



## **Human Dimension Implementation Meeting**

# **CONSOLIDATED SUMMARY**

**Warsaw, 28 September - 9 October 2009**

## Table of contents

<b><i>I. EXECUTIVE SUMMARY</i></b> .....	<b>4</b>
<b><i>II. PARTICIPATION</i></b> .....	<b>7</b>
<b><i>III. RAPORTEURS' REPORTS</i></b> .....	<b>8</b>
Working Session 1: Rule of law I.....	8
Working Session 2: Fundamental Freedoms I .....	10
Working Session 3: Fundamental freedoms II.....	11
Working Session 4: Rule of law II.....	13
Working Session 5: Tolerance and non-discrimination I.....	17
Working Session 6: Humanitarian issues and other commitments I .....	19
Working Session 7: Tolerance and non-discrimination II .....	21
Working Sessions 8 and 9 - Human Rights Education .....	24
Working Session 10: Tolerance and non-discrimination II .....	26
Working Session 11: Humanitarian issues and other commitments II.....	28
Working Session 12: Freedom of expression, free media and information .....	30
Working Session 13: Freedom of expression, free media and information .....	33
Working Session 14: Roma/Sinti and, in particular, early education for Roma and Sinti children .....	35
Working Session 15: Roma/Sinti and, in particular, early education for Roma and Sinti children .....	40
Working Session 16: Discussion of human dimension activities (with special emphasis on project work).....	42
Working Session 17: Democratic institutions.....	46
<b><i>IV. COMPILATION OF WRITTEN RECOMMENDATIONS</i></b> .....	<b>48</b>
WORKING SESSION 1: Rule of Law I .....	48
WORKING SESSION 2: Fundamental Freedoms I.....	55
WORKING SESSION 3: Fundamental Freedoms II.....	86
WORKING SESSION 4: Rule of Law II.....	94
WORKING SESSION 5: Tolerance and non-discrimination I .....	104
WORKING SESSION 6: Humanitarian issues and other commitments I.....	108
WORKING SESSION 7: Tolerance and non-discrimination II.....	109
WORKING SESSION 8: Human Rights Education .....	111
WORKING SESSIONS 9: Human Rights Education .....	113
WORKING SESSION 10: Tolerance and non-discrimination II.....	114
WORKING SESSION 11: Humanitarian issues and other commitments II.....	127
WORKING SESSION 12 (specifically selected topic): Freedom of expression, free media and information .....	133

<b>WORKING SESSION 13 (specifically selected topic): Freedom of expression, free media and information .....</b>	<b>138</b>
<b>WORKING SESSION 14 (specifically selected topic): Roma/Sinti and, in particular, early education for Roma and Sinti children .....</b>	<b>139</b>
<b>WORKING SESSION 15 (specifically selected topic): Roma/Sinti and, in particular, early education for Roma and Sinti children .....</b>	<b>141</b>
<b>WORKING SESSION 16: Discussion of human dimension activities (with special emphasis on project work) .....</b>	<b>143</b>
<b>WORKING SESSION 17: Democratic Institutions.....</b>	<b>143</b>
<b><i>V. REMARKS AND SPEECHES.....</i></b>	<b><i>146</i></b>
<b>Opening Remarks by Ambassador Janez Lenarčič, Director, OSCE ODIHR .....</b>	<b>146</b>
<b>Opening Remarks by Ambassador Nicolaos Kalantzianos, Head of the OSCE Chairmanship Task Force, Representative of the Greek Chairperson-in-Office .....</b>	<b>147</b>
<b>Key-note Address by Professor Władysław Bartoszewski, Secretary of State, Plenipotentiary of the Prime Minister of Poland for International Dialogue.....</b>	<b>150</b>
<b>Address by Ms. Grażyna Bernatowicz, Under-Secretary of State at the Ministry of Foreign Affairs of the Republic of Poland .....</b>	<b>153</b>
<b>Opening Statement by OSCE Secretary General Marc Perrin de Brichambaut.....</b>	<b>155</b>
<b>Closing Remarks by Ambassador Janez Lenarčič, Director, OSCE ODIHR .....</b>	<b>158</b>
<b>Closing Remarks by Ambassador Louis-Alkiviadis Abatis, Deputy Head of the OSCE Chairmanship Task Force, Representative of the Greek Chairperson-in-Office .....</b>	<b>160</b>
<b>LINK TO THE TIMETABLE .....</b>	<b>162</b>
<b>MODALITIES FOR OSCE MEETING ON HUMAN DIMENSION ISSUES .....</b>	<b>162</b>
<b>LINK TO THE ANNOTATED AGENDA .....</b>	<b>162</b>
<b>LINK TO THE OVERVIEW OF SIDE EVENTS.....</b>	<b>162</b>
<b>LINK TO JOURNALS .....</b>	<b>162</b>
<b>INDEX OF DISTRIBUTED DOCUMENTS.....</b>	<b>163</b>

## I. EXECUTIVE SUMMARY

The fourteenth OSCE Human Dimension Implementation Meeting (HDIM) took place in Warsaw from 28 September to 9 October 2009 and it attracted a great number of participants from the OSCE area and partner countries as well as international organizations. Organized by the Office for Democratic Institutions and Human Rights (ODIHR), it aimed at reviewing the implementation of the broad range of OSCE human dimension commitments. The HDIM provides a unique opportunity for the 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.

ODIHR Director Ambassador Janez Lenarčič gave a statement to open the meeting. The opening plenary was continued by Ms. Grażyna Bernatowicz, Undersecretary of State, Ministry of Foreign Affairs of Poland, and followed by the OSCE Secretary General, Mr. Marc Perrin de Brichambaut, and the OSCE Representative on Freedom of the Media, Mr. Miklós Haraszti. The key-note address was delivered by Professor Władysław Bartoszewski, Secretary of State, Plenipotentiary of the Prime Minister of Poland for International Relations.

The Working Sessions of the first week focused on: Rule of Law I including Legislative transparency, Independence of the judiciary, Right to a fair trial; Fundamental freedoms I including Freedom of thought, conscience or belief; Fundamental freedoms II including Freedom of assembly and association, Freedom of movement, National human rights institutions and the role of civil society in the protection of human rights; Rule of Law II including Abolition of capital punishment, Prevention of torture, Protection of human rights and fighting terrorism; Tolerance and non-discrimination I covering the issues of National minorities, Prevention of aggressive nationalism, racism and chauvinism; Humanitarian issues and other commitments I, including Trafficking in human beings, including Implementation of the OSCE Action Plan to Combat Trafficking in Human Beings,; Equality of opportunity for women and men, including Implementation of the OSCE Action Plan for the Promotion of Gender Equality, and Prevention of violence against women. The first of three specifically selected topics, Human rights education, was considered during the final two Working Sessions of the first week.

The Working Sessions of the second week were devoted to: Tolerance and non-discrimination II including Review of the implementation of commitments, promotion of mutual respect and understanding, Prevention and response to hate crimes, Combating racism, xenophobia, intolerance 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; Humanitarian issues and other commitments II including Migrant workers, integration of legal immigrants, Refugees and displaced persons, and Treatment of citizens of other participating States; Human dimension activities (with Special emphasis on project work); Democratic institutions including Democratic elections, Democracy at the national, regional and local levels, Citizenship and political rights. The two specifically selected topics discussed during the second week were: Freedom

of expression, free media and information; and Roma/Sinti, in particular, early education for Roma and Sinti children.

Relevant working sessions also included follow up to the 2009 Human Dimension Seminar on Strengthening the Rule of Law in the OSCE Area, with a Specific Focus on the Effective Administration of Justice, the 2009 Supplementary Human Dimension Meetings on Freedom of Religion and Belief, and the 2009 Supplementary Human Dimension Meeting on Hate Crimes – Effective Implementation of Legislation.

In the Closing Reinforced Plenary Session, the Rapporteurs presented their reports from the Working Sessions. Then the session was continued by a number of statements by participating States. The closing statement was delivered by ODIHR Director Ambassador Janez Lenarčič.

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 the Working Session on Democratic institutions. Mr. Alexander Vashkevich, Associate Professor at the Department of International Law, Belarusian State University moderated the Working Session on Rule of Law. The Working Session on Fundamental Freedoms I was moderated by Ms. Elena Miroshnikova, Professor in the Department of Philosophy, Culture Studies, Ethics, Religious Studies, and Theology at Tula State University and the Working Session on Fundamental freedoms II was moderated by Mr. Yuri Dzhibladze, President of the Centre for Development of Democracy and Human Rights. Ms. Saule Mektepbayeva, Director for Central Asia, Penal Reform International moderated the Working Session on Rule of Law II. Ms. Milena Klajner, Head of Office for National Minorities of Croatia moderated the Working Session on Tolerance and non-discrimination I. The moderator of the Working Session on Humanitarian issues and other commitments I was Ms. Shivaun Scanlan, Senior Anti-Trafficking Adviser, OSCE ODIHR. The Session on Tolerance and non-discrimination II was moderated by Ms. Petra Meier, Senior Researcher, Department of Politics, Antwerp University, Belgium. The Working Sessions on Human rights education were moderated by Mr. Siarhei Salei, Independent Expert, Human Rights Education and Training and Mr. Barry van Driel, Expert on Human Rights Education, Anne Frank House. Mr. András László Pap, Professor of Law, Research Fellow at the Hungarian Academy of Sciences Institute for Legal Studies moderated the Working Session on Tolerance and non-discrimination II. The Working Session on Humanitarian issues and other commitments II was moderated by Mr. Pier Rossi-Longhi, Technical Liaison Officer of the International Organisation for Migration to the OSCE, UN and other International Organisations in Vienna. Mr. Roland Bless, Director of the Office of the Representative on Freedom of the Media moderated two Sessions on Freedom of expression, free media and information. The Working Sessions on Early education of Roma and Sinti children were moderated by Ms. Gabriela Hrabanova, Head of the Office of the Council for Roma Community Affairs, Czech Republic and Mr. Germán Bernal Ríos, Policy Officer, European Commission, Directorate General for Education and Culture, Unit B2 - School Education, "Comenius". Mr. Douglas Wake, First Deputy Director, ODIHR moderated the Working Session dedicated to the discussion of human dimension activities (with special emphasis on project work).

A total of 50 side events outlined a broad 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 discussion on various topics.

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.

For the sixth consecutive year 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 OSCE website. With the possibility of sending documents via e-mail directly from the terminals, the system facilitates additional impact to the debate. It also significantly reduces costs of the Meeting. A list of documents distributed during the HDIM is attached to this report. A CD-ROM with 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's website.

## ***LINK TO THE AGENDA***

English: [http://www.osce.org/documents/odihr/2009/08/39180\\_en.pdf](http://www.osce.org/documents/odihr/2009/08/39180_en.pdf)

Russian: [http://www.osce.org/documents/odihr/2009/08/39180\\_ru.pdf](http://www.osce.org/documents/odihr/2009/08/39180_ru.pdf)

## II. PARTICIPATION

**Total number** of participants - **1087**, including:

**456 participants from 53 participating States** (all except Iceland, Monaco and Turkmenistan)

**5 representatives from three Mediterranean Partners for Co-operation** (Algeria, Egypt, Israel)

**2 representatives from one Partner for Co-operation** (Thailand)

**26 representatives of International Organizations:**

- Office of the United Nations High Commissioner for Refugees
- Office of the United Nations High Commissioner for Human Rights
- Council of the European Union
- European Union Agency for Fundamental Rights (FRA)
- European Commission - EuropeAid
- Council of Europe
- Council of Europe; European Commission against Racism and Intolerance
- Council of Europe; Directorate General of Education, Culture and Heritage, Youth and Sport
- Council of Europe; Secretariat of the Framework Convention for the Protection of National Minorities
- International Organization for Migration
- Organization of Islamic Conference (OIC)

**29 participants from the OSCE Institutions:**

- OSCE High Commissioner on National Minorities
- OSCE Representative on Freedom of the Media
- OSCE Secretariat
- 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 Parliamentary Assembly

**70 representatives of 17 OSCE Field Operations:**

- OSCE Mission in Kosovo
- OSCE Mission to Bosnia and Herzegovina
- OSCE Presence in Albania
- OSCE Spillover Monitor 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 Office in Minsk
- OSCE Centre in Ashgabad
- OSCE Mission to Serbia
- OSCE Mission to Montenegro
- OSCE Centre in Astana
- OSCE Office in Tajikistan
- OSCE Office in Zagreb

**496** representatives of **383** NGOs from **47** participating States.

***Link to Final List of Participants:***

[http://www.osce.org/documents/odihr/2009/10/40577\\_en.pdf](http://www.osce.org/documents/odihr/2009/10/40577_en.pdf)

### **III. RAPORTEURS' REPORTS**

***Working Session 1: Rule of law I***

*Rapporteur: Mr. Yves Baulieu, Counsellor, Deputy Permanent Representative, Permanent Mission of Canada to the OSCE*

<p><b>No. of statements: 31</b>  <b>Participating States: 8</b>  <b>NGOs: 20</b>  <b>Other: 3</b>  <b>Rights of Reply: 2</b></p>
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OSCE HDIM Report from Working session 1: Rule of law I, including;

- Legislative transparency;
- Independence of the judiciary;
- Right to a fair trial;
- Follow-up of the 2009 human Dimension Seminar on Strengthening the Rule of Law in the OSCE Area, with a Specific Focus on the Effective Administration of justice.

Ambassador Lenarcic, in his opening statement, stressed the importance of judicial independence as essential guarantee for any democratic state.

The Introducer for this working session, Professor Nina Belyaeva, launched the session by underlining the following: the OSCE can contribute to removing barriers and share experiences; the OSCE can serves as a norms setting body. The OSCE guidelines on freedom of assembly were cited as an excellent tool. Legislative processes have to be open to the public and civil society. Civil society needs to feel safe in order to contribute constructively to the process. The upcoming Chairman-in-



Office was particularly called on to truly adhere to fair trial and accept international monitoring, specifically in the case of Mr. Zhovtis.

Many participating States and representatives from the NGOs emphasised the old saying that – “Justice delayed is justice denied”. It was stressed that citizens need to trust and have faith in the system in order to contribute constructively. Transparency in the judicial system was underlined as a paramount importance. It was repeated on several occasion that a healthy judiciary system is a key component of basis for democracy. Appropriate resources, financial and human, should be provided to the judiciary system. It was recognized that the vast majority of participating States have created appropriate laws. However it is their implementation that represents a major challenge. Appropriate implementation requires constant level of alertness, monitoring, self evaluation and peer review.

Many participating States highlighted the following: access to justice including legal redress; judicial independence as “making or breaking” the public trust in the rule of law, the separation of power and checks and balances; integrity of judicial bodies, recruitment and training. Many welcomed ODIHR’s efforts in the field of rule of law and its focus on judicial independence and recalled the holding of the May 2009 Human Dimension Seminar.

Some States were singled out and called upon to resolve particular cases in accordance with national and international law. Rule of Law was characterised as the principle dividing democracies from tyrannies. Several NGOs called for a stop to the arrests and assignations of human rights defenders and journalists in a number of OSCE States.

It was often pointed out that nobody should be above the law and nobody should interfere in court proceedings. Many participants referred to the fact that while legislation is often in line with OSCE commitments, it is not implemented. Some States informed the meeting about recent judicial reforms, including new procedures in their national legislation.

Many civil society representatives, concerning shortcomings of OSCE obligations in Central Asia region, noted that the incoming Chairman-in-Office should play a more active role in spreading its positive influence in the region.

It was mentioned that a poor economic situation, poverty or historical reasons cannot be an excuse for a state not to implement the rule of law.

Participants expressed concern about the following problems that still exist in some participating States: subordination of the judiciary to political influence, a lack of enforcement of rulings, corruption among judges, non-transparent court proceedings, a lack of impartiality of court decisions, the denial of a judicial review and remedies for human rights violations.

Finally, number recommendations were made for the OSCE, the ODIHR and participating States.

## **Working Session 2: Fundamental Freedoms I**

*Rapporteur: Ms. Rachel Waldstein, United States Department of State, Bureau of Democracy, Human Rights and Labor*

<p><b>No. of statements: 60</b> <b>Participating States: 9</b> <b>NGOs: 48</b> <b>Other: 3</b> <b>Rights of Reply: 6</b></p>
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The session was well attended, and due to the large number of interventions each was limited to two minutes.

Many interventions commented on overly restrictive religion laws, and several speakers urged authorities in Central Asian countries to decriminalize activities of unregistered religious groups, to stem negative stereotyping of religious minorities in media, to release jailed conscientious objectors and to offer alternatives to military service. Some humanist groups, however, said the price of conscientious objection should be shared by the objector himself. A few interventions urged Uzbekistan to release religious prisoners, noting the large number of religious prisoners, torture, and difficulties experienced by their families. An NGO noted that virtually all religious groups in OSCE states are targeted for vandalism and violence, but there is official discrimination and a high level of aggression toward non-traditional religions in the former Soviet states. Chapters of a religious organization in several countries east of Vienna recounted harassment, government raids, and physical abuse. The Kazakhstani government's seizure of property belonging to the Hare Krishna community was raised several times. Governments of those countries denied the allegations in their own statements or during the Right of Reply, noting that their constitutions protect freedom of religion and promote tolerance.

Several interventions emphasized that the Chairman in Office bears particular responsibility to fulfil OSCE commitments, and urged Kazakhstan to review all legislation using OSCE expertise. An NGO noted that at the SHDM on religious belief Yevgeniy Zhovtis called for Kazakhstan to uphold religious freedom as 2010 Chairman in Office but the country continues to violate religious freedom.

Numerous interventions discussed problems encountered by Muslims and non-traditional religious groups in Western Europe, citing government policies including the wearing of religious symbols, lack of understanding by law enforcement, and negative media coverage, and warning that governmental prejudices increase xenophobia. Some referred to governmental anti-sect activity but the governments rejected this. Others asserted the destructive nature of some religious sects.

Several speakers linked freedom of religion with freedoms of assembly and speech. An NGO said that states must ensure the legal possibility for freedom of religion to be recognized in conjunction with freedom of assembly. Another NGO observed that freedom of speech is a main principle, and we should avoid judgment on the nature of religious statements.

One pS on behalf of a group of countries affirmed that freedom of religion is a founding principle of the EU, noted the importance of fulfilling OSCE commitments, and rejected hierarchy among religions or beliefs. The speaker stated that manifesting one's religion is an inviolable right; respect and practice of pluralism should allow room to criticize and discuss, a right that may not be derogated even in times of emergency. She expressed support for ODIHR's Expert Panel and commended its work, expressing the need to implement the Vienna concluding document.

An NGO observed that many OSCE states limit religious freedom, which contributes to polarization and encourages extremist groups while keeping moderate groups from participating in government and religious life, and limits citizens' ability to come together to solve problems such as alleviating poverty.

Numerous interventions included recommendations for individual countries: One NGO called on the government of Belgium to address redistribution of state resources and on ODIHR advisory panel of experts to issue guidelines on distribution of funding. Another NGO recommended that the United States revise anti-terrorism laws that impose guilt by association and do not provide guidelines on what is prohibited, noting that implementation of these laws has affected legitimate Muslim charitable groups. Several interventions called on Turkey to reopen Halki Seminary and to address restrictions that deny non-Muslims right to own and maintain property. Other recommendations pertained to ODIHR or OSCE states in general. An NGO recommended that resources be expanded for ODIHR's Panel of Experts. Another urged all OSCE states to support cooperation of ODIHR and civil society.

The session Introducer, Mr. Abdelfattah Amor, concluded by stating that if belief is private matter, expression of belief is in the public sphere, and must be managed wisely and in a tolerant manner; the threat of terrorism shouldn't be used to impede religious freedom.

### ***Working Session 3: Fundamental freedoms II***

*Rapporteur: Ms. Fausta Simaityte, Adviser, Permanent Mission of Lithuania to the OSCE*

<p><b>No. of statements: 57</b> <b>Participating States: 11</b> <b>NGOs: 43</b> <b>Other: 3</b> <b>Rights of Reply: 7</b></p>
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Session topic: Fundamental Freedoms II  
Freedom of assembly and association  
Freedom of movement  
National human rights institutions and the role of civil society in the protection of human rights

The session started with a minute of silence to the memory of murdered Russian human rights activist Natalia Estemirova.

During the session all of the participating States which took the floor acknowledged the great importance of civil society and reminded that strong and independent civil society is crucial for the promotion of human rights and democracy. At the same time was pointed out that the human rights defenders in many countries are subject to violence, prosecution and other official efforts to silence them, denying them many of their rights.

A number of NGOs stated that in their countries crimes against human rights defenders have increased. A number of NGOs and pS expressed their concern that human rights defenders are targeted systematically in some of the OSCE pS, being kidnapped, tortured, threatened or murdered.

A great attention was paid to the problem of the protection of the human rights defenders. A number of NGOs and pS noted that many of the crimes go unpunished and stressed that transparent processes are needed to counter impunity. Some NGOs informed that certain governments often consider human rights defenders as their opponents and called on the governments to understand that human rights defenders are allies in the struggle against terrorism and other threats.

One pS stated that the work of non-governmental bodies can constitute interference into work of governmental bodies. Another of the pS noted that a definition of the term “human rights defender” is needed.

A number of participating States welcomed the ODIHR 2008 report on human rights defenders and stressed the need for the second ODIHR report.

Recommendations given by the NGOs to pS:

- to ensure an environment in which defenders can work freely;
- to condemn publicly and strongly attacks on and killings of human rights defenders and ensure effective investigations of these acts;
- to ensure fast and proactive support and protection to human rights defenders at risk;
- to make concrete support to civil society the organization’s top priority by assisting civil society organizations to increase their capacity and efficacy;
- to monitor setbacks in human rights and fundamental freedoms in the OSCE area;
- to provide specialized help by sending experts to assist human rights defenders and human rights institutions in the areas of concern;
- to task OSCE with the assessment of individual cases of human rights violations;
- to release all political prisoners.

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, or offering alternative venues that are unsuitable or in inconvenient locations. 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 moving to close the

organisations, through selective application of the laws and other mechanisms or prevent them from registry.

In the OSCE there is still a country where the government does not allow demonstrations at all.

Some pS and NGOs called the OSCE pS to guarantee all freedoms for LGBT people.

Following recommendations were given:

- The OSCE should call pS to allow free assembly;
- The OSCE should call all pS to allow freely to associate with other international groups- abroad and in their country;
- LGBT people should have full access to political rights.

In regard of the OSCE's activities a number of states praised the ODIHR guidelines on the freedom of assembly.

As for the freedom of movement, number of pS and NGOs raised issues of restrictions.

One participating state stated that it sees the freedom of movement is restricted by so called border controls. Called for full access to all areas of their territory and called for a full access to the area for international human rights monitors. Another participating state informed about a case of limitation of the freedom of movement where 200.000 its citizens have no right to return to their homes.

Number of NGOs informed about limitation of the freedom of movement through a system of internal passports which limits the rights of the citizens to freely move within certain participating States. In other pS there are some closed regions and internal visa are required to travel within the country and foreign citizens have limited freedom to travel in its territory.

Recommendation in regard of freedom of movement:

- OSCE pS should ban internal passport regulations and allow full freedom of movement within each country.

### **Working Session 4: Rule of law II**

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

<p><b>No. of statements: 49</b> <b>Participating States: 13</b> <b>NGOs: 31</b> <b>Other: 5</b> <b>Rights of Reply: 1</b></p>
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Working Session 4 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 the steady decrease in the use of capital punishment, with Uzbekistan being the 50<sup>th</sup> pS to abolish it last year. He also stressed that it is possible to combat terrorism while respecting human rights and the prohibition of torture, and referred to the manual issued by ODIHR as well as to the training courses available to pS.

The introducer, Mr. Gerald Staberock, noted the Eminent Jurists Panel report commissioned by the International Commission of Jurists. Its central thesis is that, eight years after 9-11, it is time for stock-taking: we have to look at the impact of the measures taken against terrorism on human rights and the rule of law in order to construct a sustainable response to terrorism. Terrorism is a threat to human rights. The cornerstone of an effective response should be accountability, avoiding the tendency to lower human rights standards. He called for parliamentary and judicial oversight, and for strengthening the ordinary law enforcement structures. He referred to the negative impact of counter-terrorism measures on freedom of speech and association, in particular of muslim communities in the OSCE region. He concluded by saying that there is a need to depart from the emergency mode, since exceptional measures cannot become permanent. He also noted that ODIHR can provide training and useful assistance.

Many speakers urged for the abolition of capital punishment, and for an immediate moratorium on its use. It was pointed out that great progress had been made on this respect, with many moratoria instituted. The recent adoption of the OSCE Parliamentary Assembly resolution on a moratorium on the death penalty and towards its abolition was generally welcomed. Some speakers mentioned the need of awareness-raising exercises. It was also noted that capital punishment does not stop crime and that it does not make our societies any safer. Moreover, it implies many problems and risks, including judicial errors leading to the execution of innocent people.

It was noted that under no circumstances can torture be defended, excused or tolerated. However, torture takes place in secret and despite assurances to the contrary, which makes it all the more difficult to combat. Many pointed out that the fight against torture involves not only legislators, the legal and judicial professions and law enforcement personnel, but also other groups, such as health personnel. They play a crucial role in preventing, detecting and reporting or denouncing acts of torture and CIDT and in rehabilitating torture victims. In this respect, calls were made to implement the recent Human Rights Council resolution 10/24 as well as the Istanbul Protocol (which provides guidelines on the impartial, independent and prompt investigation and documentation of torture allegations). The importance of establishing independent and effective systems of investigation of complaints and prevention of torture, preferably within the framework of OPCAT, was also highlighted. Judges and prosecutors have to react immediately when there are allegations of the use of coercive measures. Some speakers noted that there was a problem of non-application of the law, and it was argued that media attention was required, as well as action by jurists. Some participants pointed to the need of more public monitoring and professional training of law enforcement agents on preventing

torture. The importance of providing assistance to the victims of torture was also evoked.

It was generally recognized that, in line with OSCE commitments, counter-terrorism measures are to be conducted in accordance with international law, in particular human rights law, refugee law and humanitarian law. Security should not undermine the protection of human rights. Some suggested that government and civil society must increase their cooperation in this area, where the OSCE is very active. Engaging in outreach with communities was also mentioned as an important mechanism by which to foster trust within communities, some of whom may fear that they are being targeted by anti-terrorism legislation. Some speakers suggested that secret apartments were being used in some countries to detain citizens, without access to defence. References were made to ODIHR efforts to assist pS in living up to their rule of law obligations. Mentions were also made to the critical role played by the ICRC, who should have unimpeded access to detention centres. It was also mentioned that the Council of Europe has ample experience in seeking to ensure that rule of law principles are fully respected in countering terrorism, through the adoption of relevant conventions and the implementation of legal cooperation programs.

In his concluding remarks, the introducer observed a recent positive change of attitude in some States regarding the relationship between human rights and security. He stressed the need to positively integrate human rights in technical assistance, also by Vienna based OSCE institutions. He claimed that there was a clear need for reviewing laws and their necessity, including their impact on minority communities. A comprehensive approach to address the accountability issue is needed, ensuring there is no impunity.

The following recommendations were given:

To participating States:

- The two participating states where executions still take place should abolish capital punishment and adopt a moratorium on capital punishment in the meantime.
- All participating states which still maintain the possibility to apply capital punishment should abolish it for all crimes.
- There should be a moratorium on the death penalty and an affirmation of the right to life.
- National parliaments should form coalitions against the death penalty.
- pS should ratify the OPCAT and accelerate the creation of national preventive mechanisms.
- Torture should be addressed in line with the Copenhagen Document (para. 16.6) and UN conventions. Effective remedies must be ensured and individual complaints mechanisms instituted.
- pS should use the Istanbul protocol to investigate allegations of torture.
- pS should adopt at legislative level a strategy framework for creating a system of prevention and protection from torture and ill-treatment, as well as an action plan, based on the said concept, with clearly defined directions and stages of activity.

- They should bring the elements specified of the crime of «torture» into line with Article 1 of the UN Convention against Torture, in particular, establish liability for actions which are not violent but which should be recognized as torture according to the said convention.
- They should institute the gathering in courts and law enforcement agencies of statistical data on crimes which contain elements of torture.
- They should make it impossible to apply amnesty and parole for people who have committed actions which have elements of torture.
- The structure of the law enforcement system needs to provide independence of prosecutors. Specialised departments in prosecutor's offices should be created to look into allegations of torture.
- pS should dedicate resources to ensure that all professionals who may encounter torture victims receive adequate training. Border, asylum and detention workers should be provided guidance and training on anti-torture issues.
- pS should ensure independence of health workers in investigating allegations of torture and medical assistance to those in custody.
- There is a need for monitoring of detention facilities by human rights groups.
- pS should ensure that their criminal codes have severe penalties for torture.
- pS should not interfere with independent investigations into torture.
- pS should assign the same validity as evidence to conclusions provided by independent medical and other experts, who conduct studies at the request of the alleged victim of torture, as that of conclusions made by experts assigned by an investigator or court.
- pS should cooperate with the ICRC and allow it to visit all detention facilities.
- pS should fight impunity for those responsible for torture.
- Judges and prosecutors have to react immediately when there are allegations of using coercive measures.
- pS should ensure that citizens should not bear the burden of proof for torture.
- An international human rights court should be created.
- pS should ensure that counter-terrorism measures are in line with international humanitarian law, human rights and refugee law.
- There is a need to upgrade oversight mechanisms such as parliamentary and judicial oversight.
- Prevention measures like control orders, deportation, listing individuals should not displace the criminal justice system and should not be a form of punishment.
- pS should ensure that the legal standard for incitement to terrorism should be the intent to create real risk of terrorist acts.
- pS need to broaden efforts to cooperate between civil society and law enforcement in the fight against terrorism and religious extremism.
- On the issue of CIA flights and secret detention centres, there is a need for investigation on collaboration of European actors.
- pS should ensure effective right to access to justice and protect citizens against arbitrariness.
- pS should engage in active peer review and NGO consultations in the fight against terrorism.
- pS should provide for free legal aid from the beginning of detention.



To the OSCE:

- The OSCE should call for investigations into the most noteworthy cases of torture and call on States to hold officials accountable.
- The OSCE should get a constitution that outlaws torture and ensure an end to such practices.
- Vienna-based OSCE institutions should positively integrate human rights in technical assistance on counterterrorism.
- The OSCE should monitor the human rights situation in Chechnya.
- Civil society needs to be involved in detention monitoring in Bosnia and Herzegovina. The OSCE needs to assist it on this issue.

### **Working Session 5: Tolerance and non-discrimination I**

*Rapporteur: Ms. Ioana Muresan, Third Secretary, Permanent Mission of Romania to the OSCE*

<p><b>No. of statements: 43</b> <b>Participating States: 10</b> <b>NGOs: 27</b> <b>Other: 6</b> <b>Rights of Reply: 7</b></p>
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The session was very well attended and gave an excellent opportunity for exchange of views and lively discussion on the topics of national minorities and preventing aggressive nationalism, racism

and chauvinism. There were numerous interventions both on behalf of participating States, as well as various NGOs.

The OSCE High Commissioner on National Minorities participated in the session. He underlined that the HDIM is a unique venue for discussion of tolerance and minorities issues with the same footing for all participants. Education was the main topic of this intervention. The HCNM stated that segregated education led to fragmented societies and that education systems should not promote segregation and divisions.

The work of the HCNM was commended and supported. It was underlined that his role in conflict prevention was of key importance, especially in the view of concern about the minority involving tensions and increasing segregation in certain participating States and due to the fact that most of protracted conflicts in OSCE area had to do with national minorities. The importance of Bolzano/Bozen Recommendations on National Minorities in Inter-state Relations as well as Lund Recommendations was underlined. There was a view expressed that in the past decade, the attention of the HCNM in fulfilling his mandate had primarily been focused on the South-Eastern and Eastern regions of the OSCE area, however, problems persisted in Central Europe as well.

The participants shared the view that the current economic crisis generates new challenges in the area of tolerance and non-discrimination, especially with regard to minorities and migrants.

Representatives of various NGOs drew attention to the problems of certain minority religious groups to function normally in a number of participating States, including

problems with gaining recognition as a legal entity and acknowledgement of ownership rights.

A number of participating States informed about their national solutions aimed at promoting tolerance and non-discrimination and minority rights. In these contexts the importance of ensuring cultural and linguistic rights of national minorities was stressed. It was stated that each language had its advantages, and that linguistic diversity was the source of wealth and vitality. The view was expressed that states should pay attention to legislative transparency and inclusive lawmaking processes in dealing with minority issues. The importance of the participation of minorities in public and political life was also underlined.

The attention was drawn to the fact that in some participating States there was a danger of intensification of nationalistic propaganda and that hate crimes were on the rise in the OSCE area. The importance of maintaining reliable statistics of hate crimes was underscored. It was also argued that in planning response to hate crimes, it is no longer enough to rely on criminal police skills and methods; rather, new methods must be adopted. It was pointed out that hate speech against religions was widely used in public speech.

The role of dialogue and education was stressed. A number of participants advocated for the idea of bi- or multilingual education. The importance of learning the state language by minorities was also underlined. There were views expressed that minority language teaching should be offered and optional and that minority languages classes should be made available for majority students. It was emphasised that intercultural education should be a two-way process: the majority should show interest in learning about the minority and vice versa.

The importance of the work done by the OSCE field presence in the area of minority rights was stressed.

The following recommendations were made:

- Participating States were encouraged to send clear signals to police and prosecutors about the importance of combating aggressive nationalism and racism, and project a categorical response to the perpetrators of this violence, ensuring that those responsible for hate crimes are held accountable under the law, and that the record of accountability is well documented and publicized.
- Participating States were advised to empower national antidiscrimination and human rights bodies with the mandate to address violent hate crimes through monitoring, reporting, and assistance to victims.
- Participating States were encouraged to conduct outreach and education efforts to communities and civil society groups to reduce fear and assist victims, advance police-community relations, encourage better reporting of hate crimes to the police and improve the quality of data collection by law enforcement bodies.
- Participating States were asked to respect equal rights of different religious groups and to cultivate a climate of tolerance and non-discrimination toward all faiths.

- There was a call to improve the quality of education in minority schools, to guarantee equal opportunities to minorities and support their integration with the respective societies, to study minority cultures, and to promote linguistic tolerance.
- Participating States were encouraged to ratify the Framework Convention for the Protection of National Minorities and promote linguistic tolerance.
- National media were called upon to recruit staff with minority background to increase minority representation and ensure balanced reporting.
- The OSCE was urged to enquire into the matter of disappearance of citizens in the conflict areas being abducted by the opposite forces and encourage the authorities to provide information on the number of persons detained, including to the families.
- The HCNM was encouraged to visit certain participating States and report and make recommendations on the minority problems (including linguistic issues) in those countries.

## **Working Session 6: Humanitarian issues and other commitments I**

*Rapporteur: Ms. Mai Hion, Counsellor, Permanent Mission of Estonia to the OSCE*

<p><b>No. of statements: 30</b>  <b>Participating States: 13</b>  <b>NGOs: 12</b>  <b>Other: 5</b>  <b>Rights of Reply: 3</b></p>
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- Trafficking in human beings;
- Implementation of the OSCE Action Plan to Combat Trafficking in Human Beings.

THB is a problem in the whole OSCE area and fight against this phenomenon remains a challenge to all OSCE pS. Continued implementation of OSCE AP to Combat THB is an important task, pS should adopt national measures that enable them to combat THB in more efficient way, like many States that have adopted national Action Plans and specific national anti-trafficking laws or law provisions. Work concerning the improvement of national legislation and National Action Plans and their implementation remains on the agenda for pS.

Prevention of THB remains a priority. Measures to prevent THB should address root causes and not be limited only to awareness-raising. Prevention policies, based on relevant information, should be developed. States should be open for exchange of information, dialogue and cooperation with other States, international organizations and civil society; OSCE field missions are also important partners in this regard. The system of National Referral Mechanisms and National Task Forces that has been developed in many participating States can be used successfully to contribute in the prevention of THB at the national level. Some pS have established 24h Hotlines for victims of THB. Measures of diplomacy, such as Annual TIP Reports, are also important tools of prevention.

OSCE should pay more attention to trafficking of children as they need special protection. New threats such as corruption, organized crime and terrorism are also often connected with THB. Prevention of crime and an aim of making THB not

profitable help to reduce THB. As no State can combat organized crime, including THB, alone, international cooperation is vital.

Prostitution and sex work can never be seen as a decent work, at the same time it should be noted that THB does not consist only trafficking for sex purposes but also of other forms of trafficking. THB should be looked into more broadly as it does exist in different spheres of life, for instance in domestic services, in labor, agriculture and it should be analyzed where the problems actually lie. THB is a new form of slavery within and over borders of OSCE.

Current economic crises can give additional boost to THB, as loss of employment, vulnerability of labour migrants and raise of intolerance in many OSCE countries can have negative effect to most vulnerable groups, including persons belonging to Roma community. Social protection in a broader term and such measures as education, access to labour, justice and good governance are important to prevent THB. It is important to understand trafficking aspects of migration, for example, more efforts from pS to avoid tax evasion can also be productive to combat economic exploitation.

The process of identification of victims of trafficking and their rehabilitation remain slow. Training of officials to recognize victims of THB, and not only victims for sexual purposes, should be paid continuous attention and States can cooperate in training relevant officials. PS need more political will to tackle better with the question of identification. Special Representative and Co-coordinator for Combating Trafficking in Human Beings and ODIHR can continue assisting pS in research and data collection.

The questions of access to justice and compensation to victims of THB were discussed. Victims are often stigmatized and treated as illegal immigrants, imposing a ban to stay or re-entry in a country of destination prevents them from raising legal claims for compensation. All victims of crime should be treated in equal manner by authorities; victims of trafficking should be never blamed, human dignity of a victim should always be respected. Question of free legal aid for victims of THB was raised, including at the time of execution of judgments.

THB is a crime and violation of person's human rights and dignity and a common failure to the society. Attention should be paid to the demand side of THB. Moral and ethical values, respect for human rights, life and human dignity can help to reduce the demand. States have issued relevant information materials to inform about THB. Creation and retention of shelters for victims of THB is necessary, but it is a difficult task from the financial perceptive especially in cases where shelters are maintained with the help of foreign donors.

Claims for compensation of damages can be made by victims of THB in criminal or civil proceedings but the actual positive outcome remains to be low. There is a need for better implementation of existing national legislation that would allow claiming damages by the victim of THB; also the pS should, where necessary, identify gaps in national legislation and fill them. Confiscation of criminal assets of traffickers can be used to compensate the damages to victims. It was suggested to reduce suspended sentences and avoid acquittals of traffickers and use sanctions fully as provided by

law to have deterrent effect. It was also suggested to have a special fund for assistance of victims of THB.

Safe and sustainable return of victims should be a rule and this helps to reduce re-trafficking but often necessary risk assessment is not carried out. Cooperation of authorities with civil society, including religious communities, which represent the needs and interest of trafficked persons, in safeguarding a safe, dignified and sustainable return of a victim to one's country of origin, is of paramount importance, as well as cooperation of public private partnership. Enhancement of cooperation between law-enforcement agencies would also be useful.

OSCE should focus more on implementation of existing commitments; finding out shortcomings in this area would indicate ways to improve the situation. Fight against THB should be made a priority to MC. PS should allocate enough resources to combat THB.

It is necessary to ratify relevant international UN and CoE instruments to combat THB. Council of Europe THB treaty concentrates on the protection of victims and has a specific monitoring mechanism GRETA. Cooperation between international organizations (UN, CoE, OSCE) to combat THB is vital, at the same time duplication should be avoided. Political networking and international cooperation are of great value in combating THB.

Working Session paid tribute to the work done by Eva Biaudet, the Special Representative and Co-ordinator for Combating Trafficking in Human Beings and her dedicated staff.

### ***Working Session 7: Tolerance and non-discrimination II***

*Rapporteur: Ms. Paula Vicente, First Secretary, Permanent Mission of Portugal to the OSCE*

<p><b>No. of statements: 35</b> <b>Participating States: 11</b> <b>NGOs: 18</b> <b>Other: 6</b> <b>Rights of Reply: 1</b></p>
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Working session 7 addressed the issues of equality in opportunities for women and men, the implementation of the OSCE Action Plan for the Promotion of Gender Equality and prevention of violence against women.

In his introductory remarks, Ambassador Janez Lenarcic, ODIHR Director, drew attention to the challenges faced by participating States and the OSCE as an organisation in ensuring equality between women and men and emphasised the importance of promoting gender-mainstreaming both at national level and in the organisation's internal structures and policies.

The introducer, Ms. Violeta Neubauer, Member of the UN Committee on the Convention for Elimination of All Forms of Discrimination Against Women (CEDAW), reviewed the implementation of the OSCE Human Dimension commitments towards achieving gender equality and non discrimination of women on the grounds of sex and gender.

While recognising that many positive developments were registered within the organisation during the one year cycle of the implementation of the gender equality Action Plan, Ms. Neubauer underlined that participating States hold the primary responsibility and are particularly accountable within the OSCE for its implementation. In a broader sense, it was also considered that State responsibility in the promotion of gender equality is also established at the international level by the formal recognition that women's rights are an inherent part of the universal human rights that states must uphold, respect and promote.

Ms. Neubauer emphasized the importance of international legal instruments, namely the United Nations Security Council Resolution 1325 on women, peace security and security and highlighted the importance of the OSCE and of the participating States to reinforce their actions and measures to empower women in the political-military dimension as required in the Action Plan and in the Ministerial Council Decision 14/05.

In order to accelerate the achievement of gender equality, Ms. Neubauer recommended the following:

Firstly, gender issues should be stated firmly in the agenda (as an issue for the society as a whole and) as one of the priorities;

Secondly, effective national gender equality legislation should be developed, adopted and enforced and gender perspective integrated in all areas of governance;

Along with this, gender equality mechanisms should be strengthened and their political legitimacy reinforced in order to implement and monitor equality policies and gender mainstreaming;

Also, adequate funding of equality policies should be ensured;

Furthermore, all necessary means and measures to prevent violence against women should be provided;

And finally, regular and consistent channels of cooperation between government institutions and civil society should be established.

Many participants provided information about their national experiences and legislations on gender equality, promotion of women's participation in public life and making further efforts in order to prevent violence against women. The majority of the participants expressed deep concerns about existing violence against women, in particular domestic violence.

Participants referred to the fact that in some countries there is a lack of domestic violence legal framework; in other countries, although the appropriate legal framework has been adopted, there is a lack of implementation in practice. Furthermore, adequate training for law enforcement and social workers was deemed essential.

Some participants called on participating States to nominate qualified female

candidates and on OSCE to select qualified women for positions and to send qualified females in police and military peacekeeping operations.

Finally, many participants commended the work of OSCE/ODIHR in assisting participating states and by publishing relevant material.

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

To participating States:

- to increase their responsibility for gender equality and enhance their institutional mechanisms for this purpose;
- to better implement the legal framework on discrimination against women, taking care especially when looking at women's participation in education and politics;
- to address discriminatory practices that exclude women from decision-making processes.
- to consider the use of quotas and their implementation in order to increase women's political participation;
- to raise public awareness, namely through information campaigns, on gender equality;
- to make available the necessary funds in order to guarantee the success of the implementation process of National Action Plans on Gender Equality;
- to improve the process of Gender Mainstreaming at all central and local levels;
- to involve more men in all programs and policies of Gender Equality;
- to identify and nominate qualified female candidates for posts in OSCE, and to support them in recruitment process.

To OSCE institutions, executive structures and field missions:

- to work with participating States to ensure that commitments in the action plan, particularly gender mainstreaming, are implemented;
- to assist participating States in dealing with domestic violence, including countries without Field Missions;
- to help develop information campaigns to change traditional mentalities on domestic violence;
- to train OSCE Field Staff dealing with conflict management to include women in their work;
- to strengthen support for programmes to increase economic potential and status in women;
- to make OSCE documents more responsive to women, particularly to women living in poverty, by developing strategies for development in literacy and education, on ending violence against women, and on access to employment.

## **Working Sessions 8 and 9 - Human Rights Education**

*Rapporteurs: Mr. Jerzy Gierasimiuk, Second Secretary, Permanent Mission of Poland to the OSCE (WS 8); Mr. Andrew Price, First Secretary, United Kingdom Delegation to the OSCE*

<p><b>No. of statements: 37</b> <b>Participating States: 10</b> <b>NGOs: 18</b> <b>Other: 9</b> <b>Rights of Reply: 3</b></p>
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1. A high quality comprehensive education in human rights can provide the knowledge needed to protect human rights as well as the skills needed by citizens to enable them to promote and defend human rights in everyday life. In this way, Human Rights Education (HRE) can be one of the best tools for building a peaceful multi-cultural society. These two working sessions comprised a Special Day devoted to a review of the implementation of participating States' commitments in the field of HRE. It also looked at ways in which HRE could contribute to greater security through conflict prevention and reconciliation.

2. ODIHR in co-operation with other international organisations (UNESCO, UNOHCHR and CoE) has produced a compendium of good practices, entitled Human Rights Education in the School Systems of Europe, Central Asia and North America. This new compendium, containing more than a hundred best practices from 38 different countries, serves as a potentially useful treasury of collective experiences in this field.

3. The Council of Europe has been active in the field of HRE for many years. It has experience of developing HRE programmes to help young people play their role in democratic society. It is currently preparing a non-binding charter on democratic citizenship. The CoE offered to share its experiences with OSCE States that were not CoE members.

4. The United Nations High Commissioner for Human Rights had been given a mandate to coordinate programmes on HRE. The first phase of this work has focused on integrating HRE into school systems, including by providing guidance on national implementation. The second phase starts next year. Its focus will be on HRE in the higher education sector and on training programmes for teachers, civil servants, the police and military personnel. Work is also underway on a draft UN Declaration of HRE for the March 2010 Human Rights Council.

5. NGOs expressed concern that, in some States, there was a wide gap between the stated aims of governments in respect of HRE, and implementation on the ground. Education institutions were not always sufficiently empowered to enable young people to understand their human rights and to undertake their duties and responsibilities in accordance with these rights. In some States, there appeared to be no HR teaching in schools at all. In some States there was a lack of resources, including sufficient specialists to teach HR in schools and universities.



6. Some NGOs claimed there was a lack of political will to ensure adequate levels of HRE among state officials. In such circumstances, a lack of human rights awareness, especially among the police and other law enforcement bodies, made HR violations (e.g. forced confessions) more likely. Even where States made HR training available, some did not always provide sufficient incentives for the training to be undertaken. More generally, state officials were not given adequate incentive to learn and respect their human rights obligations. NGOs noted that officials working in local authorities were less likely to be aware of their human rights obligations than those working for national state institutions.

### **Recommendations**

- States should strengthen their commitment to international standards of HRE. National plans on HRE should conform to international standards.
- States should accept responsibility for the provision HR education and ensure that it is made an integral part of the national schools curriculum. HRE could be taught as a separate subject or as a broader issue to be included across the curriculum.
- States should train sufficient teachers in human rights issues and ensure, through monitoring, that the issue is taught properly in schools.
- States should consider the special case of national minority schools.
- HRE programmes should focus not only upon the teaching profession, but also upon the police and other law enforcement bodies, the civil service and the military.
- HRE programmes should have a clear link to conflict resolution and reconciliation.
- In developing and implementing HRE programmes, States should work in close co-operation with relevant NGOs and education bodies.
- States should monitor progress on implementation of HRE programmes, including by appointing focal points to report on developments at local and regional levels.
- ODIHR documents on HRE, especially the compendium of good practices, should be made widely available, including in national languages.
- ODIHR should assist participating States to develop HRE programmes where programmes do not currently exist or where they are considered to be inadequate.
- ODIHR should help civil society to develop relevant HRE text books, including in national languages.

## **Working Session 10: Tolerance and non-discrimination II**

*Rapporteur: Mr. Usen Suleimenov, Deputy Head of Mission, Permanent Mission of Kazakhstan to the OSCE*

<p><b>No. of statements: 60</b> <b>Participating States: 15</b> <b>NGOs: 39</b> <b>Other: 6</b> <b>Rights of Reply: 4</b></p>
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During the session the leadership of ODIHR informed that the ODIHR Report on hate crime is ready and will be launched on 16 November. Also, last May, the SHDM on hate crime concluded that States have still to make efforts for addressing the challenges. Additional training for officials would be necessary. Tools developed by the ODIHR on how to address hate crime, how to combat anti-Semitism as well as intolerance against Muslims are available.

Further on, the session addressed the following key issues:

- Review of the implementation of commitments, promotion of mutual respect and understanding;
- Prevention and response to hate crimes in the OSCE area;
- Follow up of the 2009 Supplementary Human Dimension Meeting on Hate Crimes
- Effective Implementation of Legislation;
- Combating racism, xenophobia, and discrimination, also focusing on intolerance and discrimination against Christians and members of other religions;
- Combating anti-Semitism;
- Combating intolerance and discrimination against Muslims.

During the session it was mentioned that the data gathering is a fundamental and a pre-requisite to identify responses to hate crimes. One issue identified is the way the police responds and collect data related to hate crime. Policies in this regard are not always very clear. Reporting on hate crime still needs much improvement. Community policing needs also to be improved and a number of participating States (pS) should take a true commitment toward using community policing.

The delegations expressed a view that intolerance against Muslims is a challenge to democracy and threatens peace and security. Muslims are often portrayed as a threat to security. This may lead to discrimination. The incoming CiO is encouraged to continue focusing on intolerance against Muslims.

Also anti-Semitism often spreads through public discourse and punishment is rare. Few cases come to conviction. Hence less and less suits are being made as the efficiency is rather low. Press freedom laws in a number of pS are abused for spreading anti-Semitism.

It was mentioned that efforts by the ODIHR in combating Racism, Xenophobia and Discrimination have to be enhanced. The concept of European citizenship should be promoted.

It was pointed out that fighting intolerance is complex and requires a comprehensive response. Growth of hate crimes towards migrants has been noted in OSCE area. According to Fundamental Rights Agency, 55% migrants are victims of discrimination.

