

## **Human Dimension Implementation Meeting**

# **CONSOLIDATED SUMMARY**

**Warsaw, 21 September - 2 October 2015**

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## I. EXECUTIVE SUMMARY

The nineteenth **OSCE Human Dimension Implementation Meeting (HDIM)** took place in Warsaw from 21 September to 2 October 2015, at the hotel Sofitel Victoria.

This year, again, it attracted **a record number of 1387 participants**, representing OSCE participating States, Partners for Co-operation, OSCE institutions and executive structures, international organizations and representatives of the civil society. Organized by the OSCE Office for Democratic Institutions and Human Rights (ODIHR) in co-operation with the Serbian OSCE Chairmanship and other OSCE executive structures – the OSCE Secretariat, offices of the OSCE High Commissioner on National Minorities and the OSCE Representative on Freedom of the Media, and field operations, it aimed at reviewing the implementation of the full range of OSCE human dimension commitments.

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

### **Organization of the Meeting**

The discussions were organized in 20 sessions – opening and closing plenaries and 18 working sessions. Apart from the official sessions, 71 side events and nine working breakfasts were organized on different topics.

The opening plenary was chaired by Michael Georg Link, the Director of the OSCE/ODIHR, who also gave an opening statement. This year, the opening session hosted special guests - Ivica Dačić, Minister of Foreign Affairs of the Republic of Serbia/ OSCE Chairperson-in-Office, Grzegorz Schetyna, Minister of Foreign Affairs of the Republic of Poland, and Gernot Erler, Special Representative of the Federal Government of Germany for the OSCE Chairmanship in 2016. The opening plenary also featured statements of heads of OSCE institutions including Lamberto Zannier, the OSCE Secretary General, Dunja Mijatović, OSCE Representative on Freedom of the Media and Astrid Thors, OSCE High Commissioner on National Minorities.

Thirteen delegations of participating States also delivered statements in the opening session.

There were nine working sessions in the first week of HDIM from 21 to 25 September and they focused on the following topics:

- **Working session 1:** Fundamental freedoms I, including: Address by the OSCE Representative on Freedom of the Media and Freedom of expression, free media and information;
- **Working session 2:** (specifically selected topic): Challenges to the enjoyment of fundamental freedoms and human rights in the age of new

information and communication technologies, including the respect for privacy

- **Working session 3:** (specifically selected topic): Challenges to the enjoyment of fundamental freedoms and human rights in the age of new information and communication technologies, including the respect for privacy (continued)
- **Working session 4:** Fundamental freedoms I (continued), including: Freedom of peaceful assembly and association; National human rights institutions and the role of civil society in the protection of human rights; Human rights education;
- **Working session 5:** Tolerance and non-discrimination I, including: Address by the OSCE Special Representative/Senior Adviser on Gender Issues and Equal opportunity for women and men in all spheres of life, including through implementation of the OSCE Action Plan for the Promotion of Gender Equality;
- **Working session 6 and 7** (specifically selected topic): Independence of the judicial system, with a particular focus on accountability and integrity of judges and prosecutors;
- **Working sessions 8:** Rule of law, including: Prevention of torture; Exchange of views on the question of abolition of capital punishment; Protection of human rights and fighting terrorism
- **Working sessions 9:** Democratic institutions, including: Democratic elections; Democracy at the national, regional and local levels; Democratic law-making; Citizenship and political rights.

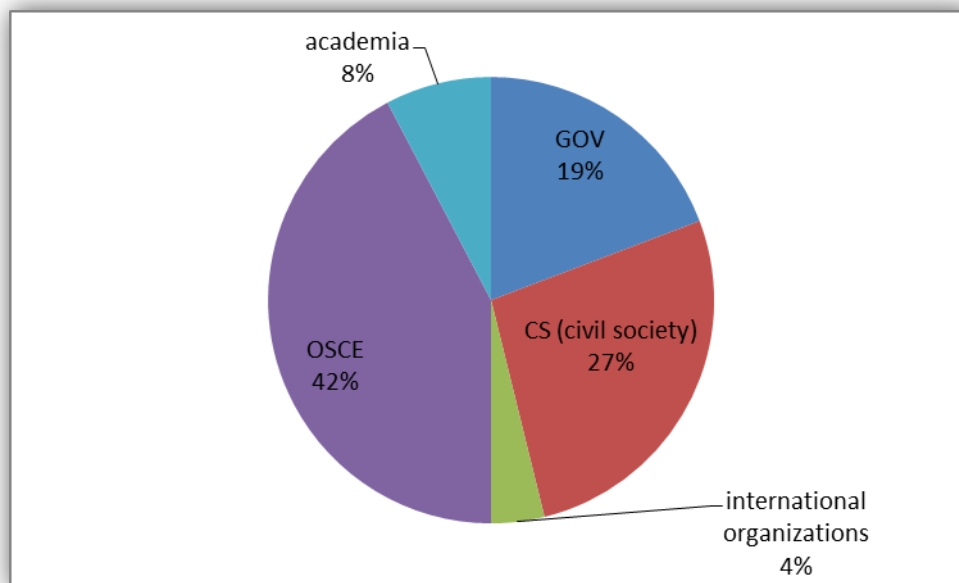
In the second week, 28 September to 2 October, there were also nine working sessions which addressed the following topics:

- **Working sessions 10:** Fundamental freedoms II, including: Freedom of movement; Treatment of citizens of other States; Migrant workers, the integration of legal migrants;
- **Working session 11:** Humanitarian issues and other commitments, including: Address by the OSCE Special Representative/Co-ordinator for Combating Trafficking in Human Beings; Combating trafficking in human beings; Refugees and displaced persons;
- **Working session 12 and 13** (specifically selected topic): Combating hate crimes and ensuring effective protection against discrimination.
- **Working session 14:** Tolerance and non-discrimination II, including: 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;
- **Working session 15:** Fundamental freedoms II (continued), including: Freedom of thought, conscience, religion or belief;

- **Working sessions 16:** Tolerance and non-discrimination I (continued), including: Roma and Sinti issues, including: Implementation of the OSCE Action Plan on Improving the Situation of Roma and Sinti;
- **Working sessions 17:** Tolerance and non-discrimination II (continued), including: Address by the OSCE High Commissioner on National Minorities; of persons belonging to national minorities; Preventing aggressive nationalism, racism and chauvinism;
- **Working session 18:** was devoted to the discussion of human dimension activities with special emphasis on project work.

The HDIM was concluded by a **Closing Plenary Session**. Closing addresses were delivered by Ambassador Vuk Žugić, Permanent Representative of the Republic of Serbia to the OSCE and Chairperson of the Permanent Council, and ODIHR Director Link. Ten participating States also delivered statements at the Closing Session.

In terms of invited guests at the sessions, there were all together 52 introducers and moderators from 25 different countries representing governmental and public structures, civil society, OSCE executive structures, international organizations and academia.



**Figure 1: Introducers and moderators per sector**

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

The exact **timetables** can be found here:

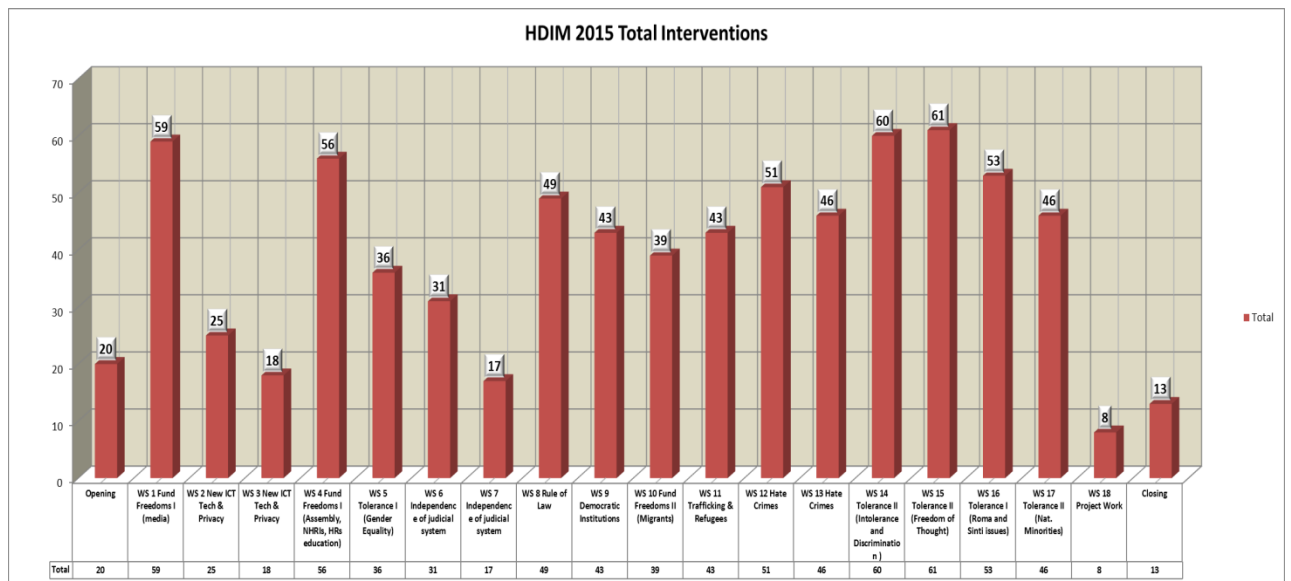
<http://www.osce.org/odihr/182381?download=true>

### **Statements at the sessions**

Participants, all together, delivered 774 statements during all sessions. See the statistics below.



	pS	CS	OSCE inst./Intl.org	Partn Co-op	NHRI	Right to reply	Total
Opening	13					7	20
WS 1 Fund Freedoms I (media)	24	23				12	59
WS 2 New ICT Tech & Privacy	9	8	1	1		6	25
WS 3 New ICT Tech & Privacy	4	5				9	18
WS 4 Fund Freedoms I (Assembly, NHRIs, HRs education)	13	29			2	12	56
WS 5 Tolerance I (Gender Equality)	21	9	1			5	36
WS 6 Independence of judicial system	6	17	1			7	31
WS 7 Independence of judicial system	3	8				6	17
WS 8 Rule of Law	13	26	2			8	49
WS 9 Democratic Institutions	10	21	2			10	43
WS 10 Fund Freedoms II (Migrants)	9	18	1	1		10	39
WS 11 Trafficking & Refugees	19	15	2			7	43
WS 12 Hate Crimes	8	30	1			12	51
WS 13 Hate Crimes	7	32				7	46
WS 14 Tolerance II (Intolerance and Discrimination )	11	39				10	60
WS 15 Tolerance II (Freedom of Thought)	7	43				11	61
WS 16 Tolerance I (Roma and Sinti issues)	11	27	3			12	53
WS 17 Tolerance II (Nat. Minorities)	13	22	1			10	46
WS 18 Project Work	2	1				5	8
Closing	10					3	13
<b>Total</b>	<b>213</b>	<b>373</b>	<b>15</b>			<b>169</b>	<b>774</b>



The most popular session, in terms of statements, was the working session 15 Fundamental freedoms II (continued), including: Freedom of thought, conscience, religion or belief with 61 statements (incl. statements and rights of reply).

The second most popular was the working session 14 on Tolerance and non-discrimination II, including: 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 with 60 statements.

And the third most popular was the working session 1 Fundamental freedoms I, including: Address by the OSCE Representative on Freedom of the Media; Freedom of expression, free media and information with 59 statements.

### Side events

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

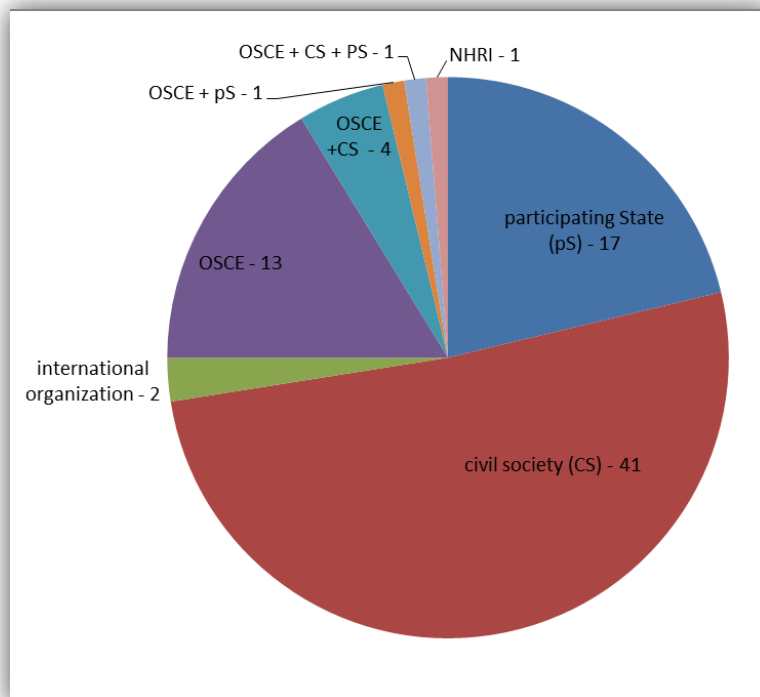


Figure 2: Side events per organizer

### Recommendations

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

### Reports from the Working Sessions

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

### HDIM 2015: Social media & Livestreaming

This year, ODIHR has emphasized the outreach of the conference in an effort to bring it to a wider audience. A social media campaign was started with hashtag #HDIM2015 to create interest around the conference and let followers know that the meeting was approaching, and could be watched live online. As part of this initiative,

an infographic was also developed to summarize the agenda, which has been viewed by 3,855 visitors. The conference was livestreamed in English and Russian. Additionally, there was a “Twitter Wall” projected at the plenary hall, displaying tweets, with the hashtag #HDIM2015. During the course of the conference, over 10,000 tweets were sent, reaching 15.7 million Twitter users.

