSCE human dimension acquis, recognizing that human dimension commitments “are matters of direct and legitimate concern of all participating States and do not belong exclusively to the internal affairs of the State concerned.” This meeting opens today inspired and guided by these words. The HDIM plays a central role in the dialogue among participating States that is at the core of the OSCE. This dialogue was initiated in Helsinki in 1975 and, with different accents along the way, has continued uninterrupted to this day.

The HDIM also constitutes an essential component of the OSCE peer review system. This meeting is not just about identifying shortcomings in the implementation of commitments, but also about finding common solutions and ways to move forward together.

While OSCE commitments provide a solid bedrock and a constant reference, they are also a living body, applied in specific contexts that change over time as new challenges emerge. The implementation of those commitments requires constant debate and review, to be undertaken in a co-operative and constructive spirit. It is no secret that there are different views among participating States about how the HDIM and other human dimension events might be improved in future years. In this regard, I welcome the Lithuanian Chairmanship’s initiative to launch a comprehensive dialogue on Human Dimension in the coming weeks. I am convinced that a constructive dialogue can lead to solutions that foster participating States’ ownership of OSCE activities and events in the human dimension.

Ladies and Gentlemen, since taking up my post as Secretary General three months ago, I have called on numerous interlocutors to “regroup” around the Organization’s core principles and the spirit of Helsinki, Paris and Astana. Yes, the OSCE must keep up with the new security environment, yet this should not translate into a constant attempt to reinvent the wheel. At heart, our added value today remains the same as in 1975: we remain the most inclusive and comprehensive security organization in the Euro-Atlantic and Eurasian space, built on agreed standards and commitments that span across the three dimensions. In an Organization governed by consensus, every decision and commitment

carries a special moral weight, as a freely and voluntarily accepted pledge. I frequently refer to the consensus rule as one of the strengths of this Organization, as consensus lends our decisions a unique legitimacy and confers upon participating States a special responsibility for their implementation. The HDIM also provides us with an opportunity to reflect upon developments in the world beyond the OSCE area, and their implications for our own security. In Astana, our leaders acknowledged that security in the Mediterranean region is “inextricably linked” with security in the OSCE area. This year, we have seen developments in the Southern Mediterranean that underscore the truth of this statement.

The launch of democratic transition processes in some OSCE Mediterranean Partners for Co-operation is a powerful reminder of the links between democracy, the rule of law, respect for human rights and fundamental freedoms, economic opportunity and long-term security and stability. I am convinced that the OSCE’s experience in supporting its own participating States in meeting the challenges posed by democratic transition can be of interest and potential benefit to our Mediterranean Partners, and we stand ready to share it with them. In this regard I particularly welcome the presence and active participation of our Partners for Co-operation in this meeting.

Ladies and Gentlemen, I would like to conclude by highlighting the role of civil society in the OSCE process in general and in this meeting in particular. Your ample presence here highlights the long-standing engagement of the OSCE with NGOs and other civil society representatives. Your input to this meeting is essential for helping us gain a good understanding of the actual level of implementation of human dimension commitments in the participating States and to identify ways to move forward.

As Secretary General, I plan to further the OSCE’s partnership with civil society in order to strengthen our partnership in all areas of our activities and foster a broader knowledge of the Organization in societies throughout the OSCE region. Let me wish you a fruitful and constructive discussion during the coming two weeks.

Thank you for your attention.