**A non-governmental organization** made 10 recommendations that are the result of a civil society meeting that took place on 4 October 2009:

1. pS should pass law to address hate crime
  2. pS should report more systematically on hate crime
  3. Strengthen ODIHR's work for gathering data and reporting on intolerance
  4. OSCE should commit to combating intolerance, including sexual orientation in all Ministerial Council decisions
  5. OSCE should ask pS to take action on violence against Muslims
  6. pS should uphold commitments on combating anti-Semitism
  7. On Roma: states should mandate training program
  8. Promote tolerance through internet
  9. Reconsider the role of Personal Representative of the CiO: one should be appointed for all religions.
  10. Rights of migrants should be respected
- Recommendations signed by 23 NGOs

During the session it was also stated that despite commitments taken in 2003, most of pS do not report on hate crimes. pS should step up efforts in combating hate crime, prosecuting offenders, monitoring and reporting on hate crime. Advocate for a Ministerial Council decision in 2009 that would reaffirm commitments relating to combating intolerance. OSCE, pS should keep on supporting the ODIHR. States should financially support training programmes for civil society

Some delegations called for ODIHR to monitor all human rights including rights of Lesbian Gays Bisexual and Transgender persons called for an MC decision on LGBT issues, and called for the the mandate of the Personal Representative on combating Racism, xenophobia and Discrimination to make an explicit reference to homophobia and transphobia.

Most of the delegations admitted that the focus should be placed on education and on monitoring internet. Participating States were encouraged to make better use of NGOs and research work.

Recommendations for Action on Human Dimension Issues:

- Call on the incoming CiO to establish one of the SHDM to focus on the problem of anti-Semitism, in first quarter of 2010.
- As a recommendation, EU Fundamental Rights Agency definition on anti-Semitism should be used systematically.

- Urge ODIHR to condemn campaign denying holocaust
- Strengthen ODIHR’s work for gathering data and reporting on intolerance
- Call on ODIHR to organize a SHDM on anti-Semitism in 2010.
- ODIHR should establish a dialogue with EU States to combat portrayal of Muslims as extremists.
- ODIHR should monitor all human rights including rights of Lesbian Gays Bisexual and Transgender.
- Call on Ministerial Council decision on LGBT
- A thematic report on challenges faced by news minority groups should be prepared by the ODIHR
- ODIHR should support contact with Organization of Islamic Countries
- Encourage ODIHR to continue working with pS in collecting data on hate crimes
- ODIHR should encourage dialogue between religious communities
- Recommends ODIHR and field missions to use all means to fight against intolerance against Christians
- Recommend ODIHR to organize a SHDM on combating intolerance focusing especially on internet

Mention of ODIHR:

- ODIHR is at the forefront of combating intolerance
- Appreciate the important role of ODIHR for combating intolerance against Muslims.
- Funds to ODIHR should be expanded as a means to continuing and deepening its work
- ODIHR’s report on hate crime is welcome.

## **Working Session 11: Humanitarian issues and other commitments II**

*Rapporteur: Ms. Ana Petric, Second Secretary, Permanent Mission of Slovenia to the OSCE*

<p><b>No. of statements: 32</b>  <b>Participating States: 9</b>  <b>NGOs: 19</b>  <b>Other: 4</b>  <b>Rights of Reply: 8</b></p>
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Humanitarian issues and other commitments, including:

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

Working Session 11 was devoted to the review of the implementation of the OSCE commitments concerning migrants, refugees and internally displaced persons (IDPs), and treatment of citizens of other participating States.

At the beginning of the session, the introducer spoke mainly about the problem of integration of migrants in Western countries, where the perception of migrants has changed over time. He pointed out that the fear of migrants is fabricated to distract from states' structural problems and inability to distribute justice and peace equally. The introducer specified three phenomena in this regard: *securitization of migrants* presenting migrants as a danger to society of the receiving country; *post-social* receiving states replacing welfarism with prudentialism leading migrants to create their own support mechanisms (parallel communities) to replace lack of state support mechanisms; and *trans-migration* due to the growing mobility of migrants in globalized world.

Many participants in the session pointed out that various human rights problems still exist in migrant communities in the OSCE region. In many countries migrants still live in bad conditions, do not receive full payment for their work, are arbitrarily detained, maltreated and held in inhumane conditions, are not protected from evictions or refoulement, and have no access to legal assistance. It was stressed that states should enhance the protection of migrants, especially during the current economic crisis. In this context the participants warned of particular vulnerability of migrants, who can easily become victims of xenophobia, discrimination, and negative stereotyping. Furthermore, the economic recession impacts disproportionately on their wages, working and living conditions, unemployment levels, and social benefits.

In this context the need for close cooperation between migrants' countries of origin and destination was stressed, based on international norms and taking into consideration the protection of the rights of migrants and their families. The possibility of bilateral labor agreements should be explored further since they lead to better regional migration management. It was underlined that if states did not improve legal and humane labour migration policies, illegal migration would continue. Another issue raised was the role of the media in preventing xenophobia and discrimination. It was also mentioned by the participants that the role of international organizations and civil society remains 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, right to culture, access to courts, citizenship, and work permits. They also informed on their efforts to improve mechanisms of regulation and to allow foreigners more access to the labor market.

Most of the discussion in this session was devoted to the question of refugees and IDPs. Participants stressed that states are not adequately implementing their commitments to protect and respect human rights and fundamental freedoms of refugees and IDPs. They reported on continuing forced returns of asylum seekers to their countries of origin, on human rights violations during expulsion and detention of foreign nationals and inappropriate detention conditions for asylum seekers. Although international law obliges states to respect the principle of *non-refoulement*, meaning that refugees should not be transferred to a place where they are at risk of torture, cruel, inhuman treatment or punishment or of other serious human rights abuses, there are still cases of such actions by states. The participants of civil society warned on the consequences of the extension of detention periods pending deportation in some participating States. They have also warned that the decision-making process in

asylum proceedings is often not transparent and is influenced by government politics or ethnic profiling and involves corruption.

In discussion much attention was given to the question of refugees and IDPs resulting from the conflict in Georgia in August 2008 and also in the post conflict-affected area of the former Yugoslavia.

Regarding the topic of treatment of citizens of other participating States, a number of cases of positive steps, such as visa regime liberalization, were mentioned, while at the same time serious limitations were observed in the area of the freedom of movement, free choice of place of residence, and contacts among the citizens of participating States. It was also welcomed that many OSCE participating States have projects against statelessness, which is particularly important for Roma and displaced persons with undocumented nationality.

During this session many specific and concrete recommendations were given to the participating States and the OSCE. Summarizing, the participants recommended the following:

- Special attention should be given by the OSCE, especially by the Office of HCNM, to the solution of the situation of refugees and IDPs resulting from the conflict in Georgia in August 2008.
- OSCE participating States should review the implementation of OSCE commitments concerning migrants, refugees and internally displaced persons (IDPs) and discuss gaps.
- OSCE participating States should adopt a global and coherent approach to the question of migration.
- OSCE participating States should further raise awareness of the issue of migration in the media and should educate people, and also journalists, on this matter.
- Origin and destination countries should cooperate more in the field of migration.
- ODIHR should help OSCE participating States to revise migration legislation so that it meets OSCE commitments and international law standards.

## ***Working Session 12: Freedom of expression, free media and information***

*Rapporteur: Mr. Patrick Connell, U.S. Mission to the OSCE*

<p><b>No. of statements: 36</b> <b>Participating States: 10</b> <b>NGOs: 23</b> <b>Other: 3</b> <b>Rights of Reply: 0</b></p>
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The first of two half-day plenary sessions on Media Freedom marked the final HDIM appearance of the OSCE's acclaimed Representative on Media Freedom Miklós

Haraszti. ODHIR Director Ambassador Lenarcic, quoting Mr. Haraszti, said the situation of media freedom in the OSCE has not improved markedly – and has even moved backwards in some areas. Mr. Haraszti identified the growing concentration of media ownership into the hands of large monopolies as one of the most pressing problems facing the OSCE. He also discussed the lack of pluralism in the media; issues surrounding the Internet; the continued criminalization of libel and insult; and the massive fines designed to put media outlets out of business as all serious issues requiring attention.

Mr. Haraszti said there should be a ceiling to fines imposed on media outlets that is defined by the survival of the outlets. Throughout his intervention, Mr. Haraszti cited examples from many countries where media freedom is at risk, including on several occasions the Russian Federation and Kazakhstan.

There were almost thirty interventions from NGOs and participating States. Many NGOs were strongly critical of the Republic of Kazakhstan. One NGO said that despite Kazakhstan's approaching assumption of the OSCE Chair in Office, assumption of the position has not stopped Kazakhstan from "infringing major OSCE rules" and the Kazakh chair "compromises the OSCE." The NGO said promises made by the Kazakhstani Foreign Minister in Madrid were not being followed and that Kazakhstan was "becoming a despotic state." The NGO said that the lifelong presidency of President Nazarbayev was contrary to democratic principles. Another called upon President Nazarbayev to repeal the new law on the Internet. An NGO representing a newspaper decried the fact that Ramazan Yesergepov was dragged from his hospital bed nine months ago for doing his duty as a journalist and convicted in an unfair trial. His spouse explained that she has been denied access to her husband and that his declining health issues have been ignored. "Please tell the democratic community in the world that Kazakhstan is killing off freedom of speech, where the rights of man and fundamental freedom of speech is being destroyed," she said.

The Kazakhstani case Yevgeni Zhovtis also featured in many government and NGO statements, along with complaints about Kazakhstan's new Internet law.

One participating State identified a troubling and growing number of journalist murders in Russia – including: the third anniversary of the murder of Anna Politkovskaya and the fifth anniversary of the slaying of American journalist Paul Klebnikov, editor of *Forbes Russia*. This speaker commented on the fact that several Russian journalists and human rights activists have been killed in the past year alone and that at least a dozen journalists were reportedly detained and beaten by special OMON forces dispatched by Moscow to the Far Eastern city of Vladivostok to suppress peaceful protesters organized by a grassroots car owners' group. Problems inhibiting a free press were also identified in Kyrgyzstan and Kazakhstan, Armenia, and Azerbaijan. The speaker also raised the case of Chauncey Bailey, an American journalist, who was gunned down in California two years ago because of his investigation into a local business.

Columnist Anne Applebaum spoke as a guest and identified the need for more, not less journalism, as one manner of easing out-of-control nationalism fostered by poor journalism promoting national interests rather than a pursuit of the truth.

One delegation extolled the freedom of the internet in Russia and said that certain dangers (including terrorism, pornography and trafficking) needed to be guarded against.

In almost 30 NGO interventions, repeated speakers singled out the Russian Federation for what they called “the air of impunity” which prevails there given limited number of arrests or convictions after attacks on journalists. An NGO said more than 200 journalists have been killed (most shot to death) in Russia since 1992.

A group of countries joined its voice to those criticizing Uzbekistan and Turkmenistan for their serious media freedom problems as well as Croatia, Kyrgyzstan and Russia for the fact that journalists are being killed in those countries as well as the problem of libel being improperly used in Kazakhstan, Montenegro, Serbia and Turkey as a continuing problem.

Journalists complained that television and radio stations in the north of Cyprus are blocked from transmitting into the south and that international journalists are prevented from entering the north. Additionally, they said that Greek Cypriot newspapers regularly refused Turkish Cypriots advertisements.

A group said there was a need to balance human rights and freedom of expression with the desire to secure a tolerant society. However, they argued that the right not to feel offended should not be promoted even while at the same time, freedom of expression should not be used to vilify others.

A government explained that in Belarus, no attempt is made to regulate the Internet and noted the constructive cooperation with the RFOM in Minsk. The government called for the creation of a code of journalistic ethics for the Internet.

Another Government noted a trend toward restricting freedom of expression for the sake of traditional moral or religious values. “We united by these values – they are the pillars of free society and we should not let media censure be the cost of combating extremists,” this speaker said. Likewise, an NGO said there were new challenges emerging under the guise of religious sensitivity, adding that the Christian Church has flourished despite a millennium of criticism. An NGO said cartoonists and others who characterized people in a way that made genocide possible received death sentences and terms of imprisonment at Nuremburg after World War II.

An NGO representative said there was no free media in Turkmenistan and identified the fact that Serbia no longer prohibits hate speech as the most serious problem there. The group also said that Yevgeny Zhovtis should receive a new trial.

An advisor to the President of one participating State commented that based on interventions, one might think that women were in favor of media freedom while men opposed it. He said in Kazakhstan there is an official newspaper (Pravda) read by those in power and there is Time and Panorama read by those who own the country – and then there are other papers read by those who would like to own the country. He said in Kazakhstan there are over 270 mass media outlets now, whereas 20 years ago, there were very few. He added that opposition papers also get subsidies.



An NGO described the assault suffered by one member of Kazakhstan’s civil society taken as a threat against going to HDIM. The beating was so severe that his finger was severed from his hand. Another NGO said Kazakhstan has started a war against the independent media and was bringing court cases against papers not favored by the government in order to bankrupt them. He described police seizure of one newspaper, including their taking the very notebook out of his own hands.

A government commented that the effective promotion of human rights implies freedom of expression and said one of first laws passed in Armenia in 1991 was to guarantee freedom of expression in the media. He added that a free press does not mean the irresponsible opportunity for journalists to spread of unreliable information. This speaker said the OSCE should pay more attention to negative uses of the media.

Mr. Haraszti praised the wisdom of the Greek CiO for giving two one-half days for this topic. In his closing remarks, he cited Kazakhstan’s failure to live up to its commitments on media freedom and for passing what he termed “a draconian law” on the Internet. Mr. Haraszti also identified the admirable goal of wanting to limit terrorism as all too often serving as an improper basis for laws designed to curb free speech. He concluded that the different nature of the Internet meant that old ways of dealing with freedom of media issues would no longer be applicable. “You can crack down on hate speech nationally – but it is very difficult to do so internationally. If you only apply old national tools, it will not work.” Mr. Haraszti warned against mixing the universally acknowledged crimes of child pornography and trafficking in persons with political disputes, interethnic and inter-religious criticism, or criticism of state officials when it comes to the Internet.

### ***Working Session 13: Freedom of expression, free media and information***

*Rapporteur: Ms. Laura Carey, U.S. Department of State, Bureau of Democracy, Human Rights and Labor*

<p><b>No. of statements: 25</b> <b>Participating States: 6</b> <b>NGOs: 17</b> <b>Other: 2</b> <b>Rights of Reply: 4</b></p>
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The session was well attended, and due to the large number of interventions each was limited to four minutes. Statements at the beginning of the session included those for which time did not allow in the morning plenary.

A number of interventions stressed the need for participating States to protect journalists and media workers from harassment or intimidation and to ensure that various laws affecting the media or expression are not used to unnecessarily constrain them. Some participating States and NGOs expressed concern over criminal defamation laws, including cases which have resulted in imprisonment. The

imposition of large fines on media outlets for breaches of media laws, which in some cases contributed to extreme financial hardship or closure, was also described as a chilling effect on media freedom. Laws against hate speech were identified by two participants as unjustly constraining free expression. The digitalization transition in a number of participating States' broadcast media was also identified as an area where media pluralism is at risk. Three participating States—Kazakhstan, the Russian Federation, and Belarus—were the focus of a substantial number of interventions.

Many participating States and NGOs commented on media conditions in Kazakhstan. Several participants stated that, in the run up to the 2010 OSCE Chairmanship, the media climate in this participating State is worsening via a number of lawsuits against media outlets and may indicate a campaign to dampen the flow of information. The situations of two independent newspapers, Tazhargan and Respublika, were highlighted. One media representative stated that government intimidation had negatively influenced printers from producing their publication. This participating State replied that absolute freedom of speech could not exist without causing chaos and that its Internet law and provisions against discriminatory propaganda or leaking of state secrets were not unnecessarily restrictive. The participating State pledged to do its utmost for the development of free speech and mass media, linking these freedoms to the strength of a nation.

Some participants expressed concern over the prosecution in the Russian Federation of an employee of the human rights organization Memorial, which resulted in a fine for statements expressing sentiment that the leadership of Chechnya bore responsibility for the death of a prominent journalist and human rights activist who worked there. The participating State recalled presidential statements acknowledging that this troubling violence against journalists exists within its borders, and then presented for consideration some cases indicating possible pressure or restrictions on the media in the United States.

Some statements indicated that changes in the media situation in Belarus, including the registration of some publications, were welcome, but that further, meaningful steps are necessary to implement OSCE commitments. This participating State replied that problems facing 11 banned media outlets were being resolved and that state mass media did not receive special treatment.

Some states said that government-sponsored propaganda was prevalent in some participating States' media, and that this was incompatible with the principles of media freedom.

One NGO participant questioned the conflict in one participating State between its prime minister and a media outlet. The participating State stated that there is a need to reconcile freedom of the press with freedom of the individual.

On freedom of information, some participants stated that limited knowledge or misinterpretations of what constitutes confidential material sometimes resulted in violations of this right.

Many participating States and NGOs commended the Representative on Freedom of the Media for his work. In closing the Representative urged that the approach pitting

the need for stability against broader freedom of speech should be replaced with an approach of self-restraint on the part of the powerful state. He called for readiness to cooperate, not just finger-pointing. He urged participating States to engage in meaningful dialogue with media outlets and civil society, including views from those who disagree with them. He urged that this dialogue should appear not just in the context of international gatherings but in domestic contexts and that a civil, respectful tone is warranted. He cited the leaders across the OSCE region sometimes have difficulties accepting criticism but that such political expression must be protected. He underscored his office's concern with broadcast media and transitions to digitalization and pledged a publication on this topic.

Recommendations:

-Participating States should conduct independent, impartial investigations into violence or intimidation of journalists and explore possible links to government officials.

-Participating States should cease proceedings against bloggers or journalists motivated by political grounds.

-Participating States should decriminalize libel.

-With respect to laws on hate speech, states should encourage objective debate rather than restricting it and should cultivate a climate of tolerance.

-Complex legal frameworks should be clarified to reduce bureaucratic constraints on media

-Non-state media should be able to operate on an equal basis with state funded outlets

-Journalists should be allowed to report on all major events

-Laws on extremist activities should be brought into line with international standards and ensure protection of free speech.

-Participating States should dedicate efforts to train journalists and civil society in support of promoting freedom of expression.

### ***Working Session 14: Roma/Sinti and, in particular, early education for Roma and Sinti children***

*Rapporteur: Ms. Eva Yiasemidou, Second Secretary, Permanent Mission of Cyprus to the OSCE*

<p><b>No. of statements: 29</b> <b>Participating States: 11</b> <b>NGOs: 12</b> <b>Other: 6</b> <b>Rights of Reply: 5</b></p>
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Working session 14 was dedicated to the topic of participation of Roma and Sinti children in early education processes. The discussions demonstrated that disturbing trends and lack of equal access to education still persist, despite some encouraging steps and policies developed by the participating states, international organizations, and the civil society.

In his introductory remarks, the Director of ODIHR Ambassador Lenarčič, highlighted the Status Report, which assesses the progress made so far as well as the remaining challenges based on the commitments of the Action Plan. The Report identified a worrying trend in many participating States in fields such as the education, housing, employment etc. Under the Finish CiO, the OSCE participating States made an important step forward by adopting in Helsinki the MC Decision 6/08 which calls upon the States to enhance their efforts to implement Roma and Sinti related commitments, placing a particular focus on the issue of equal access of Roma and Sinti children to early education. As a follow up to this MC Decision, the ODIHR issued a Questionnaire addressed to the participating States and the civil society, with the aim to gather information and data on the situation of participation of Roma and Sinti children in early education processes. The Director expressed appreciation for the submission of input by 24 States and 13 civil society organizations. As empirical data presents, Roma and Sinti children's enrolment and participation in preschool education is much lower compared to majority children, and the Roma children enrolled in preschool education are spending in average half of the time spent by non Roma children. This situation is impacting seriously on the future of Roma children; it was therefore underlined that participating States and the relevant stakeholders must enhance their efforts and prioritize on addressing this important issue. The necessity was stressed to enhance the efforts and address the issue in a more effective way. ODIHR has over the last years continued to address some of the issues of racism and discrimination toward Roma communities, including paying an increased attention to the recent developments in some participating States; in this framework the ODIHR has conducted a field visit to Hungary, to assess the human rights situation of Roma living there; organized a scholars conference with the topic: Extremism and the Roma and Sinti in Europe: Challenges, Risks and Responses; Co-organizing an International Conference on Roma Freedom of Movement and Migration; supported the organization of an international roundtable, in Prishtina, on the issue of Sustainable Integration of RAE; supported several researches and publications (i.e. Roma migrants in Spain, Romanian Roma deported to Transnistria during the WWII). In closing, the Director underlined that ODIHR would like to hear in this session about what participating States and NGOS do regarding early education of Roma and Sinti children, and how can all of us do better our joint work and ensure that Roma children will benefit equally from this crucial stage of education.

The Senior Adviser on Roma and Sinti Issues, Mr. Mirga, introduced the session by providing a definition of early childhood education. He reminded that in the work of UNESCO, Early Childhood Education (ECCE) is viewed as a right, recognized as such also in the UN Convention on the Rights of the Child. Researches carried out globally, such as the OECD report "Starting Strong" and the UNESCO Education For All Global Monitoring Report, point to the importance of intensive early childhood educational intervention as the most effective vehicle for securing sustainable

educational success and for eroding the disadvantages of poverty, marginalisation and the impact of parents with poor educational backgrounds. The Council of Europe has been proactive in addressing the early education needs of Roma children and described the objective and main purpose of nursery school as “the theoretical and practical educational foundation on which the learning that will become systematic at primary school is built and developed.” The European Union is increasingly paying attention to the early education of disadvantaged groups. As it is underlined in a Communication from the Commission in 2006, high-quality pre-primary education is viewed as essential for long-lasting benefits in terms of personal achievement and socialisation, especially for children with disadvantaged backgrounds. The 2008 EU Roma Summit Conclusions and the European Platform for Roma Inclusion open new possibilities for further work in this area. There have been a wide range of governmental and civil society efforts focusing on the education of Roma children. Education is one of the four main pillars of the Decade of Roma Inclusion. Recognizing the importance of early education as an instrument for preventing social exclusion and marginalization and for effecting a long-term improvement in the situation of Roma and Sinti, the Ministerial Council last year adopted a decision on Enhancing OSCE Efforts to Implement the Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area. The Decision is guided by the idea that there is a need to invest more in and prioritize a strategic area, such as the one of early education, which has the potential to lead to a breakthrough in the situation of Roma and Sinti on the long run. The Adviser expressed appreciation to the Finnish and Greek Chairmanships for recognizing the importance of this area and for all the OSCE participating States for supporting the adoption of this very important decision. He went on to refer to ODIHR’ efforts to gather comparative data for an overview of the situation of Roma and Sinti children’s access to early education. Many Roma children enter first grade without any preparation for their school experience. Manifold obstacles were identified such as the lack of registration and documents, the lack of enough places, the internal criteria of preschools, the unemployment of parents that is used as a justification, the lack of transportation, the inability to pay the costs, the hostile environment, the language barriers etc. Ensuring that Roma and Sinti have adequate start was identified as a prerequisite to break out of the vicious circle of dependency, as well as an effective tool to combat disproportionate channelling of children to special schools.

The representative of the Office of the OSCE High Commissioner for National Minorities stressed the importance of education as a major integration tool for cohesive societies. On the basis of his 15 years experience on conflict prevention activities throughout the OSCE region it is the High Commissioner's strong belief that disregarding the role of education as a tool for integration not only limits the individual's possibility to reach their personal and professional potential to their fullest but may also hinder the development of a cohesive society. The situation of Roma and Sinti has been, and remains, an issue of major concern for the High Commissioner. The main general conclusion of all the HCNM reports and statements on the Roma issue since 1993 is that discrimination against Roma and Sinti persists in many key areas of life such as education. In fact, education related issues have traditionally been prominent in all the HCNM reports on the situation of Roma and Sinti in the OSCE area. Problems such as illiteracy, lack of formal education and segregation were highlighted in the relevant HCNM reports and concrete recommendations were brought forward. Conscious of the importance of education

for the successful and sustainable inclusion of the Roma and Sinti across the OSCE region, the High Commissioner systematically raises this issue during his bilateral visits in cases where it is relevant. More specifically, the High Commissioner consistently raises the issue of the persistent segregation of Romani children in the education system – either in special schools and classes for children with mental disabilities and learning difficulties or in Roma-only mainstream schools. In the view of the High Commissioner such segregation violates the Roma children’s right to an education free from discrimination; gives little possibility for reintegrating into mainstream schools or advancing to secondary education; and diminishes their future employment prospects. On the basis of his clear mandate on this issue, stemming from the 2003 Action Plan that tasks him to assist participating States to comply with their commitments to provide free and equal access to public education to all members of society and to improve the situation of Roma and Sinti people in this respect, the High Commissioner constantly underscores his concerns, seeks to raise awareness and offers his expertise to the participating States in view of planning, preparing and implementing concrete relevant policies and legislative decisions. The Office of the HCNM is working closely with other international organizations such as the Council of Europe and the EU. Last year, a Study on Roma Migration was commissioned jointly by the Office of the OSCE High Commissioner and the Office of the High Commissioner for Human Rights of the Council of Europe and a joint action program on Roma was adopted last year by OSCE, the Council of Europe and the EU Fundamental Rights Agency. In the framework of the implementation of this joint action programme, the three organisations have issued a joint press release on International Roma Day and are planning to hold a Joint Conference on Roma Migration that will take place in Vienna on 9 and 10 of November. Education related issues are prominent in all the above initiatives.

In the discussions that followed, participants recognized that Roma people are disproportionately affected by social exclusion, prejudice and discrimination. Many participating states that took the floor, referred to the programmes and policies adopted by their governments in order improve the situation of Roma and Sinti. Other international organizations and NGOs also highlighted various actions undertaken in this field.

Participants recognized the importance of early education as an instrument for preventing social exclusion and marginalization and for an effecting long-term improvement in the situation of Roma and Sinti. The significance of education as a major integration tool that allows individuals to reach their full personal and professional potential was also stressed.

Many participants criticized the practice of persistent segregation of Romani children in the education system, either in special schools and classes for children with mental disabilities and learning difficulties, or in Roma only mainstream schools. Some participating states provided information on the progress achieved in this regard and on the relevant steps taken by their governments.

Some participants referred also to the necessity of fully implementing the relevant judgment of the European Court of Human Rights.

The rising of an aggressive and violent “anti-Gypsyism” was also a matter of grave concern for a number of participants.

Various obstacles to access to early education were identified, such as the lack of registration and documents, the unemployment of parents and the ignorance of the need to educate their children, the inability to cover the costs, the fact of living in remote areas with no means of transportation, the language barriers, the hostile environment and the segregation.

The following recommendations were made during the Working Session:

- Enhancement of efforts by participating states and relevant stakeholders for ensuring access to adequate education, starting from the stage of early education.
- Access to mainstream schooling and elimination of practice of school segregation.
- Free of charge and compulsory early education programmes in an integrated environment, following an inclusive approach that covers all levels (legislative, institutional, operational).
- Active involvement of representatives of Roma and Sinti communities in the establishment or improvement of early education initiatives, in close consultation and collaboration with relevant authorities and NGOs.
- Identification of solutions that could diminish the disadvantage caused by the lack of early education in the regular form (“summer kindergarten”).
- Provision of methodological and financial aid from the Governments for the integration of Roma children into regular classes.
- Development of monitoring and evaluation systems.
- Adoption of a comprehensive approach, since the improvement in employment, housing situation, living conditions and access to social services are linked to the success in the education field.
- Undertaking of awareness raising initiatives aiming at convincing parents and children of the importance and benefits of education.
- Special attention to be given to girls.
- Conducting seminars and trainings for teachers and school administration.
- Providing of education in mother tongue and adoption of special measures to increase school attendance.
- Employment of Roma assistants and educators in schools.
- Developing and implementing intercultural curricula for schools.
- Addressing the issue of transportation to school.
- Provision of free textbooks.
- Organizing of awareness rising campaigns aiming at changing stereotypes and prejudices.
- Collection of data and undertaking of relevant research and studies.
- Enhancement of international co-operation on Roma issues.

- Acknowledgement of the gravity of racially motivated crimes and investigation and protection of Roma communities from racist attacks.

### **Working Session 15: Roma/Sinti and, in particular, early education for Roma and Sinti children**

*Rapporteur: Ms. Katarina Zakova, Second Secretary, Permanent Mission of Slovakia to the OSCE*

<p><b>No. of statements: 18</b>  <b>Participating States: 6</b>  <b>NGOs: 9</b>  <b>Other: 3</b>  <b>Rights of Reply: 1</b></p>
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The introducer presented the new Education Law in Romania which among other things extends compulsory education to one year of preschool education, and three key projects for the disadvantaged groups. Measures were taken in the country for education of

Roma children and their enrolment for the early education. The government offers different kinds of support for the needy.

The government runs several programmes and projects, benefitting also from EU funding, focusing on education including education of Roma children such as rural rehabilitation programme due to lower quality of education in rural areas or access to education for disadvantaged groups as a PHARE programme funded by the EU. There is ongoing National programme for early childhood education reform in the country including sub programme for the neediest Roma communities, done in co-operation with some of Roma NGOs and with financial support from EU structural funds.

The issue of desegregation of schools has also been tackled since 2005 and in 2007 the ministry of education issued an order to forbid segregation and proceed with desegregation where exists. However, based on the monitoring done by Roma NGOs, the order is highly non-implemented thus far.

Although important measures were undertaken thus far, and several projects are currently ongoing, there is still a lot of work remaining to be done which require transcending the project-like approach and replacing it with long-term and systemic change.

A major challenge lying ahead is that education institutions alone cannot solve the problems faced by Roma children in accessing early education and quality education; non-participation in education and early school drop out is directly influenced by the poor socio-economic status of Roma families, factors that are out of the reach of education ministry and schools. Multi-institutional approach and cooperation with NGOs and Roma parents appear to be the right and more efficient approach in solving these complex challenges.

ODIHR Contact Point for Roma and Sinti Issues presented activities carried out this year to implement its task given by the MC Decision 6/08, focusing on equal access of Roma and Sinti children to early education. Based on replies from participating States to the ODIHR questionnaire, a cross-countries comparative report, as an



overview of the situation of Roma and Sinti's access and participation to early education will be made available soon.

In the discussion numerous delegations of governments and non-governmental organizations presented measures and initiatives undertaken in their countries to ensure opportunities for the Roma children and their early education. School start programmes, school assistance programmes, bilingual teaching, housing programmes, programmes for disadvantaged families, programmes for Roma children and adults or programmes with focus on sport and culture as converging phenomenon between majority and minority communities were offered as good practices. Also projects and measures of the EU were welcomed.

One delegation pointed out that there appears a gap between policy of a capital on one hand and reality at local levels on the other, and that more attention shall be devoted to local practices where human factor is involved and decisions are made. Decentralisation of responsibility but central control of quality was recommended. An attention was called to the need of revocation of intended and also unintended segregation of Roma children which still continue in some participating States. In connection to boarding schools a big caution was called for, as to how to make them work for minorities and prevent misconduct and their assimilation.

Although the focus of the meeting was on early education, the recent worrying developments in some countries prompted several speakers to take a firm stand and denounce the violence and attacks against Roma in some participating States. A minute of silence was held in the memory of the victims of such violence. Participating States, OSCE institutions and international organizations were called to enhance their efforts to put a stop to these phenomena, bring perpetrators to justice and protect the vulnerable communities.

A number of recommendations to the OSCE as well as to participating States emerged from the debate. They can be summarized as follows:

- ⇒ To focus on Roma families and parents as a key factor with a strong influence on motivation for education;
- ⇒ To ensure equal ground of Roma children access to education;
- ⇒ To develop a more child centred approach including education in Romani language
- ⇒ To develop proper policies for training preschool workers to prevent segregation and ensure quality care and preschool education
- ⇒ In order to promote respect for diversity, the text books and teaching methods should include information about Roma culture, history and language.
- ⇒ To continue focusing on the issue and reinforce it, and to keep the issue on the agenda of the national and local authorities responsible to provide for early education
- ⇒ Further support the role and meaningful participation of the Roma and non-Roma civil society in contributing to promoting equal access to early education of Roma children, and continue monitoring the progresses made in this regard
- ⇒ To coordinate efforts and join resources, as there are many projects and programmes implemented at all levels (local, national and international) which seems to operate incongruously

- ⇒ To organize a national and later regional meeting under the umbrella of the OSCE to collect and facilitate sharing and exchange of best practices and recommendations on the matter of early education and quality education for Roma children

### **Working Session 16: Discussion of human dimension activities (with special emphasis on project work)**

*Rapporteur: Ms. Genka Georgieva, Counsellor, Permanent Mission of Bulgaria to the OSCE*

<p><b>No. of statements: 12</b> <b>Participating States: 7</b> <b>NGOs: 3</b> <b>Other: 2</b> <b>Rights of Reply: 0</b></p>
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Discussion on human dimension activities (with special emphasis on project work), including presentation of activities of ODIHR and other OSCE institutions and field operations to implement priorities and tasks contained in the OSCE decisions and other documents

The session explored ODIHR's role in assisting the OSCE participating States and promoting compliance with human dimension commitments as well as in serving as a channel for exchange of experience and good practices.

Ambassador Lenarcic introduced the working session by emphasizing the transparency of the process, as the specific activities are being planned and carried out in strict accordance with the ODIHR mandate, and all projects, including those financed through extra-budgetary resources, are made available to everyone. The increasing work load of ODIHR was mentioned, as subsequent MC decisions add new commitments to the core human dimension documents. Reference was also made to the growing financial constraints, which require a more focused debate on how the OSCE could better use existing resources to tackle current problems and challenges.

The moderator, First Deputy Director Douglas Wake, introduced the various departments within the ODIHR, and pointed out to the dialogue with the civil society as a constant feature in ODIHR's work, and an asset for the OSCE participating states when ensuring implementation of human dimension commitments. Aiming at increased efficiency and effectiveness, partnerships have been developed of ODIHR with other OSCE institutions and field operations as well as with relevant international organizations, based on their comparative advantages, and taking into account the specific needs of the individual participating States.

The review of the work done by the ODIHR departments so far followed.

The “Elections” Department, as presented by its head Nicolas Kaczorowski, continued to focus on the core activities – elections observation and technical assistance. Reviews of electoral legislation resulted in bringing the participating States closer to the fulfilment of their commitments. The Diversification Fund continued to provide for the participation of long- and short-term observers of even more participating States in the Election Observation Missions (EOMs) carried out by ODIHR. As for future activities, the “Elections” Department suggested more focus on training of observers, including LTOs, and on using ‘train-the trainer’ programmes for capacity building of the NGOs. ODIHR’s election observation methodology might also be further refined with particular focus on campaign financing.

Among the activities of the “Democratisation” Department, Robert Adams specifically mentioned the grass-root programmes carried out with the OSCE field operations. In this respect, some concrete areas were singled out – the implementation of the 2004 OSCE Gender Equality Action Plan, the work relevant to election follow-up, and the work done in cooperation with international partners with regard to war crime trials monitoring. The latter programme was presented in more detail by Victor Ullom, ODIHR consultant, to highlight relevant research and forthcoming activities. As main tasks for 2010 the “Democratisation” Department proposed further focus on freedom of assembly and freedom of association, population registration, political party registration and campaign financing. The update on the ODIHR Guidelines on Freedom of Assembly was mentioned, as well as the project to develop ODIHR Guidelines on Political Party Registration. Based on the recent report on lessons learned from war crimes trials monitoring in countries of SEE, the department expected support to address gaps identified in training and capacity building.

As pointed out by Kirsten Mlacak, the “Human Rights” Department continued to provide the participating States with information about the degree of implementation of commitments, and to tailor assistance according to the specific needs and gaps identified. In this regard, reference was made to the compendium on human rights education launched during the HDIM, to the policy briefs on gender mainstreaming, the capacity building activities on freedom of assembly, etc. Cross-dimensional work was explicitly mentioned in areas such as combating trafficking in human beings, fighting terrorism, and ensuring respect for human rights of armed forces personnel. The latter project which was carried out in cooperation with the Geneva Centre for the Democratic Control of the Armed Forces (DCAF) was presented in more detail by Marc Remillard – Programme Manager in DCAF, ODIHR project partner in the Human Rights and Armed Forces Programme. It was also noted that the work by ODIHR in this area could be followed-up by other international organizations, such as the Council of Europe.

Floriane Hohenberg singled out as main achievements of the “Tolerance and Non-Discrimination” (TND) Programme in 2009 the released Guidelines on hate crime legislation and the Resource Guide for NGOs on how to respond to hate crimes. Those documents were introduced briefly by Nasrin Khan, former ODIHR TND legal advisor, consultant to ODIHR. Significant work was also done to provide legislative assistance and relevant training for governmental officials, law-enforcement personnel and civil society representatives; to develop tools for prevention of hate crimes through education, to increase awareness raising, etc.

Andrzej Mirga underlined as key priorities for the Contact Point for Roma and Sinti Issues the need of systematic follow-up to the Helsinki MC Decision on the early education of Roma and Sinti children as well as the urgency to respond to negative trends, such as the increasing number of violent incidents against Roma and Sinti and the rise of extremist movements in the OSCE area. As part of its mandate, the CPRSI continued its attention to the efforts undertaken by the participating States in achieving sustainable integration of Roma on local level, and to address issues such as the situation of Roma migrants, refugees and IDPs. The use of field visits was considered as an appropriate tool for direct dialogue with stakeholders to address specific situations and prompt immediate action. In this regard, reference was made to the visits by the CPRSI in Romania in 2007 on the issue of excessive use of force by the police, in Italy in 2008 on the situation of Roma migrants, and in Hungary in 2009 on recent violent attacks against Roma.

### **Main Points of Discussion**

Several delegations expressed strong support for ODIHR's activities, especially in a time when core human dimension commitments are increasingly called into question. In this regard, the need to uphold ODIHR's autonomy and impartiality was specifically underlined. The importance of the coordination within ODIHR, with other OSCE institutions, the OSCE field operations, the OSCE Parliamentary Assembly, relevant International Organizations and with members of civil society was stressed as crucial for the success of ODIHR's activities.

Views were expressed on the areas of focus for ODIHR's activities, with several delegations indicating that these should be where ODIHR can add value, where the needs are greatest, where violations are more frequent or evident and where there are more opportunities for improvements. Some areas were specifically singled out, such as freedom of assembly, freedom of expression and freedom of the media, the situation of the human rights defenders. This view was supported by one NGO which also suggested more attention to the issue of migration from a human rights point of view.

Some pointed out the work done by ODIHR together with the OSCE High Commissioner on National Minorities with regard to reporting on human rights situations in conflict areas, stressing the need for a dialogue within the OSCE community on a possible follow-up.

One delegation made particular reference to the Corfu process suggesting that the recommendations issued by the OSCE High Commissioner on National Minorities be included in the OSCE human dimension commitments.

The majority of the participating States particularly observed that in elections, ODIHR is a centre of excellence. Some stressed also the need for an increased focus on strengthening democratic institutions and respect for the rule of law.

One delegation praised the ODIHR for sharing expertise with non-OSCE partners, especially with Partners for Cooperation whose fate greatly matters to our common security. In this regard, specific reference was made to the Elections Support Team sent by the ODIHR to Afghanistan with regard to the 2009 presidential elections.

Though recognizing the progress made, two delegations and one NGO expressed the view that ODIHR's elections monitoring process was problematic in several respects and that the Ministerial Council Decision No. 19/2006 had not been satisfactorily implemented. They pointed to proposals made in 2007 which, in their view, could have provided for commonly agreed basic principles for electoral monitoring. In this regard, one delegation specifically mentioned a document adopted in 2008 by another regional organization, and insisted on its endorsement by ODIHR. Another delegation proposed the elaboration of OSCE Guidelines on election observation.

### **Recommendations**

- The cross-dimensional work of the OSCE and activities within the human dimension are key to ensuring sustainable security in the region. Priority should be given to activities which focus on those areas which are subject to serious and persistent breaches of commitments
- All participating States should assist in projects and programmes within the human dimension
- All participating States must live up to the commitments made in 1990 Copenhagen Document, cooperate fully with ODIHR elections observations missions and where needed make use of the assistance offered by ODIHR and the OSCE field missions to address weaknesses in elections systems and strengthen democratic institutions
- OSCE institutions and field missions are encouraged to give priority to the development of programmes and projects aimed at enhancing the protection of human rights defenders and improving their capacity
- Cooperation with civil society is essential to improve implementation of commitments. Both participating States and OSCE institutions and field missions are encouraged to continue working with civil society, in order to make the best possible use of their expertise
- ODIHR to focus on core areas of ODIHR mandate, where OSCE commitments are clearest, and gaps in implementation are greatest
- ODIHR should continue reporting on human rights situations in conflict areas, as its joint assessment with the HCNM on the war-affected areas in Georgia. ODIHR and the HCNM are encouraged to return to Georgia and monitor efforts to implement the recommendations
- ODIHR human rights programme should focus more on core human rights and fundamental freedoms, such as freedom of expression
- ODIHR tolerance and non-discrimination programme should work on basic definitions of hate crimes, and propose model laws
- The incoming Chairmanship of OSCE should continue ensuring participation of civil society in human dimension implementation review meetings
- ODIHR to improve the procedures for monitoring elections
- ODIHR should consider the PA CIS Declaration on standards of election observation in its planning of election missions, particularly keeping in mind the principle of non-interference in national electoral processes of sovereign states, the principle of transparency in selecting EOM members and leadership, EOM's work and conclusions, as well as the principles of professionalism of the work of all observers
- Examination of the process by which recommendations by EOMs are made
- Kyrgyzstan to adopt new electoral code in cooperation with ODIHR

- Election observers to be recognized the legal right of inspecting and obtaining election protocols
- ODIHR to take measures to set up a method for analyzing information received in the course of election observation
- Participating States to support the ODIHR's work and independence
- More focus on human rights defenders, and to fight against the persecution of these organizations based on the excuse of anti-terrorism
- Migration – with greater emphasis on human rights of migrants - to be a focus of ODIHR's work
- Chairperson-in-Office to help frame a definition of human rights defenders, like UN and European Union
- The OSCE to consider taking up the recommendations of the High Commissioner for National Minorities into its human dimension acquis

### **Working Session 17: Democratic institutions**

*Rapporteur: Mr Timothy Fingarson, Political Officer, U.S. Mission to the OSCE*

<p><b>No. of statements: 31</b>  <b>Participating States: 9</b>  <b>NGOs: 20</b>  <b>Other: 2</b>  <b>Rights of Reply: 5</b></p>
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Working Session 17 was concerned with democratic institutions, with the sub-headings of: Democratic Elections; Democracy at the National, Regional, and Local Levels; and Citizenship and Political Rights. While all topics were covered, at least peripherally, all were centered on the ability of OSCE participating States' (pS') ability to reach their commitments to conduct free and fair elections. ODIHR's importance in assisting pS in fulfilling their commitments on elections was emphasized, although there were different opinions on how ODIHR could better fulfill its mandate. Many parties advocated continuing the independent work of ODIHR regarding election observation and other democratic election support, while others advocated a centralized, consensus-based operation.

It was emphasized that the conduct of free and fair elections is not an end to itself. Elections test the fundamentals of a true democracy: the freedom of assembly, movement and expression; the right to stand for office and to vote; the test of the rule of law; true checks and balances; and the existence of a vibrant independent media and judiciary.

Ambassador Lenarčič opened the session by noting that the conduct of free and fair elections is the defining moment of a democracy. At the same time, he emphasized that there is no such thing as a perfect election. He also noted that the conduct of elections in line with OSCE commitments and standards it is not unreachable goal; they are always a work in progress. He pointed out recent observable trends in the conduct of elections: limitations on the right to be elected; the lack of a free campaign environment; limits on access and coverage of media; problems with the

tabulation of votes, voter registration, and election administration; inefficient appeals processes; and limitations on domestic and international observers. He continued to note that meaningful and systematic follow up to election observation would help the work of the ODIHR. Although pS have recognized the importance of follow up, these commitments remain for the most part unfulfilled. ODIHR is ready to assist pS in following up our recommendations; but responsibility is on the pS. ODIHR's ability to assist depends on the willingness of pS to improve; nothing happens without political will. He said that OSCE can assist in strengthening of political will through the Permanent Council.

Significant points and recommendations and included the following:

- That election observation is the main OSCE instrument to assist pS in conducting democratic elections and that it is essential to maintain ODIHR's impartial mandate.
- That the Permanent Council assume reporting and implementation of ODIHR election observation recommendations.
- That OSCE can promote civil society and education, especially in rural areas.
- That ODIHR can assist by recommending changes to the election laws and by strengthening election observation.
- That the OSCE plays an important role in election observation, but the role of NGOs is also important, especially in conflict areas.
- That the sharing of information between NGOs and international organizations can improve election monitoring.
- That interpreters used in election monitoring missions must be properly vetted and trained.
- That ballot boxes must be constantly under observation, especially during early voting.
- That local election observers must be offered protection.
- That each country must find its own path toward democracy.
- That minority populations must be given representation in the government.
- That the appropriate staffing of ODIHR be addressed.
- That ODIHR assist in providing literature on democracy to Central Asia.
- That a new election law should be in effect in Georgia in January.
- That NGOs and opposition parties should be represented on election commissions.
- That ODIHR conduct a legal review of election law in Kyrgyzstan.
- That the new government in Bulgaria has expressed its readiness to amend legislation with ODIHR recommendations.

## IV. COMPILATION OF WRITTEN RECOMMENDATIONS

### ***WORKING SESSION 1: Rule of Law 1***

#### *Recommendations to participating States:*

##### **Human Rights Without Frontiers**

Human Rights Without Frontiers recommends:

##### Pre-trial rights

- To align the Criminal Procedure Code to the international standards so as to protect individuals from arbitrary arrest or detention;
- To make compulsory judicial approval of an order for pre-trial detention;
- To forbid any detention without a warrant;
- To reduce the length of the pre-trial detention in exceptional cases (currently 15 months);
- To reduce the power of local prosecutors in ordering pre-trial detention (currently up to 2 months) by making it a joint decision with a higher level prosecutor;
- To grant the right to an effective judicial review of a detention order;
- To put an end to incommunicado detention without formal charges;
- To prosecute law enforcement officials arresting an individual without a warrant;
- To grant the right to an attorney upon arrest;
- To guarantee the independence of government-appointed lawyers;
- To introduce a bail system;
- To allow family members to have access to prisoners at any stage of the detention;
- To apply the law saying cases should be brought before a judge within 28 days after indictment.

##### Civil Judicial Procedures and Remedies

- To address the lack of access to justice for the poor and vulnerable layers of the population;



- To clarify the limits of the jurisdictions of the various courts (civil courts, economic courts, military courts). A case of confiscation by the customs of issues of The Watch Tower sent to Jehovah's Witnesses is being treated by a military court because evidence presented by the SCNS involved national security;
- To guarantee the impartiality of the judiciary.

#### Independence of the judiciary

- To reduce the disproportionate powers granted to the prosecutor by the Criminal Procedure Code in relation to judges and defense lawyers;
- To deprive the prosecutor of the right to protest a court decision outside of normal appeal;
- procedures, to have it annulled and reexamined by higher courts indefinitely after the expiration of appeal periods;
- To prosecute politicians exerting pressure to prosecutors and judges;
- To give a decent wage to judges in order to make them less vulnerable to bribery.

#### Training of the members of the judiciary

- To have them trained in Tajikistan and outside about international standards;
- To increase the competence and professionalism of Tajikistan's judges and improving their ability to render justice in accordance with the law;
- To grant them access to legal reference materials.

#### Protection of the rights of the detainees in custody or serving a prison term

- To sign an agreement with the International Committee for the Red Cross (ICRC) to allow free and unhindered access to prisons and detention centers.

#### Torture, inhuman and degrading treatment during the detention period

- To define torture in the criminal code;
- To collect data about allegations of torture while in detention;
- To open investigations about allegations of torture in detention facilities and to prosecute possible violators (policemen, security officials, detention staff, etc.);
- To give access to the 4 pretrial facilities and 8 prisons of the country to representatives of the international community (i.e. UN Special Rapporteur on Torture, ICRC's staff, foreign fact-finding missions) and of the Tajik civil society in cases of allegations of torture, inhuman or degrading treatment.

### Police and Security Apparatus

To clarify by law the mandates of

- the Ministry of the Interior, (MOI)
- the Drug Control Agency (DCA)
- the Agency on State Financial Control and Fight Against Corruption
- the State Committee for National Security (SCNS)
- the State Tax Committee (STC)
- the Customs Services (CS)
- to solve the current overlapping problems.
- To evaluate the efficiency of these agencies and publicize the results.

### Corruption

The implementation of the following laws and regulations should be assessed and the evaluation should be publicized:

- *Presidential Decree of the Republic of Tajikistan No.1343 of 14 June 2004 approving the Public Servant's Ethics Code directed at preventing corruption, ensuring probity and impartiality of public service;*
- *On Approval of the Form of Declaration of Incomes and Assets of a Public Official and Instruction on the Order of Filing that Declaration;*
- *On Approval of Procedures for the Placement of Public Officials' Assets in Trust Management;*
- *On Approval of a Model Provision on the Personnel of a Public Institution.*

### **International Federation for Human Rights (FIDH), France**

#### To the Russian Federation:

– Привести законодательство и правоприменительную практику в соответствие с международными договорами в сфере прав человека, ратифицированными РФ;

– Принять меры, направленные на искоренение существующей практики нарушения принципов независимости судебной системы, свободы слова, мнений и объединений и гарантировать их соблюдение в любых обстоятельствах.