### **Documents Distribution System**

As in previous years, ODIHR used its electronic Documents Distribution System (DDS). This tool allowed all documents and recommendations, to be immediately displayed in electronic form on terminals available at the conference venue and accessible through the OSCE website. With the possibility of sending documents via e-mail directly from the terminals, the system facilitates additional input to and feedback from the debate. It also significantly reduces costs of the meeting. This year participants submitted more than 550 statements to the system. The list of documents distributed during the HDIM is attached to this report.

### **TANDIS, Legislationline and Hate Crime Reporting website**

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

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

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

English: <http://www.osce.org/odihr/170621?download=true>

Russian: <http://www.osce.org/ru/odihr/177891?download=true>

## II. PARTICIPATION

Total number of participants -**1387**<sup>1</sup> including:

**468 participants from 54 participating States** from: Albania (2), Andorra (1), Armenia (5), Austria (5), Azerbaijan (8), Belarus (5), Belgium (6), Bosnia and Herzegovina (1), Bulgaria (5), Canada (3), Croatia (4), Cyprus (4), Czech Republic (8), Denmark (6), Estonia (6), Finland (8), France (9), Georgia (8), Germany (13), Greece (7), Holy See (4), Hungary (6), Iceland (2), Ireland (2), Italy (8), Kazakhstan (4), Kyrgyzstan (5), Latvia (5), Liechtenstein (1), Lithuania (4), Luxembourg / European Union (22), Malta (2), Moldova (5), Montenegro (1), Netherlands (14), Norway (6), Poland (21), Portugal (3), Romania (15), Russian Federation (28), Serbia (32), Slovakia (10), Slovenia (6), Spain (4), Sweden (13), Switzerland (12), Tajikistan (5), the former Yugoslav Republic of Macedonia (4), Turkey (7), Turkmenistan (3), Ukraine (38), United Kingdom (8), United States of America (48), Uzbekistan (6).

### **11 representatives from 3 Partners for Co-operation:**

- Israel (1)
- Morocco (2)
- Thailand (8)

### **21 representatives of 3 international organizations:**

- Community of Democracies (7)
- Council of Europe (8)
- United Nations (1)
- Office of the United Nations High Commissioner for Human Rights (2)
- United Nations High Commissioner for Refugees; Branch Office in Warsaw (1)
- United Nations High Commissioner for Refugees; Liaison Office to OSCE and Vienna-based UN Agencies (1)
- United Nations Human Right Committee (1)

### **29 participants from the 7 OSCE structures:**

- OSCE Secretariat (7)
- Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings (3)
- Office of the Representative on Freedom of the Media (6)
- OSCE High Commissioner on National Minorities (5)
- Prague Office of the OSCE Secretariat (1)
- OSCE Parliamentary Assembly (1)
- OSCE Youth Ambassadors (6)
- This number does not include ODIHR staff.

### **73 representatives of 15 OSCE Missions/Field Operations:**

- OSCE Presence in Albania (1)
- OSCE Centre in Ashgabat (1)

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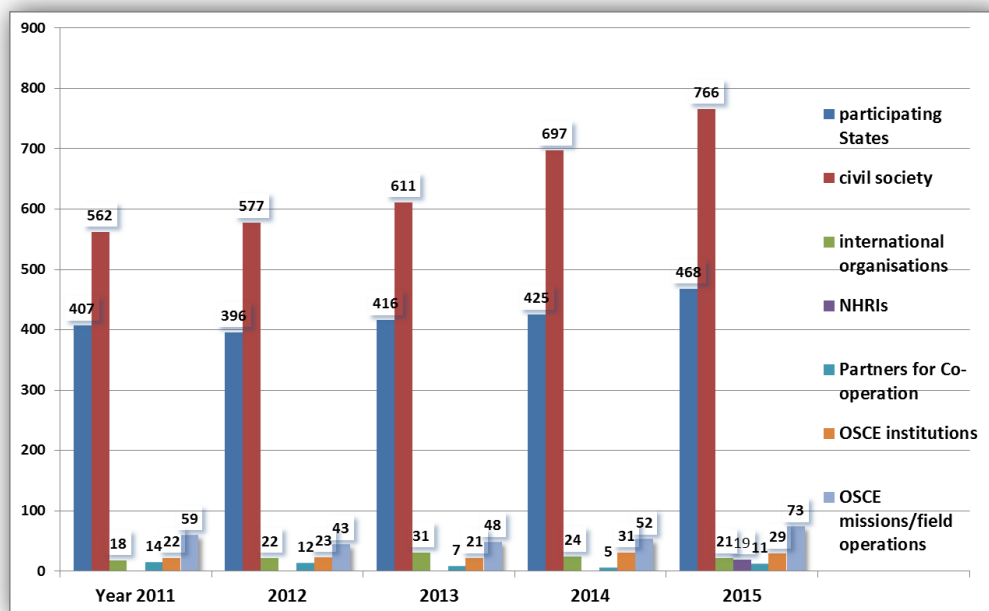
<sup>1</sup> This number does not include more than 50 ODIHR staff that participated in the meeting from the organizers side. Link to Final List of Participants: <http://www.osce.org/odihr/190676>

- OSCE Programme Office in Astana (4)
- OSCE Centre in Bishkek (2)
- OSCE Mission to Bosnia and Herzegovina (3)
- OSCE Mission in Kosovo (7)
- OSCE Mission to Moldova (7)
- OSCE Mission to Montenegro (4)
- OSCE Mission to Serbia (11)
- OSCE Mission to Skopje (3)
- OSCE Office in Tajikistan (8)
- OSCE Project Co-ordinator in Ukraine (13)
- OSCE Project Co-ordinator in Uzbekistan (4)
- OSCE Office in Yerevan (4)
- OSCE Special Monitoring Mission to Ukraine (1)

**19 representatives of 10 national human rights institutions (NHRIs)<sup>2</sup>** from: Georgia, Moldova, Norway, Poland, the Russian Federation, Serbia, Slovakia and Ukraine.

**766 representatives of 514 civil society organizations from 43 countries:**

Albania, Armenia, Austria, Azerbaijan, Belarus Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Ireland, Italy, Kazakhstan, Kyrgyzstan, Latvia, Lithuania, Luxembourg, Moldova, Netherlands, Norway, Poland, Romania, Russian Federation, Serbia, Slovakia, Spain, Sweden, Switzerland, Tajikistan, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom, United States of America, Uzbekistan.



Participation in HDIM 2011-2015

<sup>2</sup> NHRI as a separate category was introduced for HDIM in 2015.

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

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

#### **Working Session 1: Fundamental freedoms I**

*Rapporteur: Ms. Ivona Bagaric, Task Force, MFA, Republic of Serbia*

**No. of statements: 59**

**Delegations: 24**

**Civil Society: 23**

**OSCE Inst./Int'l Org: -**

**Rights of Reply: 12**

Working session 1 focused on the current situation of media freedom across the OSCE region, and on the main threats to freedom of expression and freedom of the media, including the violence against journalists.

In his welcoming remarks, the Director of the RFoM Mr. F. Maroević said that there were few improvements in the treatment of the media by the authorities of most participating States. Many governments still continue to regard the media as a dangerous instrument that needs to be controlled and sometimes even silenced, instead of considering the media to be what it is: an essential and unique tool of democracies that allows for every citizen to obtain and impart pluralistic information.

Ms. Dunja Mijatović, the OSCE Representative on Freedom of the Media, in her address reminded on the events in Paris in the beginning of the year, when 12 people, including eight journalists, were killed in the attack for cartoons that had been regarded as disrespectful. She stressed that violence for having a different opinion was unacceptable, and that governments must publicly refute such terrible crimes and that perpetrators and masterminds must be swiftly brought to justice. She also underlined that we do not have the right not to be offended. Ms. Mijatović then proceeded by commenting on the situation of freedom of the media in different participating States, stating that in some countries denial of media freedom problems by the authorities is the way to deal with problems. She stressed that there cannot be constructive dialogue if participating States are ignoring the problems. She underlined that the threats on media freedom and freedom of expression existed in every participating State, and that there was no participating State where media freedom could not be strengthened and improved.

Turning to the position of female journalists, Ms. Mijatović said that they were increasingly being singled out and attacked on the Internet, and some of them experiencing severe sexual harassment and intimidation.

With regards to the proliferation of hostile propaganda, she noted that propaganda was not new as a tool of war. She warned against the danger of propaganda having in mind how threatening it could be for security and co-operation in Europe when it

dominates the public arena. She noted that governments had the responsibility to stop the propaganda, not to spread it.

She went on by asking how to move ahead to safeguard media freedom, stating that no one can pretend that everything was fine as long as there are journalists imprisoned and beaten in the participating States.

Other introducer in the session, Mr. Jacob Mchangama, executive director of Justitia and co-director of the Freedom Rights Project in Denmark, spoke about threats to the freedom of expression, in forms of terrorism and hate speech, noting that the global press freedom had been at the lowest point so far, with journalist being killed and imprisoned. He referred to Ms. Mijatović's remark that hate speech must be fought with free speech, underlining that freedom of expression was not the problem, but part of the solution.

The discussion that followed saw the interventions of 46 speakers including delegations of participating States as well as the representatives of civil society organizations.

Majority of delegations expressed their support for the work of the OSCE Representative on the Freedom of the Media. A number of delegations expressed their concern about the downward trend in freedom of expression, including the cases of death threats, arrests and killings of journalists. It was emphasized that freedom of expression was closely linked to the comprehensive security. Delegations underlined the need for participating States to implement their OSCE commitments. Some delegations called for additional attention for female journalists who are targets of online threats and harassment. Some delegations expressed their concern about the imprisoned journalists and civil society activists in several participating States.

Representative of the Holy See pointed out that freedom of expression was not absolute, having its limits in insults, incitement to hate and other negative phenomena.

A number of delegations expressed their readiness to work towards the adoption of the decision on freedom of the media at the upcoming Ministerial Council in Belgrade. Swiss delegation called the participating States to engage with Serbia's Chairmanship in this regard. Delegation of Germany stated that they will, as the next OSCE Chairmanship, pay special attention to the freedom of the media.

In her closing remarks, Ms. Dunja Mijatović said that it was the last time she spoke in the HDIM in her capacity as OSCE Representative on Freedom of the Media, having in mind that her mandate expires in 2016. She expressed her gratitude to the civil society for their cooperation, stating that they remain the eyes and ears on the ground. She advised participating States to be more realistic and to do more to help civil society. Ms. Mijatović underlined that OSCE should protect the institution and the mandate of the RfoM having in mind its importance for the OSCE region and the society as a whole.

## **Working Session 2: Challenges to the enjoyment of fundamental freedoms and human rights in the age of new information and communication technologies, including the respect for privacy**

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

**No. of statements: 25**

**Delegations: 9**

**Civil Society: 8**

**OSCE Inst./Int'l Org: 1**

**Partners for Cooperation: 1**

**Rights of Reply: 6**

In working session 2 the topic of human rights and fundamental freedoms in the age of new information and communication technologies was discussed, with a particular focus on the right to privacy. The main questions raised were:

- How can restrictions on the use of ICTs and certain surveillance practices negatively affect the exercise and enjoyment of various human rights?
- What good practices exist within the OSCE area to address contemporary challenges to privacy involving the use of ICTs?
- What effective safeguards exist to ensure that state authorities and non-state actors collect and retain data only on the basis of the law, for necessary and sufficient reasons and in a transparent way?
- How can states ensure that legitimately collected data is sufficiently protected and that data is always based on the principles of necessity and proportionality?

In a video message **Marietje Schaake**, Member of the European Parliament serving in the Committee for Foreign Affairs, International Trade and Human Rights, focusing on the promotion and protection of human rights in relation to technological developments, highlighted the importance of protecting human rights online. Her primary tasks in the committee include streamlining digital rights in the policies of the European Union. According to Ms. Schaake, the main issues of concern are the export of new surveillance technologies from Europe to authoritarian countries as well as the link between cybersecurity and encryption. She has been pushing the European Commission to reform its export control policy in order to ensure that certain surveillance technologies are not sold to authoritarian regimes. As a member of the Global Commission on Internet Governance, Ms. Schaake also underlined that one of the key aims of internet governance should be to strengthen the technology upon which the Internet depends. She highlighted the need to assess the actions in a global context and that in an interconnected and interdependent world no security solution can exist in isolation.

**Katitza Rodriguez**, International Rights Director of the Electronic Frontier Foundation (EFF), explained that nowadays, much more information is available to the state because of modern individual behaviour. Surveillance is becoming much easier and cheaper as individuals are leaving digital traces on different social media platforms via their laptops, mobile phones, iPads or other devices. These digital traces, or metadata, can be used to create an individual's profile with information



about political views, medical conditions, interests, associations, etc. Therefore, the transmission of private information via third parties needs to be better regulated in order to ensure the right to privacy, which involves necessary procedural and substantive safeguards to be effectively respected. Any limitation to the right to privacy must be prescribed by law and must be necessary and proportionate. According to Ms. Rodriguez, legislation is moving very slowly to keep up with these fast developments. In many countries there is simply no legal basis for the accession of data by third parties. Using encryption to protect messages on the internet being read by others is one possibility of ensuring the right to privacy. Nevertheless, a state must be transparent about the use and scope of surveillance, authorized by a competent judicial authority. Independent mechanisms must be in place to ensure accountability. Ms. Rodriguez concluded by referring to a recently published OHCHR report, stating that international law provides a framework for the promotion and protection of the right to privacy, but that many states are lacking adequate national legislation and/or enforcement, have weak procedural safeguards and ineffective oversight.

**Gert Vermeulen**, Member of the Privacy Commission of Belgium, started his presentation by asking what human rights and fundamental freedom are affected by surveillance, namely the right to privacy and the right to data protection. The problem is that not many states have established a right to data protection. There is an important need to separate properly between criminal justice procedures (linked to the judicial power and giving rise to procedural protection in criminal matters) and administrative/state/military intelligence (all linked to executive power and not giving rise to such protection). Not making this differentiation could lead to the erosion of procedural rights in criminal matters (such as due process, fairness, privilege against self-incrimination etc.) and of separation of powers as a core feature of democratic systems.