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<http://www.osce.org/odihr/82778>

MODALITIES FOR OSCE MEETING ON HUMAN DIMENSION ISSUES

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Norway	<p>87. Statement by Norway as delivered by Ambassador Robert Kvile to the 2011 Human Dimension Implementation Meeting, Warsaw, 26 September 2011 - Opening Session, Opening Plenary Session. [English, 2 pages]</p> <p>243. Statement by Norway for Working session 8: Democratic elections and electoral observation, Working session 8: Democratic elections and electoral observation. [English, 2 pages; English, 2 pages]</p> <p>244. Statement by Norway on Election Observation, Working session 9: Democratic elections and electoral observation (continued). [English, 3 pages]</p> <p>417. Statement by Norway, Working session 16: Tolerance and non-discrimination II (continued). [English, 2 pages]</p> <p>416. Statement by Norway, Working session 17: Humanitarian issues and other commitments II. [English, 2 pages]</p>
Poland	<p>91. Address by Grazyna Bernatowicz, Under-Secretary of State in the Ministry of Foreign Affairs of the Republic of Poland at the Opening Session of the OSCE Human Dimension Implementation Meeting, Opening Plenary Session. [English, 3 pages]</p> <p>240. Statement delivered by Marcin Kusy, Office of the Human Rights Defender of the Republic of Poland, Working session 5: Rule of law II. [English, 2 pages]</p>
Romania	<p>381. Effective responses to intolerance directed at Roma and Sinti: the role of public discourse, the media and civil society, Working session 14: Enhancing the implementation of OSCE commitments regarding Roma and Sinti. [English, 3 pages]</p> <p>382. The National Agency for Roma- Newsletter July 2011, Working session 14: Enhancing the implementation of OSCE commitments</p>

	<p>regarding Roma and Sinti. [English, 6 pages]</p> <p>383. The National Agency for Roma- Newsletter August 2011, Working session 14: Enhancing the implementation of OSCE commitments regarding Roma and Sinti. [English, 7 pages]</p> <p>384. Presentation of the National Agency for Roma, Working session 14: Enhancing the implementation of OSCE commitments regarding Roma and Sinti. [English, 7 pages]</p> <p>380. Partnership between States and representatives of Roma and Sinti in the design and implementation of integration policies for Roma and Sinti, Working session 15: Enhancing the implementation of OSCE commitments regarding Roma and Sinti (continued). [English, 2 pages]</p>
Russian Federation	<p>179. Statement by Mr. Nikoiforov, Delegation of the Russian Federation, Opening Plenary Session. [Russian, 3 pages]</p> <p>56. Address at Working Session 1 on Freedom of expression, free media and information, Working session 1: Fundamental freedoms I. [Russian, 3 pages]</p> <p>188. Freedom of thought, conscience, religion or belief, Working session 2: Fundamental freedoms I (continued). [Russian, 4 pages]</p> <p>215. Death penalty, torture, terrorism, Working session 5: Rule of law II. [Russian, 2 pages]</p> <p>216. Freedom of meetings and associations, Working session 6: Freedom of movement. [Russian, 4 pages]</p> <p>311. Statement by the Delegation of the Russian Federation on migration and citizenship, Working session 11: Humanitarian issues and other commitments I. [English, 3 pages]</p> <p>358. Statement by the Russian Delegation, Working session 12: Tolerance and non-discrimination I. [Russian, 4 pages]</p> <p>370. Statement on Tolerance and Non-discrimination by the Delegation of the Russian Federation, Working session 13: Tolerance and non-discrimination II: Review of the implementation of commitments on promotion of