– Внести изменения в действующие антитеррористическое и анти-экстремистское законодательство с целью

а – конкретизации области их применения;

- б – приведения их в соответствие с международными обязательствами России в сфере прав человека, в частности с обязательством
- уважать принцип законности, право не быть задержанным произвольно (без ордера на арест) и право на судебный контроль за правомерностью содержания под стражей, как того требует статья 5 Европейской Конвенции о защите прав человека и основных свобод.
- Вернуть под юрисдикцию суда присяжных категории дел, исключенные из нее Федеральным законом N 321-ФЗ от 30.12.2008 г.
- Гарантировать принцип равноправия сторон в уголовном процессе: ликвидировать существующие ныне привилегии обвинения перед защитой, в частности в области назначения экспертиз и выбора экспертов для их проведения; уравнивать сторону защиты со стороной обвинения в возможности доступа к информации
  - о персональном составе коллегий присяжных.
- Обеспечить своевременную официальную публикацию полных текстов решений Верховного Суда о запрете деятельности организаций в сроки, позволяющие обжаловать указанные решения в соответствии с законодательством РФ. Опубликовать полные тексты решений Верховного Суда:
  - а – от 14.02.2003 г. о запрете 15 организаций, признанных террористическими;
  - б – о расширении указанного списка и внесении в него еще двух организаций;
  - в – от 10.04.2008 г. о признании организации «Нурджулар» экстремистской и запрете ее деятельности на территории РФ.
- Провести всестороннюю и объективную экспертизу материалов и деятельности организаций, запрещенных указанными выше решениями Верховного Суда РФ, и по ее результатам пересмотреть эти решения.
- Установить общий порядок вызова адвокатов для безвозмездного оказания юридической помощи подозреваемым и обвиняемым путем письменного обращения сотрудников следственных органов в адвокатские коллегии; разработать меры, направленные на исключение постоянного сотрудничества следователей с адвокатами по собственному выбору.
- Направить в Комитет ООН против пыток периодический государственный отчет.
- Дать более точное определение понятию пытки в российском Уголовном кодексе; недвусмысленно запретить использование пыток в соответствии со статьей 4 Конвенции против пыток, модифицировав статью 117 УК РФ.
- Систематически проводить объективные и беспристрастные расследования всех случаев применения пыток, насильственных исчезновений, бессудных казней, в которые замешаны представители сил правопорядка.
- Гарантировать соблюдение принципа неприемлемости доказательств, полученных под физическим или психологическим давлением, в соответствии со статьей 15\_\_достоинство видов обращения и наказания.
- Выплатить справедливые компенсации жертвам пыток и их семьям в соответствии со статьей 14 Конвенции против пыток и других жестоких, бесчеловечных или унижающих достоинство видов обращения и наказания и учредить программы по возмещению убытков и реабилитации жертв пыток.

- Ввести надлежащие уголовные, гражданские и административные санкции за нарушения законности судопроизводства (арест, допрос, обращение с заключенными).
- Пересмотреть дела всех лиц, осужденных по обвинениям в терроризме и в причастности к террористическим организациям, обеспечив в полной мере их право на защиту. При пересмотре дел тщательно и объективно расследовать все заявления о принуждении лиц к даче показаний и о фальсификации доказательств; по результатам расследований реализовать нормы законодательства о недопустимых доказательствах. Во всех случаях оправдания ранее осужденных лиц по результатам пересмотра их уголовных дел признать за указанными лицами право на реабилитацию с применением ее последствий.
  - Обратить особое внимание на:
    - а – дела о выставках в Музее и общественном центре им. Андрея Сахарова – необходим пересмотр дела о выставке «Осторожно, религия!» и прекращение уголовного преследования обвиняемых по делу о выставке «Запретное искусство – 2006».
    - б – дело Зары Муртазалиевой – необходимо ее немедленное условно-досрочное освобождение и последующий пересмотр уголовного дела;
    - в – дело Заурбека Талхигова – необходимо немедленное обеспечение его квалифицированной медицинской помощью, условно-досрочное освобождение и последующий пересмотр уголовного дела;
    - г – дело об «Исламском джамаате» – необходим пересмотр дела, отделение доказанных правонарушений от сфабрикованных обвинений в создании террористической группы и подготовке терактов, освобождение лиц, непричастных к противоправным деяниям, и определение наказаний, адекватных содеянному, лицам, совершившим доказанные преступления.
    - д – дело о взрыве газопровода в г. Бугульме – необходим пересмотр дела с учетом критериев, изложенных в п.15 настоящих рекомендаций;
    - е – дело о взрыве поезда «Грозный-Москва» – необходим пересмотр дела с учетом критериев, изложенных в п.15 настоящих рекомендаций;
    - ж – дела, связанные с обвинением лиц в причастности к организации «Хизб ут-Тахрир» – необходим пересмотр всех уголовных дел с учетом критериев, изложенных в п.15 настоящих рекомендаций.
- Обеспечить соответствующие международным нормам условия содержания заключенных, подозреваемых, обвиняемых и осужденных за преступления, связанные с терроризмом, как и всех узников в целом.
- Гарантировать лицам, преследуемым в странах их происхождения по политическим и религиозным мотивам, всестороннее и объективное

рассмотрение их ходатайств о предоставлении статуса беженца в соответствии с Конвенцией 1951 г. «О статусе беженцев» и Протоколом 1967 г., а также соблюдение статьи 3 Конвенции ООН против пыток и других жестоких, бесчеловечных или унижающих достоинство видов обращения и наказания и статьи 3 Европейской Конвенции о защите прав человека и основных свобод в отношении лиц.

- Разработать эффективный механизм обучения сотрудников правоохранительных органов международным и национальным нормам в сфере прав человека и систематически контролировать их соблюдение.
- Положить конец всем актам насилия, преследований и запугивания в отношении представителей гражданского общества и правозащитников; прекратить акты диффамации против правозащитников; провести беспристрастное и тщательное расследование всех случаев нападения на них и неправомерного возбуждения против них уголовных дел.
- Включить выработку механизмов, гарантирующих уважение прав человека в ходе борьбы с терроризмом, в рамки отношений РФ с Комитетом Совета Безопасности ООН по борьбе с терроризмом.
- Ратифицировать международную Конвенцию по защите всех лиц от насильственных исчезновений и привести национальное законодательство в соответствие, в частности, квалифицировав насильственные исчезновения как уголовные преступления, как того требует статья 4 Конвенции.
- Предоставить представителям Специальных Процедур ООН постоянное приглашение, включая Спецдокладчика ООН по защите прав человека в ходе борьбы с терроризмом, и положительно рассмотреть просьбы о приглашении в РФ Спецдокладчиков ООН по Правозащитникам, Свободе выражения, Свободе вероисповедания, а также Рабочих групп ООН по внесудебным казням и по произвольным задержаниям.
- Создать в кратчайшие сроки необходимые условия для проведения визита Спецдокладчика ООН по пыткам, способствовать осуществлению его работы и предоставить ему всю необходимую информацию, в соответствии с Резолюцией 2001/62 по мандату Спецдокладчика.

#### To Belarus:

- Guarantee in all circumstances an enabling environment for human rights defenders and put an end to any hindrance against their activities, and to any kind of harassment against them, in conformity with the Declaration on Human Rights Defenders, adopted by the UN General Assembly in 1998;
- Conform in all circumstances with international standards on freedom of association provided in the ICCPR and in the 1998 UN Declaration on Human Rights Defenders;
- Conform with the reasoning and recommendations made in the Communication *Belyatsky et al. v. Belarus* of the UN Human Rights Committee no. 1296/2004 of July 27, 2007;
- Implement the recommendations of the UN Human Rights Committee and other UN treaty bodies as well as those of the UN Human Rights Council's special procedures;

- Guarantee the independence of the judiciary, i.e. by establishing proper rules regarding the process of appointment, promotion and dismissal of judges;
- Issue a standing invitation to UN special procedures, and reply positively in particular to the request to visit by the then Special Representative of the UN Secretary General on the situation of human rights defenders in 2003;
- Cooperate fully with the OSCE mechanisms on Human Dimension, notably the Office of Democratic Institutions and Human Rights, and with the OSCE office in Minsk;
- Conform with the OSCE Human Dimension commitments in particular in the field of rule of law, civil and political rights, and civil society;

To Georgia:

- Support the establishment of the CoE group of independent experts in charge of examining the cases of alleged political prisoners in Georgia.
- Provide the FIDH with evidence refuting its fact-finding mission conclusions and/or engage the FIDH in constructive dialogue on the issue of political prisoners in Georgia.
- Allow the FIDH to meet with alleged political prisoners at their place of detention.

Recommendations to International Organizations:

**International Federation for Human Rights (FIDH), France**

To the European Union:

- Address the issue of the independence of the judiciary and freedom of association in the framework of dialogues at various levels with the authorities of Belarus and especially on the occasion of EU troika meetings with Belarussian authorities;
- Address the issue of human rights defenders and arbitrary restrictions to local NGO's activities and existence relying on the EU Guidelines on human rights defenders;

To the Council of Europe

- Mandate a group of independent experts to examine cases of alleged political prisoners in Georgia and to render opinions on the said cases as to whether the persons in question may be defined as political prisoners on the basis of the criteria adopted in previous Council of Europe documents.
- Ensure that this group has the capacity and mandate to meet with a number of alleged political prisoners, their lawyers, their relatives, State officials, and representatives of intergovernmental organisations and human rights NGOs.

Recommendations to the OSCE:

**International Federation for Human Rights (FIDH), France**

To the OSCE:

- The OSCE office in Minsk should pay special attention to the issue of human rights defenders and freedom of association;
- The OSCE Parliamentary Assembly should invite its Belarusian members to take the relevant legislative initiatives to bring domestic law in conformity with international human rights standards.
- Support the establishment of the CoE group of independent experts in charge of examining the cases of alleged political prisoners in Georgia.
- Carry out judicial observation for all cases of alleged political prisoners and in all politically sensitive trials.
- Pay special attention to information provided by Georgia's human rights NGOs, lawyers and detainees' families regarding the cases of alleged political prisoners.
- Share all relevant information and expertise regarding alleged political prisoners in Georgia with Council of Europe experts.

***WORKING SESSION 2: Fundamental Freedoms I***

Recommendations to participating States:

**United States Commission on International Religious Freedom**

To the United States

*Recommendations for U.S. Policy*

Regarding multilateral approaches and international organizations, the Commission recommends that the U.S. government should:

- use every measure of public and private diplomacy to advance the protection of human rights, including religious freedom, in Belarus, such as enhanced monitoring and public reporting by the U.S. Department of State, including the Special Envoy on Anti-Semitism and the Ambassador-at-Large on International Religious Freedom, and by the appropriate international organizations, including the 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;

- and urge the Belarus government to issue invitations to relevant UN Human Rights Council Special Procedures, including: the Special Rapporteur on the Situation of Human Rights in Belarus; 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, as well as the Working Group on Enforced and Involuntary Disappearances.

*Regarding its bilateral relations with Belarus, the U.S. government should:*

- urge the Belarus government to take immediate steps to end repression, including:
  - repeal of the highly restrictive 2002 religion law, as several of its provision violate international norms on freedom of religion or belief;
  - end the practice of denying registration to religious groups and then erecting obstacles to religious practice because of that unregistered status;
  - 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 to account perpetrators of attacks on the persons and property of members of religious minorities;
  - provide free access by domestic and international human rights groups and others to sites of religious violence or the destruction of places of worship;
- urge the Belarus government to ensure that no religious community is given a status that may result in or be used to justify discrimination against or impairment of the rights of members of other religious groups;
- urge the Belarus government to publicly condemn, investigate, and prosecute criminal acts targeting Jews and the Jewish community, as well as members of other ethnic and religious communities;
- continue to support, publicly and privately, persons and groups 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.

Regarding U.S. programs and policies, the U.S. government should:



- institute fully the measures in the 2007 Belarus Democracy Reauthorization Act, which expresses the sense of Congress that sanctions be applied against the government of Belarus until it makes significant human rights progress; specific sanctions would include: the denial of entry into the United States to high-ranking Belarusian officials, and the prohibition of strategic exports and U.S. government financing to the Belarusian government, except for humanitarian goods and agricultural or medical products;
- 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;
- urge Congress and the State Department to ensure that U.S. government-funded radio broadcasts to Belarus, including those of Radio Free Europe/Radio Liberty (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 RFE/RL programs discuss issues relating to freedom of thought, conscience, and religion or belief;
- provide increased international travel opportunities, particularly to attend international conferences, for Belarusian civil society leaders, including representatives of human rights groups and religious leaders, and others who defend freedom of religion in that country.

*Regarding Turkey, the Commission recommends that that U.S. government should:*

- Urging Legal Reforms to Improve Religious Freedom explore cooperation with Turkish authorities to allow women the freedom to express their religious or nonreligious 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;
- urge the government of Turkey to remove restrictions on the ability of leaders of majority and minority religious communities to wear clerical garb in public areas, state institutions, and public and private universities, and to remove restrictions on leaders of the Christian, Jewish or other communities from wearing clerical garb in the public space;
- urge Prime Minister Erdogan to follow-up on his January 2008 statement that the Ecumenical status of the Greek Orthodox Patriarchate should be an internal church issue by granting official recognition to the Ecumenical status of the Patriarch;
- urge the government of Turkey to permit all religious minorities, including those not covered by the Lausanne Treaty, to train religious clergy, including by:

--permitting the reopening of the Halki Seminary under the control of the Ecumenical Patriarch, and not under the supervision of the Turkish government, and allowing for religious training to occur;

--instructing officials to drop their legal case to seize the property of the Mor Gabriel Syrian Orthodox monastery; and

--encouraging the Ministry of Education to respond favorably to the official request of the Armenian Patriarch to permit his community to establish an Armenian language faculty at a Turkish state university, including instruction by the Patriarch;

- urge expansion of the process to regain clear title or fair compensation for expropriated holdings to include properties sold to third parties or held by the government, and to end the authority of the *Vakıflar* or any government agency to seize the property of any religious community;
- urge the government of Turkey to permit religious communities to select and appoint their leadership in accordance with their internal guidelines and beliefs;
- urge Turkish officials to allow for the independent and peaceful practice of Islam outside of the *Diyanet* and end the prohibition on Sufi spiritual orders;
- encourage the Prime Minister's office and the *Diyanet* to work with the Alevi community regarding the recognition and the administration of that community in Turkey, and grant official status to Alevi *cem* houses of worship to those communities which have applied for such status; and to prevent general societal discrimination against Alevis in other areas of life in Turkey;
- urge the government of Turkey to address the absence of full legal recognition for religious minorities, including Alevis; Greek, Armenian, Georgian and Syrian Orthodox; Roman and Syriac Catholics; Protestants; and Jews; by:
  - fully implementing the 1923 Lausanne treaty and providing all non-Muslim communities with legal status that affords them 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;
- urge the Turkish government to further amend Article 301 of the Turkish Penal Code, which restricts freedom of expression and has associated negative effects on freedom of religion or belief;
- urge the government of Turkey to omit the legal requirement to list religious affiliation on official identification cards;
- encourage the Turkish government 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;

- urge Turkish officials to continue to condemn violent hate crimes against members of religious and ethnic communities and to ensure prompt investigation and prosecutions, especially in regard to the Alevi, Greek and Armenian Orthodox communities, as well as against members of the Catholic and Protestant communities, and growing anti-Semitism in some sectors of the Turkish media;
- Raising Religious Freedom Concerns through Multilateral For a in view of Turkey's standing invitation to receive visits by UN special rapporteurs on human rights, encourage the government to invite relevant rapporteurs, including the UN Special Rapporteur on the Freedom of Religion or Belief, in the near future;
- encourage the Turkish government to remove its reservation to Art. 27 of the ICCPR, which limits the protection of freedom of religion or belief for members of minority communities;
- urge the European Commission to raise with the Turkish government the issue of the headscarf ban, its implications for freedom of religion or belief as well as the right of Turkish women to education and perform professional functions consistent with their beliefs and without fear of coercion;
- 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 on 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.

*In addition to recommending that Uzbekistan be designated a CPC, the Commission recommends that the U.S. government should:*

- Speaking in a Unified Voice in its Relations with the Uzbek Government
- 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 all its dealings with the Uzbek government;

- following the European Union's October 2005 decision, 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. 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, a practice that often is linked to ill-treatment of prisoners, 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;
  - implementing the recommendations of the Organization for Security and Cooperation in Europe (OSCE) Panel of Experts on Religion or Belief to revise the 1998 Law on Freedom of Conscience and Religious Organizations and bring it into accordance with international standards;
  - 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 (IRFA);
- 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.
- Encouraging Greater International Scrutiny of Uzbekistan's Human Rights Record work with other governments to urge the UN Human Rights Council to reverse its recent decision to end human rights scrutiny of Uzbekistan under

confidential resolution 1503 and to address this situation in a public country resolution at the Council;

- encourage 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;
- urge the Uzbek government to agree to a visit by UN Special Rapporteurs on Freedom of Religion or Belief and the Independence of the Judiciary and provide the full and necessary conditions for such a visit.
- Supporting Uzbek Human Rights Defenders and Religious Freedom Initiatives
- respond publicly and privately to the recent expulsions of U.S. non-governmental organizations and the numerous new restrictions placed on their activities; unless these restrictions are rescinded, the U.S. government should make clear that there will be serious consequences in the U.S.-Uzbek bilateral relationship, including a ban on high-level meetings;
- continue the careful monitoring of 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 the registration of human rights groups and religious communities;
- 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;
- continue funding for the Voice of America (VOA) Uzbek Language Service so as to meet the Broadcasting Board of Governors' stated goal of outreach to the Muslim world, including reaching the news-deprived population of Uzbekistan, as well as the large Uzbek diaspora in Afghanistan and other neighboring countries;
- increase foreign travel opportunities for civil society activists, religious leaders, and others in Uzbekistan concerned with religious freedom to permit them to take part in relevant international conferences;
- continue to attempt to overcome the objections of the Uzbek government in order to develop assistance programs for Uzbekistan designed to encourage the creation of institutions of civil society that protect human rights and promote religious freedom, programs that could include training in human rights, the rule of law, and crime investigation for police and other law enforcement officials; since such programs have been attempted in the past with little effect, they should be carefully structured to accomplish, and carefully monitored and conditioned upon fulfillment of, these specific goals:
  - expanding legal assistance programs for Uzbek relatives of detainees, which have sometimes led to the release of detainees;
  - 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 International Development and the Democracy Commission Small Grants program administered by the U.S. Embassy; and

--encouraging national and local public roundtables between Uzbek officials and representatives of Uzbek civil society on freedom of religion;

- increase opportunities in its exchange programs for Uzbek human rights advocates and religious figures, and more specifically:
  - expand exchange programs for Uzbek religious leaders to include representatives from all religious communities; and
  - ensure that the U.S. Embassy vigorously protests cases when an Uzbek participant in an exchange program encounters difficulties with the Uzbek authorities upon return to Uzbekistan, and if such difficulties continue, inform the Uzbek authorities that there will be negative consequences in other areas of U.S.- Uzbek bilateral relations, including a ban on high-level meetings.

*Supporting the OSCE, The U.S. government should:*

- express strong support for the OSCE at the highest levels of the U.S. government in the face of attacks led by the Russian government, particularly on the OSCE's human rights, freedom of religion or belief, and tolerance activities carried out by the Office of Democratic Institutions and Human Rights (ODIHR);
- authorize and appropriate specially designated funds in addition to 2008 U.S. contributions to the OSCE for the purpose of expanding programs developing ways to advance freedom of thought, conscience, and religion or belief and that combat anti-Semitism, xenophobia, and discrimination against Muslims, Christians, and members of other religions;
- hold regular briefings at the State Department for members of the U.S. government and NGO community concerned with OSCE issues and make efforts to expand the number and scope of invitees;
- recommend that the State Department routinely include in U.S. OSCE delegations representatives of relevant U.S. government agencies, such as Homeland Security and the Justice Department, as well as expand the number and range of civil society groups involved in the OSCE process;
- ensure that U.S. OSCE delegations organize regular informational briefings for the civil society groups at OSCE meetings.
- Promoting Religious Freedom and Tolerance within the OSCE's Participating States

*The U.S. government should urge that OSCE participating States undertake the following steps:*

- ensure compliance with their commitments to protect freedom of religion or belief, as well as combat discrimination, xenophobia, and anti-Semitism, as detailed in the Vienna and Copenhagen Documents on the Human Dimension;
- engage in a regular public review of compliance with OSCE commitments on freedom of religion or belief, on racial and religious discrimination, and on anti-Semitism, including by facilitating a more active role by NGOs as part of that process;
- commit to condemn promptly, publicly, and specifically hate crimes and to investigate and prosecute their perpetrators;
- take all appropriate steps to prevent and punish acts of anti-Semitism, such as to condemn publicly specific anti-Semitic acts, to pursue and prosecute the perpetrators of attacks on Jews and their communal property, and, while vigorously protecting freedom of expression, to counteract anti-Semitic rhetoric and organized anti-Semitic activities;
- condemn in a public fashion, while vigorously protecting freedom of expression, attacks targeting Muslims and pursue and prosecute the perpetrators of such attacks;
- ensure that efforts to combat terrorism not be used as an unrestrained justification to restrict the human rights, including freedom of religion or belief, of members of religious minorities;
- bring national legislation and practice, as well as local laws, into conformity with international human rights standards and OSCE commitments by: permitting all religious groups to organize and conduct their activities without undue interference;
- discontinuing excessive regulation of the free practice of religion, including registration or recognition requirements that effectively prevent members of religious communities from exercising their freedom to manifest religion or belief;
- permitting limitations on the right to freedom of religion or belief only as provided by law and consistent with participating States' obligations under international law;
- monitor the actions of regional and local officials who violate the right to freedom of religion or belief and provide effective remedies for any such violations;
- establish mechanisms to review the cases of persons detained under suspicion of, or charged with, religious, political, or security offenses and to release 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.

*Promoting Religious Freedom and Tolerance through the OSCE's Institutional Mechanisms*

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

- promote freedom of thought, conscience, religion and belief throughout the OSCE region, both east and west of Vienna, including focusing on issues such as discriminatory registration systems, limitations on religious expression, and limitations on the rights of parents to ensure the religious and moral education of their children in conformity with their own peaceful religious or other beliefs;
- consider ways to bring greater public attention to the activities of the OSCE Panel of Experts on Freedom of Religion or Belief, such as enhancing the transparency to its activities, involving prominent cultural figures in its proceedings and providing funds to enable the Panel to hold training seminars, including in the Mediterranean Partner States, about pertinent information on freedom of religious or belief;
- encourage the convening of an annual meeting of the OSCE Panel of Experts on Freedom of Religion or Belief that is open to its entire membership;
- ensure, as a matter of priority, the reappointment of the three Chairman-in-Office Personal Representatives on tolerance issues, and make the country-specific reports of the three Personal Representatives available to the public;
- request that the three Personal Representatives report in person to the annual OSCE ministerial meetings, and that the OSCE Chairman-in-Office to invite the three Personal Representatives to participate on his or her official visits and refer to their work and conclusions in speeches and other presentations;
- encourage OSCE participating States and the 18 OSCE Field Presences to invite the Personal Representatives on official visits;
- convene on a regular basis public review meetings to assess compliance by OSCE participating States of their commitments to combat discrimination, xenophobia, and anti-Semitism;
- ensure that all participating States individually are taking concrete actions to live up to their commitments to combat discrimination and intolerance, In particular to combat anti- Semitism, as detailed in the 1990 Copenhagen Document, action which should include adopting laws to protect against incitement to violence based on discrimination, including anti- Semitism, and providing the individual with effective remedies to initiate complaints against acts of discrimination;
- convene expert conferences on anti-Semitism and freedom of religion or belief, as well as other tolerance issues, during 2008 and 2009;
- consider reorganization of the HDIM conference, including, for example, thematically-linked issues, such as Rule of Law (Elections; Judiciary; Penal



System), Fundamental Freedoms (Religion, Expression/Media, Assembly/Association, Movement), and Tolerance and Non-Discrimination (Gender and Minorities—Religious, Ethnic, Economic);

- assist ODIHR in making it possible for the OSCE Field Presences and the ODIHR to hold public roundtables with local government officials, NGOs, and community leaders to discuss commitments on freedom of religion or belief, as well as the concept and definition of hate crimes and the implementation of hate crimes legislation;
- provide voluntary, extra-budgetary funding for added staff to deal with freedom of religion or belief, working within the ODIHR Human Rights Program, and encourage the ODIHR Tolerance Program staff take part in ODIHR training of Field Presences and other OSCE staff;
- provide the ODIHR the necessary mandate and adequate resources to hire as part of the Unified Budget experienced staff at the working level, to direct the Tolerance Program, to monitor compliance with OSCE obligations on freedom of religion or belief, and to combat discrimination, xenophobia, and anti-Semitism;
- provide funding for the translation of additional ODIHR Tolerance Program reports into OSCE languages, particularly Russian, and for the employment of at least one ODIHR Tolerance Program staffer with Russian-language capability.

*Recommendations for U.S. Policy Ensuring the Equal Legal Status and Treatment of the Members of Russia's Religious Communities*

*The U.S. government should encourage the Russian government to:*

- dissolve the Ministry of Justice's Expert Religious Studies Council, established in February 2009;
- ensure that law enforcement officials vigorously investigate and prosecute acts of violence, arson, and desecration perpetrated against members of any religious community, their property, or houses of worship; and set up a credible, impartial and effective review mechanism outside the procuracy to ensure that government authorities and law enforcement personnel are investigated and sanctioned, as appropriate, if they are found to have encouraged or condoned such incidents;
- affirm publicly on a high political level the positive significance of the multi-ethnic and multi-confessional nature of Russian society;
- affirm publicly that all religious communities in Russia are equal under the law and entitled to equal treatment, whether registered or unregistered, —traditional or other; publicly express opposition to any legislation that would grant preferences to the purported —traditional religions over other groups; and direct national government agencies to address and resolve continuing violations of religious freedom at the regional and local levels, including by:

--issuing instructions to local law enforcement, prosecutors, and registration officials as well as publicly affirming that members of all religious communities are to be treated equally under the law;

--enforcing non-discriminatory, generally applicable zoning and building codes, and ordering an end to the practice of using local public opinion surveys that serve as a basis to deny land and building permits to minority religious communities; and

--deleting from the preface to the 1997 Law on —Freedom of Conscience and Religious Organizations the reference to the four —traditional religions— Russian Orthodoxy, Islam, Judaism, and Buddhism— as that reference, although it does not have legal standing, implicitly contradicts the Russian constitutional provision that —religious associations are separate from the state and are equal before the law and has led Russian officials to establish inappropriate limits or demands against members of Russia’s other religious communities;

- refrain from media attacks on any religious community and adopt administrative measures against government officials who fuel them; cease all forms of interference in the internal affairs of religious communities, unless stipulated by law and in conformity with international human rights standards;
- avoid taking steps that could exacerbate religious extremism by 1) developing policies and strategies to protect the religious freedom and other human rights of the members of Russia’s Muslim community and 2) reviewing and remedying past cases of alleged arbitrary detention or arrest of members of this community;
- distribute on a regular basis updated information on freedom of religion or belief, as well as on Russian constitutional provisions and jurisprudence on separation of church and state and the equal status of religious denominations, to the Russian judiciary, religious affairs officials at all levels of government, the FRS, the procuracy, and all law enforcement bodies; extend the current annual training program for regional and local religious affairs officials to include their counterparts in the judiciary, procuracy, law enforcement agencies, and to the FRS;
- 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;
- accept a site visit to Russia from the UN Special Rapporteur on Freedom of Religion or Belief and grant her unrestricted access to religious communities and regions where religious freedom abuses are reported.

*Combating Xenophobia, Intolerance, and Hate Crimes*

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

- condemn specific acts of xenophobia, anti- Semitism, and intolerance, as well as incidents of hate crimes, and to make clear that such crimes are to be treated by officials as human rights abuses, not —hooliganism, and that they will be fully and promptly investigated and prosecuted;

- while vigorously promoting freedom of expression, publicly condemn rhetoric that promotes xenophobia or intolerance, including religious intolerance;
- provide special training and other programs for law enforcement officers and other officials to address ethnic hatred and promote tolerance;
- establish a special nationwide antidiscrimination body, as recommended by the Council of Europe's European Commission Against Racism and Intolerance, that provides regular reports to the public, press and parliament about its findings;
- implement the numerous specific recommendations made by Russia's Presidential Council on Human Rights, the official Russian Human Rights Ombudsman, and the Council of Europe's Commission against Racism and Intolerance to address anti-Semitism and xenophobia and prevent and punish hate crimes, including full implementation by regional and local law enforcement personnel of criminal code provisions prohibiting incitement and violence motivated by ethnic or religious hatred, in accordance with standards established by the European Court of Human Rights (ECtHR);
- report, as required, to the Organization for Security and Cooperation in Europe (OSCE) on the specific measures that have been undertaken on a national level to address hate crimes, including maintaining statistics on these crimes, and strengthening legislative initiatives to combat them, and to take advantage of relevant OSCE training programs for Russian law enforcement and judicial officials.

*Reforming or Withdrawing the 2006 Russian Law on Non-Commercial Organizations*

*The U.S. government should:*

- establish a program to monitor implementation of Russia's law on NGOs, including its impact on religious organizations; and encourage the Russian government to withdraw or substantially amend the NGO law; failing that, the government should be urged to develop regulations that clarify and sharply limit the state's discretion to interfere with the activities of NGOs, including religious organizations. These regulations should be developed in accordance with international standards and in conformance with international best practices.

*Strengthening Attention to the Issue of Freedom of Religion or Belief in U.S. Diplomacy*

*The U.S. government should:*

- ensure that the U.S. Congress maintains a mechanism to monitor publicly the status of human rights in Russia, including freedom of religion or belief, particularly in the case of any repeal of the Jackson-Vanik amendment with respect to Russia, and maintain the Smith Amendment as U.S. law;
- urge the government of the Russian Federation to invite each of the three OSCE Personal Representatives on combating intolerance as well as the UN

Special Rapporteur on Freedom of Religion or Belief to visit the Russian Federation during 2009-2010, without this being made contingent on other visits to other countries;

- ensure that U.S. Embassy officials and programs
  - engage with regional and local officials throughout the Russian Federation, especially when violations of freedom of religion occur, and
  - disseminate information to local officials concerning international legal norms on freedom of religion or belief, including the rights of unregistered religious communities; ensure that the issue of human rights, including freedom of religion or belief, be raised within the context of negotiations on Russian accession to the World Trade Organization; and
- work with the other members of the G-8 to ensure that the issue of human rights, including the human rights aspects of migration and protecting human rights in the context of counter-terrorism, are raised at all bilateral and multilateral meetings.

*Strengthening U.S. Programs on Promoting Religious Freedom and Combating Religious Intolerance*

*The U.S. government should:*

- ensure that U.S. government-funded grants to NGOs and other sectors in Russian society include the promotion of legal protections and respect for religious freedom as well as methods to combat xenophobia, including intolerance based on religion, ensure that solicitations and requests for proposals should include these objectives and monitor the effectiveness of such grants;
- support programs developed by Russian institutions, including universities, libraries, NGOs, and associations of journalists, particularly those who have engaged in the activities described in the above recommendation, to organize conferences and training programs on issues relating to freedom of religion or belief, as well as on promoting inter-religious cooperation, encouraging pluralism, and combating hate crimes and xenophobia;
- support programs to train lawyers to contest violations of the rights to freedom of religion or belief as guaranteed in Russian law and under its international obligations both in Russian courts and before the ECtHR;
- translate where necessary into Russian and print or otherwise make available to Russian citizens relevant documents and materials, including:
  - hate crimes guidelines developed by the U.S. Federal Bureau of Investigation, as well as U.S. Department of Justice materials on combating hate crimes and religiously motivated attacks; and
  - international documents and materials generated by Russian institutions relating to freedom of religion or belief, xenophobia, and hate crimes, as well as relevant U.S. Department of State and Commission reports, posting such documents on the U.S. Embassy Web site;

- ensure that Russia's citizens continue to have access to alternative sources of information through U.S.-government-funded radio and TV broadcasts, as well as Internet communications, and that these broadcasts include information about freedom of religion or belief and the need to combat xenophobia and hate crimes; in particular by:
  - restoring the broadcast hours of Russian language radio broadcasts of Voice of America and Radio Free Europe/Radio Liberty (RFE/RL) that have been cut, restoring staffing levels, and considering new vehicles for delivery of broadcasts; and
  - increasing funding for radio broadcast programs in minority languages spoken in Russia, including the RFE/RL Tatar and North Caucasus services, which are often the primary source of independent broadcast media in regions of Russia with majority Muslim populations;
- include in U.S.-funded exchange programs a wider ethnic and religious cross section of the Russian population, with particular focus on educational and leadership development programs for students from the North Caucasus, Tatarstan, and other regions of Russia with sizeable Muslim and other religious and ethnic minority populations; and
- initiate International Visitor's Programs relating to the prevention and prosecution of hate crimes for Russian officials and other relevant figures.

*Addressing the Crisis in Chechnya and the North Caucasus*

*The U.S. government should:*

- ensure that the continued humanitarian crisis in Chechnya and allegations of human rights abuses perpetrated by the Russian federal military and local security and police forces there and in other North Caucasus republics remain a key issue in U.S. bilateral relations with Russia;
- urge the Russian government to end and vigorously prosecute all alleged acts of involuntary detention, torture, rape, and other human rights abuses perpetrated by members of the Russian security services in Chechnya, including those by pro-Kremlin Chechen forces;
- urge the Russian government to address the conclusions and recommendations of the UN Universal Periodic Review and relevant treaty bodies in regard to Chechnya and abide by all resolutions passed by the Parliamentary Assembly of the Council of Europe relating to 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 accept a site visit to Chechnya from the UN Special Rapporteur on Extrajudicial Executions, to reconsider the October 2006 decision to deny access to the UN Special Rapporteur on Torture and to extend full cooperation in accordance with the standard mandates of those special procedures;
- work with other OSCE Member States to ensure that issues related to human rights abuses in the North Caucasus play a more prominent role in OSCE deliberations, and encourage the OSCE to raise humanitarian and other forms

of assistance to the civilian populations affected by the decade-long conflict in Chechnya; and

- ensure that U.S.-funded conflict resolution and post-conflict reconstruction programs for the North Caucasus also fund credible local partners in Chechnya, Ingushetia, and Dagestan.

*Recommendations for U.S. Policy Expanding U.S.-Turkmen Bilateral Relations*  
*The Commission recommends that the U.S. government should:*

- appoint an ambassador to Turkmenistan as soon as possible, as the United States has not been represented by a fully accredited ambassador for three years; previous U.S. ambassadors have played an important role in highlighting the importance of respect for human rights in Turkmenistan; and
- establish a program of bilateral meetings with the government of Turkmenistan on human rights and on freedom of religion or belief, to discuss ways Turkmenistan can implement laws and practices to comply with international human rights standards, as well as establish a regular reporting mechanism on these issues.

*Promoting Freedom of Religion or Belief and Other Human Rights*  
*The Commission recommends that the U.S. government should encourage the government of Turkmenistan to:*

- repeal all laws, decrees or regulations, including through amendments to those articles of the religion law, that are found to be in violation of international norms on freedom of religion or belief, for example, by implementation of the recommendations of the recent 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, as well as residential and workplace intimidation of members of religious communities due to their peaceful practice of religious or other beliefs;
- end fully the harassment and unlawfully deportation of religious leaders and the imposition of fines on members of peaceful unregistered religious communities whose activities officially are deemed —illegal; end the imposition of the *Ruhnama* or other state-sponsored texts or ideology in public institutions and religious organizations; promulgate new regulations and adopt new policies to ease the importation of religious and other material and permit the domestic printing and dissemination of such material in accordance with international standards;
- re-establish the Muslim theology faculty at Turkmen State University;
- restore genuine legal alternatives to military service on grounds of religious or conscientious objection based on international precedents, including those of the OSCE, and cease the criminal prosecution of, 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 work of the government's Commission to Examine Turkmenistan's Legal Obligations under International Human Rights Law, established in August 2007, including by 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;
- reform the government's other policies toward religious practice, including the end of state interference in the management of religious communities and the selection and training of religious leaders, including from Sunni and Shi'a Muslim and the Russian Orthodox communities, as well as from Protestant and other minority communities; and
- permit a Commission delegation to return to Turkmenistan to assess progress on implementation on freedom of religion or belief, including Constitutional amendments and legislative reforms, to speak with current or former prisoners of conscience in places of detention and to speak unimpeded with religious and other organizations and their members.

*Expanding U.S. Programs and Other Activities to Promote Reform*

*The Commission also recommends that, in the longer term, the U.S. government make the following efforts to expand activities in Turkmenistan that would protect and promote human rights:*

- 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 and by adding Russian-language broadcasts and providing additional programming for the estimated 12 million Turkmen in the diaspora, particularly in Iran, Iraq, and Afghanistan; and
  - restoring Voice of America's Russian-language television and radio broadcasts to Central Asia, particularly 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:
  - expanding —American corner reading rooms and Internet access in various regions;
  - reprinting Russian and Turkmen-language materials on human rights, particularly on international norms on freedom of religion or belief including civic education materials, such as —The Law that Unifies Us, first published and distributed by the OSCE Center in Ashgabat; and
  - providing funds for libraries in Ashgabat and other cities, including materials on human rights, as well as on 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 by increasing the budgets of Peace Corps and USAID programs, include religious leaders in community projects in efforts to address social problems and to increase religious and ethnic tolerance, and expand exchange programs, including with civil society leaders, students, and others concerned with human rights; and cooperating 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, and also by encouraging the OSCE officially to respond to the Turkmen government's offer in May 2007 to host an OSCE experts' level meeting.

*Strengthening Efforts in the International Arena*

*With regard to international fora, the Commission recommends that the U.S. government 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 Universal Periodic Review 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 expanding 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 on freedom of religion or belief.

*Regarding Tajikistan, the Commission recommends that the U.S. Government should:*

- urge the Tajik government, particularly President Rakhmon, to publicly affirm his intention to fully comply with Tajikistan's international commitments to respect freedom of religion or belief, as well as the rights of members of all peaceful religious communities in his country;
- work with relevant Tajik government officials responsible for religious affairs, human rights and legal issues, as well as with Tajik parliamentarians, civil society, and the international community, to amend the new religion law to bring it into conformity with Tajikistan's international commitments on freedom of religion or belief;



- continue to monitor the trials of leaders or members of religious communities that lose their registration and work with the international community in Tajikistan to provide training for judges and prosecutors in civil law and international human rights standards;
- urge United States officials, as well as the U.S. delegation to the OSCE, to publicly criticize violations by the government of Tajikistan of OSCE commitments on human rights, including respect for freedom of religion or belief; and urge the OSCE Mission in Tajikistan to continue to pay particular attention to violations of freedom of religion or belief and to undertake specific programs in that regard, including by conducting training sessions with the local media on international obligation.

### **Holy See**

- Participating States and OSCE institutions engage in awareness raising efforts in order to strengthen knowledge of the constructive contribution of religion in history, as well as its positive impact in educational, cultural, social, and charitable sectors of society.
- Participating States should ensure to all individuals subject to their jurisdiction the full exercise of the right to freedom of religion or belief. Religious freedom should be considered as pre-eminent among the fundamental rights and its defense as the “litmus test” for the respect of all other human rights.
- Religious freedom should not be considered inferior, nor religiously motivated behaviors or opinions considered irrelevant to public discourse.
- Participating States and OSCE institutions should take greater care to articulate that a healthy concept of secularism is inclusive and respectful of all Christians, and encourages constant dialogue between institutions, churches and religious communities. This dialogue is necessary, among other things, in order to respect the principles of an authentic pluralism and to construct a true democracy.
- Participating States should respect the right of parents and, when applicable, legal guardians of children to ensure the religious and moral education of their children in conformity with their own convictions, subject to providing protection for the rights of each child to freedom of religion or belief consistent with the evolving capacities of the child.
- Participating States should ensure that laws governing access to legal personality for religious organizations are structured in ways that facilitate the freedom of religion or belief, and not in any way infringe upon this right.
- The right to express one’s convictions, beliefs, and faith is a vital dimension of the human person, and this right is enshrined in international human rights instruments. Participating States should ensure that missionaries enjoy legal protection from violence and discrimination.

Recommendations to the OSCE:

**FOREF**

- We appeal to the OSCE to propose an independent scientific advisory board to accompany & monitor the activities of the Federal Sect Office in Austria. Or otherwise to follow the German example: Close the office and thereby set a positive example to promote religious tolerance according to OSCE standards.
- We appeal to the OSCE to propose an independent scientific board to the Austrian Ministry of Education i.o. to assess the circulated information materials on religious minority groups with the purpose of eliminating outdated and discriminatory content. Even these materials are used in religious education; the state still holds responsibility to stop the misuse of the educational system for discriminatory purposes.
- We ask the OSCE to recommend less discriminatory models of legislation to the Federal government of Austria.(take examples from the OSCE region).
- We therefore ask the OSCE to appeal to the Kazakh government to protect the rights of minorities and grant equal religious freedom to all churches – the large ones and the small ones. Kazakhstan’s challenge for chairing the OSCE in 2010 is to set an example by implementing OSCE standards in the field of religious freedom, which is a fundamental human right.

Recommendations to participating States:

**Human Rights First**

Human Rights First calls on participating States to secure freedom of religion to all, by:

- taking steps to ensure the implementation of constitutional and international norms guaranteeing freedom of conscience and religion;
- affirming publicly the equality before the law of members of all religious communities and refraining from using rhetoric that divides groups into “traditional” and “nontraditional;”
- investigating and prosecuting cases of bias-motivated violence against individuals or property associated with religious communities;
- resisting calls to legally restrict the “defamation of religions” as there is a high risk that incitement laws and religious defamation laws will unnecessarily trample upon the right to freedom of expression.

**Swedish Mission Council**

Swedish Mission Council calls upon participating states to:

- Implement their OSCE commitments concerning freedom of religion or belief. The holder of the function of Chairperson-in-Office bears a particular responsibility to take a lead in implementing commitments.

- Make full use of the expertise, systems and tools for the promotion of FORB available via the OSCE Office for Democratic Institutions and Human Rights (ODIHR) and in particular
- Seek and take account of the advice of the OSCE panel of experts when reviewing or framing legislation concerning religion or belief and to react in the permanent council when other participating states do not take account of such advice.
- Widely disseminate and make use of the OSCE tools for the promotion of religious freedom, in particular the “Guidelines for the review of legislation pertaining to religion or belief” and the “Toledo Guiding principles on teaching about religion or belief in public schools”.
- Prioritise the integration freedom of religion or belief in foreign affairs policy and practice.
- Instruct relevant embassies to:
  - Assess the state of and monitor and report on violations of religious freedom in the country concerned
  - Regularly discuss religious freedom issues with states as an integrated part of their overall policy for the promotion of human rights.
  - Develop contacts with defenders of freedom of religion or belief
  - Deepen the embassy’s dialogue with OSCE field missions on FORB issues.
  - Defend the freedom of religion or belief in public diplomacy.
- Increase the level of project funding allocated to the programmes and projects of the ODIHR departments for Human Rights and for Tolerance and Non-discrimination, with particular focus on projects relating for the freedom of religion or belief.
- Provide financial assistance to voluntary organisations and religious communities to contribute to ODIHRs work with FORB and non-discrimination.

### **Church and Society Commission of CEC**

In this spirit, we want to also call upon the OSCE Participating States to put more emphasis on the implementation of human rights in general and the right to religious freedom for individuals as well as for religious communities, by:

- fully implementing the OSCE commitments ensuring the protection of places of worship, holy sites and religious monuments. The situation in Northern Cyprus as well as in Kosovo is of special concern for us in this regard;
- implementing the OSCE commitments to protect freedoms for all religions, for all individuals and for religious communities, majority and minority communities alike;

- supporting the co-operation of the ODIHR with civil society as well as with other intergovernmental organisations, such as the newly established European Union's Fundamental Rights Agency;
- providing more resources to the ODIHR in order to enable it to provide more training programmes in the area of freedom of religion or belief.

#### **Order of Saint Andrew the Apostle**

- Officially allow the use of the title “Ecumenical” and cease and desist from any interference with its use; any penalties related to its use need to be deleted from existing law, regulation, or practice.
- Allow the Synod of the Ecumenical Patriarchate to organize the procedure for the election of a new Ecumenical Patriarch according to its own canonical law, historical precedents, and the needs of the Ecumenical Patriarchate as a leading spiritual authority in the Orthodox world.
- Accord recognition of the Ecumenical Patriarchate as a legal entity with all attributes, rights, and prerogatives attendant to its legal status, including the right to own, repair, and acquire property.
- Immediately lift the ban on the operation of the Theological School in Halki as well as remove all impediments to its effective functioning as a center of theological education, research and scholarship. Allow free flow of ideas and persons to and from this school and facilitate its role. Any scheme that may be devised to allow the School’s reopening must meticulously preserve its autonomy and freedom of teaching and action from any interference by officials of the Turkish Government.
- Cease all confiscations of property historically belonging to the Ecumenical Patriarchate, return properties which have been illegally confiscated, or, if this proves impossible or difficult, provide proper and just compensation, based, if need be, on fair, objective, and prompt arbitration.
- Based, of course, on Turkish law and using established procedures as practiced generally in Turkey, provide review and permits for the repair, rehabilitation, or reconstruction of buildings of the Ecumenical Patriarchate. Cease to use devious, contrived, and convoluted pretexts to either deny or prolong the issuance of such necessary permits.
- As provided in paragraph 32, quoted in Appendix II below, the Ecumenical Patriarch should be empowered with the right to invite religious leaders to visit the Ecumenical Patriarchate without sending his invitation through the Turkish Government.
- Return the Orphanage at Buyukada to the Ecumenical Patriarchate as sanctioned by ECHR.

- Officially allow the use of the title” Ecumenical;”
- Stop interfering in Patriarchal Elections;
- Return to the Ecumenical Patriarchate the Orphanage of Buyukada and all illegally confiscated properties;”
- Reopen the Theological School of Halki.

### **European Baptist Federation**

#### To Azerbaijan:

- We urge the authorities of Azerbaijan to actively make sure that the right to religious freedom for all is protected.
- We request the Government of Azerbaijan to submit the religion law to the Organization for Security and Co-operation in Europe for evaluation in order to bring the law into conformity with international standards.
- We urge the authorities of Azerbaijan to actively make sure that the right to religious freedom for all people will be protected. *Many of the people from religious minorities groups which we met are living in fear of losing their jobs or being harassed by private persons or police if they openly confess their faith.*
- We request the Government of Azerbaijan to submit the religion law to the Organization for Security and Co-operation in Europe for evaluation in order to bring the law into conformity with international standards; *Azeri speaking citizen have told us that a number of articles in the new religion law is limiting freedom of religion much more than in the old law. Therefore we urge the Government to let the OSCE analyze the law and give recommendations.*

### **Universal Peace Federation of Germany**

#### To Germany:

- German political parties should refrain from secretly circulating “black listed” organizations and minorities. Instead of advising their institutions not to engage in any communication with certain groups, political parties should deal with all segments of society in an equal and non-discriminatory manner.
- The German government on all levels, be it on the community, the state or the federal level, should make sure that funds are only provided to social organizations (especially run by the two main churches) which do not discriminate against members of religious minorities.

### **Church of Scientology International**

- The dissolution of the MIVILUDES and its replacement by an Observatory of neutral and impartial sociologists and experts, and

- The intervention of the OSCE to facilitate dialog between the authorities and minority religions or belief groups.

### **COJEP International**

- The authorities must provide opportunities for Muslim students to learn their religion. In countries where Muslims have a strong representation, Islam should have an official recognition on a par with other religions. Where the state provides assistance to other religions, Muslims should be not subjected to discriminatory approaches by exclusion of these aids.

### *Recommendations to the OSCE:*

#### **Alliance Defense Fund**

- Laws that prohibit discrimination of persons on the basis of religion should specifically exempt all religion-based organizations, ministries, and activities. An example of a comprehensive exemption follows: “The prohibition of discrimination does not apply to: (1) the conduct of a religious organization, (2) the religiously motivated conduct of any organization, and (3) the religiously motivated conduct of an individual who is acting according to the dictates of his or her sincerely held religious beliefs.”
- “Hate speech” laws must exempt religion-based expression and ideas.
- The OSCE must provide enhanced monitoring of laws which relate to taxation of religious or belief communities to ensure equal treatment of all religions. Statutes relating to the establishment of legal personality by religious communities must be available, accessible, foreseeable and cannot afford unfettered discretion to the bodies responsible for recognizing legal personality in determining eligibility. The OSCE must also adopt a position on “sect laws” providing guidance for Participating OSCE States whereby non-traditional or minority religions are not unduly prejudiced or even persecuted simply because they are non-traditional or minority religions. Criteria for sect-laws must be concrete, objective, proportionate to the aim sought and necessary in a democratic society with little to no discretion being afforded to sect-law administrators.

### **COJEP International**

- The right to express and practice one’s religion and belief is a one of fundamental human rights and freedoms which is recognized by all OSCE participating States. This obliges participating States to create necessary conditions for the exercise of such a right without being subject to any negative consequences.
- However, in Europe we observe that Muslims have been increasingly facing arbitrary and discriminatory restrictions on their right to manifest and practice their religions. The referendum process to ban the building of minarets in Switzerland and the recent law adopted for the same purpose in the Carinthia province of Austria are two examples of this worrying situation. Muslims are also concerned about intervention of their internal

religious affairs, especially when they were not allowed to choose their own imams or muftis.

- We hope that ODIHR will pay more attention to these challenges that Muslims have been facing. However, we recently observed a sharp decline of funding for support of the Muslim NGOs which necessary for them to attend OSCE human dimension events and make their voice to be heard. We would like to emphasise that in order to ensure a more balanced participation of all communities in the OSCE region, ODIHR should promote the participation of Muslim NGOs more.
- We would like to also recommend that ODIHR's Panel of Experts on Religious Freedom should have a more balanced approach towards to all regions of OSCE and all religious groups and believers and non-believers. For this purpose, we would like to propose to ODIHR to include at least one expert with a Muslim minority background.
- Finally, we call for the upcoming Kazakh chairmanship to the OSCE to take account of increasing intolerance and discrimination against Muslims, and in light of this difficult situation to monitor its evolution closer.

#### **Moscow Bureau of Human Rights**

- First of all it should deal with clear and unequivocal confirmation of the Constitution provisions concerning freedom of conscience, including elimination or change of preamble to the Law "On freedom of conscience and on religious associations", abolition of 15-year "residential qualification" during registration of religious organizations and cessation of separating the religions into "traditional" and "non-traditional" ones with provision of any preferences to the former.
- The practice of liquidation of the religious organizations with farfetched grounds should be stopped as well as the practice of refusals to allot the land for construction of buildings for public worship and cemeteries for "non-traditional religions".
- Events of recent months also showed the importance of expert examination by the students of religion for normal development of religious life in Russia. So it looks necessary to form the expert council from among scientists – students of religion (but not pseudo-religious experts) who can estimate the situation after careful consideration.