In the following discussion there were 25 interventions in total; 9 from OSCE participating States, 1 from a Partner for Co-operation, 8 from civil society and one from the Council of Europe. Five delegations used the right to reply.

A majority of delegations expressed their commitment to the protection of human rights online and offline, to the freedom of expression and the right to privacy, underlining the importance of ensuring respect for international human rights standards, principles of rule of law, effective oversight and transparency with regard to surveillance. One delegation highlighted the difference between online and offline journalism, requiring different national legislation and strengthening of national sovereignty.

A number of delegations underlined the need for unrestricted access to online services and online information. Freedom of expression and freedom of opinion include not only the right to access information but also to provide information and express views. Several state and non-state interventions pointed to the worrying trend of limitations and restrictions to internet access imposed in a number of OSCE participating States as well as to the increasing use of the internet for spreading propaganda. Information material available on the internet can pose a threat to inter-ethnic and religious tolerance and co-existence.

The importance of engaging civil society and private companies in the discussion on right to privacy in the digital age in order to strengthen multi-stakeholder participation in internet governance was also highlighted in several interventions by participating States and representatives of non-governmental organizations.

While the majority of interventions underlined the positive developments and advantages that the internet and new information technologies have brought about with regard to human rights, economic growth, and access to information, several interventions pointed to the potential dangers and risks, especially regarding the spread of violence, hate speech and extremism. We are facing major challenges today regarding internet governance considering that the internet and social media platforms are often misused by individuals or groups to spread hate speech and extremist ideologies or for the recruitment of foreign terrorist fighters.

In conclusion one can say that there is an ongoing and important debate about a state's duty to protect its citizens on the one hand and the right to privacy on the other. At the same time, internet governance and effective policies and effective legislation need to be in place in order to prevent the spread of violence, hate speech and extremist ideas via the internet while respecting the right to privacy. Compared to other international organizations, such as the Council of Europe and the United Nations, the OSCE needs to further enhance its commitments in the area of human rights and new information technologies.

Following **recommendations** were made during the session:

- Protecting the right to privacy should be an endeavour undertaken by ODIHR with other institutions and experts including the UN Special Rapporteur on “The right to privacy”.
- OSCE should be involved in the process to ensure social networks are not used for promotion of extremist propaganda.

**Working Session 3: Challenges to the enjoyment of fundamental freedoms and human rights in the age of new information and communication technologies, including the respect for privacy (continued)**

*Rapporteur: Ms. Anne Helene (Lene) Marsoe, Permanent Delegation of Norway to the OSCE*

**No. of statements: 18**

**Delegations: 4**

**Civil Society: 5**

**OSCE Inst./Int'l Org:**

**Rights of Reply: 9**

*Ms. Katie Morris, Head of the Europe and Central Asia Region, ARTICLE 19* started off with highlighting the link to the side event on Protection of Sources that had taken place earlier the same morning (breakfast event). She stressed that with regard to surveillance there is a need to strengthen international standards clearly recognizing the right to online anonymity, as an essential part of the right to free expression and the protection of other fundamental freedoms.

She went on to explain the importance of online anonymity in the OSCE region and some of the threats that human rights defenders currently face online. The role of the Internet was stressed and that the internet often is the last resort for dissidents in view of the shrinking space for civil society across the OSCE region.

Ms. Morrison stated that increasingly the heart of the problem is surveillance, which is progressively used across the OSCE region, by not only authoritarian states, but as well emerging democracies and established democracies. Especially, established democracies, as the UK, the US, France and others, are the most developed practices of sweeping surveillance, which undermines the right to privacy and the right to free expression – particularly with regard to the protect of journalists’ sources. Reference was also made to Prime Minister David Cameron’s recent ‘shocking’ statement that ‘secrecy online should not be tolerated’.

She stressed that those with different political views and human rights defenders among others need to be able to anonymize their online activities. Negative practices as arrests of journalists and human rights defenders for the use of encryption systems, and adoption of legislation requiring registration of bloggers with a large number of readers in two participating States were mentioned as examples. She continued to explain that often when states undertake surveillance of what dissidents and human rights defenders are saying online, law enforcement agencies do not focus on the revealed corruption or abuse of authority but rather try to identify and often harass or punish the sources of the information as they are deemed a threat to the state.

Ms. Morris drew participants’ attention to the focus of the recent report by the UN Special Rapporteur on Freedom of Opinion and Expression on encryption, anonymity and the rights to freedom of opinion and expression and privacy, as well as his upcoming report with focus on Protection of Sources and Whistleblowers. In his recent report SR Kaye states that encryption and anonymity are vital elements of freedom of opinion and expression and must be protected and promoted. Ms. Morris stated the following: draft laws and policies restricting the encryption or anonymity should be subject to public comment and only be adopted following a regular legislative process; blanket bans on individual use of encryption is disproportionate; strong judicial and procedural safeguards, check and balances should be applied to guarantee due process. If people don’t trust the Internet they will not use it.

She emphasized that governments should use the Special Rapporteur’s report to determine whether their laws are in line with international standards. She also noted the role of leading international technology companies such as Apple and Google in making sure that encryption is more accessible. Further, the role of civil society was highlighted with regard to the use and promotion of encryption. The need to mainstream anonymity and encryption in the society was stressed repeatedly. She concluded by saying that using encryption should not be understood as having something to hide. Encryption is a tool to ensure privacy.

*Ms. Valentina Pellizzer, President of OneWorld Platform*, the second introducer, stressed that encryption and the respect of privacy should be provided by default. She added that anonymity must not be breached unless there is a real risk or very specific evidence of illegal actions. Not the other way around. States cannot change the pact. The citizens, the taxpayers, are not minors. Encryption should be seen as the key to your house, your privacy, and your private room.

She also highlighted the need to take into account the gender aspect in the discussion of anonymity, encryption and privacy. Referred to state security and violence against women through technology as being the key issues in the context of anonymity and privacy. Mentioned the wiretapping scandal in some participating States. Stressed that elected governments have the obligation to make sure that laws are followed and everyone is respected and protected, including the minority. While protecting, one should not forget respecting. It must be the same protection and respect on line as off line. Preventive efforts should not be accepted as a justification to intrude anyone's privacy.

In the subsequent discussion, speakers voiced that the digital age has revolutionized the way ideas are expressed, shared and explored, and that the Internet has fundamentally changed art, commerce and journalism. Several stressed that freedom of opinion and expression, association and privacy online must be protected equally as freedom of expression offline.

Some speakers also highlighted the need for clear rules regulating online behavior of the government and the general public as many states lack a balanced policy in this regard.

One participating State expressed that it has been at the forefront of the Internet revolution and continues to champion and benefit from this revolution today, ensuring all people can have access to the Internet. Highlighted the role of the Internet as a vital component of how it tackles serious crime and ensures citizens' security. Any choice between privacy and security is a false choice, and the State claimed it has one of the strongest systems of checks and balances and democratic accountability for intelligence anywhere in the world, adding that a legal framework is in place to ensure activities are authorized, proportionate and necessary.

Another State stated that with the ease of communication nowadays also come the possibilities of abuse. The State called on those OSCE countries that have not yet done so to join the Declaration on Fundamental Freedoms in the Digital Age. Stated that online threats and intimidation in some OSCE states have become too common. The State also referred to lists of banned sites in another OSCE participating State and that in yet another State online media outlets were being held responsible for some comments made by members of the public. It also referred to blocking of access to social media and websites in another participating State and a crackdown on opposition online media. Stated that new technology has strengthened the capacity to actively contribute to democracy, prosperity and security. Defamation should not be criminalized. Lastly the State urged all participating states to respect the exercise of human rights and fundamental freedoms, including with regards to new technology, such as the Internet and social media.

Another state stressed that it continues to improve and amend its relevant legislation, including a list of banned websites which includes websites for child pornography, production and sale of drugs, calls to commit suicide, and information on minors who became victims of crimes. On the other hand, it claimed that another participating State increasingly exerts pressure on private companies to provide access to personal information about their users. The State referred to legislation in yet another state that allows access to the personal information of persons suspected of terrorist activities and applies to territories outside its borders. The State called on all OSCE participating States to develop common approaches to regulate the Internet with the

key role in this process played by specialized agencies, including the ITU. It also called on other countries to avoid using legislation for countering terrorism as a tool for putting pressure on civil society.

One State criticized Article 19 for being targeted by the organization while overlooking the situation in over 50 other participating States and providing incorrect information. The boycott campaign of a major European sport event was referred to.

Attention was drawn by some CSOs to mass global surveillance and wiretapping by one participating State, and that this State poses a direct threat to the right to privacy in Europe.

One CSO highlighted that in one participating State the Internet is the only space for freedom of expression as the government controls all television companies in this State. It also drew attention to possible online surveillance and blocking of content by the government, and that many journalists and human rights defenders were either imprisoned or had to leave, while those who stayed are subjected to pressure, which includes blocking of bank accounts and otherwise hindering their activities. The CSO called on this participating State to comply with the European human rights standards and ensure freedom for NGOs and media organizations.

An NHRI, stated that in its country online media have become a tool for ‘information war’. Cases were mentioned of online disclosure of personal information of the law enforcement personnel engaged during protests and that citizens were labeled as separatists. Further, that murders of a member of parliament and a journalist had taken place shortly after their personal information was published online. The NHRI gave a picture of a worsened human rights situation in its country, and called on the OSCE to take into account these facts when preparing summary documents.

A CSO stated that protection of personal life is an important factor in the new digital era. Referred to the use of communication technology to destabilize society in some countries. Mentioned one country outside OSCE area as an example of how the Internet was used to inspire youth to confront the existing government, which was used by other political powers. Stated that abuse of new communication technology for political purposes poses a serious threat to the international community.

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

- with regard to surveillance there is a need to strengthen international standards clearly recognizing the right to online anonymity, as an essential part of the right to free expression and the protection of other fundamental freedoms;
- those with different political views and human rights defenders among others need to be able to anonymize their online activities;
- encryption and anonymity are vital elements of freedom of opinion and expression and must be protected and promoted;
- freedom of opinion and expression, association and privacy online must be protected equally as freedom of expression offline;

- draft laws and policies restricting the encryption or anonymity should be subject to public comment and only be adopted following a regular legislative process;
- blanket bans on individual use of encryption is disproportionate; strong judicial and procedural safeguards, check and balances should be applied to guarantee due process;
- governments should use the Special Rapporteur David Kaye's report to determine whether their laws are in line with international standards;
- OSCE participating states that have not yet done so should join the UN Declaration on Fundamental Freedoms in the Digital Age;
- OSCE participating States should develop common approaches to regulating the Internet with the key role in the process played by specialized agencies, including the ITU;
- Participating States should avoid using legislation for countering terrorism as a tool for putting pressure on civil society;
- need for clear rules regulating online behavior of the government and the general public as many states lack a balanced policy in this regard; and
- in the age of new information and communication technologies, and with respect for privacy, participating State must comply with the European human rights standards and ensure freedom for NGOs and media organizations.

#### **Recommendations to OSCE institutions, executive structures and field operations**

- with regard to surveillance there is a need to strengthen international standards clearly recognizing the right to online anonymity, as an essential part;
- need for clear rules regulating online behavior of the government and the general public as many states lack a balanced policy in this regard; and
- encryption and anonymity are vital elements of freedom of opinion and expression and must be protected and promoted.

#### **Working Session 4: Fundamental freedoms I (continued)**

*Rapporteur: Ms. Silvia Maria Lucia Santangelo, Permanent Mission of Italy to the OSCE*

**No. of statements: 56**

**Delegations: 13**

**Civil Society: 29**

**NHRIs: 2**

**OSCE Inst./Int'l Org:**

**Rights of Reply: 12**

Working session 4 examined the implementation of the OSCE commitments in the area of freedom of peaceful assembly and association, and the role of national human rights institutions and human rights education.

Introducing the issue, Dr. Anja Bienert (Amnesty International, member of Expert panel on freedom of peaceful assembly of ODIHR) emphasized how Human Rights Defenders need to use the right to freedom of peaceful assembly to make their voices heard. She highlighted the very challenging situations Human Rights Defenders face where police is used as a tool of the State to quell opposition. Explaining the different reasons that lead a peaceful assembly to end up in violence, she focused on preventive mechanisms and described some best practices to avoid escalation and ensure that an assembly can stay peaceful. In this regard she underlined the need to train police forces to deal with public order in a way that guarantees full respect of individual fundamental rights. Some relevant examples of best practices aimed at facilitate and encourage dialogue among police forces and assembly's organizers were mentioned.

Mr. Michel Forst (UN Special Rapporteur on the situation of human rights defenders) reiterated that the definition of a Human Right Defender includes everyone who individually or in a group engages in the protection of human rights at domestic or international level. Making reference to the annual report issued by the Special Rapporteur to the UN General Assembly, he described the challenges Human Right Defenders face in the OSCE area, denouncing the shrinking space for civil society actors. Stigmatization by State media, surveillance of communications by Authorities, excessively restrictive legislative and administrative measures to register organizations, unjustified inspections and audits were mentioned as examples of concern. Mr. Forst also underlined some cases of Human Rights Defenders under detention due to unfounded accusations. He stated that some Human Rights Defenders have found refuge in some Participating States where they risk deportation in violation of the principle of non-refoulement. He also expressed concern about the excessive restrictions to freedom of association justified by counter terrorism policies. Recalling that the primary responsibility to protect human rights defenders is up to the Governments, he added that this include the duty to protect against threats by third parties. He called for the implementation of the OSCE guidelines on Human Rights Defenders and invited to establish National Human Rights Institutions in accordance with Paris Principles. Finally, he recommended establishing regional and national protection platforms to document cases of violence, provide support, elaborate protection's strategy for those Human Rights Defenders under threat.

A wide number of participants highlighted the essential role that civil society plays to maintain and develop a healthy democratic society. However, an important number of bad practices and controversial cases restricting freedom of peaceful association and assembly was raised. Few Participating States were repeatedly mentioned and referred to during the session as being of particular concern.