mutual respect and understanding. [Russian, 4 pages]</p> <p>388. The Roma and Sinti in OSCE, Working session 14: Enhancing the implementation of OSCE commitments regarding Roma and Sinti. [Russian, 4 pages]</p> <p>414. Equal opportunities for women and men, Working session 16: Tolerance and non-discrimination II (continued). [Russian, 3 pages]</p> <p>454. Statement by the Russian Federation on combating human trafficking, Working session 16: Tolerance and non-discrimination II (continued). [Russian, 4 pages]</p> <p>455. Closing statement by Mr. Malginov, Delegation of the Russian Federation, Closing Reinforced Plenary Session. [Russian, 5 pages]</p>
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	<p>389. Partnership between States and representatives of Roma and Sinti in the design and implementation of integration policies for Roma and Sinti, Working session 15: Enhancing the implementation of OSCE commitments regarding Roma and Sinti (continued). [English, 3 pages]</p> <p>413. Trafficking in human beings, Working session 17: Humanitarian issues and other commitments II. [English, 2 pages]</p>
Serbia	<p>92. OSCE Human Dimension Implementation Meeting Working session 2: Fundamental freedoms I: Freedom of thought, conscience, religion or belief, Working session 2: Fundamental freedoms I (continued). [English, 4 pages]</p> <p>310. Statement of the Republic of Serbia, Working session 11: Humanitarian issues and other commitments I. [English, 4 pages]</p> <p>348. Contribution of the Republic of Serbia to Session 12, Working session 12: Tolerance and non-discrimination I. [English, 4 pages]</p> <p>429. Intolerance against Orthodox Christians in Kosovo and Metohija, Working session 13: Tolerance and non-discrimination II: Review of the implementation of commitments on promotion of mutual respect and understanding. [English, 3 pages]</p> <p>390. Information from the Republic of Serbia on Sessions 12 and 15 related to improvement of implementation of Roma-related obligations taken on within the OSCE, Working session 14: Enhancing the implementation of OSCE commitments regarding Roma and Sinti. [English, 5 pages]</p>
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Sweden	<p>252. Statement by Sweden at the OSCE Human Dimension Implementation Meeting, Working session 1: Fundamental freedoms I. [English, 3 pages]</p>
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Turkey	<p>3. Statement by Ambassador Tacan Ildem, Permanent Representative Of Turkey, Opening Plenary Session. [English, 3 pages]</p> <p>153. Statement by Ambassador Tacan Ildem, Permanent Representative Of Turkey, Working session 2: Fundamental freedoms I (continued). [English, 3 pages]</p> <p>452. Statement by Turkey, Working session 11: Humanitarian issues and other commitments I. [English, 2 pages]</p> <p>453. Statement by Turkey, Working session 13: Tolerance and non-discrimination II: Review of the implementation of commitments on promotion of mutual respect and understanding. [English, 2 pages]</p>
Ukraine	<p>365. Statement by the Delegation of Ukraine at the opening of the 2011 Human Dimension Implementation Meeting, Opening Plenary Session. [English, 2 pages]</p> <p>369. Statement by the Delegation of Ukraine at the Working session 1: Freedom of expression, free media and information of the 2011 Human Dimension Implementation Meeting, Working session 1: Fundamental freedoms I. [English, 1 page]</p> <p>376. Statement by the Delegation of Ukraine at the Working session 12: Tolerance and non-discrimination I of the 2011 Human Dimension Implementation Meeting, Working session 12: Tolerance and non-discrimination I. [English, 2 pages]</p>