#### **Forum for Civic Responsibility of the Austrian Round Table/ Weg der Versöhnung**

- 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.

Recommendations to participating States:

**Constantinopolitan Society**

To Turkey

as an OSCE participating State, is urged to meet commitments on religious freedom. 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 6<sup>th</sup> century and globally recognized.
- Recognize the legal personality of the Ecumenical Patriarchate, so that the latter may enjoy, *inter alia*, ownership rights and the exercise of property management.
- Lift all administrative restrictions regarding the election of the Ecumenical Patriarch, Spiritual Leader of 300 million Orthodox Christians throughout the world;
- Reopen the Halki Greek Orthodox 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)
- Resolve the question of religious foundations considered as *mazbut* (occupied), which should be returned to their owners. The Law 5737 / 2008 fails to address a number of issues, such as the return of some properties that have been re-sold to a third party after their confiscation
- Proceed to additional measures in order to deal with other problems that are not addressed by the aforementioned Law (e.g. allow non-Muslim foundations to engage in international activities and abandon the principle of reciprocity between States as regards the implementation of the new Law on Foundations)
- Lastly, return the churches of Panagyia Kafatiani, Aya Yani and Aya Nikola in Istanbul, as well as their property, which has been illegally and forcibly occupied by the so-called “Turkish Orthodox Patriarchate”. The latter’s involvement in the Ergenekon case deserves further investigation.

**European Raelian Movement**

- La dissolution du CIAOSN car il crée plus de problèmes qu'il n'en résout;
- La fin de l'impunité des agents de l'état diffament et discriminent notre mouvement;



- Une prise en compte par le «Centre de l'égalité des chances des discriminations commises à l'égard des membres de notre religion, ce qui fait partie de leur mission mais n'est pas le cas actuellement.

### **International Raelian Movement**

#### To France:

- An end to public contributions from the French State to 'anti-sect movements';
- The immediate dissolution of Miviludes and CIAOSN
- The suppression of the anti-sect legislation in particular the law about picard
- The immediate end of specific training for government officials (judges, policemen, teachers, educators etc.) targeted at fighting these so called "sects"
- A vote for new laws, that would recognize the same benefits that are accorded to Jews and Muslims for members of religious minorities
- A modification of the Halde in France and the Centre of Equal Opportunities in Belgium in order to make them also promote tolerance and respect towards members of religious minorities
- The official destruction of the French and Belgium parliamentary reports that have established a list of "sects" and an official apology from the parliaments
- legal action against the discriminatory use of the list of sects, because even if this list has no legal basis, it still represents moral and social discrimination

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

#### To Greece:

- To ensure the revision of the new law No: 3647/2008 regarding the pious foundations (Waqfs) 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. Therefore, it cannot be accepted or applied in its current form because of excessive jurisdictions vested to the Secretary General of the Region of East Macedonia and Thrace and appointed Muftis.
- To take all necessary steps to protect and promote religious rights and freedoms of the minority, in full alignment with international human rights mechanisms and standards.

### **Forum for Civic Responsibility of the Austrian Round Table/ Weg der Versöhnung**

The Forum for Civic Responsibility of the Austrian Round Table would like to make the following recommendations to the OSCE which bring attention to current areas where freedom seems threatened:

- **With regards to the teaching of religion**, it must be possible to teach religion in an affirmative way.
- **Christian views on human sexuality must not be repressed** as a possible viewpoint in public schools. Also, religion teachers must retain the right to teach sexual ethics and morality. Christian private schools must be free to teach Christian teachings.
- **Religious institutions** such as agencies, churches, missions, etc must not be forced to hire those opposed to the goals of the institution.
- **Wearing religious symbols**, such as crosses, rings, clerical clothing, etc, must be protected as a manifestation of freedom of religion.
- **Freedom of conscience must be safeguarded in realm of healthcare**, particularly with regard to medical procedures that harm the most vulnerable, the unborn and the elderly.
- **Freedom of conscience and freedom of contract must be respected with regard to private entrepreneurship.** (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.
- **Expression of faith in the public square** must be possible without the threat of social exclusion and/or being ridiculed. In this point we agree with the position of Prof. Ombretta Fumagalli Carulli, which she expressed in her Keynote Speech to the OSCE Supplementary Human Dimension Meeting on Freedom of Religion or Belief on the 9th of July 2009 in Vienna:

"It emerges clearly from the OSCE commitments that religion is a real legal asset to be protected. Therefore, if the freedom of religion or belief rightly protects also the non-believers, an anti-religious atheism which preaches the need to remove the religion from public and private life of citizens should not be welcomed."

### **Human Rights Without Frontiers**

#### To the authorities of Nagorno-Karabakh

- to limit the refusal of registration to the sole religious movements which disturb public order and practice or advocate violence;
- to open a dialogue with religious groups applying for registration under the auspices of the OSCE;
- to stop confiscating religious literature.

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

- Refer all decisions to ban certain theological texts or certain religious organizations and groups to the Supreme Court. Ensure maximum publicity of such proceedings due to their particular sensitivity and implications for the freedom of conscience.
- Eliminate selective enforcement of laws against incitement to hatred with respect of religiously motivated statements.
- Review and update domestic laws against incitement to hatred in order to ensure freedom of expression related to religion.

## **Committee Against Torture**

### To the Russian Federation

- В связи с этим, необходимо, чтобы власти Российской Федерации в лице руководства Следственного Комитета при Прокуратуре РФ прекратили практику незаконного прекращения уголовных дел, таким образом лишая жертв возможности защитить свои права в суде. Мы требуем, чтобы к ответственности привлекали не только за пытки, но и за нарушения в расследовании, лишаящие жертв пыток доступа к правосудию.

## **Institute of Philosophy and Politics**

### To Kazakhstan

Что необходимо, по моему убеждению, делать в этих условиях? Необходимо всячески соблюдать *принцип равноправия* всех религий. Для этого важно осуществить следующие шаги.

- Развернуть в научной гуманитарной среде работу по **сравнительному религиоведению**. Для такого сравнения уже выработаны определенные критерии: объяснительный эффект той или иной религии, ее внутренняя непротиворечивость, смысложизненное содержание и т.д. При этом важно сравнивать с этими критериями не только религии, но и религию и науку.

Это – один из путей формирования **единого миропонимания**, столь необходимого человечеству сегодня.

- Издавать **учебники, учебные пособия, словари и справочники**, которые бы давали ясное представление об основных религиях, имеющих место в Казахстане. В 2002 году мы в Алматы издали хрестоматию «Религии в Казахстане», но, во-первых, у нее был маленький тираж, во-вторых, распространять хрестоматию приходилось лишь на собственном энтузиазме. Сегодня требуется новое издание этой уникальной справочной книги, с соответствующими дополнениями и изменениями, а также выпуск другой религиоведческой литературы, рассчитанной на широкого читателя, прежде всего – на молодежь.

- Развивать ставшие традиционными встречи лидеров мировых религий и, в дополнение к этому, попробовать организовать в Астане или Алматы **неформальную встречу харизматических лидеров**, имеющих конкретную практическую программу по выходу из современного глобального кризиса. Необходимо обеспечить, чтобы проявленные духовные Лидеры, не споря и ничего не выясняя между собой, смогли на равных в одном информационном пространстве ответить на один и тот же круг мировоззренческих вопросов, чтобы все смогли оценить и сравнить глубину и ценность суждений каждого из лидеров.
- Организовать обучение журналистов и школьных учителей **основам религиоведения**.

### **Associazione “Dossetti: i Valori”**

#### To participating States

- to return to religious communities the place of worship which were confiscated by public authorities, returning them to the original owner instead allocating to other religious communities.
- to 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.
- 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 and to provide for this case non-discriminatory opt-out possibilities.
- to ban the vilification of religions and adopt practical measures to assure that the media and the public discourse are respectful for religions, their representatives, teaching and symbols.

### **CAL**

Governments refrain from discriminatory practices in the field of philosophical and religious funding;

#### Recommendations to the OSCE:

### **CAL**

#### To the OSCE/ODIHR

- address the situation of the financing of confessional and non-confessional communities (including humanists and non-believers) in Member States
- The Advisory Panel of experts on FoRB issue guidelines on best legislation for ensuring equal treatment of all philosophical communities.

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

- Support the Athens Declaration at the level of the Parliamentary Assembly and the Council of Ministers.

### **Associazione “Dossetti: i Valori”**

To the OSCE/ODIHR:

- to avoid to consider violations against majority religions less serious than those against minority ones.

### **Church and Society Commission of CEC**

We, therefore, recommend to OSCE Participating States as well as to OSCE Field Operations to:

- mainstream the work on freedom of religion or belief within their work on the human rights’ dimension;
- take full advantage of the expertise available from the ODIHR to assist in the implementation of participating States' human rights’ dimension commitments on freedom of religion or belief.

### **Forum 18 News Service**

This year's SHDM and previous HDIMs have heard excellent recommendations, including that:

- violations of human rights are 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 – especially by those holding the function of Chairperson-in-Office;
- OSCE field operations mainstream freedom of religion or belief in human dimension work;
- OSCE field operations and other institutions take full advantage of the ODIHR's expertise to assist participating States with implementing their freedom of religion or belief commitments;
- the ODIHR continues to affirm in its work the dependence of genuine tolerance and non-discrimination on effective respect for fundamental human rights and the rule of law;
- and that resources be provided to enable the work of the OSCE / ODIHR Advisory Council of Experts on Freedom of Religion or Belief to be expanded.

## **WORKING SESSION 3: Fundamental Freedoms II**

### Recommendations to participating States:

#### **Amnesty International**

- to ensure an enabling environment in which defenders can carry out their human rights work.
- publicly, loudly and clearly, condemn attacks on and killings of human rights defenders and ensure effective investigations of these acts.

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

##### To Greece

- We recommend that the Greek State authorities should respect the collective usage of the right of self-identification and let us establish our own “Turkish” associations.
- We recommend that the Greek State to ensure immediately that freedom of association is guaranteed by the Greek Constitution for all persons concerned and demand that the Greek authorities abolish all restrictions to the freedom of association for ethnic minorities, especially ethnic Turks.
- We urge the Greek State to end the abuse of the right of freedom of association so that civil and political rights of ethnic minorities are guaranteed for all persons concerned. We further urge Greece to respect and act according to the recent written notifications of European Court of Human Rights on the cases of *Tourkiki Enosi Xanthis and Others v. Greece* (no. 26698/05), *Emin and Others v. Greece* (no. 34144/05), and *Bekir Ousta and Others v. Greece* (no. 35151/05) which resulted in favour of the said associations.
- We recommend Greece to ratify the Council of Europe’s Framework Convention for the Protection of National Minorities signed in 1997.

#### **European Union**

- To provide an enabling environment for human rights defenders, particularly those representing the rights of individuals belonging to minority or vulnerable groups, to carry out their activities peacefully free of the fear of harassment, reprisal, intimidation and discrimination;
- To create mechanisms for listening to and addressing the concerns of human rights defenders;
- To ensure that human rights defenders are free to seek, receive, manage and administer for their peaceful human rights activities financial support from domestic, foreign and international entities.

### **International Civil Liberties Alliance**

- Our civil liberties need to be defended using whatever resources are necessary. Lack of equipment or fear of hurting police personnel is not a sufficient reason to abandon the fundamental obligation of the police to protect demonstrators and the like.
- Libel law in Britain is urgently in need of revision, reversing the burden of proof so as to prevent misuse of these laws against authors and journalists, who should be free to conduct and publish investigative work without fear of frivolous and costly court cases.
- It should be made clear that truth is an absolute defence. No matter how offensive it may feel to some, speaking verifiable truth can never be made punishable.
- Lawmakers and courts must make it clear that criticism of religion does not constitute racism, and thus is not subject to punishment under any form of hate speech law. Further, defamation applies only to individuals, not to religions or ideologies.
- Dealing with conflict by banning expression of negative sentiment ('hate speech' laws) is legally problematic, in that such regulations constitute limitations to our fundamental liberties, and may serve to cover up conflicts rather than solve them. Such broad articles are subject to abuse, should authorities and courts come under pressure from various parties, as were similar laws in the Soviet Union. Due to the inherent dangers such laws constitute, ICLA recommends that it is in the interest of our freedom to abolish such laws entirely.

### **Helsinki Committee of Armenia**

#### To Armenia:

- **Recommendations.** Paragraph 2 of Clause 3 of Part 4 of Article 9 of the RoA *Law on conducting meetings, assemblies, rallies and demonstrations* should be made null and void. Staging of rallies and marches in downtown Yerevan should not be banned. The right of free movement on the days of mass rallies should not be restricted and the operation Yerevan-bound public transportation from the regions should not be obstructed. Workshops should be organized for policemen and their awareness should be raised about the principles for staging rallies and about the rules of commensurate application of security measures.

### **Georgian Young Lawyers' Association**

#### To Georgia:

- to effectively investigate the cases on November 7, 2007; May 6, 2009 and June 15, 2009 for the purpose of holding those accountable who ordered raids or executed illegal orders;

- to request effective investigation of the brutal beatings of peaceful protesters;
- to disclose the names of disciplinary sanctioned policemen to the public;
- to ensure fair trial proceedings to those who have been arrested for political reasons;
- stop politically motivated persecutions;
- take into consideration the Venice Commission opinion on the recent amendments to the legislation;

### **“Young Europe”**

#### ***Рекомендации к государствам-членам:***

- до принятия Руководящих принципов ОБСЕ учитывать при разработке и применении законодательства, затрагивающего вопросы свободы ассоциаций, релевантные решения Комитета ООН по правам человека и Европейского Суда по правам человека, рекомендацию Комитета министров Совета Европы о статусе НПО и другие существующие международные стандарты в этой сфере;
- оказать содействие ОБСЕ/БДИПЧ в разработке и продвижении Руководящих принципов ОБСЕ по свободе ассоциаций, включая предоставление созданной для этого группе экспертов доступа к внутреннему законодательству и лучшим практикам его применения.

### **Bureau of Human Rights**

#### **To Tajikistan:**

- Таджикистану необходимо отменить институт прописки и регистрации, как неконституционные в отношении граждан Республики Таджикистан, а в отношении иностранных граждан и лиц без гражданства оставить уведомительный характер регистрации.
- Таджикистану необходимо привести свое национальное законодательство в части административного выдворения в соответствие с международными стандартами.

#### **To Tajikistan and other participating States:**

- Таджикистану и странам, где такая практика существует, отменить институт выездных виз как нарушающие права на свободу передвижения

### **Christian Mission 'Bible League'**

#### **To Tajikistan:**

- Однако в своих рекомендациях мне хотелось бы подчеркнуть статью 6 закона РТ „О свободе совести и религиозных объединениях.”, в которой отмечано, что в компетенцию уполномоченного государственного органа по делам религии входит разработка предложений по совершенствованию законодательства РТ о свободе совести и о свободе



вероисповедания, и рекомендовать данному органу подготовить изменения в данный закон с учетом действующего законодательства РТ.

### **United Civil Party**

#### To Belarus:

- Поэтому я прошу БДИПЧ ОБСЕ рекомендовать Республике Беларусь изменить Закон « О массовых мероприятиях» и привести его в соответствие с Конституцией Республики Беларусь и международными договорами, ратифицированными ею. А также ввести разрешительный порядок проведения массовых мероприятий.

### **Freedom House**

#### To Kyrgyzstan:

Прежде всего, власти должны начать работу по восстановлению доверия населения к власти через полное восстановление основных и свобод человека. Первейшее среди них право на свободу мирных собраний. В связи с этим необходимо правительству Кыргызстана постоянно напоминать о его международных обязательствах, в том числе в связи с членством страны в ОБСЕ. Необходимо, чтобы международная финансовая помощь стране предоставляемая и направляемая на реформирование государственных структур, особенно правоохранительных органов, была напрямую увязана с неукоснительным соблюдением всех международных обязательств по правам человека. Просим также оказать содействие в работе национальных экспертов, занимающихся в настоящее время реформированием законодательства в сфере свободы собраний. Небольшие положительные результаты в данном направлении уже есть. Национальными экспертами совместно с Институтом Омбудсмана подготовлен новый законопроект «О мирных собраниях». Он уже прошел экспертизу в БДИПЧ ОБСЕ и Венецианской комиссии и впервые в истории Кыргызстана был признан соответствующим международным стандартам в области свободы собраний.

От руководства страны теперь необходима политическая воля на восстановление права на мирные собрания. От понимания важности соблюдения одного из основных прав человека может зависеть дальнейшее положительное развитие страны, ведь основной задачей которую эксперты ставили перед собой в ходе подготовки нового законопроекта о мирных собраниях – это предотвращение конфликтов, способных угрожать государственной и общественной безопасности, недопущение новых противостояний, способных привести к гибели не только людей, но и прекращению существования страны в целом.

### **International Federation for Human Rights (FIDH), France**

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

- Guarantee in all circumstances the physical and psychological integrity of human rights defenders in the OSCE Participating States;

- Put an end to the continuous repression of human rights defenders and their organisations;
- Release immediately and unconditionally all human rights defenders since their detention is arbitrary as it only aims at sanctioning their human rights activities;
- Order immediate, thorough, impartial and transparent investigations into the abovementioned threats, acts of harassment, attacks and assassinations in order to identify all those responsible, bring them before a civil competent and impartial tribunal and apply to them the penal sanctions provided by the law;
- Fully recognise the vital role of defenders in the advent of democracy and the rule of law;
- Review their national legislation to conform with international and regional human rights instruments, in particular regarding freedoms of association and assembly;
- Comply with the provisions of the final document of the 1990 Document of the Copenhagen Meeting of the Conference on the Human Dimension, of the Conference for Security and Cooperation in Europe (CSCE) and of the Declaration on Human Rights Defenders, adopted on December 9, 1998 by the United Nations General Assembly;
- Support and implement all recommendations brought to them from the March 2006 Supplementary Human Dimension Meeting on Human Rights Defenders;
- Comply with the provisions of the resolution titled “Strengthening OSCE engagement with human rights defenders and national human rights institutions”, adopted by the OSCE Parliamentary Assembly in Kiev on July 10, 2007;
- Fully take into account the suggestions of commitments listed in the Report submitted to the OSCE Ministerial Council in response to MC Decision No. 17/05 on Strengthening the Effectiveness of the OSCE;
- Strengthen the Focal Point for Human Rights Defenders and National Human Rights Institutions established by the Office for Democratic Institutions and Human Rights (ODIHR) in order to provide it with means to develop its protective mandate.

*Recommendations to the OSCE and International Organizations:*

**Amnesty International**

To OSCE, EU, Council of Europe:

- Ensure fast and reactive support and protection to human rights defenders at risk.

### **“Young Europe”**

#### To OSCE/ODIHR:

#### Рекомендации к ОБСЕ/БДИПЧ:

- создать экспертную группу для разработки Руководящих принципов ОБСЕ по свободе ассоциаций с привлечением к этому процессу максимально широкого круга НПО;
- официально утвердить Руководящие принципы, издать их и распространять в государствах-членах;
- проводить впоследствии систематический мониторинг соблюдения государствами-членами Руководящих принципов.

### **Christian Mission 'Bible League'**

#### To the OSCE/ODIHR:

- А также ОБСЕ и БДИПЧ рекомендуем содействовать в принятии изменений и дополнений в закон „О свободе совести и религиозных объединениях.”, а именно в статьях ограничивающих права иностранных граждан, в статье ограничивающей право импортирования необходимого количества литературы и ограничения права выбора сотрудничества.

### **Baltic Chechen Society**

#### To the OSCE

#### Рекомендации для ОБСЕ

- 1) ОБСЕ могла бы провести в ЧР или в РФ расширенный форум по вопросам правозащитной деятельности
- 2) ОБСЕ могла бы помочь в организации обучения представителей чеченских властей чтобы изменить их отношение к правозащитной деятельности
- 3) ОБСЕ наряду с европейскими и международными фондами могла бы оказать содействие в получении необходимой квалифицированной помощи и финансировании деятельности правозащитных организаций Чеченской республики

#### Recommendations to NGOs:

### **“Young Europe”**

#### Рекомендации к НПО:

- выработать пакет предложений к Руководящим принципам ОБСЕ по свободе ассоциаций (в виде своеобразной «гражданской платформы»).

### **Public Verdict Foundation**

- NGOs should be permitted to carry out their peaceful work in an enabling and hospitable environment, free from fear of harassment, reprisal, intimidation and discrimination. Relevant laws and administrative measures should protect – not impede – the development of civil society and the peaceful operation of NGOs, and be enforced in an apolitical, fair, transparent and consistent manner.
- Governments, public officials and state-controlled media should refrain from hostile rhetoric against NGOs, accusing them in anti-state activity and their alleged work for hostile foreign interests. Authorities should express tolerance to dissent, make public statements about importance of freedom of association and freedom of expression, and the important role of NGOs for development of a democratic society and rule of law.
- Governments should provide special protection to NGOs and civic activists from violent attacks and death threats from ultra-nationalist, paramilitary and similar radical groups – in the same way as the special protection is provided by the governments to public officials, judges, and members of the journalist profession. Such crimes should be promptly investigated and their perpetrators brought to justice. Authorities should publically state that such crimes will not be tolerated.
- Public authorities should stop legal and non-legal harassment of NGOs and civic activists and stop using criminal, counter-extremist, anti-terrorist, tax and other laws for discretionary, selective and politically motivated punishment and pressure.
- Governments should actively cooperate with specialised international bodies on protection of human rights defenders, including OSCE/ODIHR Unit on human rights defenders, United Nations Special Rapporteur on human rights defenders and other international agencies.
- NGOs should be free to pursue their objectives, provided that both the objectives and the means employed are lawful. These can, for instance, include research and advocacy on issues of public policy and legislation, regardless of whether the position taken by an NGO is in accord with stated government policy.
- Ambiguous and non-legal definitions should be excluded from the NGOP legislation and administrative acts. Excessive, duplicative powers of controlling agencies should be abolished while the agencies should be re-oriented to providing assistance to NGOs in implementation of their mission and ensuring freedom of association, rather than searching for violations and punishment.

- Governments should refrain from using the notion of “impermissible political activity” of NGOs as grounds for impeding their work and restricting freedom of associations.
- NGOs should be free to seek, receive and impart information and ideas, including advocating their opinions to governments and the public within and outside the countries in which they are based.
- Governments should not interfere with NGOs’ access to domestic- and foreign-based media.
- NGOs should be free to maintain contact and cooperate with their own members and other civil society organizations within and outside the countries in which they are based, as well as with governments and international bodies.
- National law should not unjustifiably restrict the ability of any person, natural or legal, national or non-national, to establish an NGO or join membership-based NGOs. The ability of someone to join a particular NGO should be determined primarily by its statutes, and should not be influenced by any unjustified discrimination.
- NGOs should be free to seek, receive, and administer material support – financial or in-kind donations – from domestic, foreign, international and multilateral donors, be it an institutional entity or an individual. The mere fact of receiving financial support from abroad should not be used to accuse NGOs in working against national interests.
- NGOs with legal personality should have the same capacities as are enjoyed by other legal persons and be subject to the same administrative, civil and criminal law obligations and sanctions applicable to them. No discrimination of NGOs as compared to the for-profit entities should be provided for in the law or exercised in practice.
- National laws should provide associations with the right to freely and legitimately operate without official registration. Activity of non-registered associations and participation in such groups should not be criminalized and a subject to administrative sanctions.
- The process of acquiring legal personality by NGOs should generally be based on notification of public authorities rather than seeking permission from them. This process should be easy to understand, inexpensive and expeditious. In particular, an NGO should only be required to file its charters and to identify its founders, directors, officers and legal representative and the location of its headquarters.
- The closure of an NGO should only happen normally due to a voluntary decision of its members. Liquidation of an NGO by government authorities should be used only as an absolutely last resort after every other possible

measure of correction of its misconduct has already been used and failed to bring about change.

- Suspension of an activity of an NGO should be ordered only by a court decision rather than by an order of an administrative body.
- Reporting by NGOs to regulating authorities should be not burdensome and duplicative of other reports, for example, to tax authorities, should not include ambiguous requirements easy to interpret with discretion, and should not require disclosure of personal data of NGO clients or participants of their events as well as names of those donors that wish to stay anonymous.
- Inspections and audits of NGOs by regulating authorities should be non-burdensome, non-intrusive, and not lead to paralyzing of the work of an NGO. They should be limited in time, regularity and scope in clearly defined laws or implementing regulations.

## ***WORKING SESSION 4: Rule of Law II***

### *Recommendations to participating States:*

#### **Council of Europe**

- The Group and the CDCJ do not recommend at this stage the drafting of a specific legal instrument addressing non-criminal remedies be prepared. Among core recommendations entailed in the report stands the necessity of promoting and disseminating the existing Council of Europe standards.
- The importance of appropriate training and awareness raising activities is also emphasized in order to give full effect to existing Council of Europe standards, as well as of sharing and disseminating examples of good practices, a number of which are enclosed in the report.
- Another strong recommendation is that a procedure aiming at enabling the rapid payment of the state compensation to the victim be put in place, the state scheme being subsequently subrogated in the victims' rights.
- Concerning victims of terrorism, core standards to be promoted and disseminated are:
  - the Council of Europe Convention on the Prevention of Terrorism (CETS 196)
  - the Recommendation (2006)83 on assistance to crime victims
  - the Guidelines on the protection of the victims of terrorist acts (adopted by the Committee of Ministers on 2 March 2005).

- In respect of victims of terrorism and concerning compensation mechanisms, the CJ-S-VICT and the CDCJ support the need to encourage dialogue and interaction between states and insurance companies.
- The European Day for Victims of Terrorism (11 March) and the European Victim's Day (22 February) could be a focus point to publicise the latest research and national policies and could be used as a launch-pad for new initiatives in the field of victims.

### **World Organization Against Torture**

- comply with the commitments of the OSCE with regard to the absolute prohibition against torture and ill-treatment reflected notably in the Vienna Document (1989), the Copenhagen Document (1990) and the Istanbul Charter (1999);
- comply with their international legal obligations to effectively respect the right of each person not to be subjected to torture and ill-treatment in any circumstances and including the right not to be returned, extradited or otherwise transferred to a country where there is a risk that he or she would be subjected to torture or other ill-treatment and not to use, relay and/or admit in any proceedings information which has been or may have been obtained as a result of prohibited treatment, except in proceedings against a person suspected of having committed such treatment, as evidence that such information was obtained, as well as;
- effectively prevent and eradicate all forms of torture and ill-treatment within their respective jurisdiction;
- comply with their international legal obligations not to engage in enforced disappearances, extra-judicial killings and any other grave human rights violations and to effectively prevent such illegal activities;
- sign, ratify and effectively implement the relevant regional and international treaties, including the UN Convention against torture and other cruel, inhuman or degrading treatment or punishment (UNCAT) and its optional protocol as well as the International Covenant on Political and Civil Rights, if they have not already done so;
- fully and speedily execute the European Court of Human Rights' judgments, notably in cases of impunity as it is a key to fighting this scourge;
- fully implement the concluding observations and/or recommendations issued by regional and international treaty bodies concerned with torture and ill-treatment and the conditions that give rise to this unlawful practice;
- support the work undertaken by regional and UN experts concerned with torture and ill treatment and the conditions that give rise to this unlawful practice;

- fully criminalize and define in conformity with, as a strict minimum, the definition of UNCAT the offense of torture in national law;
- take effective measures to prevent torture and other ill-treatment, including by ensuring that any individual arrested is promptly brought before a judge, has Immediate access upon arrest to (1) a lawyer of his/her choosing, (2) an interpreter if necessary, (3) an independent medical doctor and (4) visits by the family; any arrested persons should also at all times have the right to inform third parties about the detention;
- carry out prompt, effective, thorough, independent and impartial investigations into alleged or suspected cases of torture and ill-treatment, the results of which must be made public, in order to bring those responsible before a competent, independent and impartial tribunal and apply penal, civil and/or administrative sanctions as provided by law;
- ensure that effective remedies, reparation, assistance and rehabilitation are granted to the victims or their families;
- take urgent measures towards the full abolition of the death penalty.

### **European Union**

Participating States should:

- establish independent and effective systems of investigation of complaints and prevention of torture, preferably within the framework of OPCAT;
- adhere to international individual complaints mechanisms

### **Ukrainian Helsinki Human Rights Union**

Not one of the recommendations from last year's report has been implemented and they therefore all remain current.

- Adopt at legislative level a strategy framework for creating a system of prevention and protection from torture and ill-treatment, as well as an action plan, based on the said concept, with clearly defined directions and stages of activity;
- Bring the elements specified of the crime of «torture» into line with Article 1 of the UN Convention against Torture, in particular, establish liability for actions which are not violent but which should be recognized as torture according to Article 1 of the Convention against Torture.
- Institute the gathering of statistical data in courts and law enforcement agencies on crimes which contain elements of «torture» in the understanding of Article 1 of the UN Convention against Torture;
- Make it impossible to apply amnesty and parole for people who have committed actions, which have elements of «torture» in the meaning of Article 1 of the UN Convention against Torture;



- Promote the creation of effective mechanisms of public control over investigations into allegations of torture and ill-treatment.
- Provide by legislative means for the activities of non-governmental experts and expert bureaux;
- Ensure access by victims and their legal representatives to medical documents which are of importance in proving torture or ill-treatment;
- Assign the same validity as evidence to conclusions provided by independent medical and other experts, who conduct studies at the request of the alleged victim of torture or their legal representative, as that of conclusions made by experts assigned by an investigator or court;
- Provide individuals who initiate an investigation or other legal procedure regarding allegations of torture or ill-treatment access to free legal aid should they be unable to pay for the services of a lawyer;
- Introduce provisions in Ukrainian legislation on the inadmissibility of any testimony of the accused (suspect) received at the pre-trial stage of the criminal investigation without a lawyer being present;
- Provide the appropriate guidelines to prosecutor's offices and judges for using measures to ensure the safety of individuals who have made an allegation of torture, in particular, if such an individual is held in custody, then to move him or her to another remand centre;
- Eliminate the practice whereby judges «extend detention» of suspects held in police custody, or, at least, introduce necessary amendments in order to transfer people whose detention is extended by a judge to a pre-trial detention centre, and not leave them held in police custody;
- Introduce into legislation the right of access and the appropriate procedure for gaining access to an independent doctor and independent expert whom the person detained may choose, especially for persons, who are held in custody;
- Review provisions of current legislation in order to provide the right to legal representation to people who make allegations of torture, regardless of whether or not criminal proceedings are initiated;
- Provide clear guidelines to prosecutor's offices and judges concerning immediate consideration of claims and complaints related to investigations into torture;
- Give individuals facing deportation to another country the right to court review of an appeal against the relevant decision of executive bodies, and appropriate court procedure capable of investigating the circumstances which could significantly influence the decision on deporting (extraditing) the individual to the other state.
- Put an end to the practice of deploying special anti-terrorist units and swift response groups in response to peaceful protest actions by prisoners
- conduct investigations into reports of mass beatings of prisoners at the level of the Prosecutor General

- Create a system for ensuring the safety of people making complaints about torture and ill-treatment, as well as witnesses, especially those in places of confinement
- Ensure in practice uncensored correspondence by prisoners with the Prosecutor, the Human Rights Ombudsperson and the European Court of Human Rights.
- Set out in legislation and ensure in practice the right to uncensored correspondence between prisoners and the domestic courts, the UN Human Rights Committee and other international bodies, as long as with a lawyer.
- Put an end to the practice of punishing prisoners for sending complaints to State bodies via illegal channels, and in each case where a complaint was delivered by illegal means conduct a check as to whether the administration are making it possible to send complaints about the actions of the administration
- Stop the practice of passing on complaints sent by prisoners to the Human Rights Ombudsperson to the Department for the Execution of Sentences.
- Apply measures to create the possibility for nongovernmental organizations to visit institutions of the Department for the Execution of Sentences.
- Accelerate the creation of national preventive mechanisms.
- Bring to justice people guilty of violating the principle of re-foulement of refugees and asylum seekers.
- Create clear and transparent procedure for appealing about decisions to deport or extradite, which envisage, for example, the mandatory provision of a lawyer and translator, as well as access to the court without delay.
- Put an end to the practice of violating the principle of confidentiality in view of the applications of refugees, and in particular stop the practice of passing confidential information to a third country.

**Amnesty International calls on the participating states:**

- to ensure that the measures taken by states to protect the lives and security of those within its territory, including from the threat of terrorism, comply fully with international human rights standards.
- OSCE and all participating states should use all means at their disposal, to ensure respect for the absolute prohibition of torture and other ill-treatment , including in the context of countering terrorism

**Chernivtsy Regional NGO “Human Rights”**

To Ukraine

Рекомендации

1 Создать рабочую группу в которую ключить экспертов НПО по созданию и разработке национального превентивного механизма

- 2 На законодательном уровне ввести определение пыток в соответствии со ст 1 Конвенции ООН против пыток
- 3 Собрать статистику в правоохранительных органах судах о количестве проведенных служебных расследований по сообщениям о пытках также количестве дел переданных на рассмотрение в суд и результатах судебных слушаний
- 4 Создание службы независимых медицинских и других экспертов для обследования жертв пыток
- 5 Беспрепятственный доступ в учреждения пенитенциарной системы и изоляторы временного содержания представителей НПО
- 6 Предоставление бесплатной правовой помощи задержанным с момента задержания доступ к материалам дела на этапе досудебного следствия представителям задержанных
- 7 Создание независимой от судей и прокураторов системы адвокатуры

### **Freedom House, Partners in Human Rights Project in Kyrgyzstan**

#### To Kyrgyzstan

#### Выводы и рекомендации Комитета ООН против пыток 18/11/99

75. Комитет рекомендует государству-участнику следующее:

- следует изменить свое внутреннее уголовное законодательство для включения
- преступления пытки в соответствии с положениями определения в статье 1 Конвенции и поддержать его включением положения о соответствующем наказании;
- с учетом многочисленных сообщений о предполагаемых пытках и жестоком обращении со стороны сотрудников правоохранительных органов следует предпринять все необходимые эффективные шаги по предотвращению таких случаев в будущем;
- для обеспечения того, чтобы совершавшие пытки или связанные с жестоким обращением действия лица не оставались безнаказанными, следует обеспечить расследование и, когда это необходимо, уголовное преследование в отношении всех лиц, обвиняемых в их совершении, и обеспечить, чтобы законы об амнистии не распространялись на преступления пыток;
- следует продолжить реформирование своих полицейских и судебных органов, а также органов уголовного преследования для обеспечения того, чтобы каждый из них осознавал свои обязательства по Конвенции; в частности, следует предпринять срочные шаги по обеспечению центральной роли и независимости судебных органов в пенитенциарной системе, особенно с учетом ограничений в отношении продления полномочий назначаемых лиц, с тем чтобы привести их в соответствие с Основными принципами независимости судебных органов 1985 года и Руководящими принципами, касающимися роли лиц, осуществляющих судебное преследование, 1990 года;

- следует принять меры по улучшению условий содержания в тюрьмах с учетом Минимальных стандартных правил обращения с заключенными 1955 года;
- следует обеспечивать надзор за местами заключения и тюрьмами для военнослужащих для обеспечения того, чтобы заключенные не подвергались жестокому обращению и чтобы они, как и все другие лица, имели возможность быть представленным в суде адвокатами;
- следует рассмотреть вопрос об отмене смертной казни;
- следует рассмотреть вопрос о том, чтобы сделать заявления по статьям 21 (признание компетенции Комитета получать и рассматривать жалобы одного государства на другое) и 22 Конвенции (признание компетенции Комитета получать и рассматривать индивидуальные жалобы жертв пыток).

Комитет рекомендует государству-участнику следующее:

- Внести поправки в Уголовный кодекс с целью обеспечения того, чтобы акты пыток рассматривались в качестве наказуемых преступлений и чтобы на основании всех утверждений, касающихся применения пыток, проводилось надлежащее расследование, а лица, несущие ответственность за совершение таких актов, подвергались судебному преследованию (статья 7 Пакта).
- Жалобы, касающиеся применения пыток и других нарушений со стороны должностных лиц, должны расследоваться независимыми органами.
- Следует включить в законодательство положение, предусматривающее медицинское освидетельствование содержащихся под стражей лиц, в частности лиц, содержащихся под стражей до суда, с целью обеспечения того, чтобы такие лица не подвергались жестокому обращению.
- Следует создать независимую систему по контролю за всеми местами содержания под стражей с целью предотвращения пыток и других злоупотреблений властью со стороны сотрудников правоохранительных органов.
- Лица, содержащиеся под стражей по причинам, связанным с состоянием психического здоровья, должны иметь незамедлительный доступ к судебным органам, компетентным рассматривать обоснованность принятых решений.
- Принять меры в целях улучшения условий содержания в тюрьмах и обеспечения того, чтобы несовершеннолетние правонарушители содержались в отдельных центрах.
- Обеспечить, чтобы все лишены свободы лица подвергались гуманному обращению, обеспечивающему уважение присущего человеческой

личности достоинства. В частности, государство-участник должно обеспечить, чтобы все содержащиеся под стражей лица имели адекватное питание и медицинское обслуживание

#### Заключительные замечания Комитета по правам ребенка ООН 2004

279. Комитет рекомендует государству-участнику:

- принять все необходимые меры в целях недопущения актов пыток и бесчеловечных или унижающих достоинство видов обращения и наказания, в частности путем подготовки сотрудников милиции;
- принять меры по расследованию, преследованию в судебном порядке и применению санкций в отношении лиц, причастных к совершению актов пыток и применению бесчеловечных или унижающих достоинство видов обращения и наказания в отношении детей и молодых людей;
- представить в его следующем периодическом докладе информацию о выполнении принятой в 2003 году поправки к Уголовному кодексу, квалифицирующей пытку в качестве преступления; и
- создать программы в области реабилитации и реинтеграции жертв.

#### Рекомендации

- судебная система должна обеспечить, чтобы показания, которые, возможно, были получены с помощью пыток, не использовались в качестве таковых. В рамках процесса законодательной реформы в законе впредь должны содержаться определение недопустимых доказательств и подробные положения об исключении недопустимых доказательств на досудебных и судебных этапах уголовного судопроизводства;
- настоятельно необходимо обеспечить, чтобы по обвинениям в применении пыток и жестокого, бесчеловечного или унижающего достоинство обращения и наказания проводились незамедлительные, беспристрастные и полные расследования, а предполагаемые виновники, по мере необходимости, привлекались к ответственности;
- внедрение практики упрощенного производства, что предусматривается проектом уголовно-процессуального кодекса, может способствовать применению пыток или
- жестокому обращению с целью получения признаний. Всякая такая процедура должна быть дополнена достаточными процедурными гарантиями;

#### **Human Rights Center ‘Citizens against Corruption’**

##### To Kyrgyzstan

- Совершенствование национального законодательства в области гуманизации и реформировании системы исполнения наказаний, приведение его в соответствие с Конституцией КР, обеспечив

абсолютное право осужденных – право на жизнь. Лоббирование законодательной замены пожизненного лишения свободы на фиксированный срок лишения свободы 20-25 лет, с правом пересмотра каждые пять лет; обеспечив право каждого на доступ к справедливому правосудию

- Применение к осужденным к пожизненному лишению свободы правила условно-досрочного освобождения, после фактического отбытия им 15 лет лишения свободы;
- Предусмотреть в Уголовно-процессуальный кодекс КР норму о праве обращения к Президенту о помиловании не только лично осужденному, как предусмотрено действующим законом, но и адвокату, близким родственникам, правозащитным организациям, коллективам по прежнему месту работы осужденного;
- Постоянная работа с новым Парламентом через наказы правозащитных организаций (блок против пыток и реформу пенитенциарной системы, мониторинг Верховного Суда, участвуя в судебной реформе, также, принимая участие в гуманизации уголовного законодательства КР, требуя прозрачности бюджета ГУИН, через адресные и защищенные статьи национального бюджета КР);
- Укрепление адвокатской защиты, обеспечивая правовую защиту в судах всех уровней;
- Работа с Комитетом по правам человека ООН по индивидуальным жалобам граждан, приговоренных к пожизненному лишению свободы;
- Содействие работе Общественного Совета при Министерстве Юстиции КР по вопросам реформирования пенитенциарной системы в КР;
- Осуществление доступа к информации общественности, родственникам и людям, приговоренных к пожизненному лишению свободы;
- Обучение правозащитников и активистов инструментам мониторинга и проведения гражданской и юридической экспертизы соответствия национального законодательства международным стандартам защиты прав и свобод человека;
- Содействовать реформе Комиссии по помилованию при Администрации Президента КР, для обеспечения ее прозрачности и подотчетности для общественности;
- Содействовать в становлении национальных превентивных механизмов в закрытых учреждениях КР, в том числе в пенитенциарной системе

## **Kazakhstan International Bureau for Human Rights and Rule of Law**

### To Kazakhstan

- призвать Казахстан публично осудить пытки
- 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 до 21.11.2009 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
- инициировать расследования по всем сообщениям и регистрировать каждое заявление о плохом обращении

## **Public Verdict Foundation**

### To the Russian Federation

В связи с изложенным, хотелось бы дать государственным органам РФ следующие рекомендации:

- привести российское законодательство в соответствие с международными стандартами в части, касающейся пыток, жестокого и унижающего человеческое достоинство обращения;
- руководителям следственных органов при прокуратуре РФ ужесточить контроль за качеством проведения доследственных проверок, и обоснованности принятия решений по их результатам. По каждому случаю необоснованного отказа в возбуждении уголовного дела проводить проверку и решать вопрос о привлечении к ответственности как лица, непосредственно принявшего незаконное решение, так и его непосредственного руководителя;
- рассмотреть вопрос о возможности внесения в уголовно-процессуальный кодекс РФ отдельного раздела, регламентирующего права заявителя на стадии доследственной проверки;
- рассмотреть вопрос о возможности выделения в системе следственного комитета при прокуратуре РФ отдельного подразделения, специализирующегося только на расследовании преступлений, связанных с превышением должностными лицами правоохранительных органов служебных полномочий;
- в каждом, без исключения, выявленном случае превышения должностного положения, отстранять обвиняемого сотрудника правоохранительных органов от исполнения должностных обязанностей.

### Recommendations to the OSCE:

## **Ukrainian Helsinki Human Rights Union**

- to develop the recommendations for state to increase the role of judiciary in prevention of torture including: training programme for judges, review of the national legislation concerning acceptance of the evidence, dissemination of the best practice cases and etc.

### **Amnesty International**

calls on the OSCE:

- to keep reminding all participating states that human dimension commitments are matters of direct and legitimate concern to all participating states and do not belong exclusively to the internal affairs of the State concerned (Moscow Document, 1991)

## **WORKING SESSION 5: Tolerance and non-discrimination I**

### Recommendations to participating States:

#### **Human Rights Without Frontiers**

##### To Belgium

- ratify the Framework Convention for the Protection of National Minorities
- take into consideration:
  - the 23 July 1968 decision of the European Court of Human Rights in the “*Case relating to certain aspects of the laws on the use of languages in education in Belgium*’ v. *Belgium*”;
  - the “*Opinion on possible groups of persons to which the Framework Convention for the Protection of National Minorities could be applied in Belgium*” by European Commission for Democracy through Law (12 March 2002);
  - the Council of Europe Parliamentary Assembly Resolution 1301 on the “*Protection of Minorities in Belgium*” (2002);
  - the Report on the “*Protection of minorities in Belgium*” of the Council of Europe Parliamentary Assembly Committee on Legal Affairs and Human Rights (5 September 2002);
  - the Resolution 276 (2008) “*Local democracy in Belgium: non-appointment by the Flemish authorities of three mayors*” of the Council of Europe Congress of Local and Regional Authorities;
  - the Concluding Observations of the UN Committee on the Elimination of Racial Discrimination, *Consideration of Reports Submitted by State Parties under Article 9 of the Convention: Belgium* (7 March 2008) during the current and upcoming talks on the reform of the State;
- continue making further progress in the implementation of the Council of Europe Parliamentary Assembly Resolution 1469, “*Language problems in access to public health care in the Brussels-Capital region in Belgium*” (7 October 2005);
- avoid administrative harassment and useless overload of administrative work;



- promote linguistic tolerance, courtesy and mutual respect in the Brussels Region and the communes with linguistically mixed populations in the Flemish Region.

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

#### To 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 in mother tongue and the state language.
- Greece should also take immediate steps to ensure that the rights to education for the ethnic minorities are guaranteed so that children in Western Thrace have a bilingual preschool education. Turkish minority has the right to take education in its native language according to the Treaty of Lausanne and international human rights instruments.
- To demand that Greek authorities 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.
- In particular, we urge the authorities to genuinely facilitate these persons' recovery of their citizenship by removing any obstacle, including the need for them to go through the naturalization procedure.

### **Union of Balkan Egyptians**

#### To the Former Republic of Macedonia

- Authorities of FYR of Macedonia have to provide normal conditions for the State Agency for Protection of Communities to work and function efficiently, and to make sure that it respects the law that is proposed by the Government and adopted by the Parliament.

### **Constantinopolitan Society**

#### To Turkey

- In the spirit of Resolution 1625 (2008), adopted by the Parliamentary Assembly of the Council of Europe on the Greek minority on the islands of Gokceada (Imvros) and Bozcaada (Tenedos), that calls for preserving the bicultural character of the two islands as a model for cooperation between Turkey and Greece, the Turkish State is invited to redress all current injustices, provide strong support and take initiatives to facilitate the return of Greeks of Turkey that have been forced to leave their native land.

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

- Consistently use the data provided by NGOs engaged in monitoring racist groups' activity.
- Encourage and facilitate intergovernmental cooperation in counteraction to hate crime and propaganda.
- Whenever a request for extradition of someone suspected of hate offenses is questioned, relevant authorities should be advised to consult with NGOs researching hate crime in the country of the suspect's residence and in the country requesting extradition, to verify the grounds for the request.

### **Order of Saint Andrew the Apostle**

#### To Turkey

- Fully adhere to the principles on the rights of expression, assembly and association, dissent, and religious faith and practice of all citizens.
- Cultivate a climate of tolerance and non-discrimination toward all faiths, and especially toward the Christian faith of all denominations.
- Defend and protect the health, safety, integrity, free movement, and religious activity, in all its manifestations, of the Ecumenical Patriarchate and allow full exercise of its role as a leader of world Orthodoxy and Christianity.
- Cease all property confiscations and enter into serious and good-faith negotiations for the return of properties or fair compensation for lost properties of the Patriarchate and of all social, philanthropic and educational institutions affiliated with it.
- Cease all legalistic and devious means of harassment applied to the Ecumenical Patriarch;
- Establish a climate of respect, tolerance, and legitimate assistance toward the free functioning of ethnic minorities and their various institutions and organizations.
- Based on Turkish law and using established procedures as practiced generally in Turkey, provide review and permits for the repair, rehabilitation, or reconstruction of buildings of the Patriarchate; cease the use of devious, contrived and convoluted pretexts to either deny or prolong the issuance of such necessary permits.

### **Human Rights First**

- **Send clear signals to police and prosecutors** about the importance of combating aggressive nationalism and racism, and project a categorical response to the perpetrators of this violence, **ensuring** that those responsible

for hate crimes are held accountable under the law, and that the record of accountability is well documented and publicized.

- **Empower national antidiscrimination and human rights bodies** with the mandate to address violent hate crimes through monitoring, reporting, and assistance to victims.
- **Conduct outreach and education efforts to communities and civil society groups** to reduce fear and assist victims, advance police-community relations, encourage better reporting of hate crimes to the police and improve the quality of data collection by law enforcement bodies.

#### Recommendations to the OSCE:

##### **Union of Balkan Egyptians**

- High Commissioner for Protection of National Minorities by OSCE according to his mandate as well as reports from AC of FCPNM, ECRI and other international instruments to take an arbitrary role on solving the Balkan Egyptian issue in Albania.
- International Community, including OSCE and its instruments, has to respect the international document on supervising the development of Macedonian multicultural society, with focus on all citizens without any discrimination of ethnic belonging, because Macedonia is continuing to develop as a bicultural society under the terminology and mask of multiculturalism.

##### **Human Rights Without Frontiers**

###### The OSCE Commissioner on National Minorities

- should visit Belgium, meets all the parties involved in a number of linguistic issues, draft a report and make recommendations

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

###### To the OSCE:

- organized racist crime, from investigation of individual incidents to detection and destruction of their network infrastructure by cutting off their funding sources, identifying the organizers and coordinators of violent attacks, etc.
- Organize a seminar for law enforcement personnel of different countries to share and promote best practices in data collection and official statistics of hate crime.
- Change the crime reporting system to enable registration of suspected hate motives at any stage of proceedings.
- Publish comprehensive statistics on hate crimes disaggregated by type, region, and the number of victims.

## **WORKING SESSION 6: Humanitarian issues and other commitments I**

### Recommendations to participating States:

#### **Holy See**

- Participating States and OSCE institutions develop more effective information and awareness campaigns on the problem of trafficking in human persons.
- Participating States and OSCE institutions address more concretely the “demand side” trafficking in human persons, including by developing and implementing programs and policies that highlight the dignity of the human person, which seek to put an end to the objectification of, particularly, women and children, and which will squarely challenge the prevailing sex industry that perpetuates this modern form of slavery..
- Participating States enhance their commitment to fighting the scourge of trafficking in human persons, including by building coalitions with civil and religious organizations dedicated to this same cause, thereby strengthening the outreach to victims of trafficking with support, assistance, and rehabilitation.
- Participating States enhance law enforcement efforts to identify and prosecute the exploiters and traffickers of persons, particularly in destination countries, where more accountability is needed in this regard.
- Participating States and OSCE institutions address the cultural and economic factors contributing to human trafficking, which include legalized prostitution, pornography, corruption, poverty, unemployment, and underdevelopment; and take pro-active measures to put traffickers and exploiters out of business, and restore societies wherein human dignity and respect for all persons is not only recognized but upheld through the rule of law and manifested in cultural realities.