The fair balance between the need to ensure public order, on one side, and the need to protect the right to assembly and association, on the other side, was addressed by several speakers. Concern was raised on the excessive use of force by police authorities in some participating States. In this regard, recommendations to take advantage from OSCE guidelines and expertise were formulated. Many participants spoke out against a trend in promulgation of laws aimed at restricting foreign sourced finances and at labeling associations as "foreign agent". The need to ensure transparency in funding of civil society organizations was underlined. However, some speakers indicated that measures taken did not appear to be proportionate, resulting in shrinking spaces for civil society. Gross cases of violation of freedom of associations in few participating States were mentioned, including cases of detention of human

rights activist and political prisoners. Some participants called the attention on the violations of freedom of assembly and association in occupied territories.

Several Participants presented progresses achieved through National Human Rights Institutions and programs adopted at national level to promote human rights education. Some speakers praised the assistance given by OSCE, its institutions and Field Missions.

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

- To acknowledge that governments have the primary responsibility to protect Human Rights Defenders also against threats by third parties;
- To take advantage of OSCE tools and assistance, including the OSCE Guidelines on Human Rights Defenders and the ODIHR/Venice Commission Guidelines on Freedom of Assembly;
- To invite OSCE institutions to monitor assemblies;
- To establish National Human Rights Institutions in accordance with the Paris Principles;
- To establish regional and national protection platforms for Human Rights Defenders;
- To release political prisoners and Human Right Defenders;
- To adopt laws and policies that guarantee full respect of freedom of assembly and association, and to ensure that any restriction to freedom of assembly and association is prescribed by law, proportional and necessary to pursue a legitimate aim;
- To avoid excessive use of force against persons exercising their right to freedom of assembly;
- To allow civil society to maintain contacts and cooperate with organizations from within and outside the country where they are based, and to ensure that civil society associations are permitted to receive financial support.

#### **Recommendations to the OSCE, its Institutions and Field Operations:**

- To monitor and report on violations of the freedom of peaceful assembly and association;
- To engage with civil society associations across the OSCE region;
- To provide assistance to participating States, upon request, for training on human rights and for implementing OSCE commitment;
- To work with other relevant international organization on the issue of freedom of association and assembly.

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

*Rapporteur: Ms. Tor-de Tarlé, Permanent Delegation of France to the OSCE*

**No. of statements: 36**

**Delegations: 21**

**Civil Society: 9**



**OSCE Inst./Int'l Org: 1**  
**Rights of Reply: 5**

Working session 5 focused on the address by the OSCE Special Representative/Senior adviser on Gender issues, equality of opportunity for women and men in all spheres of life, including through implementation of the OSCE Action Plan for the Promotion of Gender Equality, prevention of violence against women and children.

*First deputy director of ODIHR, Ms Beatriz Balbin* recalled in her introductory remarks the twentieth anniversary of the Beijing Platform of Action and the eleventh anniversary of the adoption of the 2004 OSCE Action Plan for the Promotion of Gender Equality. This was an opportunity to assess the progress and the gaps in gender equality and women's rights. The fifteenth anniversary of UN Security Council Resolution 1325 (hereinafter UNSCR 1325) was also particularly relevant in the OSCE context: in post-conflict situations and in the current crisis there was a real need to involve women in all parts of the decision-making process. Ms Balbin also highlighted the need to involve men in promoting gender equality.

*The introducer, Ambassador Melanne Verwee, Special Representative of the Chair-in-Office on Gender Issues*, underlined that gender equality cuts across all three dimensions and is essential to achieve economic prosperity as well as stability and security. The 2004 OSCE Action Plan for the Promotion of Gender Equality continues to guide the action of the participating States but the gender equality agenda remains unfinished. In particular, violence against women is still overspread and women are discriminated in the political arena. Investment in human rights of women is both an obligation and a strategic goal for the participating States. Ambassador Verwee highlighted that when women make progress, the society as a whole makes progress. Ambassador recalled the key role played by ODIHR in assisting participating States to enhance women's participation in the democratic process, public and political life in particular. She noted the particular relevance of the implementation of UNSCR 1325 in the context of the current crisis in the OSCE region: women and children are particular vulnerable in times of conflict, there is a need to help for the documentation of acts of violence perpetrated against them in order to bring the perpetrators to justice. She also called for ratification and implementation of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention).

*Ambassador Miroslava Beham, Senior Adviser on Gender Issues of the OSCE*, underlined the importance of collecting more and more qualitative and quantitative data on gender equality and gender based discrimination. She referred in this regard to the recent EU wide survey on violence against women published by the EU Fundamental Rights Agency (FRA). . She indicated that as a follow-up to MC Decision No. 7/14 on Preventing and Combating Violence against Women ,taken in Basel in December 2014, the OSCE gender section will apply the methodology of the FRA in order to collect more data on violence against women in the OSCE area among non EU countries. This should allow to better target the projects and assist participating States in implementing the MC Decision 7/14. Ambassador Beham urged participating States to adopt an addendum to the 2004 OSCE Action Plan for the Promotion of Gender Equality in order to make progress in implementation of gender equality commitments and gender mainstreaming both within the OSCE structure and among the participating States. She also encouraged the participating

States to endorse the establishment of an OSCE wide network of national gender focal points and civil society to continue to raise awareness on gender equality.

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

Many delegations welcomed the proposal by the Serbian Chair-in-Office to continue the work on the adoption of the addendum to the 2004 OSCE Action Plan for the Promotion of Gender Equality during the Belgrade Ministerial Council. Many participating States presented their national legislations and the measures taken to combat domestic violence and violence against women and as well as to promote gender equality in all spheres of life, including in the political and economic fields.

Several participating States underlined the importance to combat early forced marriage and sexual violence in conflicts. Other delegations and several NGOs expressed their concerns about the absence of laws pertaining to domestic violence in some participating States. A few participating States emphasized the importance to take into account the specific role of women in family and the need to promote a better work-life balance. One participating State urged the participating States to enhance the OSCE commitments on protection of children's rights, in particular in the case of adoptions of children. Another one underlined the importance of promoting universal access to women's rights, including sexual and reproductive rights, based on the Beijing Platform of Action. Several participating States called for increased efforts to tackle multiple discriminations against women of vulnerable groups, such as Roma and Sinti, migrant women and women with disabilities. One NGO highlighted the specific vulnerability of women and children in detention, while another one focused on the needs of internally displaced persons, including women in times of conflict. Other NGOs underscored the importance of training security and police forces in fighting against violence against women, referring to the importance of a full implementation of UNSCR 1325.

One regional organization presented its policy and activities on gender equality and the tasks of the network of national gender focal points which are nominated in each of its member states.

A group of participating States recalled the importance for the men to take part in the gender equality efforts, referring to the initiatives such as "MenEngage network" and the "He for She" campaign, as well as the need to fight against stereotypes.

As a conclusion, the CiO welcomed the willingness of the participating States to advance towards the adoption of the addendum to the 2004 OSCE Action Plan for the Promotion of Gender Equality. The OSCE Chair representative also noted the importance to tackle the topic of preventing sexual violence in conflict. As regards to the children's rights, the CiO referred to the current work on an OSCE wide action plan for youth.

**Recommendations to OSCE participating States:**

- To promote universal access to human rights of women;

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

### **Recommendations to OSCE institutions, executive structures and field operations**

- To ensure that the rights of women and girls are promoted, protected and fully and effectively integrated into the work of OSCE structures;
- To support the development of the ODIHR's upcoming Compendium of Good Practices for Advancing Women's Political Participation in the OSCE Region;
- To enhance gender sensitive monitoring capacity of the SMMU in the occupied areas;
- To ensure strong and sustainable institutionalization of gender issues in the OSCE, including by facilitating a network of national gender focal points among the participating States, convening regular/ bi-annual Gender Equality Review Conferences as well as taking all necessary measures to ensure that a gender perspective is integrated and mainstreamed in the policy and operational work of the OSCE;
- To improve by concrete measures the implementation of the 2004 OSCE Action Plan for the Promotion of Gender Equality and report on the progress made;
- To continue providing assistance to the participating States in matters relating to gender equality.

### **Working Session 6: Independence of the judicial system, with a particular focus on accountability and integrity of judges and prosecutors**

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

**No. of statements: 31**

**Delegations: 6**

**Civil Society: 17**

**OSCE Inst./Int'l Org: 1**

## **Rights of Reply: 7**

Working session 6 examined the implementation of commitments in the field of independence of the judicial system, particularly concerning accountability and integrity of judges and prosecutors.

The session was introduced by two speakers. The first speaker, **Judge Nina Betetto of the Supreme Court of Slovenia**, emphasized that the judiciary must be independent in the interest of the rule of law. She explained that the principle of the separation of powers is important in this regard, but one must be aware that a complete separation is impossible to achieve and some degree of interdependence will always exist. Judge Betetto added that the authority of judges is exercised on behalf of the society as a whole. The key question is how this authority can be legitimized. In the first place, the legitimization of all powers must be provided by the constitutional framework. Further, the authority appointing the judges plays an important role; this can be the Parliament, the executive or High Council of Judges and Prosecutors. The latter is usually more independent, whilst the Parliament and the executive enjoy more democratic legitimacy, but then again, the risk of their interference in the work of the judiciary is also higher.

Judge Betetto outlined that besides this initial legitimacy, the judiciary must also acquire legitimacy by respecting high standards of work. She added that the accountability of the judiciary is necessary to ensure the trust of the public. Thus, the judiciary must be held accountable for the cases brought before the courts by making them open for scrutiny and review. Transparency is also contributing to the accountability of judges; hearings must be open and decisions must be reasoned. Furthermore, evaluations play an important role in the selection of the best candidates and in the promotion of judges. She concluded by stressing the importance of disciplinary procedures and criminal law, that should be applied when necessary.

The second introducer, **Mr. Ruben Melikyan, Rector at the Armenian Academy of Justice**, highlighted that when discussing the independence of the judiciary in the OSCE region, it is important to take the situation in the participating States into account. At present, the position of the judiciary in the participating States is more similar than ever, also due to the implementation of the Kyiv Recommendations on Judicial Independence, issued by ODIHR in 2010. However, a complete unification is not feasible. Specificities of each state, such as land, technical complexities of the legal system, quality of legal aid and quality of law, can influence the perception of the judiciary by the public. The issue of accountability of judges is strongly related to the issue of judicial independence. Sometimes those two principles are seen as opposites but they can be mutually reinforcing.

Election of judges by Parliament is one form of accountability. The appointment of judges can also be exercised by a High Judicial Council. Mr. Melikyan stressed that immunity of judges is also important in relation to accountability. However, it is important that the scope of the immunity is related to the functions of the judge, as advised by the Venice Commission and other relevant international bodies. The judiciary must not be seen as operating above the law. Mr. Melikyan continued by stating that there are enough mechanisms to oppose the undue interference in the work of the judiciary. New tools are not necessary, existing tools should be used. Mr Melikyan concluded by stating that public trust is crucial for accountability.

Education is directly related to trust as judges must understand the importance of their role in society and should not be guided by any other motives, such as privileged status.

In the subsequent discussion 31 interventions were made, including six made by delegations, 17 by civil society and one by an international organization. Seven delegations used their right of reply.

Many speakers stressed the importance of an independent judiciary for democracy, human rights and the rule of law. It was emphasized that the separation of powers is crucial for the rule of law and that this includes the right to a fair trial as well as independent investigations and the presumption of innocence.

Some participating States outlined recent developments in their countries that would improve the rule of law, for instance new legislation, judicial reforms, training of security forces, preventing political interference in selection of judges and improved training of judges.

During the discussion, numerous violations of OSCE commitments in the field of judicial independence were mentioned by several participating states and NGO's, mostly directed to individual participating States. The allegations included pressure on the judiciary by the executive in OSCE participating States. Examples varied from citizens on trial because of their political or religious convictions, application of false evidence during trials, political intervention in court cases, lack of oversight over the judiciary, lack of medical care for the accused, impunity, corruption of members of the judiciary and suppression of human rights defenders and opposition.

Full support for the work of ODIHR, including its Kyiv Recommendations on Judicial Independence in Eastern Europe, South Caucasus and Central Asia, was expressed by several participating States. The work of ODIHR and the Venice Commission in commenting on legislation in the area of judicial and prosecutorial independence and integrity was mentioned as very valuable. Furthermore the remote course on hate crime, developed by ODIHR and the Council of Europe, was mentioned as a positive new development.

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

- Ensure that the criteria of selection of judges and prosecutors are based on objective qualifications and professional capabilities;
- Remove the possibility of dismissal as an outcome from any evaluation of judges;
- Introduce and strengthen the principle of proportionality in disciplinary measures against judges and ensure that decisions about the disciplinary measures against judges are taken by an independent body;
- Ensure that dismissal of a judge is only possible as a consequence of a disciplinary procedure which is in conformity with international standards that safeguard the independence of the judiciary;
- Recall the UN Basic Principles on the Independence of the Judiciary, according to which judges should have guaranteed tenure until a mandatory

retirement age or the expiry of their term of office (Principle 12) and should be subject to suspension or removal only following fair procedures (Principle 17 and 19) and only for reasons of incapacity or behaviour that renders them unfit to discharge their duties (Principle 18);

- Establish mechanisms to freeze the assets of persons who commit gross violations of human rights with impunity and prohibit their entry into the country, similar to US Magnitsky legislation;
- Implement norms and obligations as formulated by the UN Committee against Torture (CAT);
- Apply the International Covenant on Civil and Political Rights by halting illegal actions by police officers regarding the media and human rights activists and take action to stop – and investigate – torture;
- Take constant measures for safeguarding independence of judiciary;
- Limit the decisive power of the executive in the selection of judges and ensure the independence of judiciary through relevant legal regulations and practice in line with international standards and recommendations, including recommendations of the Universal Periodic Reviews.