OSCE Institutions

OSCE Chairperson-in-Office	<p>307. Presentation to the Human Dimension Implementation Meeting by Rabbi Andrew Baker, Personal Representative of the OSCE Chairperson-in-Office on Combating Anti-Semitism, Working session 13: Tolerance and non-discrimination II: Review of the implementation of commitments on promotion of mutual respect and understanding. [English, 2 pages]</p> <p>385. Statement of OSCE Chairperson-in-Office on Combating Intolerance and Discrimination against Muslims Ambassador Adil Akhmetov, Working session 13: Tolerance and non-discrimination II: Review of the implementation of commitments on promotion of mutual respect and understanding. [English, 2 pages]</p> <p>386. Statement of Dr Massimo Introvigne, Personal Representative of the OSCE Chairperson-in-Office on Combating Racism, Xenophobia and Discrimination, also Focusing on Intolerance and Discrimination against Christians and Members of Other Religions, Working session 13: Tolerance and non-discrimination II: Review of the implementation of commitments on promotion of mutual respect and understanding. [English, 2 pages]</p> <p>397. Statement of Dr. Massimo Introvigne, Working session 14: Enhancing the implementation of OSCE commitments regarding Roma and Sinti. [English, 2 pages]</p> <p>458. Opening Remarks by Wendy Patten, Special Representative of the OSCE Chairperson-in-Office on Gender Issues, Working session 16: Tolerance and non-discrimination II (continued). [English, 2 pages]</p>
OSCE High Commissioner on National Minorities	<p>210. Address by Knut Vollebaek, OSCE High Commissioner on National Minorities, Opening Plenary Session. [English, 3 pages]</p> <p>313. Rights for Peace: Promoting Minority Participation to Avert Conflicts. Opening statement by Knut Vollebaek, Working session 12: Tolerance and non-discrimination I. [English, 5 pages]</p> <p>482. Rights for Peace: Promoting Minority Participation to Avert Conflicts. Statement by Knut Vollebaek, Working session 13: Tolerance and non-discrimination II: Review of the implementation of commitments on promotion of mutual respect and understanding. [English, 5 pages]</p>
OSCE ODIHR	<p>67. Annotated Agenda, Background Documents. [English, 39 pages]</p> <p>124. Provisional List of Participants, Background Documents. [English, 90 pages]</p> <p>181. Compilation of Written Recommendations (Working Sessions 1-3), Background Documents. [English, 38 pages]</p> <p>247. Compilation of Written Recommendations (Working Sessions 4-7), Background Documents. [English, 8 pages]</p> <p>359. Compilation of Written Recommendations (Working Sessions 8-11), Background Documents. [English, 8 pages]</p> <p>457. Final List of Participants, Background Documents. [English, 90 pages]</p> <p>465. Compilation of Written Recommendations (Working Sessions 12-15), Background Documents. [English, 14 pages]</p> <p>476. Compilation of Written Recommendations (Working Sessions 16-17), Background Documents. [English, 3 pages]</p> <p>111. Opening remarks by Ambassador Janez Lenarčič, Opening Plenary Session. [English, 7 pages]</p> <p>401. Introductory statement by Professor Renata Uitz, Central</p>

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OSCE Parliamentary Assembly	219. HDIM 2011 Opening Statement by Matteo Mecacci (Italy), Chair of the OSCE PA Committee on Democracy, Human Rights and Humanitarian Questions, Opening Plenary Session. [English, 4 pages]