#### **Human Rights Without Frontiers**

##### To participating States

- To mandate the national prosecutor’s office to deal with THB cases spanning several jurisdiction;
- To adopt laws imposing more severe financial sanctions on the perpetrators and collateral profiteers of trafficking in human beings and economic exploitation;
- To create a fund fed by the fines imposed on the ground of tax evasion, by the seizures and sales of the companies involved in illegal activities in order to increase the budget of the fight against economic exploitation of trafficked people;
- To increase the financial and human resources of their social inspection departments;

To judges:

- To fully use the sanctions provided by the law in order to put an end to the THB activities of the perpetrators and to have a deterrent effect on potential perpetrators.

## **WORKING SESSION 7: Tolerance and non-discrimination II**

Recommendations to participating States:

### **Canada**

- We strongly urge participating States to increase nominations for qualified female candidates for positions within the OSCE.
- We urge participating states to increase the number of female military and police contingent members sent to peacekeeping and peacebuilding missions or operations.

### **Albania**

- Making available the necessary funds in order to guarantee the success of the implementation process of National Action Plans on Gender Equality
- Improving the process of Gender Mainstreaming at all central and local levels.
- Involving more men in all programs and policies of Gender Equality.
- Taking necessary measures that guarantee the implementation of quota system

### **Open Society Institute Assistance Foundation, Tajikistan**

To Tajikistan

Рекомендации:

- Проведение непрерывного мониторинга и оценки реализуемой гендерной политики, нарушения прав женщин и мужчин.
- Создание базы данных по приема жалоб и обращений по нарушению прав человека по обращениям и принятым мерам по обеспечению прав женщин.
- Обсудить создание в МВД отдела, специализирующегося на расследовании дел, связанных с насилием в отношении женщин

Рекомендации:

- Принят закон «О социально-правовой защите от насилия в семье» с одновременным принятием пакета нормативных актов и Законов о внесении необходимых изменений и дополнений в уголовное, уголовно- процессуальное, административное законодательство, по принятию механизмов по реализации положений Закона, связанных с работой кризисных центров, выдачей охранных ордеров и т.д.

## **Soteria International**

- That in all OSCE participating countries will be promoted through the education system the understanding of the necessity to integrate both the masculine perspectives and the feminine perspectives. Special attention should be given to draw awareness to the importance of the feminine values, as these are particularly neglected today. By giving the feminine values and perspective their due attention, instead of ignoring them as it is today, people will give them their appropriate respect and will value them – thus promoting these values in society and promoting their best ambassadors – the women.

### Recommendations to the OSCE:

#### **Canada**

- We encourage ODIHR to work with participating States to ensure that commitments within the Secretary General's Action Plan on the Promotion of Gender Equality, particularly those related to gender mainstreaming, are translated into concrete action through sustained implementation. We further encourage efforts to enhance data collection, monitoring and reporting mechanisms to strengthen the effectiveness of implementation.

#### **NGO 'Chashma'**

##### To the OSCE

ОБСЕ должна не только продолжить, но и усилить свою деятельность по поддержке экономических программ, через стратегию повышения экономического потенциала и возможностей женщин, то есть проектов по микрофинансированию, направленных на женщин, входящих в группу риска (то есть из уязвимых групп женской части населения);

### Recommendations to the OSCE and participating States:

#### **Holy See**

- Participating States take the necessary action to promote equally effective participation of men and women in political, economic, social and cultural life.
- Participating States and OSCE institutions work together to ensure that OSCE documents are more responsive to women, particularly to women living in poverty, through developing strategies for development, on literacy and education, on ending violence against women, on a culture of peace, and on access to employment.
- Participating States and OSCE institutions collaborate in creating a culture where the inherent, inalienable dignity of women is respected, where both the distinctiveness and the complementarity of women and men are valued, and where any violent act against women is recognized as a denial of their

essential rights, a violation of their dignity, and hence a detriment to the society as a whole.

- Participating States address discriminatory practices that keep women on the margins of society, oftentimes caused by or aggravated by discrimination based on a woman's race, ethnicity, religion or social status.
- Participating States and OSCE institutions renew their efforts to uphold and strengthen women's role in the family, while at the same time making it possible for her to use all her talents and exercise all her rights in building up society.

Recommendations to NGOs:

**Open Society Institute Assistance Foundation, Tajikistan**  
To Non-governmental Organizations in the Republic of Tajikistan

Рекомендации:

1. Создать процессуальные механизмы для развития бесплатной юридической помощи по гражданским и уголовным делам.
2. НПО изыскать ресурсы для оказания юридической помощи всем обращающимся к ним женщинам, а не только малоимущим.
3. Президиуму коллегии адвокатов Республики Таджикистан рассмотреть вопрос об открытии юридических консультаций в отдаленных районах и увеличении числа адвокатов в юридических консультациях.

## **WORKING SESSION 8: Human Rights Education**

Recommendations to participating States:

**Norwegian Helsinki Committee**

- Alignment of national educational plans with international standards in human rights education
- All national development plans, where possible, should include an educational element characterized by a rights based approach.
- Development of national action plans for human rights education encompassing both formal and informal education, teacher training institutions, justice and police sectors, military sectors and other professional work groups (teachers, social workers, health practitioners), immigrant groups, asylum seekers etc.
- Ensuring that human rights education is available and equally accessible to all social sectors.

- Linking of human rights education to inter-cultural understating and conflict resolution.
- Establishing informational and educational focal points that can report on progress of implementation of human rights education measures at local and regional levels.
- Enhancing opportunities for cooperation in human rights education among government agencies, non-governmental organizations, professional groups and other institutions.

### **Tajik National University, Law Faculty**

#### To Tajikistan

Для развития образования в области прав человека государственным органам и ведомствам следует предпринять следующее.

- нужно однозначно признать, что вопрос обучения правам человека - не вопрос дискуссий и возможностей, а прямая обязанность государства по выполнению принятых на себя международно-правовых обязательств.
- наиболее актуальной задачей является подготовка учителей по тематике прав человека. В связи с этим, в первую очередь необходимо включение тематики прав человека в программу обучения студентов-педагогов всех специальностей, в качестве компонента базовой подготовки учителя. Кроме того, желательна введена новая педагогическая специальность «Преподаватель прав человека». Органам управления образования важно создать условия для передачи опыта обучения правам человека, накопленного педагогической общественностью и профильными НПО, как учителям, так и другим работникам школы, в первую очередь, администрации и классным руководителям.
- Также важно изыскать средства на издание и распространение лучших учебных и методических материалов по правам человека для школы и вуза.
- Необходимо создать условия для конструктивного взаимодействия властных структур и НПО в продвижении образования в области прав человека. При выполнении этих условий система образования прав человека в РТ получить свое дальнейшее развитие.

### **NGO ‘Amparo’**

#### To Tajikistan:

В этой связи зачитаю разработанные нашей организацией рекомендации по улучшению качества образования в области прав человека в школах РТ:

- Организовать курсы повышения квалификации для педагогов по изучению законодательства и методик преподавания правовых дисциплин, каждые пол года.
- Организовать рассылки информации по обновлению законодательной базы.
- Провести анализ качества усвоенного материала утвержденного Министерством бразования РТ в школах Таджикистана, по Согдийской



области такая статистика имеется и можно с уверенностью сказать, что большая часть данной информации не усваивается учениками из-за сложности

- Обеспечить учебные заведения учебными пособиями, правовой литературой, необходимыми нормативными актами в облегченном для педагогов и учащихся виде.
- Перевести учебные пособия и правовую литературу на языки большинства говорящих в определенных регионах населения, а именно на русский и узбекский.
- Взаимодействовать с органами власти в направлении гражданско-правового воспитания и образования школьников и молодежи.
- Активнее взаимодействовать с общественными организациями, педагогами, имеющими опыт проведения мероприятий по правовому просвещению, владеющими передовыми методиками преподавания правовых дисциплин, имеющие сертификаты повышения квалификации по данным направлениям, в том числе с зарубежными партнерами.
- Поощрять педагогов и общественные организации, активно пропагандирующие права человека.
- Включить в программы института повышения квалификации специальный курс по проблемам гражданско-правового образования и методикам преподавания права и прав человека в том числе интерактивным

## ***WORKING SESSIONS 9: Human Rights Education***

### *Recommendations to participating States:*

#### **Chernivtsy Regional NGO 'Human Rights'**

##### To Ukraine

##### Рекомендации.

1. Создать систему образования, начиная с дошкольных учреждений, школ, вузов, включающую в обязательном порядке учебные программы всех уровней по образованию в области прав человека.
2. провести мониторинг содержания школьных учебников в свете прав человека
3. ввести в школьных программах обязательный курс по мирному разрешению конфликтов, обучению основам медиации (возможно в рамках предмета «Обеспечение жизнедеятельности»)
4. разработка и принятие законов «О борьбе с дискриминацией», принятия новых законов - О борьбе с коррупцией, с организованной преступностью, об адвокатуре
5. ввести в рамках Концепции о непрерывном образовании курсы по правам человека для всех госслужащих

### **Soteria International**

- That in all OSCE participating countries, it will be promoted through the education system the value of the national identity and the national heritage and values. This should focus upon people learning the higher aspects of their own heritage, encouraged to develop their national identity. In the same time, the educational system should also aim to encourage a study of the heritage and values of other national and ethnic elements which are present in the area – either in neighboring countries or within the same state. This should take place both through the educational system for children, as well as for the teachers themselves, and through promotion of cultural events for the general population.

## ***WORKING SESSION 10: Tolerance and non-discrimination II***

### *Recommendations to participating States:*

#### **Greece/Chairman-in-Office**

- It should be acknowledged that intolerance against Muslims is not a problem of a specific minority, but a human rights problem concerning everyone.
- The historical, cultural and psychological depth of the issue of discrimination and intolerance always needs to be taken into full consideration.
- There is also a need for an intellectual and ethical strategy to avoid political exploitation of the issues related to discrimination and intolerance.
- Various forms of intolerance and discrimination need not be subject to an artificial hierarchy. Discrimination is discrimination and must be condemned and dealt with whatever the underlying motive might be. Within this framework, there should be synergy in efforts dealing with different forms of discrimination.
- Integration policies should address the social and economic needs of Muslims in the countries that they are residing. Such policies should promote integration through participation, not assimilation. This will lead to better understanding and better integration, thus to lessening of mutual mistrust.
- Fight against terrorism should be conducted with in the line of the internationally recognized human rights standards. This would increase partnership and cooperation between Muslim communities and security officers and contribute to the prevention of radicalization which may lead to violence.
- Senior government leaders should send immediate, strong, public, and consistent messages that violent crimes which appear to be motivated by prejudice and intolerance against Muslims will be investigated thoroughly and prosecuted to the full extent of the law.

- Recognizing the particular harm caused by violent hate crimes, governments should enact laws that establish specific offenses or provide enhanced penalties for violent crimes against Muslims.
- Governments should ensure that those responsible for hate crimes against Muslims are held accountable under the law, that the enforcement of hate crime laws is a priority for the criminal justice system, and that the record of their enforcement is well documented and publicized.
- Governments should maintain official systems of monitoring and public reporting to provide accurate data for informed policy decisions to combat violent hate crimes against Muslims. Such systems should include anonymous and disaggregated information on bias motivations and/or victim groups, and should monitor incidents and offenses, as well as prosecutions.
- Governments should conduct outreach and education efforts to Muslim communities and civil society groups to reduce fear and assist victims, advance police-community relations, encourage improved reporting of hate crimes to the police and improve the quality of data collection by law enforcement bodies.
- Members of parliament and local government leaders should be held politically accountable for bigoted words that encourage discrimination and violence and create a climate of fear for minorities, including Muslims.
- Governments should support and strengthen the mandates of intergovernmental organizations that are addressing discrimination—like the Organization for Security and Cooperation in Europe, the European Commission against Racism and Intolerance, the Fundamental Rights Agency, UN Alliance of Civilizations Initiative and Organization of Islamic Conference—including by encouraging such organizations to raise the capacity of and train police, prosecutors, and judges, as well as other official bodies and civil society groups to combat violent hate crimes.

#### **CEJI**

- CEJI urges the Participating States to live up to their commitments on data collection and monitoring of Hate Crimes.
- CEJI recommends that the Participating States strongly support the creation of more comprehensive educational programmes that will train educators and officials to teach about diversity, tolerance and respect.

#### **Recommendations to the OSCE and participating States**

##### **Holy See**

- The OSCE clearly acknowledge that the problem of intolerance and discrimination against Christians and member of other religions is one of the core concerns in the framework of its commitment to tolerance related issues, and that raising the awareness of this fact is critical to the progress we hope to achieve in this regard.
- Participating States assess their legislation in view of fighting discrimination and intolerance against Christians (labour law, equality law, freedom of

expression and assembly, laws related to religious communities, the right to conscientious objection, etc...).

- Participating States and OSCE institutions build stronger relationships with representatives of Christian churches and NGOs working specifically in the field of intolerance and discrimination against Christians and members of other religions.
- Participating States and NGO institutions pro-actively encourage the media not to spread prejudices against Christians and members of other religions.
- The OSCE institutions devote more concerted attention to the issue of discrimination against Christians in their reports on human rights offenses, in particular on hate crimes and hate events, and further develop the TANDIS page with more specific information in this regard.
- The OSCE organize a follow-up to the Roundtable on Discrimination against Christians held in March 2009 in order to deepen its outcome and promote the expansion of tolerance and respect among all persons towards Christians.
- Participating States pay closer attention to the problem of discrimination against Christians, by collecting data and reporting cases of intolerance to the OSCE institutions in cooperation with Christian communities.
- Participating States and OSCE institutions collaborate in addressing the factors associated with the economic crisis that have exacerbated the incidents of bias/hate motivated crime in the OSCE region.
- Participating States and OSCE institutions re-focus their energies to addressing the agreed commitments enumerated by the OSCE Ministerial Decisions.
- Participating States address the need for more precise and professional standards of police procedure regarding the investigation and prosecution of hate crimes.
- Participating States should take greater care to ensure the proper balance between the freedom of expression and the prosecution of hate crimes.
- Participating States and OSCE institutions should collect data and devote specific attention to hate crimes perpetrated against Christians, encourage the media not to spread prejudices against Christians, and further develop the TANDIS with more comprehensive information about incidents of intolerance, discrimination and hate against Christians.

### **ILGA-Europe**

- the participating States transpose into their policies the Yogyakarta Principles on the application of International Human Rights Law in relation to Sexual Orientation and Gender Identity;
- the participating States collect data on hate crimes, including those based on sexual orientation, and that they provide adequate protection for the activities of LGBT groups;
- the participating States introduce criminal sanctions for violence on the grounds of sexual orientation and gender identity;
- the ODIHR and the OSCE continue their work on monitoring all human rights;

- the Greek Chairmanship of the OSCE includes references to sexual orientation, gender identity and gender expression in the final conference declaration of the Chairmanship-in-Office;
- the mandate of the Personal Representative on combating Racism, Xenophobia and Discrimination makes an explicit reference to homophobia and transphobia, so committing itself to a non-hierarchical approach to combating discrimination.

### **European Humanist Federation**

The European Humanist Federation recommends that:

- all those in positions of influence and especially religious leaders refrain from using disparaging and dehumanising language with respect to people of different religions or beliefs and exercise their influence in a manner conducive to dialogue and social cohesion.

### **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.
- Member States of the Council of Europe are encouraged to implement ECRI's recommendations contained in its country-specific monitoring reports as well as ECRI's General Policy Recommendations.
- OSCE institutions are encouraged to continue their co-operation in the fight against racism, racial discrimination and all forms of intolerance with the Council of Europe by further strengthening mechanisms enabling the free flow of and exchange of information and data.

### **Redeemed Lives UK**

- The OSCE should draft policies for participating States to protect the availability, display and promulgation of Christian books and any media that upholds the traditional orthodox Christian belief on same-sex attractions including the possibility of changing unwanted same-sex attractions. This

means such books and media must be exempt from harassment, discrimination or hate speech legislation.

- The OSCE participating States must address the clarity of the meaning of Equality and Diversity as a working policy □ which is about making accessible different viewpoints and not conformity to one viewpoint. Applied to my case, Equality does not mean that everyone has to conform to the viewpoint that acceptance of same□sex attractions is the only acceptable outcome.
- The OSCE should make recommendations to all participating States that all professional Christian workers including clergy, counselors, psychotherapists, psychologists and pastoral careers who uphold traditional orthodox Christian beliefs in their place of work be exempt from harassment and discrimination laws in relation to the issue of changing unwanted same□sex attractions. This includes referrals to reparative therapy as part of their work and ministry.

### Recommendations to participating States

#### **Way of Reconciliation**

- **To ensure** freedom of religion and belief, freedom of expression, freedom of assembly, right to conscientious objection.
- **To refrain** from interferences and to modify legislation that discriminates or provokes intolerances against Christians
- **To recognise and condemn** intolerance and discrimination against Christians and **ensure** the right of Christians to participate fully in public life
- To **take measures** against the rising intolerance and discrimination against Christians **in the media**.
- To **scrutinize "tolerance and non-discrimination" laws and measures**, not to lead to abuses and misapplications which can actually create greater intolerance and discrimination. Examples of possible abuses that may cause discrimination, intolerance and which may dangerously limit pluralism are for instance:
  - Repression of Freedom of Speech (as we are seeing this especially in the area of human sexuality)
  - Hiring policies for Christian organisations
  - Education policies, especially regarding curricula, or criteria for eligibility of public funding for private schools.
  - The area of freedom of conscience
  - The repression of academic freedoms
  - The difficulty of justly legislating Hate Speech Regulations

#### **Avrupa Batı Trakya Türk Federasyonu**

##### To Greece

- To make express provision in the law for racist motivation to be considered as an aggravating circumstance in the case of all common offences.

- To introduce a provision into criminal law expressly stipulating that for all ordinary offences, racist motivation constitutes an aggravating circumstance. In addition, we would like to draw attention of the Greek authorities to ECRI's General Policy Recommendation No. 7 on national legislation to combat racism and racial discrimination, indicating the provisions that should be included in criminal legislation.
- To take every step to prosecute and punish the culprits, in cases where racist actions have been taken.
- To ratify as soon as possible the Framework Convention for the Protection of National Minorities.

### **Anti-Defamation League**

- The Ministers Council and each of your political leadership should to condemn the rise of anti-Semitism and hate violence. Easy to condemn a marginal hate site, but let's call out the legitimizing of anti-Semitism and hate among our own colleagues and leadership.
- 
- Welcome the contribution of the three Personal Representative of the Chairman in Office on anti-Semitism and intolerance and urge their reappointment by the incoming CiO. These representatives focus on distinct and specific forms of intolerance and can mobilize a targeted response at the political level as specific problems arise.
- Convene a high level conference on Anti-Semitism and Intolerance in 2010 and a supplemental HDM on anti-Semitism as a vehicle to galvanize this leadership, without which nothing else is possible to provide an important focal point to chart a course for progress.
- Fulfil their pledge to monitor and to address hate crime. Hate crime laws are the jumping off point for a whole range of political, policy education, prevention and response measures. Even the mere collection of disaggregated hate crime data is a powerful tool to confront anti-Semitism and other forms of bigotry because it highlights the issue of hate violence for policymakers and the public --and prompts government outreach and police training to identify, report, and respond to hate violence.
- Support the specialized work of the OSCE Office for Democratic Institutions and Human Rights (ODIHR) Tolerance and non-Discrimination Department and promote its reporting, education and training programs and other tools to combat anti-Semitism and hate crime.
- Utilize ODIHR tools like Hate Crime Laws: A Practical Guide designed to help establish a common framework to improve hate crime response with models for lawmakers, community organizations and law enforcement. States should enlist the help of ODIHR expertise to seek ways to utilize the guide. ADL was gratified to have played a role in its drafting.
- Forge Links with Civil society. Governments can do a lot to involve communities in efforts to craft and implement policies. States should establish

a framework for regular communication between communities and relevant officials.

- States should also support ODIHR efforts to build the capacity of non-governmental organizations to serve as a bridge between officials and law enforcement and communities to ensure an effective response.
- Reality is most hate crimes never solved. After the dust settles what we are left with is how well we responded, whether we used it as a catalyst to advance progress or promote fear. We all have a choice and that choice matters. Your action or inaction this year distinguished delegates, is the way you tell convey your choice.

### **COJEP International**

- Policymakers should not only respond strongly by condemning in the strongest terms the hate crimes, but also calling upon the institutions to perform their role effectively.
- The media have an important role in informing the public that is why it needs to deal objectively with hate crimes against Muslims and avoid propaganda approaches that promote prejudices against Muslim Communities.
- The police authorities must keep statistic on hate crimes targeted against Muslim communities. The police should also seek a better cooperation with Muslim communities to encourage its members to launch complaints when targeted.
- We call on participating States of the OSCE to benefit from the expertise and educational work of the ODIHR and we emphasize that States from the west of Vienna must be more open to cooperate with ODIHR in this area. We appeal to member states to have a look at the latest ODIHR report on hate crimes. We find it very disturbing that out of 56 participating countries, only 2 states have provided concrete information on hate crimes against Muslim communities.
- Education and Training are 2 essential tools to combat old and new forms of intolerance and hate crimes. In this regard, the draft guideline for educators prepared by ODIHR should be completely supported by all participating States of the OSCE.

### **Internet Centre Anti Racism Europe (ICARE)**

We recommend the OSCE participating States to:

- Enact laws that expressly address hate crimes. Recognizing the particular harm caused by violent hate crimes, governments should enact laws that establish specific offences or provide enhanced penalties for violent crimes committed because of the victims race, religion, ethnicity, sexual orientation,



gender, gender identity, mental and physical disabilities, or other similar status.

- Monitor and report on hate crimes. Governments should maintain official systems of monitoring and public reporting to provide accurate data for informed policy decisions to combat violent hate crimes. Such systems should include anonymous and disaggregated information on bias motivations and/or victim groups, and should monitor incidents and offences, as well as prosecutions.
- Strengthen the ODIHR's tolerance and non-discrimination work by:
  - a. Fulfilling their commitment to collect data on hate crime, provide it to the ODIHR, and make it available to the public.
  - b. Supporting the ODIHR's efforts, in line with OSCE commitments, to take a comprehensive approach to combating intolerance and discrimination by reporting on and developing programs that aim to combat hate crimes motivated by racism and xenophobia, anti-Semitism, religious intolerance, sexual orientation and disability bias, as well as hate crimes against Muslims and Roma and Sinti.
  - c. Ensuring that the Law Enforcement Officer Program on Combating Hate Crime (LEOP) has the support it needs and that participating states are taking part in this program.
  - d. Providing political and financial support for the convening of regular meetings of the National Points of Contact on Combating Hate Crimes, with the full participation of civil society groups and representatives of specialized anti-discrimination bodies.
  - e. Ensuring political and financial support for capacity building programs for civil society organizations and representatives to document and combat hate crime.
- OSCE States Parties are urged to uphold their commitments to combat anti-Semitism under the principles of the 2004 Berlin Declaration and follow-up Cordoba and Bucharest statements. The exponential rise in anti-Semitic incidents across the region in the past year highlights the need to focus on incitement against Jews on satellite television and the Internet. We urge the OSCE to convene an SHDM in early 2010 to address specific responses to anti-Semitism, as well as a high-level conference on anti-Semitism and other forms of intolerance.
- Acknowledging the continued prevalence of prejudice against Roma across the region and the need for greater protection of the rights of Roma, states should mandate training for relevant public officials to address discrimination against Roma. Training programs should include follow up and accountability on the implementation of the policies and procedures modeled in the training.
- Bearing in mind the growing influence of the Internet, integrate the role of Internet hate speech into any tolerance-related issue.

- Consider reconfiguring the position of the Personal Representative of the CiO on combating Racism, Xenophobia and Discrimination, also Focusing on Intolerance and Discrimination against Christians and Members of Other Religions into two separate positions: one for intolerance and Discrimination against Christians and Members of Other Religions and one for Racism, Xenophobia and Discrimination so all the topics can receive the attention they deserve.
- Ensure that the rights of migrants, asylum seekers and refugees are respected and they do not become subjects of discriminatory measures. A fundamental human right to seek asylum should be respected.

### **Associazione “Dossetti: i Valori”**

Participating States are urged to:

- pay more attention to the hate crimes against Christians – also where they are majority – in the questionnaire collecting data from national data collection point.
- engage in consultations with religious communities respecting their specificity with regard to other social groups and – among religious communities – taking into account the historical, cultural and numeric relevance of each community (the dialogue should also take place in a bilateral way, with each of the relevant communities, in relation to specific circumstances and subjects).
- welcome the interventions 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.
- protect all religions – also the majority ones – from prejudices and misrepresentation, particularly in the field of education, culture and information.
- promote a dialogue between the Muslim representatives and the religious communities present in the places where mosques are to be built in order to foster a climate of mutual tolerance and respect between believers of different communities.
- follow-up the Cordoba and Bucharest Conferences by convening in 2010 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.

**Islamic Renaissance Party**  
To Tajikistan

Поэтому просим ОБСЕ рекомендовать Правительству РТ :

- содействовать принятию поправок и изменений в закон «О свободе совести и религиозных объединений».
- разработать положения закона в соответствии с международным обязательством по правам человека.

**Chernivtsy Regional NGO 'Human Rights'**

To Ukraine

**Рекомендации.**

1. разработка и принятие антидискриминационного закона в соответствии с требованиями ОБСЕ, документов ООН
2. внести изменения и дополнения в ЗУ «О национальных меньшинствах» в соответствии с рекомендациями ОБСЕ, Совета Европы, ООН
3. разработать закон Украины в поддержку национально-культурной автономии дискриминируемых в настоящее время этнических групп – Рома, Крымских татар, Караимов и других групп
4. привести ст. 161 Уголовного Кодекса в соответствии с требованиями ООН, ОБСЕ, Совета Европы, создать

**правоприменительную практику; предусмотреть также нормы административной и гражданской ответственности за антидискриминационные действия**

5. проводить политику нетерпимости к проявлениям ксенофобии, антисемизма, нетолерантности, разработать непрерывную систему обучения правам человека, начиная с

**NGO "Samopoznanie"**

To participating States

- я прошу страны- члены ОБСЕ, общественным деятелям и лидерам НПО, чтобы они употребили свое влияние и подняли свой голос в защиту права общественного объединения «Аят- чистое сознание».
- Мы просим вашего вмешательства и помощи прекратить дискриминацию сторонников метода оздоровления Фархад-аты.

- Прекратить разжигать рознь и нетерпимость к общественным организациям по национальной принадлежности основателей учения, а также восстановить наши конституционные права на создание общественных объединений «Аят- чистое сознание».

### **Canadian Arab Federation**

- Hate crimes against Muslims and Arabs should be tackled seriously and urgently
- Arab and Muslim Canadians should be consulted and involved when shaping policies and anti-terrorism legislations.
- Finally public rhetoric, media bias, and political discourse demonizing Arab and Muslims should be monitored and prevented.

### **OMNIUM des Libertes Individuelles et des Valeurs Associatives**

- Our first recommendation is that the Personal Representative of the Chairman-in-Office on combating intolerance and discrimination against Christians and members of other religions intervene so that the State apparatus organizing discrimination, MIVILUDES, stops immediately its filing system and destroys its files on minority belief groups.
- Our second recommendation is that OSCE reminds the French authorities that every citizen has the right to freedom of thought, conscience, religion or belief and that this right includes freedom to change one's religion or belief, right that France has committed to respect at the 1990 Copenhagen Conference.

### Recommendations to the OSCE:

#### **COJEP International**

- At the same time, we wish to point out the fact that it is important to build the capacity of civil society so that it can adequately manage such issues. The extensive training in Russian language by ODIHR should also be implemented in other languages like German and French for the benefit of large Muslim communities in these 2 countries. Our organization is willing to engage with ODIHR for the success of this vital initiative.
- Cojep International appreciates the work done by the new special representatives of the OSCE Chairmanship and specifically requests the representative working with the issue of intolerance and discrimination against Muslim communities, to increase awareness on hate crimes. This issue is not only Islam specific, but is the responsibility of Human Rights and implies recognition by States of the existence of this problem. It is unacceptable that hierarchy of different forms of intolerance within our societies exists. We must deal with this issue on urgent basis.

- Finally, we call the next Kazakh presidency of OSCE to take account of the hate crime issues as well as intolerance and increasing discrimination against Muslim communities. In light of the alarming situation, we recommend a special meeting to be held next year to assess the overall living conditions of Muslims and follow its progress closely.
- Cojep International call upon the personal representative of the Chairman in Office of the OSCE dealing with intolerance and discrimination against Muslims to make state visits to assess the situation of Muslim communities with the various local and national representatives. The last violent incident which took place in Germany leads us to recommend the first visit to be in this country. We know that the German authorities have the means and the will to collaborate effectively to set an example in the fight against such hate crimes. A visit to Greece, Bulgaria, Denmark and Italy seems equally necessary in the near future to assess the situation of ethnic and religious minorities in these member states of European Union.

### **Internet Centre Anti Racism Europe (ICARE)**

- The OSCE should commit itself to a non-hierarchical approach to combating discrimination. We call on the Chair-in-office of the OSCE and participating States to explicitly include sexual orientation and gender identity in:
  - a. Ministerial decisions related to tolerance and non-discrimination and hate crime;
  - b. The work of all the OSCE tolerance related mechanisms.
- OSCE should ask Participating States to take immediate action concerning hate crime against Muslim communities, including data collection and monitoring of violence, and other awareness raising measures that also address the issue of hate speech.

### **Way of Reconciliation**

#### OSCE/ODIHR/ OSCE Missions

- **To recognise and condemn the problem** in its different features, both in the Eastern and Western countries of the OSCE (East and West of Vienna) and **reiterate** the findings and conclusions of the **Roundtable on Intolerance and Discrimination against Christians held in Vienna on March 4<sup>th</sup>, 2009**
- To use all their means **to work against intolerance against Christians**, inter alia by
  - seeing the problem as one of their core issues in the framework of its work on tolerance related issues
  - raising awareness throughout the OSCE region
  - collecting data
  - working more closely with representatives of Christian churches
  - assessing legislation in the participating States in view of discrimination and intolerance against Christians (labour law, equality law, freedom of

expression and assembly, laws related to religious communities, right of conscientious objections, etc.)

- encouraging the media not to spread prejudices against Christians and train professionals to do so
- further developing the TANDIS page (<http://tandis.odihhr.pl/>) with more specific information
- devote specific attention to the issue of discrimination against Christians in their reports on human rights offences, in particular on hate crimes and hate events
- mentioning it more prominently on their website (<http://www.osce.org/odihhr/20051.html>)
- **To build a stronger relationship with NGOs** working specifically in the field of intolerance and discrimination against Christians
- **To organize another roundtable** to deepen the outcome of the first roundtable on the discrimination against Christians as it has taken place in Vienna in March '09

## **IHRC**

### To the OSCE:

- To ensure that the issue of underreporting is given high priority at the level of member states;
- To request member states to support civil society initiatives to tackle underreporting, including investment and training in third party reporting;
- To request member states to enact programmes of social education on the existence of hate crime and how to tackle it;
- To censure media and political voices who publically deride victims of hate crime;
- To adopt in its work on hate crime, the McPherson Report recommendations on the concept of perception in the investigation of racially and religiously aggravated offences;
- To encourage states to train law enforcement workers in this understanding.
- To avoid the easy trap of integrating parts of far-right political agendas with regard to minorities into their manifestos and policies, and take a principled stand against all hate-filled discourse.

## **Associazione “Dossetti: i Valori”**

### The OSCE-ODIHR

is called upon to:

- focus its activity more to fulfilling the existing commitments and pay less attention to other concerns out the boundaries of the OSCE *acquis*.
- train law enforcement agencies, media and civil society to consider carefully also the hate crimes perpetrated against majority religions.
- raise the awareness on the positive contribution of the religious communities to the building and the wellbeing of our democratic societies.

## **WORKING SESSION 11: Humanitarian issues and other commitments II**

### Recommendations to participating States:

#### **NGO 'Society and Law'**

##### To Tajikistan

1. Закон РТ «О беженцах» привести в соответствии с международными стандартами, а именно с Конвенцией о статусе беженцев.
2. Обеспечить наилучшие интересы беженцев для интеграции их в местное сообщество. Решить вопрос о предоставлении гражданства беженцам, прожившим на территории Таджикистана более 5 лет и не имеющим другого гражданства.
3. Создание Центра временного размещения для лиц, ищущих убежище.
4. Проведение совместных тренингов с ОБСЕ по защите прав человека.

#### **Open Society Institute Assistance Foundation, Tajikistan**

##### To the Russian Federation

- между Российской Федерацией (РФ) и Республикой Таджикистан (РТ) следует постоянно развивать сотрудничество в деле контроля миграции. Необходимо подписание соответствующих обязывающих документов на уровне государств, министерств и ведомств, включая министерства иностранных дел, министерства внутренних дел, миграционные службы обеих стран.
- Для того, чтобы это взаимодействие не осталось декларативным, рекомендуется создание координирующих агентств и принятие соответствующих государственных программ, направленных на регуляцию миграции и координирование взаимодействия участников: министерств и ведомств, частных

##### To Tajikistan

на государственном уровне:

- необходимо принять меры по созданию регулируемого рынка предоставления кадровых услуг рабочих□мигрантов. Это включает в

себя создание профессиональных организаций и агентств, занимающихся регистрацией, получением разрешительных документов и лицензий.

- способствовать созданию частных компаний или НКО, занимающихся оказанием услуг кадрового аутсорсинга. Необходимо, чтобы в каждом регионе РФ и РТ были подобные операторы – кадровые агентства, специализирующиеся на подборе кадров трудовых мигрантов, работающих так называемым вахтовым методом. Вахтовый метод предполагает осуществление работ сменным (вахтовым) персоналом, который в период пребывания на объектах (участках) проживает в специально создаваемых вахтовых поселках и систематически, через определенное время, возвращается к месту нахождения предприятия, организации. Необходимо регулирование взаимодействия кадровых операторов из обеих стран и заказчиков персонала посредством специальных государственных или негосударственных некоммерческих агентств.
- создать центры легализации для лиц, не получивших своевременно законного статуса в России либо утративших его, деятельность которых осуществлялась бы в неразрывной связи с государственными органами, уполномоченными принимать решения в сфере миграции и дипломатическими миссиями. В задачи указанных центров должны входить реализация межгосударственных связей по восстановлению документов, обмена информацией, в том числе по вопросам нарушения прав мигрантов со стороны должностных лиц и правоохранительных органов, оказания правовой помощи. Также такие центры могли бы предоставлять мигрантам общественные работы для получения средств на оплату собственных расходов и возвращения на родину.
- на территории РФ необходимо создавать некоммерческие центры размещения мигрантов, где они могли бы проживать во время пребывания в РФ. Проживание может оплачиваться за счёт самих рабочих мигрантов. С помощью таких центров будет обеспечена безопасность мигрантов и охрана здоровья.
- Необходимо восстановление сети государственных профессионально-технических училищ в Республике Таджикистан. Большинство мигрантов не обладает какой-либо профессиональной квалификацией. В связи с этим они получают самые низкооплачиваемые работы и часто подвергаются дискриминации. В связи с острой потребностью промышленных предприятий РФ в профессиональных рабочих, необходимо создать инфраструктуру по их подготовке в Таджикистане. Создание такой сети возможно с помощью российских предприятий и профессиональных училищ, которые могут предоставить необходимые материалы и обучить преподавательский персонал. Координация такой программы должна проводиться на основе межгосударственных соглашений.



## **Chernivtsy Regional NGO 'Human Rights'**

### To Ukraine

#### **Рекомендации.**

- 1. разработка и принятие закона о двойном гражданстве**
- 2. разработка и принятие законов об альтернативной военной**
- 3. разработка и принятие антидискриминационного законодательства**
- 4. внесение изменений и дополнений в ЗУ «О беженках», « Об иностранцах», предусматривающих нормальные условия проживания, образования, необходимым документам, рабочим местам и участию в политической жизни**

### **Holy See**

- Participating States and OSCE institutions recognize that the phenomenon of migration has social, economic, political, cultural and religious dimensions which require forward-looking policies of international cooperation.
- Participating States collaborate in the coordination of legislative systems aimed at safeguarding the needs and rights of migrants and their families.
- Participating States recognize that, despite the difficulties concerning integration, migrant workers make a significant contribution to the economic development of the host country through their labor, and that these workers must always be treated with the dignity and respect that is owed to them as persons.
- Participating States and OSCE institutions work together to develop effective assistance programs to migrants and refugees suffering the burdens of dislocation that accompany migration.
- Participating States enhance their commitment to address the phenomenon of migration in a spirit of collaboration between migrants' countries of origin and their countries of destination.

## **Almaty Confederation of NGOs 'Ariptes'**

### To Kazakhstan

- Продолжать проводить политику информирования трудовых мигрантов на их родных языках в области прав человека и законов Казахстана
- Продолжать проводить обучение правоохранительных органов и государственных структур в области трудовой миграции
- Продолжать проводить оперативную юридическую и психологическую помощь в местах наибольшего скопления трудовых мигрантов, а именно, в Южно-Казахстанском регионе и городах Алматы и Астане.
- Необходимо выработать стратегию взаимодействия и партнерства стран пребывания и происхождения ТМ на межгосударственном уровне.

- Необходимо работать с масс медиа в области просвещения и обучения самих журналистов

### **Ukrainian Helsinki Human Rights Union**

- Develop clear recommendations to the states to keep in secret and do not disclose the refugee files including statements of the witnesses and other evidence of the persecution of the refugee in the state of their origin.
- Develop an absolute prohibition for state to pass refugees files to the state of their origin.

### **Amnesty International calls on all participating states:**

- to ensure that all persons seeking international protection get access to fair and transparent asylum procedures, with the right of appeal and ensuring that asylum seekers and refugees have access to state health and education services as well as adequate housing.
- AI calls on the EU governments not to send back to Kosovo Serbs, Roma or other members of minority communities which might be at risk of persecution.

### **Chernivtsy Regional NGO 'Human Rights'**

To Ukraine

#### **Рекомендации.**

- 1. разработка и принятие закона о двойном гражданстве**
- 2. разработка и принятие законов об альтернативной военной**
- 3. разработка и принятие антидискриминационного законодательства**
- 4. внесение изменений и дополнений в ЗУ «О беженках», « Об иностранцах», предусматривающих нормальные условия проживания, образования, необходимым документам, рабочим местам и участию в политической жизни**

Recommendations to the OSCE

### **Kyrgyz Committee for Human Rights**

To the OSCE

Можно перечислять бесконечно примеров о произволе Российских властей в отношении мигрантов. ККПЧ предлагает ОБСЕ следующие рекомендации:

1. Вопросы миграции в России должны рассматриваться на специальном совещании ОБСЕ более детально.
2. Должны выпускаться отчеты о положении мигрантов в России с темой ксенофобия и дискриминация.

Recommendations to NGOs:

**Open Society Institute Assistance Foundation, Tajikistan**

***НПО, частные компании, институты:***

- НПО в РФ – ввиду отсутствия практики взаимодействия государственных служб по контролю миграционных процессов, НПО могут осуществлять такое координирование взаимодействия участников. Такие НПО смогут быть информационными посредниками между государственными службами.
- Совместно с ФМС РФ, МВД РФ через СМИ обнародовать случаи выявленных правонарушений, совершенных сотрудниками указанных ведомств с целью профилактики коррупции и искоренения в общественном сознании представления о безнаказанности любых действий «правонарушителей в погонах».
- Информировать работодателей, привлекающих иностранных работников об их обязанностях, в том числе в части организации медицинского и социального обеспечения, а также соблюдения всех формальностей, связанных с приемом на работу иностранных граждан. В случае, если трудоустройство мигрантов будет осуществляться с помощью агентств кадрового аутсорсинга, социальное и медицинское обеспечение будет более осуществимо, так как деятельность таких агентства достаточно легко контролируется государственными органами.
- Информировать мигрантов о необходимости легализации, разрабатывать и распространять печатные материалы на родном языке на эту тему, организовывать лекции перед поездкой в Россию. Донести мысль, что закон защищает в равной степени иностранцев и граждан, и трудовое законодательство защищает в первую очередь интересы работников – вне зависимости от гражданства. Распространять информацию о случаях успешной защиты в законном порядке, в том числе в судебном, нарушенных прав мигрантов.
- Составлять материалы по межэтнической, межконфессиональной и межкультурной толерантности. Распространять эти материалы в структуре общего школьного образования и высшего профессионального образования. Особенно это необходимо тем студентам, которые учатся на факультетах журналистики.
- Проводить социологические исследования как по изучению общественного мнения в отношении мигрантов, так и по изучению

социальных ожиданий мигрантов по отношению к принимающему сообществу. Систематически проводить медиа-мониторинг этнической проблематики в СМИ.

- Установить и поддерживать постоянную связь с сотрудниками ведущих региональных СМИ (телевизионных каналов, радиостанций, информационных агентств), с целью наиболее полного и оперативного доведения до их сведения позитивных информационных поводов по этнической тематике. Систематически и заблаговременно информировать СМИ о готовящихся/предстоящих этнокультурных событиях.
- Представлять через СМИ от лица руководства национально-культурных автономий, этнокультурных организаций, этнических общин, диаспор и других авторитетных и статусных лиц моральную оценку установленным в законном порядке и освещенным в СМИ фактам преступной деятельности отдельных лиц соответствующей этнической принадлежности.
- Проводить на постоянной основе совместные консультации руководителей гуманитарных фондов, лидеров национально-культурных автономий, этнокультурных организаций, этнических общин и диаспор и сотрудников ведущих СМИ РФ по проблемам мигрантов и вопросам освещения этнической проблематики в СМИ.
- Частные компании или общественные организации в Республике Таджикистан могут осуществлять подбор персонала, его перемещение и оформление документов для нахождения на территории РФ и трудоустройства. Такие организации должны действовать в связке с российскими коллегами, иначе вероятны правонарушения, коррупция и вымогательства с обеих сторон границы.
- НПО в Республике Таджикистан могут заниматься распространением информации о правах мигрантов. Также желательно, чтобы НПО оказывали помощь в изучении русского языка тем, кто собирается в Россию. НПО также могут оказывать помощь в координации взаимодействия государственных служб, распространять информацию о правах мигрантов в РФ.

***To Non-governmental Organizations and International Organizations:***

- Необходимо, чтобы международные организации, НПО проводили проекты по мониторингу коррупции при перемещении мигрантов за пределы Таджикистана. Также необходимы проекты по развитию сотрудничества между регионами РФ и РТ. НПО со стороны РФ и РТ могли бы помогать взаимодействию и различных государственных, региональных и муниципальных служб и ведомств. Таким образом,

будет создана сеть сотрудничества, позволяющая сделать процессы миграции контролируемыми и предсказуемыми.

## ***WORKING SESSION 12 (specifically selected topic): Freedom of expression, free media and information***

### Recommendations to participating States:

#### **Public Foundation "Journalists in Troubles"**

To participating States

- А страны ОБСЕ я призываю обратить внимание на эту, прямо скажу, угрожающую ситуацию – еще пара месяцев, и в Казахстане не останется оппонированных власти газет.

#### **National Association of Independent Media in Tajikistan (Nansmit)**

To Tajikistan:

- Ввести в законодательство Республики Таджикистан понятие «публичной фигуры», с тем, чтобы расширить границы свободы слова в отношении высших должностных лиц;
- Декриминализовать вопросы клеветы и оскорбления;
- Всемерно поддержать создание механизмов саморегулирование СМИ;

#### **Almaty Confederation of NGOs 'Ariptes'**

To participating States:

- Международные стандарты обучения журнализму должны стать во главе угла по получению журналистского образования в странах ОБСЕ

To Kazakhstan:

- Продолжать обучение и переобучение журналистов вопросам гражданского общества и демократии, иным вопросам
- Оказывать всемерную поддержку НПО, занимающихся проблемами СМИ, правозащитной работы и поддержку прав и защиты журналистов.

#### **ICLA**

- That all blasphemy and hate speech laws be repealed, that we use instead normal criminal law to deal with criminal offenses.

- That libel laws in England, Wales and elsewhere be amended to protect the offender in preference to the offended, or entirely repealed.
- That OSCE participant states reassert the right of their citizens to exercise their freedom of expression that they act much more pro-actively to protect this freedom, in particular by effectively countering any attempt to stifle it.

### **Netherlands Helsinki Committee**

#### To Turkmenistan:

- To immediately launch fundamental reforms to bring the country's media freedom in line with OSCE principles and other international standards for freedom of expression, which are binding to Turkmenistan through its international human rights commitments.

#### To Tajikistan:

- To repeal articles 135 (libel) and 136 (insult), and articles 137 and 330 (insult of the president and other state authorities) from the Criminal Code;
- When dealing with defamation under the Civil Code, to make sure that the penalties provided are equal to all individuals, reasonable, and are not used to prevent legitimate criticism of public authorities.

#### To Russia:

- To revise anti-extremism legislation in force to limit the applicability of provisions on "extremism" to actions that involve the use of violence or incitement to violence and to ensure that such provisions do not lend themselves to arbitrary enforcement infringing freedom of thought, conscience and religion, freedom of expression and other fundamental liberties.

#### To Bosnia and Herzegovina:

- To fully and promptly complete the reform of the public broadcast media and ensure that the Regulatory Agency for Communications be protected against political pressure;
- To publicly condemn and investigate promptly all cases of violent attacks against critical journalists and media outlets, and bring the perpetrators to justice;
- To take immediate steps to ensure that the law on free access to information is fully implemented;
- To give clear orders to all levels of authorities to fully respect individuals' right to self-identification with regard to their nationality/ethnicity and sexual orientation, and to treat all on an equal footing.

#### To Armenia:

- To immediately reverse the moratorium on tenders for broadcasting frequencies and enable the allocation of new frequencies to applicants on an equal footing regardless of their political background.

#### To Serbia:

- To replace the current Law on Public Information with a new one that, prior to its adoption, will be submitted to scrutiny by experts and media professionals, and public debate. This law should serve as a basis for further legislation on the media.
- To amend the current regulations on the RTS - radio TV Serbia, as well as the whole RTS scheme (particularly with regard to topics such as war and war crimes, neighbours and minorities), which has not been changed following the Milosevic era.

#### To Kazakhstan:

- To immediately release human rights defender Yevgeny Zhovtis on the grounds that he has been imprisoned following an unfair trial, and ensure that a new trial be held for him in compliance with international standards for a due process.

#### To Azerbaijan:

- To promptly conduct an impartial and thorough investigation into the death of Novruzali Mammedov, who died in prison in August 2009 in suspicious circumstances;
- To immediately release the journalists Eynulla Fatullayev, Qanimat Zahid and Mushfiq Huseynov, as well as the bloggers Adnan Hadjizade and Emin Milli, who all have been detained for activities legitimate under international standards for freedom of expression and the media.

#### To Greece:

- To stop immediately all acts of harassment - including at the judicial level - against Roma and other human rights activists, in compliance with OSCE principles,<sup>28</sup> in accordance with the UN Declaration on Human Rights Defenders (1998), and in the spirit of the European Union Guidelines on Human Rights Defenders (2008).

#### To the Netherlands:

- To firmly anchor human rights education in a comprehensive manner in primary and secondary school education;
- To publicly promote tolerance, take firm steps to fight the increasing negative attitudes against Muslims, and to prevent any escalation of violence against Muslims living in the Netherlands.

### **Federation of Western Thrace Turks in Europe (ABTTF)**

### To Greece

- To review Law 3592/2007 and all OSCE States to ensure that media pluralism and free flow of information is in compliance with international standards and mechanisms
- To take measures to support pluralism and independence of the media, while addressing the conflict between freedom of expression and of the media and the right to freedom from discrimination
- To introduce a provision into criminal law expressly stipulating that for all ordinary offences, racist motivation constitutes an aggravating circumstance. In addition, we would like to draw attention of the Greek authorities to ECRI's General Policy Recommendation No. 7 on national legislation to combat racism and racial discrimination, indicating the provisions that should be included in criminal legislation.

### **Sweden/EU**

#### Participating States should

- 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 decriminalize libel and defamation.
- 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,
- ensure that these commitments equally apply to journalists who are also Human Rights Defenders,
- 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”).

### Recommendations to the OSCE and participating States

#### **Way of Reconciliation**

- We therefore recommend to the OSCE and Participating States: that *diverse* standpoints on human sexuality, a subject that is key to the human person, must not be repressed from freedom of speech in the public forum. We recommend to the OSCE for its consideration that this freedom be mentioned specifically in its texts referring to Freedom of Expression.



- Freedom of Expression is a key civil right. We recommend that the OSCE and Participation States protect this right from an alleged right not to be “offended” or a “freedom from hearing criticism” or a freedom from “hurt feelings”. As is stated in paragraphs 96 and 97 of the 2008 Venice Commission Report of the European Commission for Democracy Through Law:

*"Democratic societies should not be held hostage to excessive sensitivities of certain individuals.." and "the level of tolerance of these individuals and of anyone who would feel offended by legitimate exercise of the right to freedom of expression should be raised."*

Protection from "feeling offended" would be impossible to legislate fairly for *all persons* who may feel offended in the OSCE area, and, in addition, it would be at the costly price of the freedom of speech.

- Freedom of expression includes the mention of one’s religious beliefs *on an equal level as other topics* in the public debate as well as in the work place.
- At the OSCE Roundtable on Intolerance and Discrimination of Christians on March 4<sup>th</sup> in Vienna, negative stereotyping of Christians by media was mentioned as a particular problem. Legitimate debate should be heartily welcomed, but using catch phrases and evil-sounding stereotypes in order to "vilify" as Prof. Carulli negatively referred to, stops debate before it begins and slanders persons, denying them of their rights. We urge OSCE/ODIHR to work against these negative tendencies using their existing tools and measures.

## **Sweden/EU**

### 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 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 ODHIR's Point of Contact on Human Rights Defenders, assist the participating states in delivering on their commitments to protect the journalists who are also Human Rights Defenders.