### **Recommendations to OSCE institutions, executive structures and field operations**

- OSCE participating States who are considering institutional and legal reforms should seek the expert advice and technical assistance of ODIHR;
- ODIHR could focus more on the human rights situation in detention facilities

### **Working Session 7: Independence of the judicial system, with a particular focus on accountability and integrity of judges and prosecutors (continued)**

*Rapporteur: Ms. Camila Saugstrup, Permanent Mission of Denmark to the OSCE*

**No. of statements: 17**

**Delegations: 3**

**Civil Society: 8**

**OSCE Inst./Int'l Org: -**

**Rights of Reply: 6**

The introducer, International Criminal Law expert Mr. James Hamilton, underlined the diversity that exists between prosecution systems within the OSCE area. He highlighted as a key principle the importance of ensuring the accountability and independence of the prosecution. A range of legitimate modalities exist for the set-up: the prosecution service can either be part of the judiciary or under the executive, while in former Soviet countries, the prosecution is perceived as a fourth power aside from the executive, the legislative and the judicial branches. Mr. Hamilton listed a number of other aspects that may influence the functioning of the prosecution services, including i) having an inquisitorial or adversarial system, ii) the application of the legality principle or the opportunity principle, the latter of which grants discretionary powers to the prosecution and therefore requires safeguards to limit the risk of corruption, iii) the existence of a jury system or a single judge system, iv) the

scope of powers of the prosecutor. Mr Hamilton noted that while internal independence of the prosecutor is guaranteed in some systems, internal hierarchy in other systems may limit the independence of lower level prosecutors. In some countries, the executive has a strong influence on decisions of appointment, promotion, demotion and dismissal of prosecutors, which severely limits independence.

Mr. Hamilton set out a number of mechanisms and safeguards to avoid executive interference with the prosecution and to ensure the independence of the prosecution service, such as i) clear rules to ensure instructions from the executive should only be of a general nature and policy-oriented, ii) requiring that any instruction be given exclusively in writing or be made public to ensure transparency, iii) clear limitations as to the circumstances in which an instruction may be given, iv) mechanisms of reporting to independent commissioners, institutions or parliament, v) judicial control over the prosecution with the possibility of overriding a prosecutorial decision, vi) the requirement to give reasons to victims in cases of a decision not to prosecute, vii) a system of disciplinary liability by an independent body such as a judicial council or independent prosecutorial body, viii) the setting up of an inspectorate, either as an independent entity or internally within the prosecution to provide oversight of the activities of the prosecution service.

Mr. Hamilton further underlined the importance of avoiding political interference where the executive has the power to appoint. This can be done by providing a professional evaluation of a candidate and ensuring that decisions regarding career advancement, demotion and dismissal should be made by an independent body. Several measures could be taken to ensure the integrity of the prosecution service: i) setting up an integrity office within the prosecution service, ii) ensuring a culture of integrity exists by adopting codes of conduct, developing clear guidelines for prosecution activities and providing adequate training and mentoring, iii) providing a clear definition of what behavior constitutes a breach, iv) fighting against low self-esteem, v) adopting measures to combat the politicization of the office.

On the issue of widespread corruption which jeopardizes the independence of the prosecution service, Mr. Hamilton pointed out the major challenge is to ensure the independence of distinct anti-corruption bodies separate from the prosecution itself. The political will to fight corruption and to ensure the independence of the prosecution service was underlined as crucial in order to bring about changes in practice.

In the ensuing discussion, 17 interventions were made: three by delegations and eight by civil society. In addition, six participating States used their right of reply.

A number of NGOs focused on the risks involved where the prosecution service is subject to political influence, such as when instructions are given in individual cases to start, continue or discontinue a prosecution. It was underlined that even when safeguards are in place, they do not necessarily constitute an efficient mechanism against abuse. It was recommended that OSCE participating States take appropriate measures to secure the public prosecution service's effective independence from the executive. It was noted that there is a need for openness and transparency in selection procedures as well as for an increase in wages. It was also important to enable

prosecutors to become open to the public and liaise with human rights defenders and civil society.

Ukraine informed about the ongoing reforms in the country, including the recent adoption of the Ukraine Judiciary Development Strategy to ensure greater independence and impartiality of judges, as well as the Law on Public Prosecutors' Office which restricts the scope of the prosecution's powers. The latter law also introduces a system of competitive selection processes in order to become prosecutor.

One NGO noted an absence of independence of the judiciary in Uzbekistan, where prosecutors were nominated by presidential decree and were obliged to follow the executive's instructions. It was stated that courts use evidence obtained through torture, that defendants often have no access to a lawyer and are held in isolation pending the trial, and that the state has a repressive policy against human rights defenders. The latter point was also raised in relation to Azerbaijan, where it was noted that a wave of prosecutions of journalists and human rights defenders is taking place, with harsh court sentences being rendered without complying with international standards and lacking impartiality and independence of the court. Participating States were called on to monitor these trials and to organize high-level discussions to address the situation of human rights defenders in Azerbaijan.

A number of speakers raised the murder of Boris Nemtsov in the Russian Federation and informed that a petition had been signed by more than 8000 persons requesting a proper investigation into his murder. The need to resort to international mechanisms under the OSCE, the OSCE Parliamentary Assembly and the Council of Europe to request an international investigation was highlighted.

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

- Take appropriate measures to secure effective independence of the public prosecution services from the executive and ensure that no individual instructions can be given by the executive in individual cases;
- Make selection procedures open and transparent, ensuring adequate training and mentoring possibilities and creating opportunities for practical experience prior to becoming a prosecutor;
- In order to limit the risk of corruption, consider increasing wages and developing codes of conduct for the prosecution service;
- Make prosecution services open to the public and encourage them to liaise with human rights defenders and civil society;
- Consider imposing individual sanctions on those individuals including government officials, prosecutors, and judges who violate international fair trial standards;
- Organize high-level discussions to address the human rights defenders' situation in Azerbaijan;
- Use international mechanisms under the OSCE, OSCE Parliamentary Assembly and the Council of Europe to carry out an international investigation of Boris Nemtsov's death;



## **Recommendations to OSCE institutions, executive structures and field operations**

- Monitor trials of human rights defenders and journalists and swiftly publish trial monitoring reports.

### **Working Session 8: Rule of law**

*Rapporteur: Mr. Umut Topcuoglu, Permanent Mission of Turkey to the OSCE*

**No. of statements: 49**

**Delegations: 13**

**Civil Society: 26**

**OSCE Inst.: 1**

**Int'l Org: 1**

**Rights of Reply: 8**

Working Session 8 on the rule of law addressed the issues of prevention of torture, the abolition of capital punishment as well as the protection of human rights and fighting terrorism.

The Deputy Head of ODIHR's Human Rights Department, Mr. Omer Fisher, outlined various challenges the session could address for each of the three main topics. On the issue of torture prevention, he highlighted the importance of discussing the main reasons for the persistence of torture in the OSCE region and underlined the necessity of ensuring accountability through effective monitoring mechanisms. Concerning the death penalty, he pointed to possible practical steps toward its abolition, the imposition of alternative forms of punishment, and measures to ensure fair trial standards in capital punishment cases. In connection with protecting human rights while countering terrorism, he encouraged discussion of the various steps being taken by participating States to ensure accountability for human rights violations perpetrated in the implementation of counter-terrorism measures and of the efforts being undertaken in the OSCE region to counter the phenomena of foreign terrorist fighters and kidnapping for ransom. Mr. Fisher also informed the participants about the publication of ODIHR Annual Background Paper on Death Penalty in the OSCE region on the same day than the session. He also informed of the "OSCE United in Countering Violent Extremism" campaign.

Before the introducer took the floor, a short video against torture was screened in the hall for the purpose of stimulating further discussion.

The introducer, Mr. Jens Modvig, Director of DIGNITY, the Danish Institute against Torture, and a member of the United Nations Committee against Torture (CAT), emphasized the importance of not forgetting the human beings who are the victims of torture when discussing the subject. He stressed that such victims' lives are ruined and that they often do not seek assistance or treatment because they fear that this might cause them further suffering. He underlined that the rule of law is the legal principle that law should govern a nation as opposed to any form of arbitrary government. He indicated that implementing the rule of law in a human rights context is a three-step process: 1) adopting domestic law provisions in line with human rights standards, 2) establishing standards for enforcing these laws with due respect for the protection of

individuals from human rights violations, and 3) ensuring accountability for violations of human rights through the work of independent bodies. He pointed out that the UN Convention against Torture (UNCAT) includes provisions at all three levels and stressed that UNCAT provides a valuable and comprehensive framework to ensure protection not only from torture, but also from more general misconduct by law enforcement agencies. He indicated that domestic provisions should provide individuals deprived of their liberty with basic rights, which include the right to legal counsel from the onset of detainment, the right to medical assistance, and the right to inform their family or relatives. He highlighted that the right to redress, including rehabilitation, should be present in the national legislation in order to ensure that victims of torture receive reparation. He underlined states' obligation under UNCAT to provide training to law-enforcement personnel on torture and ill-treatment, and emphasized the need for accountability. Recalling the 2009 OSCE report titled "The Fight against Torture – the OSCE Experience", he listed the main obstacles identified by this study as the lack of political will on the part of governments, widespread corruption in various sectors of the legal system, a lack of public awareness of persons' rights in relation to torture, the presumption of guilt by officials with regard to detainees, a weak or non-existent NGO community, overcrowded prisons and a lack of financial resources. He stated that additional problems identified by the report were the non-existence of, or failure to implement, legislative fair-trial safeguards, the absence of torture as an offense in national criminal legislation as well as the absence of interrogation procedures that tend to safeguard against torture. Pointing out the clear need to strengthen the implementation of UNCAT provisions, he highlighted the important role that OSCE field missions could play in assisting participating States in following up the recommendations of the CAT as well as in supporting civil society in the preparation of shadow reports. He informed the participants of the Convention against Torture Initiative launched in 2014 by the governments of Chile, Denmark, Ghana, Indonesia and Morocco with the aim of attaining universal ratification of the UNCAT by 2024. Underlining that even though all OSCE participating States have ratified the UNCAT, 16 of them have not yet ratified the Optional Protocol to the Convention against Torture (OPCAT), he stressed that the OSCE should make the implementation of the OPCAT a priority. He added that a focused effort by the OSCE towards the implementation of CAT recommendations in participating States would certainly contribute to strengthening the rule of law in the OSCE region.

In the ensuing discussion 49 interventions were made, including 26 by civil society one by an international organization and one by the Action against Terrorism Unit of the OSCE Secretariat's Transnational Threats Department (TNTD/ATU). In addition, eight participating States used their right of reply.

A group of participating States called for the abolition of capital punishment, pointing out that a global moratorium on its use could be a first step towards this end. It stressed that the absolute prohibition of torture and ill-treatment allows for no exception and that combating torture requires an integrated approach encompassing prevention, redress, rehabilitation and access to justice. It underlined that human rights protection and the fight against terrorism should be seen as complementary rather than contradictory.

One group of pS commended ODIHR efforts to protect human rights in countering terrorism and considered that such efforts should be expanded.

One participating State speaking on behalf of several others expressed concern over the continuing practice of enforced disappearance in the OSCE area, emphasizing that enforced disappearance often leads to arbitrary detention, torture and ill-treatment, pointing to the need to update the OSCE's human dimension commitments in this regard and encouraging participating States to sign and ratify the International Convention for the Protection of All Persons from Enforced Disappearance.

In the further discussions pertaining to the prevention of torture, several participating States expressed their support for the Serbian Chairmanship's decision to continue the previous Chairmanship's work on the issue of torture prevention and their hope for the adoption this year of a Ministerial Council decision in this area. In addition, a number of specific allegations in connection with torture were directed towards various participating States by civil society representatives as well as by other participating States. These included the use of torture and ill-treatment as a method of extracting confessions, insufficient compensation for torture victims and their families, as well as practices of arbitrary detention often leading to *de facto* life sentences. Calls were made for the urgent investigation of such cases and for the participating States concerned to effectively implement CAT recommendations and relevant OSCE commitments. Some interventions addressed allegations of torture and ill-treatment by armed formations in conflict zones. The importance of ensuring the independence of the judiciary and of establishing independent National Preventive Mechanisms was underscored by many speakers. Calls were also made for the dignified treatment of persons in detention and for limiting the practice of solitary confinement. Several participating States made interventions detailing the measures being taken to strengthen the implementation of UNCAT provisions and relevant OSCE commitments in their territories.

Numerous calls were made during the working session for the complete abolition of capital punishment in the OSCE region. Those participating States still applying capital punishment were encouraged to observe a moratorium with a view towards abolishing the practice entirely. The need to update OSCE commitments in this area was also underlined.

With regard to the issue of protecting human rights while combating terrorism, the importance of upholding the rule of law in connection with counter-terrorist activities was emphasized by several speakers. Concerns were voiced that domestic counter-terrorism laws were being used to curtail liberties in some participating States. One participating State underlined the importance of taking the perspective of youth into consideration when countering terrorism, emphasizing that youth are particularly vulnerable to violent extremism that leads to terrorism because of their exposure to social media and the internet. The Head of the TNTD/ATU dwelled on the challenges being faced by participating States and Partners for Co-operation with regard to the phenomenon of foreign terrorist fighters. In this context he underlined the need to uphold human rights when responding to such threats, pointing out that undermining human rights is equivalent to undermining counter-narratives.

At the end of the working session, the introducer Mr. Modvig reiterated his belief that stronger collaboration between the OSCE's field missions and the framework provided by the CAT could make a true difference in the fight against torture.