OSCE Secretariat

OSCE Secretary General	80. Opening Statement by OSCE Secretary General Lamberto Zannier at the Human Dimension Implementation Meeting, Warsaw, 26 September 2011, Opening Plenary Session. [English, 4 pages]
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Council of Europe	<p>44. Overview of the Work of the Council of Europe In the Media Field, Working session 1: Fundamental freedoms I. [English, 6 pages]</p> <p>23. Freedom of association as guaranteed by the European Social Charter, Working session 3: Fundamental freedoms II. [English, 6 pages]</p> <p>34. Democratic citizenship and human rights education, Working session 3: Fundamental freedoms II. [English, 4 pages]</p> <p>143. NGOs and civil society: promoters of democracy and active citizenship, Working session 3: Fundamental freedoms II. [English, 2 pages]</p> <p>24. Council of Europe and the Rule of Law, Working session 4: Rule of law I. [English, 11 pages]</p> <p>20. The Work of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), Working session 5: Rule of law II. [English, 3 pages]</p> <p>25. Abolition of the death penalty, Working session 5: Rule of law II. [English, 4 pages]</p> <p>21. Migrant workers rights as guaranteed by the European Social Charter, Working session 11: Humanitarian issues and other commitments I. [English, 11 pages]</p> <p>28. Refugees and Displaced Persons, Working session 11: Humanitarian issues and other commitments I. [English, 2 pages]</p> <p>33. Language education policy, Working session 11: Humanitarian issues and other commitments I. [English, 9 pages]</p> <p>45. Contribution by the Council of Europe for Working Session 11: Humanitarian issues and other commitments I. [English,</p>
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29. Council of Europe Activities in the Field of Protection of National Minorities, Working session 12: Tolerance and non-discrimination I. [English, 14 pages]
22. Non-discrimination as guaranteed by the European Social Charter, Working session 13: Tolerance and non-discrimination II: Review of the implementation of commitments on promotion of mutual respect and understanding. [English, 7 pages]
26. Combating Intolerance and Discrimination and Promoting Mutual Respect and Understanding: A Council of Europe Priority, Working session 13: Tolerance and non-discrimination II: Review of the implementation of commitments on promotion of mutual respect and understanding. [English, 4 pages]
32. Promotion of mutual respect and understanding through intercultural education, Working session 13: Tolerance and non-discrimination II: Review of the implementation of commitments on promotion of mutual respect and understanding. [English, 4 pages]
31. European Academic Network on Romani Studies, Working session 14: Enhancing the implementation of OSCE commitments regarding Roma and Sinti. [English, 2 pages]
69. Follow-up to the Strasbourg Declaration on Roma by the Special Representative of the Secretary General of the Council of Europe for Roma Issues, Working session 14: Enhancing the implementation of OSCE commitments regarding Roma and Sinti. [English, 9 pages]
30. The Council of Europe Project "Education of Roma Children in Europe" (2002-2009) and the follow-up of its results: new programme on intercultural mediation for Roma communities (ROMED) and the International Task Force for the Education of Roma, Working session 15: Enhancing the implementation of OSCE commitments regarding Roma and Sinti (continued). [English, 4 pages]
35. Combating violence against women, Working session 16: Tolerance and non-discrimination II (continued). [English, 2 pages]
36. Gender mainstreaming, Working session 16: Tolerance and non-discrimination II (continued). [English, 2 pages]
54. Equality between women and men, Working session 16: Tolerance and non-discrimination II (continued). [English, 2 pages]
60. Balanced participation of women and men in political and public decision-making, Working session 16: Tolerance and non-discrimination II (continued). [English, 2 pages]
27. Overview of recent Council of Europe activities, Working session 17: Humanitarian issues and other commitments II. [English, 10 pages]

United Nations High Commissioner for Refugees (UNHCR)

248. UNHCR Contribution to the OSCE Human Dimension Implementation Meeting Working Session 11: Humanitarian Issues and Other Commitments, Working session 11: Humanitarian issues and other commitments I. [English, 8 pages]
249. UNHCR Addendum to Commemorating 60 Years of the Refugee Convention: Commitments for Protection and Solutions in the OSCE Region, Working session 11: Humanitarian issues and other commitments I. [English, 7 pages]

Non-Governmental Organizations

Alliance Defense Fund

55. Freedom of Expression: "Hate" speech, Working session 1:

	<p>58. Freedom of thought, conscience and religion: parental rights and "non-discrimination", Working session 2: Fundamental freedoms I (continued). [English, 1 page]</p> <p>59. Freedom of Religious Assembly and Association, Working session 3: Fundamental freedoms II. [English, 1 page]</p> <p>130. Joint Recommendations by several NGOs, Working session 3: Fundamental freedoms II. [English, 1 page]</p>
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Association of Democracy in Belarus	<p>211. Torture in Belarussian prisons- the example of Dmitry Dashkevich, Working session 5: Rule of law II. [Russian, 3 pages]</p>
Association of Roma Journalists	<p>391. Challenges and trends within mass media concerning Roma and Sinti; the role of the media and of Roma organizations in countering prejudices and negative stereotypes and responding to intolerance directed at Roma and Sinti, Working session 14: Enhancing the implementation of OSCE commitments regarding Roma and Sinti. [English, 6 pages]</p>
Association Régionale Culturelle Economique et Sociale (ARCHES)	<p>298. Actions of ARCHES, Working session 11: Humanitarian issues and other commitments I. [French, 2 pages]</p>
Associazione Dossetti: i Valori Observatory for Religious Tolerance and Freedom	<p>81. Statement by Dr. Mattia F. Ferrero, Working session 1: Fundamental freedoms I. [English, 2 pages]</p> <p>82. Recommendations by Dr. Mattia F. Ferrero, Working session 1: Fundamental freedoms I. [English, 1 page]</p> <p>127. Statement by Dr. Mattia F. Ferrero, Working session 2: Fundamental freedoms I (continued). [English, 2 pages]</p> <p>128. Recommendations by Dr. Mattia F. Ferrero, Working session 2: Fundamental freedoms I (continued). [English, 1 page]</p>
Associazione Romni Onlus	<p>462. Racism against the Roma and Sinti in the political discourse, Working session 15: Enhancing the implementation of OSCE commitments regarding Roma and Sinti (continued). [English, 3 pages]</p>
Atheist Ireland	<p>213. Spoken contribution by Michael Nugent, chairperson of Atheist Ireland, Working session 2: Fundamental freedoms I (continued). [English, 1 page]</p> <p>225. Working Session 2: Freedom of thought, conscience, religion or belief, Working session 2: Fundamental freedoms I (continued).</p>