## **WORKING SESSION 13 (specifically selected topic): Freedom of expression, free media and information**

### Recommendations to participating States:

#### **Amnesty International**

calls on the Participating States to:

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

#### **Civic Campaign “For Freedom”**

- Редакционная независимость всех СМИ должна уважаться, а журналисты не должны преследоваться за свою профессиональную деятельность.
- Негосударственные СМИ должны иметь право и возможность работать и развиваться в равных экономических условиях, в том числе иметь право на распространение без ограничений и дискриминации.
- Должны быть утверждены понятные, прозрачные и справедливые правила аккредитации журналистов, направленные на доступ всех журналистов к общественно важной информации.
- Журналистам не должны мешать делать репортажи с общественно важных событий и демонстраций.
- Должна быть прозрачная система в распределении частот и лицензии на теле- и радио вещание, соответствующая международным стандартам, с целью обеспечения плюрализма в электронных СМИ.
- Закон «О СМИ», Закон «О противодействии экстремизму» и статьи Уголовного кодекса, ограничивающие свободу высказывания, должны быть приведены в соответствие с международными стандартами.
- Власти должны обеспечить равное отношение к организациям, которые представляют журналистов.
- СМИ, власти и гражданское общество должны продолжать диалог по улучшению политики и практики в сфере СМИ.

**WORKING SESSION 14 (specifically selected topic):  
Roma/Sinti and, in particular, early education for Roma and  
Sinti children**

Recommendations to participating States:

**Amnesty International**

calls upon the participating States to:

- To acknowledge the gravity of racially motivated crimes and to investigate urgently the series of racist attacks and to protect Roma from future attacks.
- To reverse racial discrimination in education and address the grave violations of the right to education for Roma children.

**Anti-discrimination Centre Memorial**

- It is extremely important to take immediate measures in order to correct the current situation. For this purpose it is necessary to collect exact data on the schools where study large groups of the Roma children, to analyze this material from the legal and pedagogical standpoints and to develop a plan to overcome the emerged inequality and discrimination.
- Undoubtedly, integrative education remains the best and most correct way to solve the problem. Thus it is necessary to consider the difficulties related to the integration of large groups of children, whose native language is not Russian, and who are not sufficiently prepared to school. Therefore the schools which are being expected to integrate the Roma children into regular classes need to get methodological and financial aid from the Government. There should be a possibility to create pre-school facilities in order to prepare these children for regular school. It is important to minimize the amount of children in classes for children with another native language so that schools are not tempted to simulate methods of "psychological correction" with regard to absolutely healthy children, but rather to limit it to a language support for those in need. It is necessary to take into consideration the poverty level of many families residing in Roma settlements in order to provide children from such families with access to education, provide them with free textbooks and possibility of free transportation to a place of study. It is probably also necessary to work with the parents, to convince them of the importance of high school education for their children, and to help them with the obtaining of needed official registrations and documents.
- However, the main recommendation is to control compliance with the principle of all-available compulsory education, all children should enter schools and receive proper education, without distinction on the basis of race or ethnicity - as it is provided for by the Russian Law on education, the Constitution of the Russian Federation, the International Convention of the

Elimination of All Forms of Racial Discrimination, the Convention on the Rights of the Child, the Council of Europe Framework Convention for the Protection of National Minorities, the UNESCO Convention against Discrimination in Education.

### **European Roma Rights Centre**

- The ERRC therefore urges the OSCE participating states to undertake the following measures in order to improve the access to education of the Roma and Sinti minority in the OSCE region:
- Make available free of charge, compulsory early education programmes in integrated school environments for all children, including Roma and Sinti;
- Cease immediately the practice of placing Romani children in "special schools" or "special classes" for the mentally handicapped, and refrain from establishing early education programmes in such facilities;
- Develop and implement comprehensive national action plans for the transfer of Romani children presently in "special schools" or "special classes" for mentally disabled children to mainstream schooling, with accompanying support programmes to ease transition;
- Ensure that adequate resources are allocated for school desegregation action plans and other programmes aimed at the integration of Romani children in mainstream school systems;

### **Turkish Cypriot Human Rights Foundation**

- Encourage research and studies regarding Roma and the particular problems they face.
- Respond to the real problems, needs and priorities of Roma population including them into the decision making process concern their rights
- Be comprehensive and introduce a balanced and sustainable approach to combining human rights goals with social policies
- The particular situation of Roma women should be taken into account in the design and implementation of all policies and programmes.
- Provide education in mother tongue and take special measures to increase school attendance
- Develop and implement anti-racist curricula for schools, and anti-racism campaigns for the media.
- Ensure that housing projects do not foster ethnic and/or racial segregation.

- Compliant mechanisms should be more accessible for the Roma population

#### **Sweden/EU**

- Improving early education for Roma and Sinti children should follow an inclusive approach, covering all levels (legislative, institutional, operational);
- Efforts for improving access to education, achieving desegregation and increasing the quality of education should start from the stage of early education for Roma and Sinti;
- Establishing or improving early education for Roma and Sinti should be a process where representatives of those communities are involved.

#### **Czech Republic**

- We should strengthen the role of schools in increasing professional and educational aspirations of Roma children.
- We should strengthen support of States to funding of measures focused on needs of individual children.

#### **Forum of Roma IDPs**

- Government of Serbia should fully implement the policy concerning the problems of integration of Roma children IDPs and returnees.
- Governments of Serbia, Macedonia, Montenegro and Kosovo should design, adopt and implement the policies addressing the problems of Roma children IDPs and returnees in the area of education and language barriers.
- Western European countries who signed readmission agreements should have pro active role and provide institutional, political and financial support for design and implementation of policies addressing the problems of Roma children IDPs and returnees in the area of education and language barriers.

### ***WORKING SESSION 15 (specifically selected topic): Roma/Sinti and, in particular, early education for Roma and Sinti children***

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

#### **Universitat Autònoma de Barcelona – GEDIME**

- End any kind of segregation and promote multi-cultural heterogeneous in early education with additional resources (e.g. already existing support staff, community volunteers, family members). Heterogeneous grouping of

immigrant and cultural minority students along with native students contributes to overcoming stereotypes, improves instrumental learning for all and promotes solidarity.

- Different use of the existing support staff: special needs teachers and school assistants' work together with ordinary teachers in the same classrooms.
- Cooperation between students in early education and students from more advanced levels: Students in early education interact with students of different ages. Pupils learn from each other and along with others, in different learning situations.
- The introduction of instrumental learning from the first stage of preprimary education (0-3 years): It has been demonstrated that carrying out instrumental learning activities (reading, English, and ICT using the Microsoft Tablet PC Programme) increases children's strategies and skills, as well as it contributes to the success of the students at subsequent stages.
- Close monitoring of the children's development. Creating individual learning plans for all the children along with their parents. The individual learning plan is a tool to monitor children's development. Assisting with Student Evaluation.
- Promote Romani families direct participation in students' learning activities (e.g. regular school activities and after-school activities, which are forms of community participation which have an impact on the learning processes of children).
- Family education, which responds to the educational needs and demands of families.
- Extending Learning Time. Schools open for more hours and on more days with more support from the community in order to carry out activities linked to instrumental learning.
- Cooperation with other professionals to support children's needs, such as special needs teachers, and language assistants etc.
- The participation of families in significant decision-making. It contributes to develop accountability processes in student learning processes- which has a positive impact on increasing the quality of education. (e.g. Learning Communities)

## **Albania**

- Improvement of the level of school preparation for Roma children
- Ensuring full participation and enhancement of the level of achievements of Roma children in the compulsory education

- Greater sensitiveness of school curricula to the Roma community
- Enhancement of the Roma community capacities in the field of education for the Roma Children
- Extracurricular activities
- Racism/discrimination/segregation of Roma children

## ***WORKING SESSION 16: Discussion of human dimension activities (with special emphasis on project work)***

### *Recommendations to the OSCE:*

#### **The Russian Federation**

##### To the OSCE/ODIHR:

подход к наблюдению за выборами во всех государствах – участниках ОБСЕ должен быть одинаковым и базироваться на универсальных принципах:

- уважение прав суверенных государств,
- невмешательство во внутренние дела,
- беспристрастность,
- открытость всех стадий наблюдения,
- оказание действенной помощи в организации избирательного процесса.

Поэтому могу предложить БДИПЧ ОБСЕ использовать Декларацию (о принципах международного наблюдения за выборами и референдумами в государствах СНГ) в качестве основы для подготовки с участием экспертов всех заинтересованных структур ОБСЕ и государств – участников современного актуализированного документа по международному наблюдению за выборами в рамках ОБСЕ.

## ***WORKING SESSION 17: Democratic Institutions***

### *Recommendations to participating States:*

#### **Council of Europe**

- Firstly the appropriateness of specific legal requirements relating to internal governance need to be reviewed with a view to lightening the burden placed on NGOs and removing any scope for imposing requirements at registration or grant of legal personality which are not prescribed in the law.

- Secondly inappropriate obstacles to the full participation of children and non-citizens in the decision-making of NGOs ought to be removed.
- Thirdly restrictions on the freedom of NGOs to adapt their internal rules and structures and to establish and close branches without discrete legal personality should be removed.
- Fourthly the basis for public authorities to challenge the decision-making of NGOs should be limited to circumstances in which there is a legitimate public interest to be protected.
- Fifthly public officials should have no general authority to attend the meetings of NGO decision-making bodies without an invitation.
- Sixthly there is a need to ensure that the scope of obligations relating to the auditing of accounts and reporting on activities is clarified and does not place an undue burden on NGOs.
- Seventhly public authorities should not use their powers to grant or withdraw funding or the participation of officials in meetings of NGO decision-making bodies to exercise undue influence on the decisions being taken by NGOs.
- Finally, the organs of the Council of Europe need to make stronger efforts to raise awareness throughout Europe of Recommendation CM/Rec(2007) 14, particularly through promoting its widespread dissemination and supporting training activities for NGOs and public authorities.

### **Almaty Confederation of NGOs ‘Ariptes’**

#### To Kazakhstan:

- Продолжать работать в области предоставления гарантированного участия женщин в политической жизни страны на уровне принятия решений. Добиваться, чтобы все политические партии при выставлении кандидатов в депутаты на очередных выборах предоставляли список кандидатов женщин не менее 30 %, что рекомендовано в Стратегии гендерного равенства Казахстана.

### **Islamic Renaissance Party of Tajikistan**

#### To Tajikistan:

1. – принятию парламентом республике внесенный сокращенный вариант поправок и изменений в Закон о выборах МО РТ.
2. – проводить в 2010 году прозрачные, свободные и демократичные выборы:

### **Youth Center for Democratic Initiatives**



- Provide security and protection measures to the domestic observation missions, thus granting them a special status during the whole period of elections. That would then push OSCE states adopt regulatory changes, such as providing immunity from prosecution for fulfilling their observation duties or other measures guaranteeing the security of observers and their access to justice.
- Establish ongoing communication between the domestic and international observation missions and local civil society and human rights groups, as well as require electoral reports and other statements on the progress of democratization be confirmed by independent missions.
- Better assess the level of recruited interpreters and assistants in terms of their educational background, political and legal awareness, and knowledge of the election code, to ultimately select more qualified interpreters and assistants, while not forgetting about the professionalism of foreign observers.
- Conduct training sessions on OSCE/ODIHR observation standards, OSCE commitments, and OSCE/ODIHR code of conduct for observers, interpreters and assistants. Also, have the local observation groups provide orientation for the OSCE/ODIHR long-term and short-term observers to eliminate their unawareness of local issues:

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

- 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.
- To withdraw the 3% electoral threshold for an independent candidate to be elected and abolish the division of local districts into enlarged electoral districts which are now implemented in the prefectures of Rhodopi and Xanthi.

### Recommendations to the OSCE:

#### **Canada**

- Continued cooperation on elections between ODIHR and the OSCE Parliamentary Assembly is essential. We have seen some progress on this in recent months. Speaking with one voice on election reports helps reinforce the credibility and impact of the OSCE.
- There is a need to address the appropriate staffing of ODIHR to ensure they can provide strong expert support to OSCE Field Missions. This is a shared responsibility of both ODIHR and participating States (in their secondments to the OSCE).

## **Almaty Confederation of NGOs ‘Ariptes’**

### To the OSCE

- ОБСЕ продолжать обучение специалистов в области мониторинга и наблюдателей, как международных, так и внутренних.

### To the OSCE/ODIHR

- БДИПЧ/ОБСЕ помогать с литературой по демократическим выборам странам центрально-азиатского региона

## **V. REMARKS AND SPEECHES**

### ***Opening Remarks by Ambassador Janez Lenarcic, 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 14th Human Dimension Implementation Meeting. Let me start by welcoming our panellists this morning: H.E. Madame *Grażyna Maria Bernatowicz*, Under-Secretary of State in the Ministry of Foreign Affairs of Poland, representing the host country; Ambassador *Nikolaos Kalantzianos*, Head of the OSCE Chairmanship Task Force, representing the Chairperson-in-Office; the OSCE Secretary-General, *Marc Perrin de Brichambaut*; and the Representative on Freedom of the Media, *Miklós Haraszti*.

It is my special pleasure to introduce H.E. *Władysław Bartoszewski*, as our keynote speaker. *Jestem zaszczycony mogąc Pana dzisiaj gościć!*

I would also like to warmly welcome all delegations who are present here in large numbers, as well as a strong presence of the civil society actors.

Before I give the floor to our speakers, let me start by sharing a few of my own thoughts about the context of this year’s HDIM.

Ever since I assumed my position of ODIHR Director a little more than a year ago, I have been advocating one single tenet. For the majority of you present here, it will not come as a surprise when I state that all activities of the OSCE are guided by commitments adopted by participating States. ODIHR is no exception. Together with other institutions represented here on this panel, it is there to monitor the implementation of the human dimension commitments, and to assist States in addressing the gap between commitments and reality.

There is a phrase that I unfortunately still keep hearing and which, despite our continuous efforts, we cannot seem to overcome: *'double standards'*. I think this implementation meeting is another opportunity to re-affirm that there is only one standard, and it is contained in the OSCE Human Dimension Commitments book.

There is certainly no perfection in this world; there is no model State, no ideal society and there is no flawless democracy. By adopting a comprehensive set of commitments to abide by, the participating States have, however, demonstrated their willingness and preparedness to approach and achieve what at least in OSCE terms is considered an ultimate goal.

Yet because democracy has no finality, and because there are no finishing lines for democratic development, I always find the view that democracy commitments were 'invented' by a group of countries to be exclusively exported to another group of countries quite false. It is nothing but a reflection of a block mentality which we should be able to overcome 20 years after the fall of the Berlin Wall – which we celebrate next month.

There are, surely, various ways to approach the implementation of commitments. Consequently, OSCE States develop at different paces and find themselves in different stages of implementation. But often we hear some countries claiming 'specificity' in their democratic development, and argue that *"the people are not yet ready to practice the full array of democratic rights"*, or that *"our culture is not suited to democratic ways"*.

My answer to this is: It can not be true.

Of course, culture and democratic tradition matters. But there is nothing like 'unpreparedness' in a people's desire for human dignity and freedom. I believe this argument can be answered easily: no one 'naturally', or because of specific cultural 'specificities', enjoys being deprived of the rights and freedoms whose promise is enshrined in the OSCE's human dimension commitments.

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

Thank you.

***Opening Remarks by Ambassador Nicolaos Kalantzianos,  
Head of the OSCE Chairmanship Task Force, Representative  
of the Greek Chairperson-in-Office***

Excellencies, Distinguished delegates, Ladies and Gentlemen,

I would like to address, on behalf of the Greek Chairperson-in Office, the opening session of 2009 OSCE Human Dimension Implementation Meeting.

Ever since the Helsinki Final Act, the then Conference for Security and Co-operation in Europe and its successor, the OSCE, have made a significant contribution to the stability and security of Europe. Respect for and promotion of democracy, human rights, fundamental freedoms, good governance and the rule of law are core principles of the OSCE Human Dimension and cornerstones of stability and security in Europe and beyond. We must continue to strive to guarantee the implementation of the human dimension commitments we have undertaken, to draw attention to shortcomings in their implementation and, if need be, to stand ready to further develop our common OSCE *acquis*.

Let me add, that the Human Dimension Implementation Meeting is important as it provides a unique opportunity for representatives of Governments, international organizations and civil society to share experiences, identify shortcomings and support progress in light of our human dimension commitments. No one can deny that civil society can play an important role in guaranteeing the promotion of human rights, democracy and the rule of law. The Greek Chairmanship values the fact that the pluralism of this setting further contributes to this end.

Now, I would like to briefly make a number of points relating to the Greek Chairmanship's priorities in the Human Dimension.

Greece, following the relevant Helsinki Ministerial Decision, felt it was quite appropriate to set the area of **the rule of law** as one of its thematic priorities in the Human Dimension for 2009, acknowledging that this is the legal foundation of democracy, the basic prerequisite and the indispensable framework for the enjoyment of human rights.

The OSCE, having been instrumental in the process whereby states have entered into such commitments, has an equally vital role to play in the implementation phase, both by monitoring such implementation and by providing expert assistance to States that need it. Our objective must be nothing less than turning the whole OSCE area into a rule-of-law area.

Second, in the field of **tolerance and non-discrimination**, the participating States of the OSCE have repeatedly reaffirmed their commitment to combat crimes motivated by racism, xenophobia, and all other forms of intolerance – broadly known as **hate crimes**. This year's Supplementary Human Dimension Meeting, which focused on effective implementation of hate crime laws gave us the chance to deepen our understanding, and improve our responses to this phenomena. It is important to step up our efforts to ensure that intolerance and any form of discrimination in the OSCE region are effectively and comprehensively dealt with. In this regard, the Greek Chairmanship is looking forward to the forthcoming meeting for National Contact Points on hate crimes in Vienna this October, signaling an encouraging step in the right direction. The concrete co-operation among the focal points complements the valuable network of OSCE institutions and structures, including the three Personal Representatives of the Chairperson-in-Office on Tolerance and Non-discrimination. In the same field, the rights of **Roma and Sinti** have also been given emphasis this year. It is true that while the respect for the civil and political rights of the Roma has improved, somewhat, over the years, serious problems remain. In short: the Roma and

Sinti are not yet able to “play a full and equal part in our societies” and “discrimination against them has not yet been eradicated. It is clear that sustainable solutions to the challenges faced by Roma will not come about without their direct involvement and empowerment, and their assumption of responsibility. As the 2003 OSCE Action Plan calls it: “*For Roma, with Roma*”.

Dear participants, The promotion of **gender equality** is yet another thematic priority that the Greek Chairmanship has set for this year. Over the past decade, the world has seen much progress in setting standards and passing laws regarding equality between the sexes. While the importance of these advances should not be overlooked, the *de facto* status of women throughout the OSCE region has not sufficiently improved to the point of achieving parity with men. In fact, the gap between legal equality and actual equality needs further decisive efforts on the part of the participating States. We must work to ensure continued efforts to promote equality between women and men across the OSCE region, and also make a more concerted effort to prevent violence and discrimination against women. It should be also stressed that gender issues are not to be dealt only within the human dimension in the OSCE as they are inherent in all OSCE activities: both across the three dimensions and within the Organization itself.

Finally, let me note the many **elections and election-related activities** within the OSCE this year. Many more elections are to follow across the OSCE region in the months to come. OSCE election observation is clearly a valuable tool in building public confidence in the election system of a country and through this in further developing and fortifying its democratic system.

We should all appreciate the fact that election observation has, over the years, become such an important OSCE activity, that our Organization can indeed provide valuable expertise and contribute meaningfully in the efforts of third countries in this field, as was the case with Afghanistan this year, which extended a relevant invitation to the OSCE.

Ladies and gentlemen,

Allow me to refer briefly to the Corfu Process and to the efforts of the Chairmanship to help lay the foundations of a structured dialogue about European Security and about the future of our Organization. It is clear that the Human Dimension is an essential component of this process. The Chairmanship looks forward to the contribution of the Institutions – the ODIHR, the High Commissioner and the Office for Freedom of the Media – in the relevant discussions that will soon take place in Vienna. They will doubtless draw important conclusions from the proceedings of our Meeting here in Warsaw.

In concluding, I would like to thank Ambassador Lenarcic and the whole team of the ODIHR for the organization of this meeting.

I challenge us all to make sure that this two-weeks’ long Meeting fulfils its objectives: it is not only an opportunity for an open exchange of views, as important as this is; it should also enable us to take concrete and credible results and recommendations forward to this year’s Ministerial Meeting in Athens, and back to capitals, in order to

help participating States effectively fulfill the promises they have made, to each other and to their citizens.

Thank you for your attention.

***Key-note Address by Professor Władysław Bartoszewski,  
Secretary of State, Plenipotentiary of the Prime Minister of  
Poland for International Dialogue***

Sehr geehrte Damen und Herren,

Ich war mehrmals zugast bei Konferenzen und Seminaren der Organisation für Sicherheit und Zusammenarbeit in Europa. Deshalb freut es mich diesmal ganz besonders im gewissen Sinne heute selbst die Rolle des Gastgebers zu spielen und Sie alle ganz herzlich bei der Eröffnung der diesjährigen Menschenrechtskonferenz in meiner eigenen Heimatstadt begrüßen zu dürfen.

Den Menschenrechten waren die meisten meiner bisherigen Auftritte vor diesem Gremium gewidmet. Ich sprach dabei nicht nur als Träger von offiziellen Ämtern. Ich sprach als Mensch und als Zeitzeuge, der ohne es zu wollen die Folgen von Intoleranz und Menschenhass selbst erlegen musste. Mit den Ältesten unter Ihnen verbindet mich bis heute die an eigenem Leibe erfahrene Ratlosigkeit gegenüber dem Bösen und ein dauerhaftes Schamgefühl für die Europäer. Mit den Jüngeren verbindet mich zugleich der Wille dafür zu sorgen, dass es immer weniger Orte gibt, wo die menschlichen Rechte missachtet werden.

Bald, im kommenden Jahr, werden wir das 35. Jubiläum der Unterzeichnung der Abschlusserklärung der Konferenz von Helsinki feiern. Bei dieser Konferenz tauchte zum ersten Mal der rechtliche Begriff des universalen Charakters der Menschenrechte auf und zum ersten Mal sprach man offiziell von der Verpflichtung zur ihrer Achtung. Damals war es eine enorme Unterstützung und kostbare Inspiration für die demokratische Oppositionsbewegung östlich des eisernen Vorhangs. Die vergangenen fast schon 35 Jahre seit diesem historischen Ereignis brachten grundlegende, nicht selten dramatische Veränderungen auf unserem Kontinent. Der inzwischen erreichte Fortschritt auf dem Weg zur Umwandlung Europas in eine Zone von Demokratie, Stabilität und Sicherheit ist unbedenklich.

Verändert hat sich auch die OSZE selbst. Die Organisation hat ein ganzes Instrumentarium an Grundsätzen, Mechanismen, Richtlinien und institutionellen Lösungen ausgearbeitet, die allesamt einer gemeinsamen Zielsetzung dienen: der Verbreitung von Demokratie, der Vorbeugung von Konflikten und der Verstärkung des gesamteuropäischen Systems von Frieden und Stabilität. Die Erfahrungen dieser Jahre, vor allem unmittelbar nach der Wende, beweisen den positiven Einfluss dieser Organisation und darstellen die beste Bestätigung ihrer Ansätze. Sie zeugen von unserem gemeinsamen Erfolg.

Heute ist OSZE vor allem dort aktiv, wo es zu dramatischen Ereignissen kommt. Durch ihre Institutionen und Missionen spielt sie die Rolle des Vermittlers im schwierigen Prozess der Vertrauensbildung zwischen verfeindeten Staaten und Gemeinschaften. Dank den Mechanismen der Vorwarnung, der Konflikt-vorbeugung und Waffenkontrolle trägt sie entschieden zur Verminderung des Risikos militärischer Auseinandersetzungen bei. Die OSZE unterstützt den Wiederaufbau in verwüsteten ehemaligen Konfliktzonen, fördert die Grundlagen der Bürgergesellschaft in Anlehnung an Achtung der Bürgerrechte und Rechtsstaatlichkeit. Sie gibt auch erste Warnsignale immer dort, wo immer auch nur kleinste Zweifel an Befolgung von allgemein gültigen Standards bezüglich der demokratischen Prozeduren, der Menschenrechte, der Medienfreiheit und des Schutzes der Rechte von Minderheiten auftauchen.

Im globalen Vergleich wird gegenwärtig ohne Zweifel gerade in Europa dem Schutz der Grundrechte die größte Rolle zugeschrieben und es werden in diese Richtung die umfangreichsten Maßnahmen unternommen. Und Europa wird heute – nicht ohne Grund – immer stärker mit der Europäischen Union identifiziert. Ebenfalls nicht grundlos behauptet man, dass die seit Jahren andauernde Krise der EU ihren eigentlichen Ursprung in der tiefer steckenden Krise des gesamten europäischen Kontinents im Angesicht der Herausforderungen des Globalisierungsprozesses hat. Wo ist also der Ausgang aus dieser Lage zu suchen? An dieser Stelle möchte ich zwei Thesen aufgreifen, die ich schon vor rund zehn Jahren – als amtierender polnischer Außenminister – formuliert habe. Ich überlegte damals welche Aspekte bei der Vorbereitung der Unionsreform beachtet werden sollten, und stellte fest, dass die künftige neue Gestalt der EU grundsätzlich von zwei Bedingungen abhängen wird: erstens: von der Formulierung eines klaren Katalogs gemeinsamer Werte, denn ohne Einklang in diesem Bereich kann es keinen wahren Fortschritt bei der europäischen Integration geben; und zweitens: von der soliden demokratischen Legitimation der Integrationsstrukturen. Forderungen nach „Durchschaubarkeit der Entscheidungsprozesse“, nach „Vereinfachung“ und nach „Bürgernähe“ sind natürlich wichtig, aber unter den neuen Bedingungen nicht ausreichend. Die künftige Europäische Union muss die Bedingungen einer modernen Demokratie erfüllen. Meiner Ansicht nach sind dies nach wie vor Fragen von entscheidender Bedeutung für die Zukunft der EU und des europäischen Kontinents überhaupt. Andere Probleme sind auch wichtig, aber zweitrangig. Man muss Lösungen für sie finden – beispielsweise solche Kompromisse, wie sie im Verfassungsvertrag und gegenwärtig im Lisaboner Vertrag verankert sind. Den Sinn gibt ihnen jedoch erst die Unterordnung den gemeinsamen Werten und den Grundrechten, die von demokratisch legitimer Union durchgesetzt und garantiert werden.

Der Ratifizierungsprozess des Lisaboner Vertrags nähert sich gegenwärtig dem Abschluss. Dieser Vertrag, ähnlich wie der frühere Verfassungsvertrag, ist vielleicht kein Paradebeispiel der idealen Schöpfung internationaler Legislatur. Das wäre auch wahrscheinlich im Fall eines Abkommens unter 27 Staaten kaum möglich. Für mich jedoch am wichtigsten ist, in wie weit entspricht der Vertrag den zwei bereits erwähnten Voraussetzungen, die vom Erfolg der ganzen Unionsreform entscheiden. Und mit voller Überzeugung möchte ich feststellen, dass der Vertrag von Lisabon sowohl zur Festigung des gemeinsamen Wertekataloges innerhalb der Europäischen Union beitragen wird, als auch zur Verstärkung ihrer demokratischen Legitimation.

Wenn es um den ersten Bereich geht – um die gemeinsamen Werte also – muss man vor allem folgendes anmerken: der Lisaboner Vertrag sorgt dafür, dass in die Präambel des Vertrages über die Europäische Union ein Absatz hinzugefügt wird. Diese Ergänzung war bereits im Verfassungsvertrag vorgesehen und knüpft – was Sie vielleicht überraschen wird – an die polnische Verfassung an. Sie bildet den gemeinsamen Bezugspunkt für alle Europäer und lautet:

„Schöpfend aus dem kulturellen, religiösen und humanistischen Erbe Europas, aus dem sich die unverletzlichen und unveräußerlichen Rechte des Menschen sowie Freiheit, Demokratie, Gleichheit und Rechtsstaatlichkeit als universelle Werte entwickelt haben“.

Aber auch unabhängig davon, beinhaltet der Lisaboner Vertrag zwei grundlegende Entscheidungen von eventuellem enormen Einfluss auf die Verstärkung der gemeinsamen Werte der Union, also damit zugleich auf den Schutz der Grundrechte. Und zwar: Erstens, er verleiht der Charta der Grundrechte juristischen Charakter. Zweitens: er schafft rechtliche Grundlagen und verpflichtet zugleich die EU zum Beitritt zur Europäischen Konvention für Menschenrechte.

Diese Vorschläge des Lisaboner Vertrages führen – einerseits – zur Verstärkung der Grundrechte und steigern die Effizienz des europäischen Grundrechtsschutzsystems (verankert in den Mechanismen des Europarates). Andererseits geklärt werden müssen jedoch viele unterschiedliche Fragen, beispielsweise jene nach der Zusammenarbeit zwischen der EU und dem Europarat (speziell geht es dabei um die Relationen zwischen dem Europäischen Gerichtshof und dem Europäischen Gerichtshof für Menschenrechte). Oder auch Probleme bei der Auslegung der Geltungsbereiche der Bestimmungen der Charta der Grundrechte sowohl in bezug auf die EU-Institutionen, als auch innerhalb der Mitgliedsstaaten.

Und trotzdem, wie ich schon sagte, sind es zwei Entscheidungen von grundlegendem Charakter. Die Europäische Union kann dadurch eigenen und klar formulierten Katalog der Grundrechte bekommen, im Einklang mit dem Katalog der Europäischen Menschenrechtskonvention. Und der Beitritt der EU zur Menschenrechtskonvention wird sowohl die Rechte des EU-Bürgers stärken, als auch sich positiv auf das Menschenrechtssystem in ganz Europa auswirken. Darin sehe ich eine Tendenz, die man möglichst unterstützen sollte.

Sehr geehrte Damen und Herren,

jeder, der die Tragödie der Menschen in Kriegsgebieten oder unter Herrschaft totalitärer Regime erlebte, weiß besonders gut, wie kostbar die – manchmal gedankenlos für selbstverständlich gehaltene – Beachtung der fundamentalen menschlichen Rechte und Würde ist. Es existiert wohl kein allgemeingültiges Rezept, die Rückkehr von traumatischen und unfassbaren Zivilisationsbrüchen in Europa und auf der Welt ein für allemal zu verhindern. Dennoch setze ich meine Hoffnungen vor allem auf feste Verankerung der Werte wie Toleranz, Aufgeschlossenheit und Gerechtigkeit in der Gesellschaft. Und ich setze meine Hoffnungen auf die Erziehung. Deshalb möchte ich mit den Worten meiner leider schon verstorbenen hochgeehrten Kollegin und Freundin, der österreichischen Historikerin, Frau Prof. Dr. Erika Weinzierl aus ihrem Buch „Zu wenig Gerechte“ abschließen:



„Das oberste Ziel jedweder Erziehungsbemühung sollte sein: die Weckung und Festigung der Überzeugung, dass die Menschenrechte nie und nirgends verletzt werden dürfen; dass sie von allen für alle verteidigt werden müssen und dass diese Verteidigung mit der Sprache beginnt. Steht doch schon in den Sprüchen Salomons: Tod und Leben sind in der Macht der Zunge. Nur eine konsequente und unermüdliche Erziehung in dieser Richtung erlaubt die Hoffnung, dass in kommenden Generationen nicht wieder nur einzelne Gerechte das Bildnis der Menschen wahren werden“.

Die OSZE leistet auch auf diesem Gebiet eigenen, wichtigen Beitrag.  
Vielen Dank!

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

Mister Chairman,  
Excellencies,  
Ladies and Gentlemen,

On behalf of the Minister of Foreign Affairs of the Republic of Poland, Mr. Radosław Sikorski, I am pleased to welcome you to the 2009 Human Dimension Implementation Meeting in Warsaw.

I also wish to warmly welcome the Secretary General of the Organization, Mr. Marc Perrin de Brichambaut, the Representative on Freedom of the Media, Mr. Miklós Haraszti, Ambassador Nikolaos Kalantzianos representing the Chairperson - in - Office of the OSCE and the Secretary of State, prof. Władysław Bartoszewski.

The HDIM is a gathering of exceptional significance: not only a platform for dialog between representatives of the participating states, but also a forum open to the civil society and NGOs. Poland, as the proud host of the OSCE Office for Democratic Institutions and Human Rights, feels privileged to receive again a conference of this importance. In 2009 it has a special dimension, since this year we are marking the 20th anniversary of the political transformation in Poland, when a semi-democratic parliamentary election led to the establishment of the first non-communist government in Central and Eastern Europe and started a process that opened the way for democratic changes in this part of Europe and the reunification of the continent.

The Human Dimension Implementation Meeting is unique. On the one hand, it provides an excellent opportunity to discuss a wide range of issues relating to human rights and democracy. We can analyze the existing shortcomings, emerging challenges and prospects for the implementation of human dimension commitments of the participating states. On the other hand, it allows us to benefit from the presence of representatives of the civil society and NGOs. Their participation in the meeting, on equal footing, enriches our deliberations and allows us to look at the trends in the

OSCE areas of interest from a different angle. I am delighted that so many NGO people will be participating in the conference.

The HDIM remains crucially important as the fulfillment of human rights and democratic standards is still far from satisfactory. Practically every day we witness examples of violation of the values of an open, pluralistic and democratic society. It is particularly worrying that human rights defenders and the free media find themselves under increasing pressure. I am therefore glad that one of the special sessions will be devoted to the very important issue of the freedom of expression.

Similarly, hate-motivated incidents and intolerance continue to give cause for serious concern. That is why the implementation of commitments undertaken voluntarily by the participating states should be in the center of our discussions.

Furthermore, the global economic crisis we are facing now is overshadowing such issues as civil freedoms and human dignity. We need to remember this worrying tendency in our debate at the conference and during our efforts to promote human rights and implement international standards, especially since it is the national and religious minorities that are among the first to suffer the consequences of economic hardship. With this in mind we should prevent economic problems from being exploited to justify intolerance, discrimination or lack of understanding for others.

A broader reference to the human dimension in the architecture of European security is only natural when opening a major conference like the HDIM. It is good that the third basket has been incorporated in the Corfu process. This demonstrates that the respect for human rights and democracy is the best guarantee of preserving and consolidating national and international security. By addressing all three OSCE dimensions in our debate on the future of European security, we can define the role of each one of them. In that context, this year's meeting on the human dimension is of particular importance: it provides an opportunity for a comprehensive debate, with due note to NGO opinions, on the implementation of third-dimension commitments, constituting a significant contribution to the discussions in the framework of the Corfu process.

Ladies and Gentlemen,

In conclusion, let me praise the activity of the Office for Democratic Institutions and Human Rights. Its role in promoting human rights, democratic standards and the rule of law can hardly be overrated. We recognize the ODIHR as a key asset of the OSCE, allowing an ongoing analysis and improvement of the observance of human rights in the Euroatlantic area.

I wish to thank Ambassador Lenarcic and his staff for their tireless efforts to assist states in fulfilling their human dimension commitments, in promoting the rule of law, tolerance and nondiscrimination and in building confidence between states and communities. Poland values the professionalism and objectivity that characterize ODIHR activities.

Also, thank for your engagement in organizing this year's meeting. I am confident that it will be marked by dynamic discussion, both fruitful and constructive, without avoiding tough problems.

It is my pleasure to invite you this evening to the traditional opening reception hosted by the Polish Ministry of Foreign Affairs.

Thank you for your attention.

### ***Opening Statement by OSCE Secretary General Marc Perrin de Brichambaut***

Mr. Chairman,  
Excellencies,  
Ladies and Gentlemen,

It is an honour to be here.

The HDIM that brings us together today is the largest, the longest and the most inclusive meeting of its kind in the OSCE area. There is no other meeting that brings together this range of national representatives with experts and representatives of civil society for such an intensive debate on fundamental freedoms and human rights in the framework of cross-dimensional security.

HDIM is part of the continual dialogue on vital and difficult issues that is at the core of the OSCE. It constitutes its main tool to promote the implementation of its ambitious standards and commitments and to monitor the progress achieved in this process.

The OSCE is a living project that is constantly refined, on the basis of equality and in the spirit of co-operative security. Every year you contribute to moving forward this project.

The HDIM reminds us of the core message of this Organization: that comprehensive security must be built around the 'inherent dignity of the individual'. It was a great innovation in 1975. It remains sharply relevant today.

Ladies and Gentlemen,

This idea is relevant, because the participating States and their societies face today a challenging, multifaceted crisis.

What started a year ago as a set of financial difficulties has transmuted since into a global economic downturn that has hit all parts of the OSCE area in no time. The global downturn may have reached its bottom, but the impact of the crisis remains real across the OSCE area. Emerging economies are being hit hard, as are the newly-emerged. The impact on growth and employment is deep. We are not out of the difficulties yet.

An economic crisis on this scale should serve as a powerful reminder of the comprehensive, cross-dimensional nature of our security. Economic in nature, the crisis has given rise to serious social and political challenges, which all governments have been confronting. New social questions are being posed. The situation may lead to new forms of instability and turbulence inside our societies. These will require careful handling.

The consequences of the crisis also remind us that security cannot be assured only within national boundaries, and that today's challenges can only be confronted cooperatively.

Far from being immune, the OSCE area is a theatre where many parts of the current crisis are being played out.

Protecting and promoting the inherent dignity of the individual is all the more important in this context. Human rights and fundamental freedoms face new threats today, even as old challenges remain. Strengthening the rule of law, combating intolerance and discrimination, carrying forward the fight against human trafficking – these are live issues, and many crucial questions will be raised during the coming days. Allow me to mention some of them.

How is transparency ensured in judicial disciplinary proceedings? To what extent are the participating States fulfilling their commitments to promote freedom of religion and belief? What steps are being taken to ensure respect for human rights and fundamental freedoms in the struggle against terrorism? Which policies are successful in promoting inclusiveness, understanding and tolerance within OSCE societies? How are participating States promoting the integration of legal migrants? How can we simultaneously preserve freedom of the media and foster respect for cultural sensitivities? How can we succeed in ensuring the participation of Roma and Sinti children in early education?

These are just a few of the questions that will be addressed over the next two weeks. They are not easy to answer. Our discussions are vital to the process of tackling them. The OSCE Institutions, the Secretariat, the Field Operations and the Parliamentary Assembly were created to help the participating States take their commitments forward in practice. They seek to assist in constantly rekindling the spirit of dedication by every participating State to the OSCE compendium of commitments in the Human Dimension, as the Director of ODIHR reminded us, as well as in other dimensions. Effective co-ordination within the OSCE family is vital for this process.

Guided by a comprehensive approach to security, the OSCE remains a highly decentralized organization. Effective co-ordination between all of its component parts is all the more important in a restrained budgetary environment and a time when more and more activities are cross-dimensional in character and in impact. It is being undertaken in a pragmatic way between all parts of the system with the help of all participating States.

We can do more to pool our thinking and our actions in order to apply our resources and expertise in a more targeted manner.

Civil society also has a privileged role in the OSCE process.

Non-governmental organizations are vital for the healthy governance of societies and States. They also provide unparalleled sources of expertise and advice. The presence of so many NGOs at this meeting underscores their importance for meaningful debates on the implementation of Human Dimension commitments. I take this opportunity to thank them for their time and dedication and hope they will continue to be actively present in spite of the economic constraints that affect them as others.

Ladies and Gentlemen,

I would be remiss if I did not highlight the role of our Chairmanship. The leadership of Greece has been vital this year in the Human Dimension. In July, in co-operation with ODIHR, the OSCE Chairmanship organized an *Expert Seminar on Electoral Bodies*. The seminar saw in-depth discussion of election-related issues, including different models of electoral management bodies and the challenges they face.

Co-ordination with external partners also plays a role in tackling such complex questions.

Effective and continuous working contacts with other international organizations are part of the life of the OSCE. We have a strong framework for co-operation with the Council of Europe. Co-operation is deep also with the United Nations and its agencies. In this regard, the meeting in Vienna earlier this month of the *Alliance against Trafficking* showed the OSCE at its best, in building innovative international networks to address complex threats and challenges. Discussions this year addressed the theme of ‘preventing modern slavery.’

The meeting benefited from the role played by the UN Special Rapporteurs at this forum. The dialogue that the Special Representative Eva Biaudet and her team have initiated together with UN colleagues has opened a new chapter in collaboration between OSCE structures and the Office of the UN High Commissioner for Human Rights and Special Procedures under the Human Rights Council.

The Alliance brought together a unique mix of participants from all backgrounds with the OSCE acting as a platform for such networks in a unique way.

Dialogue and joint work can be taken further. The OSCE has exceptional instruments on national minorities, freedom of the media, democratic institution-building and the rule of law. This experience and expertise can be shared more with international partners.

Tackling violence against women requires precisely such a coordinated, international approach. In this respect, I am pleased that this year’s HDIM devotes particular attention to the *OSCE Action Plan for the Promotion of Gender Equality*. Last Thursday, I presented my annual report on the implementation of the Action Plan to the Permanent Council.

The OSCE participating States have made the goal of equality between men and women an integral part of the Organization's policies -- within the Organization's executive structures, in its field operations and programmes, and at the level of the commitments undertaken by the participating States themselves. The debate in the Permanent Council pointed to areas of concern and challenges still to be met.

One final word on the Corfu Process that has been launched by the Greek Chairmanship in Vienna:

Following an unprecedented informal meeting of foreign ministers in Corfu last June that showed strong support for OSCE as a venue for a revived pan-European security dialogue, the Chair has initiated a series of discussions on ten subjects drawn from the OSCE's comprehensive concept of security. Thus far, exchanges have been frank, sharp and stimulating. Two sessions will be dedicated to 'Common Challenges in the Human Dimension,' and address questions of human rights, fundamental freedoms, tolerance and non-discrimination and the implementation of commitments. The aim is to clear the ground for roadmap that will take forward the renewed dialogue on European security next year. The Human Dimension is integral to the Corfu Process. The discussions that will occur at the HDIM will contribute directly to this process. In preparation of the Athens I meeting and the forthcoming Kazakh Chairmanship they will show that the OSCE is playing its role in overcoming the crisis in all its facets.

Ladies and Gentlemen,

All of us together need to ensure that the commitments designed to uphold the shared values at the heart of the OSCE remain in force and are respected. This Meeting helps to maintain vigilance and to encourage states to keep the promises they have made. The dignity and security of the individual have been at the heart of the OSCE for the past three decades and remain as relevant today as ever before. I wish to thank Ambassador Lenarcic and the whole staff for putting together this meeting.

Thank you for your attention.

### ***Closing Remarks by Ambassador Janez Lenarcic, Director, OSCE ODIHR***

Excellencies,

Ladies and Gentlemen,

Some of you have now spent two full weeks within and around the Warsaw Sofitel Victoria. I think that I speak for most of us when I note three points.

First, this HDIM provided again – now for the 14<sup>th</sup> time - a good forum for exchanging views. We had a densely packed programme with 17 working session on

continuously relevant topics, including special focus days. We also had a record 50+ side events. I am convinced that with these two weeks behind us, we have gained a better understanding of the degree of compliance with our human dimension commitments, and some clear and useful suggestions about the way forward.

Second, from my experiences over the past two weeks, from the many encounters I have had with delegates and representatives of civil society, I can see why the HDIM remains an important tool for building trust and as a laboratory for new initiatives. Third, let me note that your presence here in such big numbers showed the interest that you afford to the topics. This in itself is evidence of the importance of the issues covered by the wealth of human dimension commitments. In this context, I would like to recognize the strong presence of civil society actors, who we all need to engage in a way that they can participate in developing government policy, and specifically in the areas most relevant to the OSCE's human dimension: the full respect for fundamental human rights, including the freedom of assembly, freedom of association, freedom of expression and, of course, a free media.

Ladies and Gentlemen,

In my opening remarks I expressed regret at the fact that we still don't seem to have overcome the charges of 'double standards' in the OSCE. This Meeting has, I believe, confirmed that there is only one standard, and one goal in the OSCE's human dimension – building security and stability based on common commitments to respect human rights and democratic principles. Our commitments are the normative baseline around which we have built values and a sense of ownership in our region. They continue to stand firm. Less firm is the political will to implement them, which is the basis for the OSCE's understanding of accountability of individual States – to their citizens and to other OSCE States, laid down in the Moscow Document of 1991.

It is indeed worth reminding ourselves that, since 1991, 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. In short, it is our common responsibility to raise such concerns as they arise.

A last word. A lively debate has started about a new European security architecture within what has become known as the 'Corfu process'. I welcome this dialogue, and I am encouraged by the broad consensus that exists about the importance of human rights and democracy standards remaining an essential element of what we in the OSCE are proud to call our comprehensive concept of security. The Corfu process, in my view, is a welcome opportunity to enter a next stage by which we build an understanding around the importance of the human dimension in the wider security architecture and think about how the implementation of human rights and democracy commitments could be effectively advanced.

Ladies and Gentlemen,

In closing, I would like to express my gratitude to the Greek Chairmanship for their strong support not only in organizing this meeting, but also more generally the work of ODIHR. As we all know, we now have a new Chairman-in-Office and I wish us all a successful voyage to the Athens Ministerial Council.

And I want to thank all of you who have contributed with your presentations, statements and ideas to the success of this meeting. We are also very grateful to our Polish hosts for their hospitality during these two weeks, and for their commitment to host ODIHR here in Warsaw, also in the future.

A big thank you goes to my colleagues at ODIHR, for having made this meeting possible. We appreciate a lot the excellent work done by our note-takers and rapporteurs, who gave us a very good overview of the issues that were raised and the recommendations that were made during this meeting.

I look forward to working with you all, as we at ODIHR move ahead in developing our programmes and implementing them together with you. I wish you a safe journey back home and look forward to welcoming you again next year.

***Closing Remarks by Ambassador Louis-Alkiviadis Abatis,  
Deputy Head of the OSCE Chairmanship Task Force,  
Representative of the Greek Chairperson-in-Office***

Excellencies,

Ladies and Gentlemen,

The main aim of the Human Dimension Implementation Meeting is to discuss and review implementation of OSCE human dimension commitments and to look at ways to enhance compliance with these commitments. In the last two weeks here in Warsaw we had the opportunity to discuss the main aspects of the Human Dimension including possible recommendations for the future.

On the one hand, our human dimension commitments also face new challenges - for example related to technological and social developments and the recent economic crisis- which we have to take into account when further developing and strengthening our commitments. On the other hand, these challenges should not provide any excuse for shortcomings in the implementation of existing commitments. This calls for a forward-looking and action-oriented approach by all stakeholders. Greece, during its Chairmanship, is stressing the need for continuous efforts aimed at full implementation of the human rights commitments by the participating States.

In the endeavour to ensure respect and promotion of human rights in our societies, it is crucial to build partnerships among States, international organisations and the civil society. I am convinced that our meeting has further promoted this goal. The broad and active participation of non-governmental organizations in human dimension meetings is an achievement for which the OSCE should be proud of.

Ladies and Gentlemen,

Let me highlight a few specific themes on the basis of our deliberations during the last two weeks. Referring to our Chairmanship priorities, Roma and Sinti rights is an issue of great importance that deserves our attention and dedication. One of this HDIM's



specifically selected topics focused on early education. Indeed, early education can make a difference in tackling problems that Roma and Sinti children are confronted with later in the educational cycle. It can be an instrument for preventing social exclusion and marginalization. Early education is a long-term investment which, in the end, will pay off. Therefore, it is worth intensifying our efforts so as to transform our commitments into action and results.

Gender equality still remains high on our agenda.

Violence against women, including domestic violence and violence in conflict situations, unfortunately occurs in all participating States on a daily basis. Moreover, domestic violence tends to increase in times of economic hardship such as we experience at present. Taking concrete steps to turn obligations and commitments into real terms is vital and the Greek Chairmanship encourages the Secretariat, the Gender Equality Unit of ODIHR and participating States to continue their activities in this important field.

Moreover, the OSCE's work on tolerance and non-discrimination remains topical and requires constant attention. Our region continues to be plagued by the rise of intolerance as is demonstrated in the ODIHR's newly released hate crimes report. The report unfortunately shows that in particular Jews, Muslims as well as migrants, Roma, and refugees are increasingly facing hate-motivated attacks. In addition, violent crimes based on individuals' sexual orientation are unacceptably common. In this regard, the Greek Chairmanship is looking forward to the forthcoming meeting of National Contact Points on hate crimes in Vienna later this month, signaling an encouraging step in the right direction.

The Greek Chairmanship would also like to draw your attention to the World Day against the Death Penalty - which is celebrated around the world tomorrow, on October 10th.

Yesterday we witnessed a lively debate on election-related issues. The Greek Chairmanship has contributed to this dialogue by organising last July an Expert Seminar on Electoral Management Bodies. We intend to continue reinforcing this dialogue.

Ladies and gentlemen,

During the discussions at this year's HDIM we have recorded a variety of recommendations addressed to the participating States and OSCE actors. This feedback needs to be carefully studied, also in light of the ongoing Corfu process. As appropriate, we should consider action towards further enhancing the implementation of OSCE commitments on human rights, democracy and the rule of law.

Let me conclude by expressing the Greek Chairmanship's deep appreciation to Ambassador Lenarcic and his Office for their dedicated work in guaranteeing the success of this Meeting. Our gratitude also goes to Poland as host country. Furthermore, I would like to thank the introducers for their thought-provoking interventions. Our moderators, under whose professional guidance the discussions have taken place, should also be commended. I wish to convey a great word of thanks

to our dynamic rapporteurs for summarizing the deliberations of this Meeting. Last, but not least, I would like to thank the interpreters and technical staff. Without their contribution this Meeting would have been impossible.

Thank you for your attention.