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

- Fully implement the UNCAT and give strong consideration to ratifying all international conventions and protocols on torture, the death penalty and enforced disappearances;
- Ratify the OPCAT and establish National Preventive Mechanisms;
- Sign and ratify the International Convention for the Protection of All Persons from Enforced Disappearance;
- Take into account the pressing need to combat the problem of enforced disappearances under the commitments made at OSCE level on the prevention of torture;
- Support the adoption of a Ministerial Council decision on the prevention of torture;
- Set up a universal jurisdiction mechanism against torture;
- Ensure the prompt and thorough investigation of torture allegations;
- Refrain from providing amnesty to individuals sentenced for the use of torture;
- Ensure access to legal counsel and medical treatment for persons in detention;
- Decrease the duration of pre-trial detention;
- Limit the practice of solitary confinement;
- Ensure just and adequate redress and rehabilitation for victims of torture and their families;
- Provide training to law enforcement personnel on torture and ill-treatment;
- Release all political prisoners;
- Abolish the death penalty in all circumstances;
- Do not reintroduce the death penalty once it has been abolished;
- Support the 2016 UN General Assembly resolution which will call for a global moratorium on the use of the death penalty;
- Work to update OSCE commitments concerning the use of capital punishment;
- Uphold human rights while combating terrorism; promote respect for the rule of law, fundamental rights and freedoms, and the use of the criminal justice system to prevent and combat terrorism;
- Take the perspective of youth into consideration when countering terrorism.
- Ensure funding for a permanent ODIHR focal point on torture.

### **Recommendations to OSCE institutions, executive structures and field operations**

- The OSCE should continue its work towards ensuring the eradication of torture, making full use of its resources;
- The OSCE should renew its commitment to the prevention of torture through the adoption of a Ministerial Council decision;
- The OSCE should take action to ensure that detainees in participating States are not subjected to torture;
- The OSCE should provide assistance to National Preventive Mechanisms, which often lack the financial resources to fulfill their mandates;
- The OSCE should make the implementation of the OPCAT a priority;

- A new advisor on the prevention of torture should be established within ODIHR's structure;
- ODIHR should advocate the establishment of universal jurisdiction against torture;
- The OSCE's field missions should assist participating States in following up the recommendations of the CAT and support civil society in the preparation of shadow reports;
- Stronger collaboration should be established between the OSCE's field missions and the framework provided by the CAT;
- The OSCE should update its commitments on the use of capital punishment.

### **Working Session 9: Democratic institutions**

*Rapporteur: Mr. Diogo Girão de Sousa, Permanent Representation of Portugal to the OSCE*

**No. of statements: 43**

**Delegations: 10**

**Civil Society: 21**

**OSCE Inst./Int'l Org: 2**

**Rights of Reply: 10**

Working Session 9 on democratic institutions addressed the issues of democratic elections, democracy at the national, regional and local levels, democratic lawmaking, and citizenship and political rights.

Introducing the issue, *Ms. Vilija Aleknaite-Abramikiene, Vice President of the OSCE Parliamentary Assembly*, stressed that the OSCE has a clear set of commitments in the area of democratic elections, which when fulfilled also have a crucial impact in the development of democratic institutions, exemplifying with the experience of her own country. She underlined that the existence of a genuine political opposition is a crucial precondition for democratic elections and regretted that some participating States are not implementing their commitments to holding free and fair elections. In this regard, she highlighted the link between internal oppression and external aggression. The introducer expressed concerns regarding the misuse of elections in Crimea and eastern Ukraine and called the OSCE to react to these actions. Finally, *Ms. Aleknaite-Abramikiene* praised the expertise of ODIHR in election observation and praised the cooperation between the Parliamentary Assembly and ODIHR in this area.

The second introducer *Mr. Pietro Ducci* shared the experience of the European Parliament in election observation. He highlighted the European Parliament adherence to the highest international standards in election observation and the strong cooperation with ODIHR in this area. He recalled that parliamentarians due to their professional activity are always short term observers. For that reason the European Parliament only observes elections when joining a credible, professional, long term mission such as those organized by ODIHR.

The great majority of interventions focused on democratic elections, and ODIHR's election observation work. Most participating states praised ODIHR for their election observation work, its methodology and the way it applies its methodology. Contrarily, one participating State regretted the lack of a legal framework for election observation and claimed that ODIHR's conclusions are often politicized and that ODIHR engaged in "double standards".

Several participating States regretted attempts from one participating State to impose restrictions to ODIHR's election observation and stressed that ODIHR's autonomy should be always safeguarded. In a right of reply a participating state claimed that ODIHR should engage in negotiations when a participating State raises concerns over the report of a needs assessment mission.

Several speakers expressed concern regarding the shrinking space for civil society and opposition groups in some participating States. Other organizations pointed to a lack of free and fair elections in several participating States. Some organizations raised concerns regarding jailed political opposition leaders.

A few participating States described their efforts to implement ODIHR's election related recommendations as well as their intent to cooperate with ODIHR in future elections.

Some speakers denounced the problem of statelessness. Some organizations expressed concerns regarding specific administrative procedures applied in some participating States and called ODIHR to address those issues.

One participating State highlighted the role played by the media and stressed the importance of objective and responsible media. A number of speakers raised the issue of women participation both in election and decision-making processes. Others highlighted the importance of youth engagement, including in election observation.

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

- To ensure the right of citizens to political participation, and the right to stand for election;
- To ensure transparent, pluralist and competitive elections;
- To secure timely financial and human resources to ODIHR so it can carry out its mandate;
- To invite OSCE in a timely manner to observe elections without restrictions;
- To engage with ODIHR in the follow-up of electoral recommendations;
- Consider voluntary reporting at the Human Dimension Committee;
- To ensure a strong, independent and empowered civil society;
- To decrease the voting age up to 16 years
- To support the inclusion of young people in election observation missions.

### **Recommendations to OSCE institutions, executive structures and field operations**

- To continue strengthening and updating its election observation activities and methodology;
- To enhance co-ordination with other institutions;
- To maintain ODIHR's autonomy;
- To continue the deployment of election observation activities;
- To continue follow-up activities to observation;
- To address the issue of universal suffrage, non-citizenship and issues of statelessness;
- To continue their efforts to strengthen democratic institutions through the provision of advice, legislative review and training;
- To support election observation methodology and application;

### **Working Session 10: Fundamental freedoms II**

*Rapporteur: Ms. Anna Grabowska-Grudzińska, Permanent Mission of the Republic of Poland to the OSCE*

**No. of statements: 39**

**Delegations: 9**

**Civil Society: 18**

**Int'l Org: 1**

**Partners for Co-operation: 1**

**Rights of Reply: 10**

Mr. Gil Arias-Fernandez, Deputy Executive Director of the EU Agency FRONTEX, who was the introducer to this session concentrated his presentation on the main trends and challenges at the EU external borders, which are consequences of the biggest refugee flow in Europe since the end of the WW II. Protection of fundamental rights in the field of border management as well as relation between freedom of movement and Schengen regime were addressed.

Mr. Arias-Fernandez underlined that the EU is the most powerful economic bloc in the world and should have the capacity to absorb this flow of persons in need of international protection. To meet this goal the EU has started introducing new regulations concerning asylum and migration policies. The need for reinforcing the already existing in the Schengen Convention compensatory measures and cooperation mechanisms to support asylum and migration management or internal security interest was stressed. The example of the former is recently adopted emergency relocation mechanism which implies a temporary derogation of the principle of responsibility for the first country of entry of the asylum seeker according to the rules of the Dublin Regulation. This is being done in order to remove pressure from the frontline member states and also to prevent the illegal secondary movement within the Schengen Area.

Mr. Arias-Fernandez highlighted that respect of fundamental rights of migrants, including the right of international protection, are integral part of border management system. For this reason Frontex has developed cooperation with organizations dealing with human rights such as UNHCR and the EU Fundamental Rights Agency which are providing support to its operational and capacity building activities.

The participating States shared their experience in responding to the current refugee crises as well as in the past.

The representative of the Council of Europe informed about migrant workers' rights which are guaranteed by the European Social Charter. They stipulate i.a. that states should promote teaching receiving country's language classes free of charge as well as mother tongue classes, which contributes to preservation of the cultural identity of migrants and helps to maintain psychological and mental balance.

Access to work, teaching customs of the host country, empowerment of youth and children with migratory background, informing migrants about their rights were mentioned by different speakers as important factors, along with teaching languages, to integrate migrant within host societies and promote social cohesion. The role of local entities and inter-institutional cooperation at all levels were underlined in that respect by one delegation.

There was a call that all countries of the OSCE region, as well as international community, for applying appropriate measures and procedures in accordance with their obligations and principle of solidarity. On the other side, there was also a civil society representative that some OSCE participating States have moral obligation to give asylum to citizens of states affected by conflicts, if those States were among those who had been engaged in those conflicts. The same participant stressed that we will be unable to solve consequences of conflicts unless we tackle the root causes thereof.

There were also voices indicating examples of hate speech, xenophobia and intolerance against refugees, in some countries directed especially against Muslim refugees. In this respect was underlined that the public officials throughout the OSCE region must speak out against xenophobia and refrain from fanning the flames of hate.

The situation in centres for holding migrants from Central Asia in one participating States and demand for legal oversight was mentioned. The facts of deportation of no longer needed migrants were also touched upon. It was stressed that those who commit hate crimes against migrants and violate labour laws must be prosecuted.

There was an opinion that migration, including irregular migration, should be considered from the perspective of human dignity. Additionally, protecting the rights of irregular migrants would constitute an important step forward towards preventing their abuse and exploitation. Opposite, criminalization of irregular migration is a negative reaction that not only impedes the resolution of the problem but also further aggravates the situation and places them in an even more vulnerable situation.

The second theme of this session – freedom of movement – was approached from at least three different angles. One – freedom of movement within a country, where there was a call upon participating States which still maintain exit visa regimes to abolish them. It was stressed that this regulation targets frequently activists, human rights defenders and members of the political opposition.

Another aspect of freedom of movement was connected with different interpretation of provisions of international law concerning the right of a country not to grant a visa



to a citizen of another country due to security and social order reason. In that respect the existence of so called blacklist in same OSCE participating States was reported.

The majority of statements on the issue of freedom of movement concerned obstacles which people living in conflict affected areas encounter. It was highlighted that they are deprived not only from freedom of movement and contacts with their families living outside those areas, but also from the humanitarian assistance, emergency health care or access to education. The plight of inhabitants as well as refugees and IDPs from different part of the OSCE area was mentioned, including Eastern Ukraine and Crimea, Nagorno-Karabakh as well as Ossetia and Abkhazia. Cases of people having been detained for illegally crossing the borders were reported. There was also condemnation of the recent decision of so-called authorities in Luhansk to expel UN agencies and all international nongovernmental organizations providing humanitarian assistance.

The Russian Federation cited as unacceptable the decision of the Polish Government to prevent entry in Poland of the Deputy Prime Minister of the Republic of Crimea G. L. Muradow. This action was named as a violation of the OSCE commitments. The question was raised whether Warsaw, for the said reasons, qualifies to host ODIHR and OSCE events.

In its right to reply Poland pointed out that in a document sent to the Polish Ministry of Foreign Affairs regarding participation of Mr. G. L. Muradow in the HDIM his position was incorrectly specified. Poland does not recognise the annexation of Crimea nor the title of Mr. Muradow, who has been also on the EU Visa ban list. Making exemption to the EU sanction would imply that Poland is giving its consent to the violation of OSCE principles. Finally, all concerned with the visa rejection have the right to appeal.

In response to the Russian Federation statement regarding the case of Mr. Muradow, the USA reiterated its support to Poland as a host for the HDIM.

In response to the same statement Ukraine protested against the attempt of the Russian Federation to use the HDIM to advance illegal occupation of Crimea.

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

- There should be zero tolerance to undermining freedom of movement.
- In the instances where residency registration or declaration procedures are used they should be applied fully respecting freedom of movement.
- OSCE participating States should enable residents of conflict zones, refugees and IDPs to exercise their right to freedom of movement, in particular, to safe, dignified and voluntary return, access health-care as well as for other humanitarian purposes, including reunification of families.
- Freedom of movement of human rights defenders must be respected to ensure they can perform their tasks without any restrictions.
- The OSCE should look into the issue of creating lists of persons with entry ban imposed.

- With regard to solving the refugee crises the OSCE participating States, as well as the entire international community, should apply appropriate measures and procedures in accordance with their obligations and principle of solidarity.
- The OSCE and SMM should be granted access to Crimea.

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

*Rapporteur: Ms. Cătălina Bolma, Permanent Representation of Romania to the International Organisations in Vienna*

**No. of statements: 43**

**Delegations: 19**

**Civil Society: 15**

**OSCE Inst./Int'l Org: 2**

**Rights of Reply: 7**

The Working Session focused on two major issues: combating trafficking in human beings, with a focus on combating trafficking in children, on one hand, and the issue of refugees and displaced persons in the OSCE area, on the other hand. One NGO underlined the fact that these issues need to be discussed in separate sessions, while several speakers saw merit in a common approach due to the existing interlinkages.

The moderator, *Ruth Pojman, Deputy Co-ordinator within the OSCE Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings*, opened the session announcing the particular focus of the discussion on combating trafficking in children. She noted that this year marks the 10th anniversary of the adoption of the *OSCE Addendum on the special needs of child victims of trafficking for protection and assistance* and the 15th anniversary of the *Optional Protocols to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and on the involvement of children in armed conflicts*.

The first introducer, *the OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings, Ambassador Madina Jarbussynova*, underlined that trafficking in children represents a matter of great concern to the OSCE, to every participating State and Partner for Co-operation. As one of the worst forms of violence against children, and a form of modern-day slavery, it poses a grave threat to the human development and security of all countries. The lack of child protection, of access to education and of safe migration opportunities for children creates extreme vulnerabilities to exploitation. There is a growing body of evidence that child trafficking is increasing and becoming more complex in particular with the use of the internet and in the mixed migration flows. The forms of child trafficking include sexual exploitation (which is prevalent), forced labour, begging, pickpocketing, but also cannabis cultivation and drug dealing. Madina Jarbussynova singled out also the tendency of having child soldier exploited in force criminality, more precisely in foreign terrorist fighter activities. The response must be comprehensive and multidimensional. OSCE commitments (*Action Plan to Combat Trafficking in Human Beings*, the *2005 Addendum on the special needs of child*

*victims of trafficking*, the 2013 *Addendum to the Action Plan*) specifically address trafficking in children and the protection of children's needs. However, translating these commitments into concrete action is a challenge for the majority of participating States. The situation of child victims of trafficking in the OSCE region should be addressed in a more effective manner, taking into account the best interests of the child. Therefore, it is time to consider more seriously international recommendations and promising national practices in order to protect children from violence and trafficking in human beings regardless of their age, status, gender, ethnicity or social and cultural background.