	226.Spoken contribution by Michael Nugent, chairperson of Atheist Ireland, Working session 2: Fundamental freedoms I (continued). [English, 1 page]
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Avrupa Demokrasi Vakfi	406.Legal Disadvantages of the Turkish minority in Germany, Working session 11: Humanitarian issues and other commitments I. [English, 2 pages] 407.Xenophobia and Extremism in Europe: The Turkish Minority, Working session 13: Tolerance and non-discrimination II: Review of the implementation of commitments on promotion of mutual respect and understanding. [English, 3 pages]
Azerbaijani Community of Nagorno Karabakh Region of the Republic of Azerbaijan	341.Speech of Mr. Rovshan Rzayev, member of the executive board of Azerbaijani Community of the Nagorno Karabakh region of the Republic of Azerbaijan, Working session 11: Humanitarian issues and other commitments I. [English, 2 pages; Russian, 2 pages]
Belarusian Gypsy Diaspora, International Union of the Baltic States and the CIS	490.Statement by Oleg Kozlowski, Belarusian Gypsy Diaspora, Working session 15: Enhancing the implementation of OSCE commitments regarding Roma and Sinti (continued). [English, 2 pages]
Center for Development of Local Self- Government	278.Execution of OSCE responsibilities concerning elections in Kazakhstan, Working session 8: Democratic elections and electoral observation. [Russian, 3 pages] 277.Presidential elections monitoring in the Republic of Kazakhstan in 2011, Working session 9: Democratic elections and electoral observation (continued). [Russian, 4 pages] 346.Democracy on a national, regional and local level- the experience of Kazakhstan, Working session 11: Humanitarian issues and other commitments I. [Russian, 4 pages] 331.Countering nationalism and chauvinism in Kazakhstan, Working session 12: Tolerance and non-discrimination I. [Russian, 3 pages] 345.Creating conditions for non-spreading of racism and discrimination in Kazakhstan, Working session 13: Tolerance and non-discrimination II: Review of the implementation of commitments on promotion of mutual respect and understanding. [Russian, 3 pages]
Center for Support of Migrants	290.Freedom of Movement, Working session 6: Freedom of movement. [Russian, 2 pages] 289.Migrant Workers, Working session 11: Humanitarian issues and other commitments I. [Russian, 2 pages]
Center of Informational- Resource	306.Statement by Nugmanova Gaukhar, Working session 10: Discussion of human dimension activities (with special emphasis on project work). [Russian, 3 pages]
Center of Social-Political Researches	218.Internet freedom: Kazakhstan experience, Working session 2: Fundamental freedoms I (continued). [Russian, 1 page] 217.New institute of fair trial in Kazakhstan, Working session 4: Rule of law I. [Russian, 1 page] 293.Problems of Kazakh reality regarding the execution of OSCE responsibilities concerning elections, Working session 8:

	292.The procedure and problems of electoral observation in Kazakhstan, Working session 9: Democratic elections and electoral observation (continued). [Russian, 2 pages]
Centr de Sud pour le Developpement Dialogue et Citoyente	353.Statement by Abdellah Benhssi for Working Session 13, Working session 13: Tolerance and non-discrimination II: Review of the implementation of commitments on promotion of mutual respect and understanding. [English, 1 page]
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Centre d'Action Laïque	51. Blasphemy laws belong to history books, Working session 2: Fundamental freedoms I (continued). [English, 2 pages]
Centre for Socio-Psychological and Legal Assistance "VICTORIA"	177.Protection of human rights in teh religous sphere, Working session 3: Fundamental freedoms II. [Russian, 5 pages]
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Chernivtsy Regional NGO 'Human Rights'	129.Freedom of thought, conscience, religion and belief, Working session 2: Fundamental freedoms I (continued). [Russian, 1 page] 150.National human rights institution and the role of civil society in the protection of human rights; Human rights education, Working session 3: Fundamental freedoms II. [Russian, 1 page] 170.Legislative Transparency; Independence of the Judiciary; Right to a fair trial - recommendations, Working session 4: Rule of law I. [Russian, 1 page] 187.Prevention of torture, Working session 5: Rule of law II. [Russian, 1 page]
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Church of Scientology	408.Discrimination in France: MIVILUDES increases discrimination and intolerance via a new biased university curriculum, Working session 2: Fundamental freedoms I (continued). [English, 17 pages]
Church of Scientology, Russian Federation	52. Censorship and Suppression of Religious Freedom under the Extremism Law: Religious Discrimination Directed at Scientology Organizations in Russia in Contravention of Fundamental Human Rights, Working session 2: Fundamental freedoms I (continued). [English, 9 pages; Russian, 9 pages] 53. Escalation of Religious Discrimination in Kazakhstan, Working session 2: Fundamental freedoms I (continued). [English, 3 pages]
Citizens Advice Bureau "CONSCENTIA"	315.Political participation without citizenship - Recommendations, Working session 11: Humanitarian issues and other commitments I. [English, 1 page] 316.Political participation without citizenship, Working session 11:

Civic Chamber of the Russian Federation	415. "Some of today's issues of women's status in the modern Russian society", Working session 16: Tolerance and non-discrimination II (continued). [English, 2 pages; Russian, 4 pages]
Civil Society and Freedom of Speech Initiative Center for Caucasus	79. Freedom of Speech in Russia and North Caucasus, Working session 1: Fundamental freedoms I. [Russian, 2 pages]
Coalition for Justice Georgia	234. Freedom of Movement in the Occupied Territories of Georgia, Working session 6: Freedom of movement. [English, 2 pages] 288. Statement by the Coalition for Justice, Working session 11: Humanitarian issues and other commitments I. [English, 2 pages]
Cojep International	312. Political participation and integration of migrants, Working session 11: Humanitarian issues and other commitments I. [French, 1 page] 364. Combating intolerance and discrimination against Muslims, Working session 13: Tolerance and non-discrimination II: Review of the implementation of commitments on promotion of mutual respect and understanding. [English, 1 page; French, 1 page]
Collective Against Islamophobia in France (CCIF)	357. Statement by Collective Against Islamophobia in France (CCIF) on Islamophobia in Europe, Working session 13: Tolerance and non-discrimination II: Review of the implementation of commitments on promotion of mutual respect and understanding. [English, 2 pages]
Committee Against Torture	166. Crimes never end on the territory of the Chechen Republic, Working session 5: Rule of law II. [English, 2 pages]
Constantinopolitan Society	273. The Greek Minority in Turkey, Working session 12: Tolerance and non-discrimination I. [English, 6 pages] 274. The Ecumenical Patriarchate in Turkey, Working session 13: Tolerance and non-discrimination II: Review of the implementation of commitments on promotion of mutual respect and understanding. [English, 4 pages]
Coordination des Associations et Particuliers pour la Liberte de Conscience	65. MIVILUDES exporting the French model, Working session 2: Fundamental freedoms I (continued). [English, 2 pages; French, 2 pages]
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