### ***LINK TO THE TIMETABLE***

[http://www.osce.org/documents/odihr/2009/09/39670\\_en.pdf](http://www.osce.org/documents/odihr/2009/09/39670_en.pdf)

### ***MODALITIES FOR OSCE MEETING ON HUMAN DIMENSION ISSUES***

[http://www.osce.org/documents/pc/2002/05/1060\\_en.pdf](http://www.osce.org/documents/pc/2002/05/1060_en.pdf)

### ***LINK TO THE ANNOTATED AGENDA***

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### ***LINK TO THE OVERVIEW OF SIDE EVENTS***

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Overview of Day 3: [http://www.osce.org/documents/odihr/2009/10/40712\\_en.pdf](http://www.osce.org/documents/odihr/2009/10/40712_en.pdf)

Overview of Day 4: [http://www.osce.org/documents/odihr/2009/10/40713\\_en.pdf](http://www.osce.org/documents/odihr/2009/10/40713_en.pdf)

Overview of Day 5: [http://www.osce.org/documents/odihr/2009/10/40714\\_en.pdf](http://www.osce.org/documents/odihr/2009/10/40714_en.pdf)

Overview of Day 6: [http://www.osce.org/documents/odihr/2009/10/40919\\_en.pdf](http://www.osce.org/documents/odihr/2009/10/40919_en.pdf)

Overview of Day 7: [http://www.osce.org/documents/odihr/2009/10/40715\\_en.pdf](http://www.osce.org/documents/odihr/2009/10/40715_en.pdf)

Overview of Day 8: [http://www.osce.org/documents/odihr/2009/10/40716\\_en.pdf](http://www.osce.org/documents/odihr/2009/10/40716_en.pdf)

Overview of Day 9: [http://www.osce.org/documents/odihr/2009/10/40766\\_en.pdf](http://www.osce.org/documents/odihr/2009/10/40766_en.pdf)

Overview of Day 10: [http://www.osce.org/documents/odihr/2009/10/40717\\_en.pdf](http://www.osce.org/documents/odihr/2009/10/40717_en.pdf)

## INDEX OF DISTRIBUTED DOCUMENTS

---

OSCE Participating States	
Albania	<p>291. Contribution - 'Achievements in the Area of Gender Equality and Prevention of Domestic Violence in Albania', Working Session 7: Tolerance and Non-discrimination II. [English, 23 pages]</p> <p>534. Education Situation of Roma Children in Albania, Working Session 15: Roma/Sinti, Early Education for Roma and Sinti Children (continued). [English, 9 pages]</p>
United States of America	<p>592. United States Mission to the OSCE: Any Other Business, Any Other Business. [English, 2 pages]</p> <p>52. Opening Statement from the United States Mission to the OSCE, Opening Plenary Session. [English, 4 pages]</p> <p>53. United States Mission to the OSCE Statement on Rule of Law, Working Session 1: Rule of Law I. [English, 3 pages]</p> <p>301. Statement in the Exercise of the Right of Reply to the Russian Federation, Working Session 1: Rule of Law I. [English, 1 page]</p> <p>13. Annual Report of the United States Commission on International Religious Freedom- Uzbekistan, Working Session 2: Fundamental Freedoms I. [English, 16 pages]</p> <p>14. Annual Report of the United States Commission on International Religious Freedom- Belarus, Working Session 2: Fundamental Freedoms I. [English, 14 pages]</p> <p>15. Annual Report of the United States Commission on International Religious Freedom- Russian Federation, Working Session 2: Fundamental Freedoms I. [English, 20 pages]</p> <p>16. Annual Report of the United States Commission on International Religious Freedom- Turkmenistan, Working Session 2: Fundamental Freedoms I. [English, 18 pages]</p> <p>17. Annual Report of the United States Commission on International Religious Freedom- Kazakhstan, Working Session 2: Fundamental Freedoms I. [English, 16 pages]</p> <p>18. Annual Report of the United States Commission on International Religious Freedom- Tajikistan, Working Session 2: Fundamental Freedoms I. [English, 11 pages]</p>

19. Annual Report of the United States Commission on International Religious Freedom- Turkey, Working Session 2: Fundamental Freedoms I. [English, 18 pages]
20. Annual Report of the United States Commission on International Religious Freedom- The OSCE, Working Session 2: Fundamental Freedoms I. [English, 15 pages]
54. United States Mission to the OSCE Statement on Freedom of Religion or Belief, Working Session 2: Fundamental Freedoms I. [English, 4 pages]
10. Re-scheduled Side Event, Side Event: The Role of Human Dimension in European Security Architecture. [English, 1 page]
130. Statement by Ms. Erika Schlager, Working Session 3: Fundamental Freedoms II. [English, 2 pages]
299. Statement on Protection of Human Rights and Fighting Terrorism, Working Session 4: Rule of Law II. [English, 12 pages]
302. Statement on National Minorities, Working Session 5: Tolerance and Non-discrimination I. [English, 3 pages]
303. Statement by Mr. Alex T. Johnson, US Helsinki Commission, Working Session 6: Humanitarian Issues and Other Commitments I. [English, 2 pages]
341. Statement on Tolerance and Non-discrimination, Working Session 7: Tolerance and Non-discrimination II. [English, 2 pages]
343. Statement on Human Rights Education, Working Session 8: Human Rights Education. [English, 2 pages]
342. Statement on Human Rights Education, Working Session 9: Human Rights Education (continued). [English, 2 pages]
518. Statement by Dr. Michael Haltzel, Working Session 10: Tolerance and Non-discrimination II (continued). [English, 3 pages]
519. Statement by Alex T. Johnson, Working Session 11: Humanitarian Issues and Other Commitments II. [English, 2 pages]
520. Statement by Dr. M. Haltzel, Working Session 12: Freedom of Expression, Free Media and Information. [English, 2 pages]
521. Statement on Freedom of expression, free media and information, Working Session 13: Freedom of Expression, Free Media and Information (continued). [English, 3 pages]
540. Statement by Petra Gelbart, Working Session 14: Roma/Sinti, Early Education for Roma and Sinti

	<p>Children. [English, 2 pages]</p> <p>543. Statement by Petra Gelbart, Working Session 15: Roma/Sinti, Early Education for Roma and Sinti Children (continued). [English, 2 pages]</p> <p>588. United States Statement on Human Dimension Activities, Working Session 16: Discussion of Human Dimension Activities (special emphasis on project work). [English, 2 pages]</p> <p>587. United States Statement on Democratic Institutions, Working Session 17: Democratic Institutions. [English, 3 pages]</p> <p>586. Closing Statement of the United States Mission to the OSCE, Closing Reinforced Plenary Session. [English, 3 pages]</p>
Armenia	<p>120. Statement by Ms. Karine Soudjian, Working Session 1: Rule of Law I. [English, 4 pages]</p> <p>110. Statement by Ms. Karine Soudjian Head of Human Rights and Humanitarian Issues Desk Ministry of Foreign Affairs of the Republic of Armenia, Working Session 2: Fundamental Freedoms I. [English, 3 pages]</p> <p>206. Statement on Prevention of Torture, by Ms. Karine Soudjian, Head of Human Rights and Humanitarian Issues Desk, MFA Armenia, Working Session 4: Rule of Law II. [English, 4 pages]</p> <p>479. Statement in the Exercise of the Right of Reply to the Republic of Azerbaijan, Working Session 6: Humanitarian Issues and Other Commitments I. [English, 1 page]</p> <p>266. Written Contribution by the Delegation of the Republic of Armenia, Working Session 7: Tolerance and Non-discrimination II. [English, 1 page]</p> <p>480. Prevention and response to hate crimes in the OSCE area, Working Session 10: Tolerance and Non-discrimination II (continued). [English, 3 pages]</p> <p>478. Statement of the Representative of the Republic of Armenia on Freedom of expression, free media and information, Working Session 12: Freedom of Expression, Free Media and Information. [English, 3 pages]</p>
Austria	<p>560. Religious Freedom and the Concept of Law and Religion in Austria, Working Session 10: Tolerance and Non-discrimination II (continued). [English, 14 pages]</p> <p>561. Austria fully respects the right to establish places</p>

of worship, Working Session 10: Tolerance and Non-discrimination II (continued). [English, 1 page]

Azerbaijan

146. Statement by Mr. Aydin Safikhanli, Working Session 3: Fundamental Freedoms II. [Russian, 5 pages]
163. Statement - 'Ombudsman of the Republic of Azerbaijan as a torture prevention mechanism', Working Session 4: Rule of Law II. [Russian, 3 pages]
201. The Provision of the Right to Non-discrimination in the Republic of Azerbaijan and the Role of the Ombudsman in this Field, Working Session 5: Tolerance and Non-discrimination I. [English, 6 pages]
264. Statement on Combating Trafficking in Human Beings in Azerbaijan, Working Session 6: Humanitarian Issues and Other Commitments I. [Russian, 2 pages]
268. The role of the Ombudsman in combating trafficking in human beings, Working Session 6: Humanitarian Issues and Other Commitments I. [English, 4 pages]
332. Statement on Combating Trafficking in Human Beings in Azerbaijan, Working Session 6: Humanitarian Issues and Other Commitments I. [Russian, 2 pages]
317. The Role of the Ombudsman of the Republic of Azerbaijan in Prevention of Violence against Women and Promotion of Gender Equality, Working Session 7: Tolerance and Non-discrimination II. [Russian, 3 pages]
323. The Role of the Ombudsman in the Promotion of Human Rights Education, Working Session 8: Human Rights Education. [Russian, 3 pages]
503. Reply to the statement made by Armenian delegation in Session 10., Working Session 10: Tolerance and Non-discrimination II (continued). [English, 1 page]
419. Statement on Labour Migration in Azerbaijan, Working Session 11: Humanitarian Issues and Other Commitments II. [Russian, 2 pages]

Belarus

47. Opening Statement by the Delegation of the Republic of Belarus, Opening Plenary Session. [Russian, 2 pages]
238. Statement on Combating Trafficking in Human Beings, presented by Mr. V. Emeljanov, Working Session 6: Humanitarian Issues and Other Commitments I. [Russian, 2 pages]
368. Statement by Ms. Maryna Tsvilik, Head of Unit on Religious Affairs, Committee on Religions and Nationalities, Working Session 10: Tolerance and Non-

	<p>discrimination II (continued). [Russian, 2 pages]</p> <p>489. Statement by Ms. Liliya Ananich, First Deputy Minister, Ministry of Informtion, Working Session 12: Freedom of Expression, Free Media and Information. [Russian, 6 pages]</p> <p>585. Closing Statement of the Delegation of Belarus, Closing Reinforced Plenary Session. [Russian, 2 pages]</p>
Bosnia and Herzegovina	<p>594. Statement by Ms. Jasminka Dzumhur, Ombudsmen of BiH, Working Session 4: Rule of Law II. [English, 3 pages]</p> <p>591. Statement on Freedom of Expression, free media and information, Working Session 12: Freedom of Expression, Free Media and Information. [English, 2 pages]</p>
Bulgaria	<p>445. Statement on Hate Motivated Crimes, Working Session 10: Tolerance and Non-discrimination II (continued). [English, 2 pages]</p> <p>550. Statement in excercise of the Right to Reply, Working Session 14: Roma/Sinti, Early Education for Roma and Sinti Children. [English, 1 page]</p> <p>581. Statement in the exercise of the right to reply, Working Session 17: Democratic Institutions. [English, 2 pages]</p>
Canada	<p>189. Statement on Protection of Human Rights and Fighting Terrorism, Working Session 4: Rule of Law II. [English, 2 pages]</p> <p>237. Canadian Statement on Trafficking in Human Beings, Working Session 6: Humanitarian Issues and Other Commitments I. [English, 3 pages]</p> <p>335. Statement on Equality of Opportunity for Women and Men, Working Session 7: Tolerance and Non-discrimination II. [English, 2 pages]</p> <p>549. Statement on Tolerance and non-discrimination, Working Session 7: Tolerance and Non-discrimination II. [French, 2 pages]</p> <p>446. Statement on Prevention and Response to Hate Crimes in the OSCE Area, Working Session 10: Tolerance and Non-discrimination II (continued). [English, 2 pages]</p> <p>548. Statement in excercise of the Right to Reply, Working Session 10: Tolerance and Non-discrimination II (continued). [English, 1 page]</p> <p>493. Canadian Statement on Fundamental Freedoms:</p>

	<p>Freedom of expression, free media and information, Working Session 12: Freedom of Expression, Free Media and Information. [English, 1 page]</p> <p>596. Statement by Ambassador Fredericka Gregory, Working Session 17: Democratic Institutions. [English, 2 pages]</p> <p>595. Final Statement by Ambassador Fredericka Gregory, Closing Reinforced Plenary Session. [English, 2 pages]</p>
Cyprus	<p>530. Written contribution by the Delegation of Cyprus on Education provisions for the Turkish Cypriot children residing in the areas under the effective control of the Government, Working Session 5: Tolerance and Non-discrimination I. [English, 2 pages]</p> <p>527. Statement in exercise of the Right of Reply, Working Session 10: Tolerance and Non-discrimination II (continued). [English, 1 page]</p> <p>529. WRITTEN CONTRIBUTION ON UNDERSTANDING THE PROPAGANDA THAT GREEK CYPRIOTS SUBJECT TURKISH CYPRIOTS TO: "SANCTIONS, EMBARGOS AND ISOLATION", Working Session 10: Tolerance and Non-discrimination II (continued). [English, 4 pages]</p> <p>528. Statement in exercise of the Right of Reply, Working Session 12: Freedom of Expression, Free Media and Information. [English, 1 page]</p> <p>533. Practices and policies adopted by the Republic of Cyprus regarding the education of Roma children, Working Session 15: Roma/Sinti, Early Education for Roma and Sinti Children (continued). [English, 1 page]</p>
Croatia	<p>136. Statement on ODIHR Report on Human Rights Defenders in the OSCE Region, Working Session 3: Fundamental Freedoms II. [English, 2 pages]</p> <p>137. Right of Reply on War Crime Activities and Regional Co-operation, Working Session 3: Fundamental Freedoms II. [English, 2 pages]</p> <p>147. Statement on ODIHR Report on Human Rights Defenders in the OSCE Region, Working Session 3: Fundamental Freedoms II. [English, 2 pages]</p> <p>420. Statement by Director of Department for Area of Special State Concern Ministry of Regional Development, Forestry and Water Management, Ms. Anna-Maria Radic, Working Session 11: Humanitarian Issues and Other Commitments II. [English, 2 pages]</p> <p>485. RIGHT OF REPLY FROM THE REPUBLIC OF</p>



	<p>CROATIA, Working Session 11: Humanitarian Issues and Other Commitments II. [English, 1 page]</p> <p>486. STATEMENT ON FREEDOM OF EXPRESSION, FREE MEDIA AND INFORMATION FROM THE REPUBLIC OF CROATIA, Working Session 12: Freedom of Expression, Free Media and Information. [English, 1 page]</p> <p>508. Statement on Education of Roma Children, Working Session 14: Roma/Sinti, Early Education for Roma and Sinti Children. [English, 2 pages]</p> <p>589. Response of the Croatian Delegation to the statement by GONG representative, Working Session 17: Democratic Institutions. [English, 1 page]</p>
France	<p>208. Statement in exercise of the Right to Reply, Working Session 2: Fundamental Freedoms I. [French, 1 page]</p>
Georgia	<p>33. Address by H.E. Mr. Konstantin Kavtaradze, Ambassador of Georgia to the Republic of Poland, Opening Plenary Session. [English, 2 pages]</p> <p>4. Criminal Justice Reform In Georgia, Working Session 1: Rule of Law I. [English, 12 pages]</p> <p>5. Georgia: Recent &amp; Upcoming Democratic Reforms, Working Session 1: Rule of Law I. [English, 8 pages]</p> <p>209. Information on the human rights violations in the occupied territories of Georgia, Working Session 3: Fundamental Freedoms II. [English, 5 pages]</p>
United Kingdom	<p>361. The London Declaration on Combating Antisemitism, Working Session 10: Tolerance and Non-discrimination II (continued). [English, 4 pages]</p>
Greece	<p>336. Opening Remarks by the Representative of the Greek Chairperson-in-Office, Amb. Nicolaos Kalantzianos, Head of the OSCE Chairmanship Task Force, Opening Plenary Session. [English, 6 pages]</p> <p>226. Statement in exercise of the Right to Reply, Working Session 5: Tolerance and Non-discrimination I. [English, 7 pages]</p> <p>395. Presentation By the OSCE CiO Personal Representative on Combating Intolerance and Discrimination against Muslims, Ambassador A. Akhmetov, Working Session 10: Tolerance and Non-discrimination II (continued). [English, 4 pages]</p> <p>402. Remarks of Rabbi Andrew Baker, Personal</p>

	<p>Representative of the OSCE Chair-in-Office on Combating Anti-Semitism, Working Session 10: Tolerance and Non-discrimination II (continued). [English, 3 pages]</p> <p>516. Written Statement, Working Session 10: Tolerance and Non-discrimination II (continued). [English, 1 page]</p> <p>515. Statement on Freedom of Media, Working Session 12: Freedom of Expression, Free Media and Information. [English, 3 pages]</p> <p>598. Closing Remarks by the Representative of the Greek Chairman-in-Office, Amb. Louis-Alkiviadis Abatis, Deputy Head of the OSCE Chairmanship Task Force, Closing Reinforced Plenary Session. [English, 6 pages]</p>
Italy	<p>523. Speech by Prefect Dr. Francesco Paolo DI MENNA, Central Director for Civil Rights, Citizenship and Minorities, Department for Civil Liberties and Immigration, Ministry of the Interior, Working Session 14: Roma/Sinti, Early Education for Roma and Sinti Children. [English, 4 pages]</p> <p>546. EDUCATION AND INTEGRATION OF ROMA MINORS IN ITALIAN SCHOOLS, Working Session 15: Roma/Sinti, Early Education for Roma and Sinti Children (continued). [English, 6 pages]</p>
Kazakhstan	<p>7. Opening Statement of the Delegation of Kazakhstan, by Madina Jarbussynova, Opening Plenary Session. [English, 4 pages]</p> <p>34. OSCE Standards And The Independence Of Advocatura In The Republic Of Kazakhstan, Side Event: Lawyers of Kazakhstan clamour against pressure by law-enforcement authorities. [English, 3 pages; Russian, 3 pages]</p> <p>105. Statement by Mr. Ardak Doszhan, Chairman of the Committee on Religious Affairs, Working Session 2: Fundamental Freedoms I. [Russian, 3 pages]</p> <p>131. Statement on fundamental freedoms, Working Session 3: Fundamental Freedoms II. [Russian, 4 pages]</p> <p>230. Statement by Mr. E. Tugzhanov, Deputy Chairman of the Assembly of the People of Kazakhstan, Working Session 5: Tolerance and Non-discrimination I. [Russian, 2 pages]</p>
Kyrgyzstan	<p>182. Speech by the Deputy Minister of Foreign Affairs of the Kyrgyz Republic Ms. Baktygul Kalambekova,</p>

Opening Plenary Session. [English, 3 pages; Russian, 4 pages]

the former Yugoslav  
Republic of  
Macedonia

224. Statement of the Macedonian Delegation in exercise of its right to reply, Working Session 5: Tolerance and Non-discrimination I. [English, 2 pages]
415. Statement of the Macedonian Delegation, Working Session 6: Humanitarian Issues and Other Commitments I. [English, 1 page]
590. Written Statement of the Delegation of the Republic of Macedonia in exercise of its right of reply, Working Session 10: Tolerance and Non-discrimination II (continued). [English, 2 pages]

Liechtenstein

551. Intervention on Human Dimension Activities, Working Session 16: Discussion of Human Dimension Activities (special emphasis on project work). [English, 2 pages; German, 2 pages]

Norway

46. Opening Statement By The Ambassador Of Norway, H.E. Guttorm Vik, Opening Plenary Session. [English, 3 pages]
459. Norwegian Statement on Tolerance and Non-discrimination, as delivered by Ambassador Guttorm Vik, Permanent Delegation of Norway to the OSCE, Working Session 5: Tolerance and Non-discrimination I. [English, 2 pages]
222. Statement by Mr. Bard Ivar Svendsen, on Implementation of the OSCE Action Plan to Combat Trafficking in Human Beings, Working Session 6: Humanitarian Issues and Other Commitments I. [English, 2 pages]
487. Statement on Freedom of Expression, Free Media and Information As delivered by Second Secretary, Frederik G. Ranke, Permanent Delegation of Norway to the OSCE, Working Session 12: Freedom of Expression, Free Media and Information. [English, 2 pages]
562. Norwegian Statement on Democratic Institutions as delivered by Senior Adviser Birgit Kleven, Norwegian Ministry of Foreign Affairs, Working Session 17: Democratic Institutions. [English, 2 pages]

Poland

181. Address by Ms. Grażyna Bernatowicz, Under-Secretary of State at the Ministry of Foreign Affairs of the Republic of Poland, Opening Plenary Session. [English, 3 pages]

	<p>149. Statement by Mr. Marcin Kusy, Senior Counsellor, Office of the Commissioner for Civil Rights Protection, Working Session 4: Rule of Law II. [English, 3 pages]</p>
Uzbekistan	<p>3. The Formation of an Independent Judicial System in Uzbekistan: Experience and Perspective, Working Session 1: Rule of Law I. [Russian, 6 pages]</p> <p>314. STAGES OF DEMOCRATIZATION AND LIBERALIZATION OF JUDICIAL AND LEGAL SYSTEM OF UZBEKISTAN, Working Session 1: Rule of Law I. [English, 7 pages]</p> <p>102. Speech by Professor Akmal Saidov, Director of National Human Rights Centre of the Republic of Uzbekistan, Working Session 2: Fundamental Freedoms I. [English, 6 pages; Russian, 7 pages]</p> <p>477. Freedom of Media in the Republic of Uzbekistan, Working Session 13: Freedom of Expression, Free Media and Information (continued). [Russian, 2 pages]</p> <p>552. Statement by Deputy Chairman of the CEC, Mr. K. Togaev, Working Session 17: Democratic Institutions. [Russian, 3 pages]</p>
Romania	<p>571. Comments of the Romanian delegation in reply to the presentations concerning the conflicts in Sancaieni and Sanmartin villages (Harghita county, Romania), Side Event: Populism-Extremism-Racism-Social exclusion – breaking the circle: the ultimate challenge of the modern democracy. [English, 2 pages]</p>
Russian Federation	<p>48. Standards and Independence of Judiciary in Russia, Working Session 1: Rule of Law I. [Russian, 6 pages]</p> <p>107. Statement on fundamental freedoms, Working Session 2: Fundamental Freedoms I. [Russian, 5 pages]</p> <p>133. Role of the Federal Prosecutor of the Russian Federation in protection of freedom of assembly, Working Session 3: Fundamental Freedoms II. [Russian, 5 pages]</p> <p>310. Statement on Equality between Women and Men, Working Session 7: Tolerance and Non-discrimination II. [Russian, 3 pages]</p> <p>328. Statement on Human Rights Education, Working Session 9: Human Rights Education (continued). [Russian, 3 pages]</p> <p>414. Contribution on the Review of Implementation of Commitments, Promotion of Mutual Respect and Understanding, Working Session 10: Tolerance and Non-</p>

- discrimination II (continued). [Russian, 3 pages]
491. Statement on Freedom of Speech, Media and Information, Working Session 13: Freedom of Expression, Free Media and Information (continued). [Russian, 3 pages]
511. Statement on Roma and Sinti, Working Session 14: Roma/Sinti, Early Education for Roma and Sinti Children. [Russian, 3 pages]
547. Statement by Mr. Igor Borisov, Member of the Central Election Commission, Working Session 16: Discussion of Human Dimension Activities (special emphasis on project work). [Russian, 3 pages]
555. Statement by Mr. Borisov, Central Election Commission, Working Session 17: Democratic Institutions. [Russian, 3 pages]
580. Closing Statement of the Russian Federation, Closing Reinforced Plenary Session. [Russian, 4 pages]

Holy See

71. Address of Monsignor Anthony R. Frontiero, Official of the Pontifical Council for Justice and Peace, Working Session 2: Fundamental Freedoms I. [English, 2 pages]
72. Recommendations regarding Freedom of Thought, Conscience, Religion or Belief, Working Session 2: Fundamental Freedoms I. [English, 1 page]
217. Recommendations, Working Session 6: Humanitarian Issues and Other Commitments I. [English, 1 page]
219. Address of Monsignor Anthony R. Frontiero Official of the Pontifical Council for Justice and Peace, Working Session 6: Humanitarian Issues and Other Commitments I. [English, 2 pages]
262. Address of Monsignor Anthony R. Frontiero, Working Session 7: Tolerance and Non-discrimination II. [English, 2 pages]
263. Recommendations, Working Session 7: Tolerance and Non-discrimination II. [English, 1 page]
364. Address of Monsignor Anthony R. Frontiero, Working Session 10: Tolerance and Non-discrimination II (continued). [English, 2 pages]
365. Recommendations, Working Session 10: Tolerance and Non-discrimination II (continued). [English, 1 page]
366. Address by Monsignor Anthony R. Frontiero, on Combating Racism, Xenophobia, and Discrimination, also Focusing on Intolerance and Discrimination against Christians and Members of other Religions, Working Session 10: Tolerance and Non-discrimination II

(continued). [English, 2 pages]

367. Recommendations, Working Session 10: Tolerance and Non-discrimination II (continued). [English, 1 page]
421. Recommendations, Working Session 11: Humanitarian Issues and Other Commitments II. [English, 1 page]
422. Address of Monsignor Anthony R. Frontiero, Official of the Pontifical Council for Justice and Peace, Working Session 11: Humanitarian Issues and Other Commitments II. [English, 2 pages]

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Serbia

118. Statement by the Adviser to the Minister of Religious Affairs of the Republic of Serbia, Mr Aleksandar Rakovic, Working Session 2: Fundamental Freedoms I. [English, 4 pages]
122. Statement by the Deputy Minister in the Ministry for Kosovo and Metohija of the Republic of Serbia, Mr. Bojan Andjelkovic, Working Session 3: Fundamental Freedoms II. [English, 6 pages]
207. Report on the National Minorities by the Deputy Minister for Human and Minority Rights of the Republic of Serbia, Mr. Petar Antic, Working Session 5: Tolerance and Non-discrimination I. [English, 5 pages]
346. Statement in exercise of the Right to Reply, Working Session 5: Tolerance and Non-discrimination I. [English, 2 pages]
315. THE REPUBLIC OF SERBIA’S  
PROGRESS IN APPLICATION OF OBLIGATIONS  
OF THE OSCE COUNTRIES ON HUMAN  
DIMENSION, RELATED TO WORKING THEME  
NO.7 (EQUALITY OF WOMEN AND MEN), Working  
Session 7: Tolerance and Non-discrimination II.  
[English, 3 pages]
417. Statement by the Adviser to the Minister of Religious Affairs of the Republic of Serbia, Mr Aleksandar Rakovic, Working Session 10: Tolerance and Non-discrimination II (continued). [English, 4 pages]
502. Statement by Commissariat for Refugees of the Republic of Serbia, Working Session 11: Humanitarian Issues and Other Commitments II. [English, 3 pages]
531. Minority Rights Guaranteed by Internal Regulations, Working Session 14: Roma/Sinti, Early Education for Roma and Sinti Children. [English, 5 pages]
532. Presentation by Petar Antic, Deputy Minister, on Roma/Sinti and, in particular, early education for Roma

and Sinti children, Working Session 14: Roma/Sinti, Early Education for Roma and Sinti Children. [English, 3 pages]

Slovakia	<p>567. Statement by Mr. Frantisek Ruzicka, Ambassador Extraordinary and Plenipotentiary of the Slovak Republic to the Republic of Poland, Working Session 1: Rule of Law I. [English, 3 pages]</p> <p>6. Information on the policy of the Government of the Slovak Republic regarding national minorities and ethnic groups, Working Session 5: Tolerance and Non-discrimination I. [English, 25 pages]</p> <p>8. Information on the policy of the Government of the Slovak Republic regarding combating Anti-Semitism and Holocaust Remembrance in the SR, Working Session 5: Tolerance and Non-discrimination I. [English, 8 pages]</p> <p>9. Information on the Activities of the Slovak Republic in the Area of Improving the Status of the Roma National Minority in the SR (2009), Working Session 5: Tolerance and Non-discrimination I. [English, 10 pages]</p> <p>212. Statement on National Minorities in Slovakia, Working Session 5: Tolerance and Non-discrimination I. [English, 3 pages]</p> <p>213. Amendment to the Act on the State Language of the Slovak Republic, Working Session 5: Tolerance and Non-discrimination I. [English, 2 pages]</p> <p>214. Statement by Mr. Marcel Pesko, Permanent Representative of Slovakia to the International Organizations in Vienna, Working Session 5: Tolerance and Non-discrimination I. [English, 3 pages]</p> <p>568. Statement by the Delegation of the Slovak Republic, Working Session 14: Roma/Sinti, Early Education for Roma and Sinti Children. [English, 2 pages]</p>
Slovenia	<p>338. Introductory statement by Ms. Violetta Neubauer, Government Office for Equal Opportunities, Working Session 7: Tolerance and Non-discrimination II. [English, 5 pages]</p> <p>308. STATEMENT OF THE REPUBLIC OF SLOVENIA, Working Session 9: Human Rights Education (continued). [English, 3 pages]</p> <p>512. Statement on Early Education for Roma and Sinti, Working Session 14: Roma/Sinti, Early Education for Roma and Sinti Children. [English, 3 pages]</p>
Sweden	<p>40. Opening Statement of the Swedish Presidency of the</p>

- European Union, Opening Plenary Session. [English, 4 pages]
39. EU Statement on the Rule of Law I, Working Session 1: Rule of Law I. [English, 5 pages]
129. EU Statement on Fundamental Freedoms I (Freedom of thought, conscience or belief), Working Session 2: Fundamental Freedoms I. [English, 7 pages]
135. EU Statement on Fundamental Freedoms II, Working Session 3: Fundamental Freedoms II. [English, 6 pages]
185. EU Statement on the Rule of Law II (prevention of torture), Working Session 4: Rule of Law II. [English, 7 pages]
225. EU Statement on Tolerance and Non-Discrimination I (National Minorities), Working Session 5: Tolerance and Non-discrimination I. [English, 4 pages]
240. EU Statement on Humanitarian Issues and other Commitments, Working Session 6: Humanitarian Issues and Other Commitments I. [English, 7 pages]
261. EU Statement on Tolerance and Non-Discrimination II, Working Session 7: Tolerance and Non-discrimination II. [English, 5 pages]
360. EU statement on Human Rights Education (referring to Working Sessions 8 and 9), Working Session 9: Human Rights Education (continued). [English, 6 pages]
482. EU Statement on Tolerance and non-discrimination II (continued), Working Session 10: Tolerance and Non-discrimination II (continued). [English, 4 pages]
483. EU Statement on Humanitarian Issues and Other Commitments, Working Session 11: Humanitarian Issues and Other Commitments II. [French, 6 pages]
484. EU Statement on Freedom of Expression, Free Media and Information (referring to Working Sessions 12 and 13), Working Session 12: Freedom of Expression, Free Media and Information. [English, 6 pages]
522. EU Statement on Roma/Sinti and, in particular, early education for Roma and Sinti children (referring to Working Sessions 14 and 15), Working Session 14: Roma/Sinti, Early Education for Roma and Sinti Children. [English, 5 pages]
576. EU Statement on Human Dimension Activities, Working Session 16: Discussion of Human Dimension Activities (special emphasis on project work). [English, 5 pages]



	<p>570. EU Statement on Democratic Institutions, Working Session 17: Democratic Institutions. [English, 5 pages]</p> <p>597. EU statement at the closing session of the OSCE Human Dimension Implementation Meeting 2009, Closing Reinforced Plenary Session. [English, 7 pages]</p>
Switzerland	<p>307. Statement on Freedom of assembly and association, Working Session 3: Fundamental Freedoms II. [French, 1 page]</p> <p>309. Statement on Death Penalty, Working Session 4: Rule of Law II. [French, 1 page]</p> <p>495. Declaration de la Suisse: Liberte d'expression, Working Session 12: Freedom of Expression, Free Media and Information. [French, 2 pages]</p> <p>579. Statement by the Delegation of Switzerland, Closing Reinforced Plenary Session. [German, 2 pages]</p>
Tajikistan	<p>229. Statement on the Rights of National Minorities in Tajikistan, Working Session 5: Tolerance and Non-discrimination I. [Russian, 2 pages]</p> <p>311. Statement on Equality of Opportunity for Women and Men, Working Session 7: Tolerance and Non-discrimination II. [Russian, 2 pages]</p> <p>413. Statement on the Tajikistan Policy regarding Freedom of Religion or Belief, Working Session 10: Tolerance and Non-discrimination II (continued). [Russian, 4 pages]</p> <p>578. Fulfillment of State Policy in the Republic of Tadjikistan in the Area of State-Confessional Relations, Working Session 10: Tolerance and Non-discrimination II (continued). [Russian, 13 pages]</p> <p>559. Statement on Democratic Elections by Mr. Dadazhonov, Working Session 17: Democratic Institutions. [Russian, 2 pages]</p>
Czech Republic	<p>507. Statement in exercise of the Right to Reply, Working Session 11: Humanitarian Issues and Other Commitments II. [English, 1 page]</p> <p>506. Difficulties in balancing the freedom of expression and right to privacy in the Czech Republic, Working Session 13: Freedom of Expression, Free Media and Information (continued). [English, 2 pages]</p> <p>545. Statement of the delegation of the Czech Republic on Roma/Sinti and, in particular, early education for Roma and Sinti children, Working Session</p>

14: Roma/Sinti, Early Education for Roma and Sinti Children. [English, 2 pages]

Turkey	<p>73. Statement by Ambassador Yusuf Buluç, Working Session 2: Fundamental Freedoms I. [English, 3 pages]</p> <p>184. Statement by Ambassador Yusuf Buluç, Working Session 3: Fundamental Freedoms II. [English, 3 pages]</p> <p>316. Right of Reply by Ambassador Yusuf Buluç, Permanent Representative of Turkey to the OSCE, Working Session 5: Tolerance and Non-discrimination I. [English, 2 pages]</p> <p>458. Statement by Ambassador Yusuf Buluç, Permanent Representative of Turkey to the OSCE, Working Session 6: Humanitarian Issues and Other Commitments I. [English, 5 pages]</p> <p>481. Statement by Ambassador Yusuf Buluç, Permanent Representative of Turkey to the OSCE, Working Session 10: Tolerance and Non-discrimination II (continued). [English, 3 pages]</p>
Ukraine	<p>526. Observance of individual rights and freedoms in the field of freedom of conscience and religion in Ukraine, Working Session 2: Fundamental Freedoms I. [English, 3 pages]</p> <p>525. Activities on Combating against Racism, Xenophobia and Discrimination in Ukrainian Society, Working Session 5: Tolerance and Non-discrimination I. [English, 2 pages]</p> <p>313. Report of Ukraine on issues of gender equality and prevention violence against women, Working Session 7: Tolerance and Non-discrimination II. [English, 4 pages]</p> <p>524. Information on the Protection of National Minorities's Rights, Working Session 14: Roma/Sinti, Early Education for Roma and Sinti Children. [English, 3 pages]</p>

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OSCE Partners for Co-operation

Thailand	<p>462. Thailand's Efforts in the Prevention and Suppression of Trafficking in Persons, Working Session 6: Humanitarian Issues and Other Commitments I.</p>
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[English, 13 pages]

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OSCE Institutions

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OSCE High  
Commissioner on  
National Minorities

504. Statement by Dr Georgia Papagianni, Senior Adviser of the OSCE High Commissioner on National Minorities, Working Session 14: Roma/Sinti, Early Education for Roma and Sinti Children. [English, 4 pages]

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OSCE ODIHR

236. Compilation of Written Recommendations, Working Sessions 1-3, Background Documents. [English, 43 pages]

353. Compilation of Written Recommendations, Working Sessions 4-5, Background Documents. [English, 14 pages]

354. Compilation of Written Recommendations, Working Sessions 6-7, Background Documents. [English, 5 pages]

378. Compilation of Written Recommendations, Working Sessions 8-9, Background Documents. [English, 4 pages]

447. Compilation of Written Recommendations, Working Sessions 10-11, Background Documents. [English, 19 pages]

577. Final List of Participants, Background Documents. [English, 88 pages]

582. Compilation of Written Recommendations, Working Sessions 12-13, Background Documents. [English, 6 pages]

583. Compilation of Written Recommendations, Working Sessions 14-15, Background Documents. [English, 5 pages]

584. Compilation of Written Recommendations, Working Sessions 16-17, Background Documents. [English, 4 pages]

32. Opening Remarks by Ambassador Janez Lenarcic, Opening Plenary Session. [English, 5 pages]

190. Key-note address by Prof. Wladyslaw Bartoszewski, Secretary of State, Plenipotentiary of the Prime Minister of Poland for International Dialogue, Opening Plenary Session. [German, 5 pages]

488. Introductory Remarks of ODIHR Director, Ambassador Janez Lenarcic on Human Rights Education, Working Session 8: Human Rights Education. [English, 4 pages]

	<p>351. Introductory statement on 'Counting " and Countering " Hate Crime', by Dr. Barbara Perry, Faculty of Criminology, Justice and Policy Studies, University of Ontario, Working Session 10: Tolerance and Non-discrimination II (continued). [English, 18 pages]</p> <p>403. Securitization of Migration in the Post-Social State: From Welfarism to Prudentialism, Working Session 11: Humanitarian Issues and Other Commitments II. [English, 6 pages]</p> <p>593. Closing remarks by Ambassador Janez Lenarcic, Closing Reinforced Plenary Session. [English, 5 pages]</p>
OSCE Parliamentary Assembly	<p>164. Resolution on a Moratorium on the Death Penalty and Towards its Abolition, Working Session 4: Rule of Law II. [English, 7 pages]</p> <p>267. Resolution on Violence Against Women, Working Session 7: Tolerance and Non-discrimination II. [English, 4 pages]</p>
OSCE Secretariat	
OSCE Secretariat - Gender Section	<p>265. Statement on behalf of: Jamila Seftaoui, Senior Adviser on Gender Issues, OSCE Secretariat, Working Session 7: Tolerance and Non-discrimination II. [English, 2 pages]</p>
OSCE Secretary General	<p>286. Opening Statement by OSCE Secretary General Marc Perrin de Brichambaut, Opening Plenary Session. [English, 6 pages]</p>
International Organizations	
Council of Europe	<p>60. The Council of Europe and the Rule of Law, Working Session 1: Rule of Law I. [English, 10 pages]</p> <p>59. Contribution of the Council of Europe on intercultural and inter-religious dialogue through education, Working Session 2: Fundamental Freedoms I. [English, 2 pages]</p> <p>61. Respect for freedom of thought, conscience, religion or belief within a multicultural society, Working Session 2: Fundamental Freedoms I. [English, 2 pages]</p> <p>62. Freedom of association as guaranteed by the European Social Charter, Working Session 3: Fundamental Freedoms II. [English, 6 pages]</p> <p>63. Freedom of assembly and association, Working Session</p>

- 3: Fundamental Freedoms II. [English, 2 pages]
192. Written contribution on Abolition of Death Penalty, Working Session 4: Rule of Law II. [English, 4 pages]
232. Written contribution on Protection of Human Rights and Fighting Terrorism, Working Session 4: Rule of Law II. [English, 4 pages]
234. Written contribution on the Work of the European Committee for Prevention of Torture and Inhuman or Degrading Treatment or Punishment, Working Session 4: Rule of Law II. [English, 3 pages]
193. Contribution - Council of Europe Activities in the Field of Protection of National Minorities, Working Session 5: Tolerance and Non-discrimination I. [English, 28 pages]
231. Written contribution - Cultural identities, shared values and citizenship, Working Session 5: Tolerance and Non-discrimination I. [English, 5 pages]
194. Factsheet - 'Council of Europe Action against Trafficking in Human Beings', Working Session 6: Humanitarian Issues and Other Commitments I. [English, 2 pages]
195. Factsheet - 'Council of Europe Convention on Action against Trafficking in Human Beings', Working Session 6: Humanitarian Issues and Other Commitments I. [English, 2 pages]
196. Factsheet - 'Combating Violence against Women', Working Session 7: Tolerance and Non-discrimination II. [English, 2 pages]
197. Factsheet - 'Gender Mainstreaming', Working Session 7: Tolerance and Non-discrimination II. [English, 2 pages]
198. Factsheet - 'Balanced Participation of Women and Men in Political and Public Decision-Making', Working Session 7: Tolerance and Non-discrimination II. [English, 2 pages]
199. Factsheet - 'Equality Between Women and Men', Working Session 7: Tolerance and Non-discrimination II. [English, 2 pages]
235. Declaration - 'Making Gender Equality a Reality', Working Session 7: Tolerance and Non-discrimination II. [English, 3 pages]
256. Democratic Citizenship and Human Rights Education, Working Session 8: Human Rights Education. [English, 5 pages]
249. The Pestalozzi Programme, the Council of Europe programme for the training of education

- professionals, Working Session 9: Human Rights Education (continued). [English, 4 pages]
254. Non-discrimination as guaranteed by the European Social Charter, Working Session 10: Tolerance and Non-discrimination II (continued). [English, 6 pages]
255. Anti-discrimination Campaign, Working Session 10: Tolerance and Non-discrimination II (continued). [English, 3 pages]
259. Combating Intolerance And Discrimination And Promotin Mutual Respect And Understanding: A Council Of Europe Priority, Working Session 10: Tolerance and Non-discrimination II (continued). [English, 3 pages]
339. COMBATING INTOLERANCE AND DISCRIMINATION AND PROMOTING MUTUAL RESPECT AND UNDERSTANDING: A COUNCIL OF EUROPE PRIORITY, Working Session 10: Tolerance and Non-discrimination II (continued). [English, 3 pages]
257. Migrant workers rights as guaranteed by the European Social Charter, Working Session 11: Humanitarian Issues and Other Commitments II. [English, 11 pages]
258. Factsheet on Migration, Working Session 11: Humanitarian Issues and Other Commitments II. [English, 4 pages]
253. Overview Of The Work Of The Council Of Europe In The Media Field, Working Session 12: Freedom of Expression, Free Media and Information. [English, 5 pages]
251. Statement on Roma and Travellers, Working Session 14: Roma/Sinti, Early Education for Roma and Sinti Children. [English, 15 pages]
250. Code of Good Practice for Civil Participation in the Decision-Making Process, Working Session 17: Democratic Institutions. [English, 10 pages]
252. History education and its contribution to democratic society and citizenship, Working Session 17: Democratic Institutions. [English, 1 page]
260. Contribution of the Council of Europe, Working Session 17: Democratic Institutions. [English, 6 pages]
431. Expert Council on NGO Law - Second Annual Report, Working Session 17: Democratic Institutions. [English, 62 pages]
437. Code of Good Practice for Civil Participation in the Decision -Making Process, Working Session 17:

	<p>Democratic Institutions. [English, 17 pages]</p> <p>438. Promotion and Implementation Strategy for the Code of Good Practice for Civil Participation in the Decision-Making Process, Working Session 17: Democratic Institutions. [English, 2 pages]</p>
OHCHR	<p>569. OHCHR STATEMENT ON NEW DEVELOPMENTS IN HUMAN RIGHTS EDUCATION AT THE UNITED NATIONS, Working Session 8: Human Rights Education. [English, 3 pages]</p>
Organization of the Islamic Conference (OIC)	<p>369. Contribution by Ambassador, Ã–mÃ¼r Orhun, Adviser and Special Envoy of the Secretary General of the Organization of Islamic Conference (OIC), Working Session 10: Tolerance and Non-discrimination II (continued). [English, 5 pages]</p> <p>418. Preventing and Responding to Anti-Muslim Hate Crimes, Side Event: Preventing and Responding anti-Muslim Hate Crimes. [English, 4 pages]</p>
UNHCR	<p>31. Refugee Protection and Displacement in the OSCE Region - Commitments for Protection and Solutions, Working Session 11: Humanitarian Issues and Other Commitments II. [English, 4 pages]</p>
<p>Non-Governmental Organizations</p>	
"Young Europe"	<p>161. Freedom of Association in the OSCE Region, Working Session 3: Fundamental Freedoms II. [Russian, 2 pages]</p>
Administrative Centre of Jehovah's Witnesses in Russia	<p>114. Written statement on freedom of religion or belief, Working Session 2: Fundamental Freedoms I. [English, 8 pages]</p> <p>117. Written statement on Belarus with supplementary documents, Working Session 2: Fundamental Freedoms I. [English, 1 page; English, 3 pages; English, 3 pages; Russian, 1 page; Russian, 3 pages; Russian, 2 pages]</p> <p>160. Harassment Of Jehovah's Witnesses In Russia, Working Session 2: Fundamental Freedoms I. [English, 1 page]</p>
AKDER - Women's Rights Organization Against	<p>429. Discriminierung gegen muslimische StudentInnen mit Kopftuch, Working Session 10: Tolerance and Non-discrimination II (continued). [German, 1 page]</p>

Discrimination	
AKDER-Women's Rights Organization Against Discrimination	<p>269. Discriminatory Applications Implemented Due to the Headscarf, the Time Period of September 2008-2009 in Turkey, Working Session 6: Humanitarian Issues and Other Commitments I. [English, 10 pages]</p> <p>270. A Statistical Examination of the Conditiong of Women in Turkey and the Impact of the Headscarf Ban, Working Session 6: Humanitarian Issues and Other Commitments I. [English, 46 pages]</p> <p>271. Women on statistics in Turkey, Working Session 7: Tolerance and Non-discrimination II. [English, 2 pages]</p>
Alliance Defense Fund	<p>27. The Fundamental Rights Of Freedom Of Thought, Conscience And Religion And Freedom Of Expression As Cornerstones Of a Democratic Society, Working Session 2: Fundamental Freedoms I. [English, 7 pages]</p> <p>539. Statement on Freedom of Expression, Working Session 2: Fundamental Freedoms I. [English, 2 pages]</p>
Almaty City Collegium of Advocates	<p>279. Statement of Kazakh Lawyers, Side Event: Lawyers of Kazakhstan clamour against pressure by law-enforcement authorities. [English, 3 pages; Russian, 3 pages]</p>
Almaty Confederation of NGOs 'Ariptes'	<p>155. The Role of Civil society in Defending Human Rights, Working Session 3: Fundamental Freedoms II. [Russian, 3 pages]</p> <p>357. Statement on Combating Trafficking in Human Biengs, Working Session 6: Humanitarian Issues and Other Commitments I. [Russian, 2 pages]</p> <p>356. Recommendations regarding Gender Equality, Working Session 7: Tolerance and Non-discrimination II. [Russian, 2 pages]</p> <p>426. Statement on Labour Migration in Kazakhstan, Working Session 11: Humanitarian Issues and Other Commitments II. [Russian, 3 pages]</p> <p>471. Statement on Jurnalists' Education in Kazakhstan, Working Session 13: Freedom of Expression, Free Media and Information (continued). [Russian, 3 pages]</p> <p>556. Statement on Democratic nstitutions by Prof. L. Ahmetova, Working Session 17: Democratic Institutions. [Russian, 2 pages]</p>
American Civil	<p>92. Statement on Charitable Giving and Religious Freedom</p>



Liberties Union  
Foundation

in the U.S., Working Session 2: Fundamental Freedoms  
I. [English, 6 pages]

171. Statement on Capital Punishment in the United  
States, Working Session 4: Rule of Law II. [English,  
4 pages]

American-Arab  
Anti-Discrimination  
Committee (ADC)

397. Muslims Widely Seen as Facing Discrimination  
- Results from the 2009 Annual Religion and Public Life  
Survey, Side Event: Challenging Intolerance against  
Muslims. [English, 10 pages]

398. Recommendations on Improving the OSCE  
Office for Democratic Institutions and Human Rights  
(ODIHR) work on Intolerance and Discrimination  
against Muslims., Side Event: Challenging Intolerance  
against Muslims. [English, 2 pages]

399. Summary of the Arab-American Handbook, by  
Nawar Shora, Side Event: Challenging Intolerance  
against Muslims. [English, 3 pages]

400. Factsheet - Diversity Education and Law  
Enforcement Outreach Program (LEOP), Side Event:  
Challenging Intolerance against Muslims. [English,  
2 pages]

401. Law Enforcement Outreach Program (LEOP) -  
Class Outline, Side Event: Challenging Intolerance  
against Muslims. [English, 1 page]

Amnesty  
International

58. Amnesty International statement on freedom of  
expression, free media and information, and the role of  
civil society in protection of human rights, Working  
Session 3: Fundamental Freedoms II. [English, 3 pages]

297. Statement on Prevention of torture; Protection of  
human rights and fighting terrorism, Working Session 4:  
Rule of Law II. [English, 3 pages]

439. Statement - South Caucasus: promptly adopt and  
enforce legislation on domestic violence, Working  
Session 7: Tolerance and Non-discrimination II.  
[English, 1 page]

443. Statement on Migrants, Working Session 11:  
Humanitarian Issues and Other Commitments II.  
[English, 3 pages]

492. Statement on Freedom of expression, free media  
and information, Working Session 13: Freedom of  
Expression, Free Media and Information (continued).  
[English, 2 pages]

513. Statement on Roma Education, Working Session  
14: Roma/Sinti, Early Education for Roma and Sinti  
Children. [English, 3 pages]

Anti Defamation League	408. Intervention by Stacy Burdett, Anti-Defamation League, Working Session 10: Tolerance and Non-discrimination II (continued). [English, 2 pages]
Anti-Discrimination Centre "Memorial"	430. Problem of discrimination and violation of the rights of Roma children at Russian schools, Working Session 14: Roma/Sinti, Early Education for Roma and Sinti Children. [English, 5 pages; Russian, 6 pages]
Association for Solidarity with the Immigrant Worker	396. Statement - 'Spain: Concerns due to the Legislative Erosion of Migrant Workers'€™ Rights', Working Session 11: Humanitarian Issues and Other Commitments II. [English, 2 pages]
Association of Religious Organizations of Kazakhstan (AROK)	409. Statement by Mr. Alexandr Klushev, Working Session 10: Tolerance and Non-discrimination II (continued). [Russian, 7 pages]
Associazione Dossetti: i Valori Observatory for Religious Tolerance and Freedom	292. Recommendations, Working Session 2: Fundamental Freedoms I. [English, 1 page] 293. Statement by Dr. Mattia F. Ferrero, Working Session 2: Fundamental Freedoms I. [English, 2 pages] 386. Recommendations by Dr. Mattia F. Ferrero, Working Session 10: Tolerance and Non-discrimination II (continued). [English, 1 page] 387. Statement by Dr. Mattia F. Ferrero, Working Session 10: Tolerance and Non-discrimination II (continued). [English, 2 pages]
Avrupa Demokrasi Vakfi	93. Evaluating the Muslim Minority'€™s Situation in Germany and Suggestions for a Possible Solution, Working Session 2: Fundamental Freedoms I. [English, 7 pages] 202. Evaluating the Turkish Minority'€™s Situation in Germany and Suggestions for a Possible Solution, Working Session 5: Tolerance and Non-discrimination I. [English, 7 pages]
B'nai B'rith International	345. Statement on 'The Ongoing Struggle Against Anti-Semitism' by Mr. Eric Fusfield, Working Session 10: Tolerance and Non-discrimination II (continued). [English, 2 pages]