*Introducer Jyothi Kanics, Research Fellow at the University of Lucerne*, spoke on progress achieved in the last 10 years in combating child trafficking, with a focus on OSCE, Council of Europe and EU. The introducer noted the positive developments in law and policy that seek to address the special needs of child victims of trafficking, but challenges in fully implementing the legal and policy provisions still remain (sometimes because there is a conflict in law between immigration and child protection measures, sometimes because of the lack of funds). The introducer also pointed out that some migrant children do not receive any protection because they might not fit into the existing narrow legal categories or because they may be age-disputed or may have engaged in activities that put them in conflict with the law. The participating States should have in mind for all actions concerning children the principle of non-discrimination, the right to be heard, and the best interests of the child in both procedural safeguards as well in substantive decision making.

The *third introducer, Zakarias Kebraeb*, shared from his own experience as a refugee from Eritrea, mentioning the painful and dangerous flee, his several request of asylum, as well as the efforts of integration. He pleaded for a human treatment of the refugees, for their acceptance and integration in the country of destination. He also expressed concerns regarding the countries of origin, which are deprived of a big part of their young population, with direct consequences of their further development.

43 interventions were made during the session, 19 by delegations, 15 by non-governmental organizations and two international organizations. Seven delegations used their right of reply.

On the issue of combating trafficking in human beings (THB), many delegations commended the work done by the OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings, the OSCE CiO, the OSCE PA, Council of Europe and other organizations. Several delegations underlined their efforts on national level in tackling the phenomenon, including: adopting new pieces of legislation, adopting and implementation of National Plans, ensuring coordination among all state bodies with responsibilities in this matter, keeping statistics on criminal cases. One participating State mentioned a pan-European monitoring system on THB (implemented today with other participating States) regarding the harmonization of procedures for the collection, treatment, and analyses and sharing of information, inviting the other OSCE participating States to join it.

As countries cannot fight alone the phenomenon of trafficking, several delegation pleaded for increased cooperation with international organizations, as well as for increased regional cooperation, including with the OSCE field operations. Several

delegations underscored that there is need for increased cooperation between countries or origins and countries of destination.

Several delegation highlighted that children are indeed vulnerable and pleaded for more focus on this group. One delegation pleaded for THB measures focused on unaccompanied minors, especially those living in foster families, as well as on combating trafficking in children over internet. One participating State mentioned a project aimed at identifying the victims of THB among asylum seekers, with a focus on vulnerable youth.

One participating State advised OSCE to pay more attention to trafficking in organs, as the Council of Europe is already doing.

One delegation pleaded for a renewed commitment to prevention of trafficking, with reference to addressing the extreme poverty. The same delegation argued for prosecuting the traffickers based on clear international and national laws, including the confiscation of profits derived from their illicit activities, while the victims ought to be fully compensated from such funds.

Several interventions pointed out that more awareness raising is highly needed, as the techniques of recruitment of victims have become more innovative.

One participating State underlined that victim identification is a key result of effective anti-trafficking efforts, mentioning that the successful identification in OSCE countries was the highest in five years.

In the discussions regarding the issue of mix migration flows, one NGO pointed out to the importance of using the correct terminology and making the clear distinction between different categories of persons (i.e. asylum seekers, refugees).

UNHCR provided some statistical data: currently 60 million people are forcibly displaced, of whom nearly 20 million are refugees, and over half are children. The last year's statistics in the OSCE area show that the numbers have risen to more than 7.2 million displaced persons by the end of 2014. This includes more than 3.5 million refugees, nearly 900,000 asylum-seekers, 2 million IDPs, and more than 630,000 stateless persons. The worsening living conditions, food cuts, and the lack of prospects for a resolution to the conflict in the near future are the driving factors. In this context, it is worth mentioning that one participating State requested similar attention to be given to people fleeing from natural disasters.

UNHCR pointed out to the fact that human trafficking intersects more and more with forced displacement and refugee protection, aspect underlined by some participating States as well. UNHCR pleaded for cooperation in response to the growing emergency, responsibility and solidarity with those countries whose capacities are already overstretched. The contribution of OSCE participating States in providing protection and assistance in emergencies, with support from UNHCR and its partners, is therefore critical. Some of the groundwork in this sense was established through the broadened scope of cooperation in the renewed Memorandum of Understanding between OSCE/ODIHR and UNHCR, signed in March of this year. UNHCR has also closely collaborated with the OSCE Special Monitoring Mission to Ukraine, on regular information-sharing, and capacity-building activities on IDPs issues (a good example of collaboration is the joint OSCE-UNHCR Protection Checklist, which was

distributed to the SMM Monitoring Officers, but which is used also in other situations).

Several delegations commended the work of UNHCR. One delegation suggested that OSCE field missions should facilitate the access of UNHCR everywhere across the OSCE region. At the same time, one NGO was of the opinion that the current global governance is outdated, UNHCR being underfunded and therefore not able to address the current situation of the migration flows.

Council of Europe (CoE) underlined that there can be no derogation from the European Convention on Human Rights, prohibiting inhuman and degrading treatment (article 3). CoE conducts an urgent analysis of the legal shortcomings, which presently inhibit the prosecution of people-smugglers and ways to improve judicial co-operation between Europe and the South Mediterranean. As the financial aspect of dealing with the migration flows was mentioned in the discussions, CoE representative pointed out that member states of the Council of Europe's Development Bank can request loans to facilitate necessary improvements to their infrastructure (reception and transit centers).

A group of participating states requested a coherent and comprehensive approach to respond to the new and multiple challenges posed by the mix migration flows. They underlined the need to consider migratory flows as a structural phenomenon to be addressed as an opportunity for our societies.

A group of participating states underlined that the current mix migration flows should be dealt with considering the focus on three key dimensions: resettlement/relocation, return/readmission/reintegration and enforced cooperation with countries of origin and transit.

Many participating states underlined the need to tackle the root causes of the phenomenon and also crack down on criminal networks involved. Therefore, the cooperation with the countries of origin and transit is essential.

Some participating states mentioned their efforts in tackling the displaced persons: adopting new pieces of legislation, implementation of Action Plans, providing housing. A group of participating States mentioned their strategic approach focused on: saving human lives and securing the external borders through solidarity; reducing the incentives for irregular migration, including through addressing root causes and combatting smuggling and human trafficking networks; implementing the common asylum policy based on shared responsibility; developing a new policy on legal migration facilitating entry and recognition of qualifications. One participating State volunteered to share its experience in reception of people in need.

One participating state pointed out that humanitarian assistance to the countries of origin should be provided, while another participating state pleaded for combined use of the development and humanitarian aid in the host countries and requested new financial modalities at the global level.

Some participating states and NGOs expressed concern on the situation of refugees and IDPs steaming up from certain conflict areas. In this matter, positions of participating States and NGOs vary considerably. Many speakers mentioned the right

for an informed, voluntary and non-discriminatory return of refugees and IDPs to their places of origin conducted in a safe and dignified manner. The issue of payment of compensation for refugees and displaced persons (based on the principles of reciprocity and equality) was also mentioned in this context by one NGO. The use of IDPs with the purpose of changing ethnic composition of a certain area and influencing the peaceful solution of the conflict was condemned by one participated state.

One participating State enumerated some obstacles in the return of the IDPs: destroyed property, lack of compensation and lack of adequate mechanism for restitution of property, including lack of mechanism to implement court decisions.

Several participating states announced hosting events addressing the issue of migration in the near future.

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

- Participating States should uphold relevant international standards and OSCE commitments, and even strengthen the existing commitments;
- Participating States should uphold fundamental rights when addressing trafficking in human beings;
- Participating States should foster cooperation with all relevant actors, including the civil society, for a successful prevention and fight against trafficking in human beings;
- Participating States should continue developing national programmes of assistance to the THB victim;
- Participating States should reduce the vulnerability of population susceptible to human trafficking;
- Participating States should join the monitoring system of comprehensive statistical data related to THB victims developed currently by some participating States;
- Participating States should focus on children and other vulnerable groups of THB victims and exchange relevant information;
- Participating States should develop measures to prevent child trafficking and improve identification of child victims in the sectors where child trafficking is prevalent;
- Participating States should provide special rehabilitation program and psychological assistance for children victims of trafficking;
- Best interests of the child should be the guiding principle at all times;
- Participating States should improve child-care and national child protection systems; in order to ensure particular protection needs of unaccompanied children along their migration routes, the modern child protection system should include: effective birth registration mechanisms to respond to specific needs of vulnerable and socially excluded children; appointment of legal guardian; free legal assistance and possibility to claim compensation; and long-term-rehabilitation programmes;

- Participating States should develop unconditional access for children to shelters addressing their needs, regardless of their administrative status or their readiness to co-operate with the authorities;
- Non-punishment clause should apply to all THB victims, including the children;
- Participating States should consider more significant role in ending the childhood statelessness;
- Participating States should improve education opportunities for all children without discrimination;
- Participating States should improve cooperation in order to improve the protection of private domestic workers in diplomatic households;
- Participating States should prioritize measures implementing OSCE commitments focused on protection, saving lives and addressing root causes of forced displacement;
- Participating States should ensure closer co-operation between OSCE participating States for improving the protection of refugees and displaced persons, including by implementing the existing instruments and commitments, the recommendations of the Special Representative and by using the Protection Check List;
- Participating States should develop cross-cutting instruments to combat THB in the context of current migration flows, including with the OSCE Field Operations and in cooperation with the civil society actors;
- Participating States should, in the context of current mix migration flows, consider shared long term solutions for those eligible, with access to employment, education, protective services for victims of crimes like human trafficking, and other integration opportunities for participation in host societies;
- Participating States should consider promoting tolerance policies alongside the measures envisaged for dealing with the mix migration flows.

### **Recommendations to OSCE institutions, executive structures and field operations**

- In the areas of prosecution, the OSCE should continue supporting participating States in establishing and developing National Referral Mechanisms;
- OSCE could collect good practice examples of child-specific national referral mechanisms and child-friendly procedures and related special training for professionals;
- OSCE could play a role in strengthening the transnational work of the national referral mechanism with an aim of securing both the prosecution of traffickers and better protection of child victims;
- OSCE shall pay more attention to the issue of combating trafficking in organs.

*Several participating States and NGOs made also recommendations in relation with the crisis in and around Ukraine and to the protracted conflicts in the OSCE area.*

## **Working Session 12: Combating hate crimes and ensuring effective protection against discrimination**

*Rapporteur: Mr. Martin Hojni, Permanent Mission of Austria to the OSCE*

**No. of statements: 51**

**Delegations: 8**

**Civil Society: 30**

**OSCE Inst./Int'l Org: 1**

**Rights of Reply: 12**

Working session 12 was moderated by **Anne Gaspard**, Executive Director, EQUINET – the European Network of Equality Bodies, who observed in her introduction a rising trend in hate crimes across the OSCE area which is illustrated by ODIHR's annual reports. She pointed out the need to constructively define racism and xenophobia.

Mr. **Hilary O. Shelton**, Washington Bureau Director of the National Association for the Advancement of Coloured People and Senior Vice President for Advocacy of the United States of America served as introducer for the subject. He called for the need of an inclusive definition of racism and xenophobia as well as of a definition of problems which are driven by racism and other biases. He advocated a common definition of racial profiling in order to provide training and awareness raising both with law enforcement and potential victims alike.

A crucial aspect according to Mr. Shelton is the need to measure the offence in order to manage the problem, which requires an adequate data collection. Central must be the understanding of the crime by the victims themselves. Government action is required to engage also private businesses to keep data or to sanction a pattern of blatant discrimination.

The problem of underreporting and the consequent lack of data figured prominently in a number of interventions. The consequent call to improve data collection and submission echoed the call of the introductory on that matter. Several delegations pointed towards the increase in hate crimes in recent times.

Some participating States (pS), among them the EU, outlined their respective legislation.

Many interventions focused on an account of hate crime, hate speech and various forms of discrimination against different communities in various countries of the OSCE-area ranging from anti-Semitism, LGBTI discriminatory laws, hate crimes against Muslims, prevention but also facilitation of gay pride parades, hate crimes against Russians in Ukraine. Some delegations worried about the increase of hate crimes against Christians in Europe, including the desecration of Christian religious symbols.

The need to establish a counter-narrative and speak out against hate crimes was mentioned by several speakers. Some delegations pointed out the need of better civic education and the integration in curricula of law protection officers, civil servants etc.



The OSCE Mission in Bosnia-Herzegovina illustrated the possible contribution of an OSCE Field Mission to these efforts. The need to support and cooperate with ODIHR figured prominently in a number of statements.

In some cases delegations pointed to the role of social media in hate crimes.

Several civil society representatives advocated the need to recognize Islamophobia as a violation of Human Rights as well as the recognition of Islamophobia as an aggravating factor for hate crimes especially in the face of the current migration crisis. Some delegations pointed at the conflict between free speech and thought as core value of the OSCE and hate speech as it was discussed during the session. They feared that a situation can arise where facts can constitute hate speech and favours state controlled speech.