Baltic Chechen Society	330. Statement on National Human Rights Institutions and their Role in Human Rights Protection, Working Session 3: Fundamental Freedoms II. [Russian, 1 page]
Belarusian Helsinki Committee	322. Belarus Criminal Code 193-1 Expert Opinion, Working Session 3: Fundamental Freedoms II. [English, 8 pages; Russian, 8 pages]
Bund der Immigrantenvereine	406. Migrationsproblematik, Working Session 10: Tolerance and Non-discrimination II (continued). [German, 2 pages]
Bureau of Human Rights	151. Basic Freedoms, including the Freedom of Movement. Office of Human Rights in Agreement with the Laws of Tadjikistan, Working Session 3: Fundamental Freedoms II. [Russian, 3 pages]
Canadian Arab Federation	434. Statement on Hate Speech against Arab and Muslims in Canada, Working Session 10: Tolerance and Non-discrimination II (continued). [English, 2 pages]
CARE for Europe	383. Statement on Non-discrimination Legislation and Religious Freedoms, Working Session 10: Tolerance and Non-discrimination II (continued). [English, 2 pages]
CEJI	352. Intervention on combating hate crimes, Working Session 10: Tolerance and Non-discrimination II (continued). [English, 1 page] 517. Intervention on Hate Crimes, Working Session 10: Tolerance and Non-discrimination II (continued). [English, 2 pages]
Center for Interethnic Cooperation	599. Speech by Mr. Ashot Ayrapetyan, Working Session 10: Tolerance and Non-discrimination II (continued). [English, 1 page; Russian, 1 page]
Centre d'Action Laïque	30. CAL Recommendation: Equality Regarding State Financing, Working Session 2: Fundamental Freedoms I. [English, 2 pages]
Charter for Human Rights	139. Statement on the upholding of the OSCE commitments related to the freedom of assembly by the Republic of Kazakhstan, Working Session 3:

	<p>Fundamental Freedoms II. [Russian, 2 pages]</p> <p>564. On Securing Standards in the Republic of Kazakhstan for Free and Democratic Elections, Working Session 17: Democratic Institutions. [Russian, 2 pages]</p>
Chernivtsy Regional NGO 'Human Rights'	<p>150. Statement on Torture Prevention, by Ms. Hyulnar Nazarova, Working Session 4: Rule of Law II. [Russian, 2 pages]</p> <p>329. Statement on Human Rights Education, Working Session 9: Human Rights Education (continued). [Russian, 2 pages]</p> <p>405. Tolerance and Non-discrimination, Working Session 10: Tolerance and Non-discrimination II (continued). [Russian, 2 pages]</p> <p>444. Statement on Migrant Workers in Ukraine, Working Session 11: Humanitarian Issues and Other Commitments II. [Russian, 2 pages]</p>
Christian Mission 'Bible League'	<p>99. Statement on Freedom of conscious religion, Working Session 2: Fundamental Freedoms I. [Russian, 2 pages]</p>
Christianophobia in Europe	<p>494. Recommendations by Dr. Martin Kugler for the Human Rights Network <a href="http://www.christianophobia.eu">www.christianophobia.eu</a>, Side Event: Update on Intolerance and Discrimination against Christians. [English, 2 pages]</p>
Church and Society Commission of CEC	<p>565. Freedom of Religion or Belief for All, Working Session 2: Fundamental Freedoms I. [English, 3 pages]</p>
Church of Scientology International	<p>70. Statement on Religious Discrimination in France: 2009, Working Session 2: Fundamental Freedoms I. [English, 10 pages]</p>
Church of Scientology, Karaganda	<p>44. Religious Discrimination Targeting Scientology in Kazakhstan: 2009, Side Event: Present Status of Protection of Freedom of Religion or Belief Rights in Republic of Kazakhstan. [English, 10 pages; Russian, 9 pages]</p>
Church of Scientology, Russian Federation	<p>42. Religious Discrimination: Scientology in Russia, Working Session 2: Fundamental Freedoms I. [English, 8 pages; Russian, 9 pages]</p>
Churches' Commission for	<p>337. Introductory statement by Mr. Torsten Moritz, Working Session 6: Humanitarian Issues and Other</p>

Migrants in Europe (CCME)	Commitments I. [English, 6 pages]
CICNS Centre d'Information et de Conseil des Nouvelles Spiritualites	288. Contribution on The Inadequate and Irresponsible Fight against Sectarian Abuse, Working Session 2: Fundamental Freedoms I. [English, 8 pages; French, 8 pages]
Civic Campaign "For Freedom"	463. About Free Media in Belarus- a statement by Aliaksandr Zarembiuk, Working Session 13: Freedom of Expression, Free Media and Information (continued). [Russian, 2 pages] 464. About Elections in Belarus- a statement by Aliaksandr Zarembiuk, Working Session 17: Democratic Institutions. [Russian, 2 pages]
Civic Committee for Human Rights	57. The impact of NGOs war crime trials monitoring on legal system in Croatia, Working Session 3: Fundamental Freedoms II. [English, 2 pages]
Civil Initiative 'For Free Denomination'	77. Statement on Freedom of religion and expression in Belarus, Working Session 2: Fundamental Freedoms I. [English, 5 pages; Russian, 7 pages]
Civil society Institute, Georgia	278. Press Release on Restoring Justice in Georgia, Working Session 1: Rule of Law I. [English, 1 page]
Cojep International	88. Recommendation regarding fundamental freedoms, Working Session 2: Fundamental Freedoms I. [English, 1 page; French, 1 page] 377. Recommendations, Working Session 10: Tolerance and Non-discrimination II (continued). [English, 1 page; French, 1 page] 461. Side Event on Hate Crimes Against Muslims, Side Event: Preventing and Responding anti-Muslim Hate Crimes. [English, 2 pages]
COJEP International, Austria	376. Statement on Hate Crimes, Working Session 10: Tolerance and Non-discrimination II (continued). [German, 1 page]
Committee Against Torture	51. Statement by Igor Kalyain, Working Session 1: Rule of Law I. [Russian, 2 pages] 170. Statement by Mr. Igor Kalyain, Working Session

4: Rule of Law II. [Russian, 2 pages]

Committee on Women and Family Affairs	36. Statement by Ms. Ysufi Khaininico, Chief of the Committee on Women and Family Affairs, Working Session 7: Tolerance and Non-discrimination II. [Russian, 3 pages]
Constantinopolitan Society	89. Recommendations to the Turkish authorities, Working Session 2: Fundamental Freedoms I. [English, 3 pages] 178. Recommendations, Working Session 5: Tolerance and Non-discrimination I. [English, 2 pages] 179. Statement on Greek Minority in Turkey, Working Session 5: Tolerance and Non-discrimination I. [English, 5 pages]
Coordination des Associations et Particuliers pour la Liberte de Conscience	104. Contribution- France: From the Committee of Public Salvation to the MMLUDES, Working Session 2: Fundamental Freedoms I. [English, 4 pages; French, 4 pages]
Cyprus Turkish Teachers Trade Union	221. Contribution on Education Rights in Cyprus, Working Session 5: Tolerance and Non-discrimination I. [English, 1 page]
Deutsch-Tuerkische Gesellschaft E.V Sitz Stuttgart	106. Contribution on Freedom of Religion, Working Session 2: Fundamental Freedoms I. [German, 2 pages] 158. Remarks on Fundamental Freedoms by Deutsch-Turkische Gesellschaft e. V Stuttgart, Working Session 2: Fundamental Freedoms I. [English, 3 pages] 134. Statement on fundamental freedoms, Working Session 3: Fundamental Freedoms II. [English, 1 page; German, 1 page] 205. Contribution on Preventing Aggressive Nationalism, Racism and Chauvinism, Working Session 5: Tolerance and Non-discrimination I. [German, 7 pages]
Dontetzk Foundaition of Regional Initiatives, Ukraine	362. Statement - Back to the aborted court reform in Ukraine: reasons and programs, Working Session 1: Rule of Law I. [Russian, 3 pages] 390. Statement on Programming the tolerance, restitution of rights of the former deported peoples and preventing the discrimination: situation in Ukraine, Working Session 10: Tolerance and Non-discrimination II (continued). [Russian, 7 pages]

DOSH Caucasian Independent Magazine	331. Statement on the Role of National Human Rights Institutions, Side Event: HR Defenders in Caucasus. [Russian, 1 page]
Embargoed!	24. Embargoed! Speech to the OSCE HDIM, Working Session 1: Rule of Law I. [English, 3 pages] 384. Statement on Racism in Cyprus Speech; 'Love Cyprus, Hate Racism', Working Session 10: Tolerance and Non-discrimination II (continued). [English, 3 pages]
European Association of Jehovah's Christian Witnesses	65. Religious Freedom Concerns in Azerbaijan, Working Session 2: Fundamental Freedoms I. [English, 1 page] 66. Religious Freedom Concerns in Turkmenistan, Working Session 2: Fundamental Freedoms I. [English, 1 page; Russian, 1 page] 67. Religious Freedom Concerns in Tajikistan, Working Session 2: Fundamental Freedoms I. [English, 1 page; Russian, 1 page] 68. Religious Freedom Concerns in Uzbekistan, Working Session 2: Fundamental Freedoms I. [English, 1 page; Russian, 1 page] 113. Written statement on Turkmenistan, Working Session 2: Fundamental Freedoms I. [English, 1 page] 115. Written statement on Uzbekistan, Working Session 2: Fundamental Freedoms I. [English, 1 page] 180. Statement on Tolerance and Non-discrimination in Tajikistan, Working Session 5: Tolerance and Non-discrimination I. [English, 1 page; Russian, 1 page] 272. Tolerance and Non-discrimination in Tajikistan: An Oral Statement with Supplementary Material, Working Session 5: Tolerance and Non-discrimination I. [English, 22 pages; English, 1 page; Russian, 7 pages; Russian, 86 pages]
European Baptist Federation	75. Report on Freedom of religion or belief for all in Azerbaijan, Working Session 2: Fundamental Freedoms I. [English, 4 pages]
European Centre for Law and Justice	470. Statement on Freedom of Expression, Free Media and Information, Working Session 12: Freedom of Expression, Free Media and Information. [French, 1 page]

European Humanist Federation	<p>285. The Limits Of Conscientious Objection, Side Event: Subsidiarity and the Limits of Conscientious Objection. [English, 14 pages]</p> <p>41. HDIM Session 1 Rule of Law, European Humanist Federation, Working Session 1: Rule of Law I. [English, 4 pages]</p> <p>98. Contribution - The Limits of Conscientious Objections, Working Session 2: Fundamental Freedoms I. [English, 3 pages]</p> <p>349. Recommendations, Working Session 10: Tolerance and Non-discrimination II (continued). [English, 1 page]</p>
European Jewish Congress	<p>347. Statement on Combating Anti-Semitism, Working Session 10: Tolerance and Non-discrimination II (continued). [English, 2 pages]</p>
European Raelian Movement	<p>91. Contribution, Working Session 2: Fundamental Freedoms I. [French, 2 pages]</p> <p>388. Statement on Tolerance and Non-discrimination, Working Session 10: Tolerance and Non-discrimination II (continued). [English, 3 pages; French, 3 pages]</p>
European Roma Rights Centre (ERRC)	<p>505. Statement on Early Education of Roma Children, Working Session 14: Roma/Sinti, Early Education for Roma and Sinti Children. [English, 2 pages]</p>
Expert Working Group (EWG), Tashkent, Uzbekistan	<p>96. Statement on Freedom of religion in Uzbekistan, Working Session 2: Fundamental Freedoms I. [English, 11 pages]</p> <p>140. Contribution on Freedom of Movement, Assembly and Association in the Republic of Uzbekistan, Working Session 3: Fundamental Freedoms II. [English, 5 pages]</p> <p>169. Statement on Prevention of Torture in Uzbekistan, Working Session 4: Rule of Law II. [English, 12 pages]</p>
Federation Europeenne des Centres de Recherche et d'Information sur le Sectarisme (FECRIS)	<p>29. Briefing paper on cults by FECRIS, Working Session 2: Fundamental Freedoms I. [English, 2 pages]</p> <p>28. FECRIS Statement on Human Rights Education, Working Session 8: Human Rights Education. [French, 2 pages]</p>



Federation of Western Thrace Turks in Europe	<p>453. Statement on Freedom of religion or belief, Working Session 2: Fundamental Freedoms I. [English, 1 page]</p> <p>370. Written statement on Tolerance and Non-discrimination, Working Session 10: Tolerance and Non-discrimination II (continued). [English, 3 pages]</p> <p>455. Statement on Freedom of expression, free media and information, Working Session 12: Freedom of Expression, Free Media and Information. [English, 2 pages]</p> <p>454. Statement on Democratic institutions, Working Session 17: Democratic Institutions. [English, 1 page]</p>
FOREF Europe - Forum Religious Freedom	<p>78. Contribution on State Sanctioned Religious Intolerance in European Countries, Working Session 2: Fundamental Freedoms I. [English, 12 pages]</p> <p>79. Statement - 'New Inquisition in Russia': Christian communities appeal for help, Working Session 2: Fundamental Freedoms I. [English, 2 pages]</p>
Forum 18 News Service	<p>82. An article - KAZAKHSTAN: Religious freedom survey, September 2009, Working Session 2: Fundamental Freedoms I. [English, 9 pages]</p> <p>83. An article- OSCE REGION: OSCE commitments on freedom of religion or belief, Working Session 2: Fundamental Freedoms I. [English, 9 pages]</p> <p>84. Working Session 2 – Fundamental freedoms - Freedom of thought, conscience or belief, Working Session 2: Fundamental Freedoms I. [English, 2 pages]</p>
Forum Minority Research Institute	<p>218. Intervention by Mr. Kalman Petocz on Integration of National Minorities, Working Session 5: Tolerance and Non-discrimination I. [English, 2 pages]</p>
Forum of Roma IDPs	<p>575. EDUCATION OF ROMA CHILDREN as IDPs/RETURNEES, Working Session 14: Roma/Sinti, Early Education for Roma and Sinti Children. [English, 2 pages]</p>
Foundation of Regional Initiatives	<p>427. International programs as a tool of the human dimension and sustainable development in OSCE region, Working Session 5: Tolerance and Non-discrimination I.</p>

	<p>[Russian, 5 pages]</p> <p>452. Media influence on the in Ukrainian society  “analysis of the dangerous processes, Working Session  12: Freedom of Expression, Free Media and Information.  [Russian, 3 pages]</p>
Freedom House	<p>22. Rule of Law in the OSCE Participating States, Working  Session 1: Rule of Law I. [English, 2 pages]</p> <p>280. Monitoring of compliance with human rights,  related to the events in Nookat on October 1, 2008, Side  Event: Kazakhstan and the OSCE Chairmanship.  [English, 10 pages; Russian, 10 pages]</p> <p>38. Threat to Peaceful Assembly in Kyrgyzstan, Working  Session 3: Fundamental Freedoms II. [Russian, 3 pages]</p> <p>126. Statement on Freedom of Assembly and  Association, Working Session 3: Fundamental Freedoms  II. [English, 2 pages]</p> <p>37. Monitoring Human Rights Issues Related to Events in  Nookate, Kyrgyzstan, Side Event: Torture Prevention  and Victim Rehabilitation. [Russian, 5 pages]</p> <p>472. Statement on Freedom of Expression, Free Media  and Information, Working Session 13: Freedom of  Expression, Free Media and Information (continued).  [English, 2 pages]</p>
Freedom House, Partners in Human Rights Project in Kyrgyzstan	<p>141. Statement on Threats to Freedom of Assembly in  Kyrgyzstan, Working Session 3: Fundamental Freedoms  II. [Russian, 3 pages]</p> <p>173. Statement on Torture in Kyrgyzstan, Working  Session 4: Rule of Law II. [Russian, 5 pages]</p>
General Council of Jehova Witnesses	<p>64. Religious Freedom Concerns in Armenia, Working  Session 2: Fundamental Freedoms I. [English, 1 page]</p> <p>119. Written statement on Armenia, Working Session  2: Fundamental Freedoms I. [English, 4 pages]</p>
Georgian Young Lawyers' Association	<p>144. Contribution on Recent Developments affecting  Freedom of Peaceful Protest and Demonstrations in  Georgia, Working Session 3: Fundamental Freedoms II.  [English, 3 pages]</p>
Gomel Democratic Forum	<p>132. Statement regarding limitations of freedom of  association in Belarus, Working Session 3: Fundamental  Freedoms II. [Russian, 1 page]</p>

Helsinki Committee of Armenia	152. Statement of Freedom of Assembly in Armenia, Working Session 3: Fundamental Freedoms II. [English, 2 pages]
Human Rights Center 'Citizens Against Corruption'	191. Written contribution on Human Dimesion Issues in Kyrgyzstan, Working Session 1: Rule of Law I. [English, 30 pages; Russian, 30 pages] 127. Restrictions of civil rights to peaceful assemblies in Kyrgyzstan, Working Session 3: Fundamental Freedoms II. [Russian, 7 pages] 172. Written contribution on the Right to Live in Detention, Working Session 4: Rule of Law II. [Russian, 14 pages] 275. Statement on Women's Property Rights in Kyrgyzstan, Working Session 7: Tolerance and Non-discrimination II. [Russian, 2 pages]
Human Rights Centre	85. Statement on freedom of religion, Working Session 2: Fundamental Freedoms I. [Russian, 3 pages]
Human Rights Educational Centre, Belarus	228. Statement on Belarusian Nation, Working Session 5: Tolerance and Non-discrimination I. [Russian, 2 pages] 423. Non-Human Rights Education in Belarus, Working Session 8: Human Rights Education. [Russian, 4 pages]
Human Rights First	56. Statement by Human Rights First on Freedom of Religion or Belief, Working Session 2: Fundamental Freedoms I. [English, 2 pages] 290. Statement on Freedom of assembly and association, Working Session 3: Fundamental Freedoms II. [English, 3 pages] 289. Statement on Aggressive Nationalism, Racism and Chauvinism, Working Session 5: Tolerance and Non-discrimination I. [English, 2 pages] 355. Statement on Tolerance and Non-discrimination, Working Session 10: Tolerance and Non-discrimination II (continued). [English, 4 pages]
Human Rights Public Movement	216. Statement on Strikes in Ukrainian schools in protest against human rights violations, Working Session 5: Tolerance and Non-discrimination I. [English, 4 pages; Russian, 4 pages]

Human Rights Without Frontiers	<p>23. The Judiciary in Tajikistan, Working Session 1: Rule of Law I. [English, 4 pages]</p> <p>101. Written contribution on Freedom of religion in Central Asia and South Caucasus, Working Session 2: Fundamental Freedoms I. [English, 4 pages]</p> <p>204. Contribution on National Minorities in Belgium, Working Session 5: Tolerance and Non-discrimination I. [English, 6 pages]</p> <p>233. Statement on Trafficking in Human Beings and Economic Exploitation, Working Session 6: Humanitarian Issues and Other Commitments I. [English, 3 pages]</p>
Humaniterna Swedish Humanist Association	<p>153. Discrimination by the EU on Grounds of Religion or Belief, Working Session 2: Fundamental Freedoms I. [English, 1 page]</p>
ILGA - Europe	<p>344. Contribution - 'On the Importance of Combating Intolerance and Discrimination on the Grounds of Sexual Orientation and Gender Identity in the OSCE Region', Working Session 10: Tolerance and Non-discrimination II (continued). [English, 2 pages]</p> <p>433. Joint intervention by Council for Global Equality, COC Netherlands, the International Commission of Jurists and ILGA-Europe, Working Session 10: Tolerance and Non-discrimination II (continued). [English, 2 pages]</p>
Information and Consultative Group 'Perspective'	<p>86. Statement on 'The influence of religious organizations (New Life; Church of Scientology, Almaty) on family and personality., Working Session 2: Fundamental Freedoms I. [English, 2 pages; Russian, 3 pages]</p>
Institute of Philosophy and Politics	<p>94. Realisation of Principles of Belief in the Republic of Kazakhstan, Working Session 2: Fundamental Freedoms I. [Russian, 2 pages]</p>
International Association of Independent Democrats Against Authoritarian Regimes	<p>572. The dictatorship states and Fundamental freedoms, Working Session 3: Fundamental Freedoms II. [Russian, 2 pages]</p> <p>573. Political immigrants, refugees and the Gas and the Oil., Working Session 10: Tolerance and Non-discrimination II (continued). [Russian, 1 page]</p> <p>497. Statement on Freedom of Expression, Working</p>

	<p>Session 12: Freedom of Expression, Free Media and Information. [Russian, 4 pages]</p> <p>498. OPEN LETTER OF INDEPENDENT CIVIL SOCIETY IN UZBEKISTAN, WITH UZBEK REFUGEES OF ANDIJAN AND DIASPORA GROUPS IN ADVANCE OF THE EU’S DECISION ON UZBEKISTAN ARMS EMBARGO, Working Session 12: Freedom of Expression, Free Media and Information. [English, 5 pages]</p>
International Center for Journalism MediaNet	<p>49. We demand condemnation of the actions trampling upon human rights on the part of the state – the future 2010 OSCE Chairman-in-Office, Working Session 1: Rule of Law I. [English, 2 pages; Russian, 2 pages]</p>
International Center for Protection of Rights	<p>108. Statement on The Role of Civil society in the Realisation of National Law Policy, Working Session 3: Fundamental Freedoms II. [Russian, 1 page]</p> <p>167. Statement on the Abolition of Death Penalty in the Republic of Kazakhstan, Working Session 4: Rule of Law II. [Russian, 5 pages]</p>
International Center for Women Rights Protection and Promotion 'La Strada', Moldova	<p>467. Presentation on Human Rights Protection in the Return of the Trafficked Persons. Experience of the Republic of Moldova, Side Event: Human rights protection in the return of trafficked persons. Case studies and draft guidelines. [Russian, 6 pages]</p>
International Civil Liberties Alliance (ICLA)	<p>154. Libel Laws In the United Kingdom and the United States, Working Session 3: Fundamental Freedoms II. [English, 5 pages]</p> <p>451. ICLA Contribution on Tolerance and Non-discrimination, Working Session 10: Tolerance and Non-discrimination II (continued). [English, 2 pages]</p> <p>500. Freedom of Expression: New challenges, new responses, Working Session 12: Freedom of Expression, Free Media and Information. [English, 3 pages]</p>
International Federation for Human Rights (FIDH), France	<p>244. After the rose, the thorns: political prisoners in postrevolutionary Georgia, Working Session 1: Rule of Law I. [English, 52 pages]</p> <p>245. A Society Under Control, Working Session 1: Rule of Law I. [Russian, 100 pages; French, 100 pages]</p> <p>247. Right to a fair trial in the Republic of Armenia: Preliminary conclusions from the observation of the</p>

	<p>trials ensuing from the March 2008 wave of arrests and from recent changes introduced in Armenian legislation, Working Session 1: Rule of Law I. [English, 7 pages]</p> <p>248. "Nasha Viasna" v. Ministry of Justice of Belarus: Judicial Observation Report, Working Session 1: Rule of Law I. [English, 12 pages]</p> <p>246. UZBEKISTAN: Several human rights defenders detained in serious danger, Side Event: Involving defenders, improving standards: the case for government co-operation with HR defenders. [English, 3 pages]</p> <p>298. Written Contribution of The International Federation of Human Rights (FIDH) and The World Organisation Against Torture (OMCT) Within the framework of their joint programme, The Observatory for the Protection of Human Rights Defenders, Working Session 3: Fundamental Freedoms II. [English, 10 pages]</p> <p>300. Statement by Ms. Souhayr Belhassen, Working Session 3: Fundamental Freedoms II. [French, 5 pages]</p>
International Fund of the Slavonic Written Language and Culture	215. Report - History falsification and nationalism propaganda as the elements of state policy in Ukraine, Working Session 5: Tolerance and Non-discrimination I. [English, 4 pages; Russian, 4 pages]
International Raelian Movement	121. Written contribution, Working Session 2: Fundamental Freedoms I. [English, 2 pages]
International Rehabilitation Council for Torture Victims	55. IRCT Statement on Rule of Law, Working Session 4: Rule of Law II. [English, 2 pages]
International Romani Union, Council of Polish Roma	457. The Roma Question, Working Session 14: Roma/Sinti, Early Education for Roma and Sinti Children. [English, 3 pages]
International Society for Krishna Consciousness, Kazakhstan	103. Statement on the situation of Krishna Society in Kazakhstan, Working Session 2: Fundamental Freedoms I. [English, 1 page; Russian, 2 pages]
Internet Centre Anti Racism Europe	391. Recommendations, Working Session 10: Tolerance and Non-discrimination II (continued).

(ICARE)	[English, 2 pages]
Islamic Human Rights Commission	<p>379. Recommendations on the Implementation by States of OSCE Commitments related to Tolerance and Non-Discrimination, in particular those relating to Hate Crime, Working Session 10: Tolerance and Non-discrimination II (continued). [English, 1 page]</p> <p>475. Statement on Freedom of expression, free media and information, Working Session 12: Freedom of Expression, Free Media and Information. [English, 1 page]</p>
Islamic Renaissance Party	<p>412. Law on Freedom of Religion, Tajikistan, Working Session 10: Tolerance and Non-discrimination II (continued). [Russian, 4 pages]</p> <p>557. Contribution on Elections in Tajikistan, Working Session 17: Democratic Institutions. [Russian, 2 pages]</p>
Journalists' Club "Asparez"	<p>281. Court case of MURAD BOJOLYAN v. Armenia, Working Session 1: Rule of Law I. [English, 7 pages]</p> <p>282. Questions on Armenian Court Cases, Working Session 1: Rule of Law I. [English, 1 page]</p> <p>283. Press Releases on Court Cases in Armenia, Working Session 1: Rule of Law I. [English, 7 pages]</p> <p>284. FOI and Mass media situation in Armenia, Working Session 12: Freedom of Expression, Free Media and Information. [English, 4 pages]</p>
Kazakhstan International Bureau for Human Rights and Rule of Law	<p>183. Statement on the Right to Fair Trial, Working Session 1: Rule of Law I. [Russian, 2 pages]</p> <p>162. Statement on Torture in Kazakhstan, by Mr. Anar Ibraev, Working Session 4: Rule of Law II. [Russian, 1 page]</p>
Kylym Shamy	<p>165. Written contribution on Monitoring of Compliance with Human Rights, Related to the Events in Nookat on 1 October 2008, Working Session 4: Rule of Law II. [English, 13 pages]</p>
Kyrgyz Committee for Human Rights	<p>411. Statement on Kyrgyz Migrants in Russia, Working Session 11: Humanitarian Issues and Other Commitments II. [Russian, 2 pages]</p> <p>442. Contribution - 'Corruption of the Presidential Family in Kyrgyzstan', Working Session 17: Democratic Institutions. [English, 1 page]</p>

Legal Information Centre for Human Rights, Estonia	385. Statement on Follow-up of the 2009 Supplementary Human Dimension Meeting on Hate Crimes – Effective Implementation of Legislation, Working Session 10: Tolerance and Non-discrimination II (continued). [English, 2 pages]
Moscow Bureau for Human Rights	295. Report on Religious discrimination and problems of freedom of conscience in RF (2008-2009), Working Session 2: Fundamental Freedoms I. [English, 16 pages] 294. Report on the violation of human rights in the Russian Federation in 2008, Working Session 5: Tolerance and Non-discrimination I. [English, 18 pages] 287. Anti-Semitism in new independent countries on post-Soviet space, Working Session 10: Tolerance and Non-discrimination II (continued). [English, 26 pages] 296. Report on Anti-Semitism manifestations in Russian Federation in 2008, Working Session 10: Tolerance and Non-discrimination II (continued). [English, 34 pages]
Mufti Offices of Thrace (Prefectures of Xanthi, Rodope, Evros)	112. Statement on Muslim Minority Practicing Religion in Greece, Working Session 2: Fundamental Freedoms I. [English, 2 pages]
National Association of Independent Media in Tajikistan (Nansmit)	469. Statement on Freedom of Speech, Information and Media in Tajikistan, Working Session 12: Freedom of Expression, Free Media and Information. [Russian, 2 pages]
National Association of Political Scientists of Tajikistan (NAPST)	558. Statement on Elections in Tajikistan, Working Session 17: Democratic Institutions. [Russian, 1 page]
National Forum 'Ossetia Accuses'	142. Contribution on National Human Rights Institutions and the Role of Civil society in the Protection of Human Rights, Working Session 3: Fundamental Freedoms II. [Russian, 2 pages] 359. Statement - 'Georgia. Governmental terrorism in relation to the Republic of South Osetia', Working Session 4: Rule of Law II. [Russian, 4 pages] 474. Contribution - 'Informational War', Working Session 12: Freedom of Expression, Free Media and



	Information. [Russian, 2 pages]
	554. Democratic Processes in the Republic of South Ossetia, Working Session 17: Democratic Institutions. [Russian, 3 pages]
Netherlands Helsinki Committee	436. Intervention on Freedom of expression, free media and information, Working Session 12: Freedom of Expression, Free Media and Information. [English, 6 pages]
Newspaper 'Alama-Ata INFO'	449. Statement on Freedom of Speech Violations in Kazakhstan, Working Session 12: Freedom of Expression, Free Media and Information. [Russian, 2 pages]
NGO 'Samopoznanie'	393. Statement by Ms. Liliya Orlova, Working Session 10: Tolerance and Non-discrimination II (continued). [Russian, 2 pages]
NGO 'Amparo'	465. Recommendations concerning human rights education in Tajikistan, Working Session 8: Human Rights Education. [Russian, 1 page]
NGO 'Chashma'	241. Statement on Gender Equality and Combating Violence against Women, Working Session 7: Tolerance and Non-discrimination II. [Russian, 1 page]
NGO 'Sandidzan'	476. Republic of South Ossetia: Refugees, Working Session 11: Humanitarian Issues and Other Commitments II. [Russian, 4 pages] 553. Republic of South Ossetia: Experience of the Young Democracy with the Old Traditions, Working Session 17: Democratic Institutions. [Russian, 4 pages]
NGO 'Society and Law'	410. Statement on Refugees and Freedom of Migration, Working Session 11: Humanitarian Issues and Other Commitments II. [Russian, 2 pages]
Non-Government and Non-Commercial Organizations' Association, Kyrgyzstan	186. Appeal to the OSCE Secretary General, Working Session 4: Rule of Law II. [Russian, 3 pages] 187. Appeal regarding the registration of the Social Fund 'Library of the President of the Kyrgyz Republic', Working Session 4: Rule of Law II. [English, 3 pages; Russian, 17 pages]

Norwegian Helsinki Committee	<p>21. Bosnia and Herzegovina Rule of Law War Crimes, Working Session 1: Rule of Law I. [English, 3 pages]</p> <p>124. A call for NGO access to Turkmenistan, Working Session 3: Fundamental Freedoms II. [English, 2 pages]</p> <p>125. Statement on freedom of movement - appeal to release Mr. Annaniyazov, Working Session 3: Fundamental Freedoms II. [English, 1 page]</p> <p>274. Women's Prison Colony in Turkmenistan, Working Session 7: Tolerance and Non-discrimination II. [English, 2 pages]</p> <p>358. Statement - 'Human Rights Education- Which Way?', Working Session 8: Human Rights Education. [English, 2 pages]</p> <p>324. Note on practical steps that could be taken to ensure strategic thinking about human rights education and training in participating States, Working Session 9: Human Rights Education (continued). [English, 3 pages]</p>
OMNIUM des Libertes Individuelles et des Valeurs Associatives	<p>382. Statement on Tolerance and Non-discrimination, Working Session 10: Tolerance and Non-discrimination II (continued). [French, 3 pages]</p> <p>499. A State apparatus to organize discrimination in France, Working Session 10: Tolerance and Non-discrimination II (continued). [English, 3 pages]</p>
Open Doors International	<p>90. Intervention on Religious Freedom in some OSCE countries, Working Session 2: Fundamental Freedoms I. [English, 2 pages]</p>
Open Society Institute Assistance Foundation, Tajikistan	<p>239. Statement on Equality of Opportunities for Women and Men, by. Ms. H. Abdunazarova, Working Session 7: Tolerance and Non-discrimination II. [Russian, 2 pages]</p> <p>373. Report on Monitoring and Analysis of the processes of Labour Migration from Tajikistan to Sverdlovkiy Region, Russian Federation, Working Session 11: Humanitarian Issues and Other Commitments II. [Russian, 94 pages]</p> <p>374. Contribution on Processes of Labour Migration from Tajikistan, Working Session 11: Humanitarian Issues and Other Commitments II. [Russian, 8 pages]</p>
Order of St. Andrew	<p>80. Contribution on Freedom of Religion or Belief: The Ecumenical Patriarchate in Istanbul, Working Session 2:</p>

	<p>Fundamental Freedoms I. [English, 13 pages]</p> <p>81. Religious Freedom for the Ecumenical Patriarchate, statement by Theofanis Economidis, Working Session 2: Fundamental Freedoms I. [English, 4 pages]</p> <p>176. Statement on The Ecumenical Patriarchate and the Greek Minority in Turkey, Working Session 5: Tolerance and Non-discrimination I. [English, 7 pages]</p>
OSCE-NGO network, Sweden	223. Statement on Human Rights in Serbia, Working Session 5: Tolerance and Non-discrimination I. [English, 2 pages]
People's Party "Alga!"	327. Statement on Human Rights Education Programmes in Kazakhstan, Working Session 8: Human Rights Education. [Russian, 2 pages]
Pomak Association of Xanthi Prefecture	227. Statement on National Minorities in Greece, Working Session 5: Tolerance and Non-discrimination I. [English, 2 pages]
Public Foundation "Journalists in Troubles"	448. Statement on Freedom of Media in Kazakhstan, Working Session 12: Freedom of Expression, Free Media and Information. [Russian, 2 pages]
Public Movement 'Multinational Georgia'	348. Statement on the Situation with Tolerance and Diversity in Georgia; Main Areas of Concern in Treatment of Minorities, Working Session 5: Tolerance and Non-discrimination I. [English, 2 pages]
Public Verdict Foundation	<p>145. Recommendations, Working Session 3: Fundamental Freedoms II. [English, 3 pages; Russian, 3 pages]</p> <p>166. Statement on torture prevention, Working Session 4: Rule of Law II. [Russian, 2 pages]</p> <p>168. Statement on Torture Prevention, Working Session 4: Rule of Law II. [Russian, 2 pages]</p>
Redeemed Lives	<p>87. Intervention by Rev. Mario Bergner, on Addressing Unwanted Same-Sex Attraction for Public Debate, Working Session 2: Fundamental Freedoms I. [English, 2 pages]</p> <p>372. Intervention - The misuse of harassment and discrimination legislation against Christians in the issue</p>

	<p>of changing unwanted same-sex attractions, Working Session 10: Tolerance and Non-discrimination II (continued). [English, 2 pages]</p> <p>389. Statement on Intolerance Towards Clergy and Discrimination against Publishers who Support Works on Changing Unwanted Same-sex Attractions, Working Session 10: Tolerance and Non-discrimination II (continued). [English, 1 page]</p>
Refugee Rights Association	<p>392. Statement on Ignorance of Refugee Rights in North Cyprus, Working Session 11: Humanitarian Issues and Other Commitments II. [English, 3 pages]</p> <p>435. Statement on Press Freedom in Cyprus: Wierd Obstacles, Working Session 12: Freedom of Expression, Free Media and Information. [English, 1 page]</p>
Religious Center of Jehovah's Witnesses in the Republic of Kazakhstan	<p>69. Religious Freedom Concerns in Kazakhstan, Working Session 2: Fundamental Freedoms I. [English, 1 page; Russian, 1 page]</p>
Republican Party of Turkmenistan	<p>148. Statement by Mr. Chary Ishaniyazov on Freedom of Movement in Turkmenistan, Working Session 3: Fundamental Freedoms II. [Russian, 2 pages]</p>
Roma Center "Amare Romentza"	<p>536. Presentation from Roma Center "Amare Romentza", Working Session 15: Roma/Sinti, Early Education for Roma and Sinti Children (continued). [English, 12 pages]</p>
Roma Union of Poland	<p>544. Early school education among Romani children, Working Session 15: Roma/Sinti, Early Education for Roma and Sinti Children (continued). [English, 3 pages]</p>
Roma Women Association of Drosero 'HOPE'	<p>509. Contribution on the situation (environmental-socioeconomic) of a Roma community in Xanthi, Working Session 14: Roma/Sinti, Early Education for Roma and Sinti Children. [English, 4 pages]</p> <p>510. The Aims and Achievements of the Association, Working Session 14: Roma/Sinti, Early Education for Roma and Sinti Children. [English, 2 pages]</p> <p>574. Presentation by Sabicha Souleiman, Working Session 15: Roma/Sinti, Early Education for Roma and Sinti Children (continued). [English, 2 pages]</p>
Romani CRISS	<p>537. Conclusions and Recommendations, Side Event:</p>

	<p>Populism-Extremism-Racism-Social exclusion “breaking the circle: the ultimate challenge of the modern democracy. [English, 2 pages]</p> <p>538. Presentation of the Sanmartin report, Side Event: Populism-Extremism-Racism-Social exclusion “breaking the circle: the ultimate challenge of the modern democracy. [English, 2 pages]</p> <p>535. Statement from Romani CRISS- Early childhood education, Working Session 15: Roma/Sinti, Early Education for Roma and Sinti Children (continued). [English, 2 pages]</p>
Romedia Foundation	514. Joint statement of the Hungarian Roma NGOs, Working Session 14: Roma/Sinti, Early Education for Roma and Sinti Children. [English, 5 pages]
Russian - Chechen Friendship Society	<p>440. Statement on Combating Intolerance in Russia, Working Session 10: Tolerance and Non-discrimination II (continued). [Russian, 3 pages]</p> <p>441. Intervention on Migrants and Refugees, Working Session 11: Humanitarian Issues and Other Commitments II. [English, 3 pages]</p>
Russian Orthodox Church	116. Statement by Mr. Sergey Zvonarev, Working Session 2: Fundamental Freedoms I. [Russian, 2 pages]
Schweizerisch-Tuerkische Anwalts- und Juristenvereinigung (STAJ)	375. Statement on Combating Hate Crimes, Working Session 10: Tolerance and Non-discrimination II (continued). [English, 3 pages]
Simon Wiesenthal Centre- Europe	404. Antisemitism and Holocaust Distortion, Working Session 10: Tolerance and Non-discrimination II (continued). [English, 3 pages]
Soteria International	<p>425. Contribution on Equal Opportunities for Women and Men, Working Session 7: Tolerance and Non-discrimination II. [English, 2 pages]</p> <p>305. Written contribution - 'Introducing the Emerging Field of Human Rights', Working Session 8: Human Rights Education. [English, 25 pages]</p> <p>321. Soteria Contribution to Human Rights Education, Working Session 8: Human Rights Education. [English, 3 pages]</p>

	<p>304. Brief Introduction, Side Event: Guiding Principles for the Citizens of the World. [English, 2 pages]</p> <p>306. Written contribution - Peace for the 21st Century: Towards a New Paradigm about Peace Taking in Consideration Spiritual Principles and Scientific Modern Discoveries, Working Session 9: Human Rights Education (continued). [English, 10 pages]</p> <p>432. Contribution on Human Rights Education and Conflict Resolution, Working Session 9: Human Rights Education (continued). [English, 2 pages]</p>
SOVA Center for Information and Analysis	<p>95. Intervention regarding fundamental freedoms, Working Session 2: Fundamental Freedoms I. [English, 2 pages; Russian, 2 pages]</p> <p>177. Intervention on Tolerance and Non-discrimination, Working Session 5: Tolerance and Non-discrimination I. [English, 2 pages; Russian, 2 pages]</p>
St. John's Community of the Sovereign Order of Malta	<p>490. Intervention by the St. John's Community of the Sovereign Order of Malta, Working Session 13: Freedom of Expression, Free Media and Information (continued). [English, 1 page]</p>
Stichting Magenta - Magenta Foundation	<p>394. Intervention by Mr. Roland Eissens, Working Session 10: Tolerance and Non-discrimination II (continued). [English, 1 page]</p>
Swedish Mission Council	<p>74. Recommendations to OSCE participating states concerning freedom of religion or belief, Working Session 2: Fundamental Freedoms I. [English, 2 pages]</p>
Tajik National University, Law Faculty	<p>466. Statement on Human Rights Education in Tajikistan, Working Session 8: Human Rights Education. [Russian, 2 pages]</p>
Tajik Public Foundation 'Najoti Kudakon'	<p>242. Statement on Prevention of Violence against Women in Tajikistan, Working Session 7: Tolerance and Non-discrimination II. [Russian, 3 pages]</p>
The Becket Fund for Religious Liberty	<p>76. Intervention regarding Registration Laws, Working Session 2: Fundamental Freedoms I. [English, 3 pages]</p> <p>156. Civil society and Human Rights: OSCE Intervention, Working Session 3: Fundamental Freedoms II. [English, 2 pages]</p>

	<p>188. Statement on 'defamation of religion' and the protection of human rights, Working Session 4: Rule of Law II. [English, 4 pages]</p> <p>424. Gender and Religious Freedom, Working Session 7: Tolerance and Non-discrimination II. [English, 2 pages]</p> <p>416. Statement on Education in Freedom of Religion or Belief as a Method of Conflict Resolution, Working Session 9: Human Rights Education (continued). [English, 3 pages]</p> <p>428. Tolerance and Non-discrimination, Working Session 10: Tolerance and Non-discrimination II (continued). [English, 2 pages]</p> <p>501. Freedom of Expression and "Defamation of Religions", Working Session 12: Freedom of Expression, Free Media and Information. [English, 2 pages]</p>
Tuerkische Gemeinde in der Metropolregion Nurnberg	<p>468. Statement on Tolerance and non-discrimination, Working Session 5: Tolerance and Non-discrimination I. [English, 2 pages]</p>
Tuerkischer Akademiker Bund	<p>111. Statement on Mosque controls in Germany, Working Session 2: Fundamental Freedoms I. [German, 3 pages]</p>
Turkish Cypriot Human Rights Foundation	<p>277. Discrimination Of Turkish Cypriot Women In The Field Of Employment In Cyprus, Working Session 7: Tolerance and Non-discrimination II. [English, 1 page]</p> <p>460. Human Rights of Roma Population in Republic of Cyprus Controlled Areas, Working Session 14: Roma/Sinti, Early Education for Roma and Sinti Children. [English, 3 pages]</p>
Turkish Cypriot Journalists' Union	<p>220. Contribution - 'Biggest Supporters of Chauvinism: Education and Media (Cyprus Experiment)', Working Session 5: Tolerance and Non-discrimination I. [English, 1 page]</p> <p>473. Press Freedom in Cyprus: Wierd Obstacles, Working Session 13: Freedom of Expression, Free Media and Information (continued). [English, 1 page]</p>
Turkmenistan	<p>11. Turkmenistan- Supremacy of the Law. A statement by</p>

Helsinki Foundation	<p>Annadurdy Khadzhiev., Working Session 1: Rule of Law I. [Russian, 2 pages]</p> <p>12. Turkmenistan- Supremacy of the Law., Working Session 1: Rule of Law I. [Russian, 1 page]</p>
Ukrainian Helsinki Human Rights Union	<p>157. Written submission from the Ukrainian Helsinki Human Rights Union, Working Session 3: Fundamental Freedoms II. [English, 6 pages]</p> <p>174. Written submission - Torture and other forms of ill-treatment in Ukraine, Working Session 4: Rule of Law II. [English, 9 pages]</p> <p>175. The Supreme Court of Ukraine overruled the European Court's judgment and encouraged practice human rights violations, Working Session 4: Rule of Law II. [English, 5 pages]</p> <p>276. Violence in the Family in Ukraine, Working Session 7: Tolerance and Non-discrimination II. [English, 8 pages]</p> <p>319. "Understanding Human Rights" National Educational Program, Working Session 8: Human Rights Education. [English, 7 pages; Russian, 7 pages]</p> <p>325. Written submission: Racism and xenophobia in Ukraine, Working Session 10: Tolerance and Non-discrimination II (continued). [English, 11 pages]</p> <p>326. Passing information contained in refugees' files to the country of their origin: case of refugee from Kazakhstan in Ukraine?, Working Session 11: Humanitarian Issues and Other Commitments II. [English, 2 pages]</p> <p>318. Restrictions of freedom of expression of views in protection of public morality, Working Session 12: Freedom of Expression, Free Media and Information. [English, 9 pages]</p>
Union of Balkan's Egyptians	<p>200. Statement on tolerance and non-discrimination of Balkan Egyptians, Working Session 5: Tolerance and Non-discrimination I. [English, 3 pages]</p>
Union of European Turkish Democrats	<p>350. Statement on Institutionalisation of the Fight against Racism, Working Session 10: Tolerance and Non-discrimination II (continued). [English, 2 pages; French, 2 pages]</p>



Union of Poles in Lithuania	<p>333. Presentation on Violations of the Framework Convention for Protection of National Minorities in Lithuania, Working Session 5: Tolerance and Non-discrimination I. [English, 3 pages]</p> <p>334. Statement on Violation of the Framework Convention for the Protection of National Minorities in the Field of Education in Lithuania, Working Session 8: Human Rights Education. [English, 2 pages]</p>
United Civil Party of Belarus	<p>128. Statement by Ms. Aliaksandra Vasilevich on freedom of assembly, Working Session 3: Fundamental Freedoms II. [Russian, 1 page]</p>
Universal Peace Federation, Deutschland	<p>25. Statement by the Universal Peace Federation of Germany, Working Session 2: Fundamental Freedoms I. [English, 2 pages]</p> <p>26. Attachment to the Statement by Universal Peace Federation Deutschland, Working Session 2: Fundamental Freedoms I. [English, 2 pages]</p>
Universitat Autònoma de Barcelona - GEDIME	<p>541. Recommendations, Working Session 15: Roma/Sinti, Early Education for Roma and Sinti Children (continued). [English, 1 page]</p> <p>542. Contribution - Successful Educational Actions for the Early Education of Roma and Sinti, Working Session 15: Roma/Sinti, Early Education for Roma and Sinti Children (continued). [English, 6 pages]</p>
Uzbek Committee for the Release of Prisoners of Conscience	<p>109. Statement on fundamental freedoms - human rights movement in Uzbekistan, Working Session 3: Fundamental Freedoms II. [Russian, 4 pages]</p>
Weg der Versöhnung	<p>100. Recommendations to the OSCE, Working Session 2: Fundamental Freedoms I. [English, 1 page]</p> <p>273. Gender and Equality Policies, Their Interpretation and Implementation, Working Session 7: Tolerance and Non-discrimination II. [English, 2 pages]</p> <p>371. Intervention and Recommendations of Ms. Barbara Vittucci, Member of the Forum for Civic Responsibility, Working Session 10: Tolerance and Non-discrimination II (continued). [English, 2 pages]</p> <p>456. Current Challenges to the Balance of Freedom of</p>

Expression, Individual Human Rights and a Secure and Tolerant Society, Working Session 12: Freedom of Expression, Free Media and Information. [English, 3 pages]

Western Thrace  
Minority University  
Graduates  
Association

97. Statement on Violation of Religious Rights in Western Thrace, Working Session 2: Fundamental Freedoms I. [English, 4 pages]
159. Violation Of Religious Rights In Western Thrace, Working Session 2: Fundamental Freedoms I. [English, 3 pages]
143. Statement on Violation of Freedom of Association in Western Thrace, Working Session 3: Fundamental Freedoms II. [English, 4 pages]
210. Statement on Western Thrace Turkish Minority, Working Session 5: Tolerance and Non-discrimination I. [English, 5 pages]
211. Statement on Problems the Turks of Western Thrace With Specific Focus on Education, Working Session 5: Tolerance and Non-discrimination I. [English, 4 pages]
380. Written contribution on Hate Crimes in Western Thrace, Working Session 10: Tolerance and Non-discrimination II (continued). [English, 11 pages]
381. Statement on Combating Hate Crimes in Western Thrace, Working Session 10: Tolerance and Non-discrimination II (continued). [English, 4 pages]
450. FREEDOM OF EXPRESSION IN WESTERN THRACE, Working Session 12: Freedom of Expression, Free Media and Information. [English, 1 page]
566. Political Rights of the Turkish Minority of Western Thrace, Working Session 17: Democratic Institutions. [English, 2 pages]

Women Support  
Centre

363. Statement by Ms. Alina Orlova, Working Session 6: Humanitarian Issues and Other Commitments I. [English, 2 pages; Russian, 2 pages]

World Christian  
Council

340. Written statement by Mr. Yan Volkov, Working Session 10: Tolerance and Non-discrimination II (continued). [English, 2 pages; Russian, 2 pages]
407. Written Statement by Yan Volkov, Executive Secretary, World Christian Council, Working Session 10: Tolerance and Non-discrimination II (continued). [English, 2 pages; Russian, 2 pages]

World Organization Against Torture (OMCT)	312. Written contribution on Torture Prevention, Working Session 4: Rule of Law II. [English, 4 pages]
World Youth Alliance	243. Statement by World Youth Alliance on Trafficking in Human Beings, Working Session 6: Humanitarian Issues and Other Commitments I. [English, 1 page]
Youth Center for Democratic Initiatives	563. International vs. Domestic Observers: Advantages and Disadvantages for both and Impact on Elections, Working Session 17: Democratic Institutions. [English, 3 pages]
Youth for Human Rights International	320. Human Rights Education, Working Session 8: Human Rights Education. [English, 1 page]
Youth Human Rights Movement	138. Protection of human rights defenders in the OSCE countries, Working Session 3: Fundamental Freedoms II. [Russian, 2 pages]