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

- Increase efforts to strengthen the implementation of the OSCE Ministerial Council's Decision No. 9/2009 on Combating Hate Crimes.
- Boost the OSCE wide fight against hate speech, while fully respecting freedom of expression, including by using all opportunities offered to publicly condemn and speak out against hate crimes, regardless of pretext.
- Continue cooperating actively with the Office for Democratic Institutions and Human Rights (ODIHR) and to fully support its activities in preventing hate crimes.
- Submit available and relevant data to ODIHR for its annual report on hate crimes in the OSCE region.
- Address the problem of underreporting of hate crimes.
- Address intolerance against those who hold unpopular views on the medical treatment of same sex persons and against those formerly gay.
- Increasingly monitor intolerance against Christians.
- Encourage pS to support victims of hate crimes.
- Recognise Islamophobia as an aggravating factor for hate crimes.
- Increase the involvement of Civil Society to tackle intolerance and discrimination.
- Increase the protection of LGBTI throughout the whole OSCE region.
- Call on OSCE to monitor and report on political persecution of Human Rights Defenders in Latvia.
- Empowerment of NGOs and increased financial support for NGOs to make training possible.
- OSCE must use its influence to empower Human rights organisations to become involved in law making processes.
- OSCE must extend support for NGOs, human rights activist, journalists. OSCE must promote independent media and freedom of expression and facilitate effective use of institutions and missions. Law enforcement must be enabled to address crimes, monitoring. Link between hate speech and hate crime must be elaborated upon, as youth is particularly vulnerable to the effects of hate speech.

### **Working Session 13: Combating hate crimes and ensuring effective protection against discrimination (continued)**

*Rapporteur: Ms. Hilde Austad, Permanent Delegation of Norway to the OSCE*

**No. of statements: 46**

**Delegations: 7**

**Civil Society: 32**

**OSCE Inst./Int'l Org:**

**Rights of Reply: 7**

The first introducer, Mr. Stefano Chirico, Lieutenant Colonel of the Italian National Police, defined hate crime as a criminal offense with a bias motivation. It has an impact on the victim, the target group and the community as a whole. He underlined the need for a holistic approach within governments. No single government agency can consider all aspects. Italy has therefore created a multi-agency body to assist victims and facilitate reporting.

One issue is underreporting. In Italy, a dedicated e-mail address is set up to receive informal reports, which are followed up. The authorities work closely with NGOs and international organizations. Training of police and other law enforcement agents is important. This can be done in cooperation with ODIHR, which has programmes for training of trainers. Having good quality data is important for understanding the facts. Contributing to ODIHR's annual report on hate crime had helped them improve their methodology and increased the quality of the data.

The second introducer was Ms. Julie Pascoet, Senior Policy Officer in ENAR. ENAR is a network of more than 150 organizations working on advocacy for racial equality. They have recently issued a report on racist crimes covering 26 EU states. The main groups of victims were Blacks, Asians, Roma, Jews, Muslims and migrants. Within the groups women and youth were the most targeted. Visible minorities were the most likely to be victims. Data on crime is usually not disaggregated according to ethnic groups, contributing to the invisibility of racial crimes. Motivation is often not included in police investigations. In some countries the police themselves are perpetrators of racist crimes. This is one reason why fewer crimes are reported.

There is a lack of surveys of how victims feel. States should conduct such victimization surveys, based on self-definition by the victim. Cooperation with NGOs is important. States should develop mechanisms for third party reporting by NGOs.

In many countries there is lack of accountability for hate speech in media, and for politicians who incite hatred. Attacks on certain groups are not isolated events that take place in a vacuum. Stereotypes in the media and the content of public discourse can contribute to intolerance. States should encourage inclusion of all groups in society. The OSCE should adopt declarations on anti-gypsyism, anti-racism, islamophobia and afrophobia, based on the model of the declaration on anti-Semitism.

Some laws, as laws prohibiting wearing religious symbols in school, can lead to discrimination, even if that was not the intent. They can further marginalize women.

ODIHR should be able to present its work in the plenary sessions, and the sessions should generally be more inter-active.

The discussion picked up on many of the elements mentioned by the introducers. Incitement to hatred or intolerance is dangerous, particularly when it comes from political or religious leaders. However, several speakers warned against using alleged hate speech as a pretext for curbing freedom of expression and open debate on “unpopular” opinions.

One delegation mentioned how the struggle of one group, as a racial minority, could inspire other groups to fight for equality. Anti-discrimination legislation now includes disability. But there is more to be done, and states should support a high-level conference on racism in line with the UN PAD decade.

One delegation urged states that they considered responsible for the crisis in the Middle East to take responsibility for the refugees this crisis has created. Christians are killed in the Middle East by the so-called Islamic State. Aggressive secularism is a problem in certain states as it represents an attack on the values of family.

Several speakers mentioned the importance of data on hate crimes. One participating State said it was conducting household surveys to assess the true level of hate crime. States should improve their reporting to ODIHR. Retaliatory attacks against members of certain groups could be observed in response to events in other parts of the world.

Hate crime and hate speech against Muslims was referred to by several speakers. This concerns Muslim immigrants, but also Muslim minorities. Attacks on Christians in Europe was also mentioned.

Groups of Jehovah’s Witnesses reported lack of reaction from authorities in certain states to attacks on members of the group, problems with being allowed to build meeting places and denial of necessary registration. However, one state has released conscientious objectors from prison and this was welcomed.

Some states have laws that discriminate LGBTI persons and politicians speak negatively of them. In several countries, laws prohibiting hate crime and discrimination do not include LGBTI, only ethnic and religious grounds. More comprehensive laws are necessary.

Desecration of memorials, churches and other places of worship was raised by several speakers. These attacks should be investigated and perpetrators punished, irrespective of the religion concerned and the political or religious affiliation of the government.

In areas of conflict, there is increased risk of discrimination and intolerance towards individuals who are seen to belong to the “other” group.

In some countries, statelessness of a minority is a problem and can lead to discrimination.

One speaker said that attacks against freedom of expression, as on Charlie Hebdo, should also be termed a hate crime. Laws on blasphemy and apostasy should be abolished.

One delegation stressed that the discussion should focus on OSCE commitments. There is no definition of gender identity or sexual orientation in international law and no commitments, therefore this should not be included in the debate.

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

- Develop a clear legal framework to define bias motivated crime
- Improve collection of data on hate crimes, including by cooperating with civil society.
- Improve training of law enforcement agencies, including in cooperation with ODIHR.
- Conduct victimization surveys of how victims are affected.
- Adopt declarations on anti-discrimination against other groups, as the declaration on anti-Semitism.
- Protect freedom of expression while discouraging hate speech.
- Investigate and prosecute all acts of hate crime, irrespective of the victim's background.
- Make anti-discrimination laws more comprehensive and include LGBTI persons.
- Investigate and prosecute desecration of memorials and religious sites.
- Political and religious leaders should refrain from hate speech against all groups and should promote reconciliation.
- Abolish laws on blasphemy and apostasy.

### **Recommendations to OSCE institutions, executive structures and field operations**

- ODIHR should assess legislation of participating States concerning hate crime.
- ODIHR should suggest specific measures to prevent intolerance and hate crimes.

### **Working Session 14: Tolerance and non-discrimination II**

*Rapporteur: Ms. Yasmin Seyed Assiaban, Desk Officer, Permanent Mission of Germany to the OSCE*

**No. of statements: 60**

**Delegations: 11**

**Civil Society: 39**

**OSCE Inst./Int'l Org:**

**Rights of Reply: 10**

The introducer for session 14, Mr. Alexander Verkhovsky, Director of the SOVA Center for Information and Analysis, noted the importance of discussing the links between various forms of intolerance and xenophobia. For example with regard to the

current refugee crisis migrant phobia would be more likely to occur in places where intolerance against Muslims already existed. Mr. Verkhovsky called on government representatives and civil society across the OSCE region to join efforts in clearly speaking out against intolerance and discrimination. Furthermore, he underlined the crucial role the great variety of civil society actors play in actively promoting tolerance. However, civil society activities, such as educational programs, could only be sustained with the help of government officials. Lastly, OSCE participating States were reminded by the introducer to not adopt any specific interpretation of religions. This would ensure that all people irrespective of their religion and belief had the same rights and would be able to criticize position of governments and opponents without fear of persecution.

The session was also enriched by introductory words by the two *Personal Representatives of the Chairman-in-Office (CiO)*: Rabbi Andrew Baker, *Personal Representative of the OSCE CiO on Combating Antisemitism* and Alexey Avtonomov, *Personal Representative of the OSCE CiO on Combating Racism, Xenophobia and Discrimination, also Focusing on Intolerance and Discrimination against Christians and Members of Other Religions*. Rabbi Baker pointed to an increase of anti-Semitic incidences after last summer, notably the lethal attacks in Paris, Brussels and Copenhagen. Due to this development, anxiety among the Jewish population in the OSCE region would be at an extreme height at the moment. To tackle this trend, sources of intolerance and discrimination against Jewish communities, such as populist and xenophobic voices, needed to be identified and countered by the OSCE participating States. Mr. Avtonomov voiced his concern over the increasing trend of anti-Christian activities. In addition to verbally expressed forms of intolerance, physical harassment of Christians would now prevail. Moreover, he reminded the OSCE participating States that security is intrinsically linked with upholding the respect for human rights. Violence by one group against another group would lead to reprisal and retaliation. Therefore, Mr. Avtonomov called on States to ensure full implementation of relevant commitments to respect, promote and protect the right of freedom of religion and belief.

60 participants made interventions, including 39 made by nongovernmental organizations. 11 States made use of their right of reply. Interventions were limited to two minutes and a half.

In view of ongoing and sometimes even growing discrimination against Jews, Muslims and Christians, participating States were reminded by the vast majority of interventions made by civil society to respect and fully implement their OSCE commitments. Religious communities, irrespective of their belief, belonging to the minority in their country, face multiple obstacles in freely exercising their right to freedom of religion and belief. Speakers mentioned notably following issues: expropriation and confiscation of religious property, refusal to allow building places of worship, refusal of conferring legal personality, prevention of missionary activity, discrimination in education system and persecution of conscientious objectors. A large number of participants raised the issue of destruction and vandalism of religious properties, places of worship and cemeteries, and called on governments to effectively prevent, investigate and prosecute such criminal acts.

Another issue of concern voiced by some speakers was the abuse of anti-extremist legislation by governments, for example by conducting unauthorized raids of religious

properties and places of worship or limiting distribution of religious literature and censorship. Under the pretense of safeguarding national security states would curtail and sometimes even hinder its citizens to freely exercise one's religion or belief.

A number of speakers identified hate speech, stereotyping and defamation of religious groups as serious concern in many States. It was noted that government officials, political parties and the media bear a special responsibility in countering discrimination and intolerance, especially with respect to increasing anti-migrant, anti-Muslim and anti-Semitic public discourses. Participating States were asked to effectively monitor, investigate and prosecute hate speech, often resulting in threats and attack versus members of religious communities. In this respect, some participants discussed the new challenges arising with the spread of hate messages in the cyber space, such as social media or other Internet platforms, and the need for States to ensure that both freedom of speech and freedom of religion of belief are respected online as well offline.

A vast number of speakers reminded of the need to tackle all forms of extremism and to challenge hatred and intolerance. Notably with regard to discrimination of persons on basis of their sexual orientation, participants noted that human rights are universal and that the rights and freedoms of LGBTI persons need to be equally safeguarded by States. Unfortunately, LGBTI persons face in some countries a climate of fear and discrimination and are subject to threats and violence. The need for ensuring proper legislation and law enforcement measures by States were underlined in this regard.

In light of the high number of interventions made, the list below does not constitute an exhaustive list of recommendations. Please refer to individual statements by participants and the consolidated list of recommendations for a full list.

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

- Fully ensure that each individual enjoys fundamental human rights and has access to effective recourse after a violation of his or her rights has occurred;
- Promote fair and inclusive societies and work for better interreligious dialogue, for example with the help of public-private consultation mechanisms;
- Strongly condemn all calls on hatred voiced for whatever motives;
- Actively support ODIHR and its Tolerance and Non-Discrimination Department by increasing funding for the unified budget as well as extra-budgetary projects;
- Engage further in dialogue with representatives when producing laws affecting religious communities, notably religious groups in minority positions;
- Cooperate with religious communities to develop security infrastructure to ensure their members' physical integrity;
- Allocate adequate and sustained financial resources to independent equality bodies;
- Immediately implement the Ministerial Council Declaration on Enhancing Efforts to Combat Anti-Semitism (MC.DOC/8/14);

- Uphold the fundamental rights and freedoms of LGBTI persons and provide effective legal protection of LGBTI persons.

### **Recommendations to OSCE institutions, executive structures and field operations**

- For the OSCE to promote follow-up on recommendation made by its three Special Representatives;
- For ODIHR to foster common reflection with the three Personal Representatives in order to ensure better coherence;
- For the OSCE and ODIHR to further promote remembrance culture in its education activities;
- For the OSCE under the 2016 German Chairmanship-in-Office to include voices of young members of religious group in its Tolerance and Non-Discrimination activities;
- For ODIHR to continue running training activities for law enforcement officials, judges and prosecutors on combating hate crimes;
- For ODIHR to develop guidelines for educators on countering intolerance;
- For ODIHR to further run trainings for young people on hate crimes;
- For ODIHR and the RFoM to enhance collaboration in documenting biased reporting and negative stereotyping by the media, public officials and political parties;
- For ODIHR to take initiative on conducting more research and monitoring on hate crime in cyber space.

### **Working Session 15: Fundamental freedoms II (continued)**

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

**No. of statements: 61**

**Delegations: 7**

**Civil Society: 43**

**OSCE Inst./Int'l Org:**

**Rights of Reply: 11**

*Dr. Ringolds Balodis* (Introducer) Professor of Law, Head of the Department of Constitutional Law at the Law Faculty of the University of Latvia described the broad range of provisions that constitutions and laws can have with regards to freedom of thought, conscience, religion or belief. Noting that constitutions can have a high level of abstraction, he encouraged participating States to interpret them “in the spirit of the age and the legal findings of a contemporary, democratic legal system, and by taking into account that this freedom is closely inter-related with other human rights and fundamental freedoms, as well as the principle of non-discrimination.

*Dr. Renata Treneska-Deskoska* (Introducer) who is professor of Constitutional Law and Political System at the Law Faculty – Skopje and a member of the ODIHR Advisory Panel of Experts on Freedom of Religion or Belief described as unique the formulation of freedom of thought, conscience, religion or belief in international human rights documents. This individual right, she explained, has a dimension that can only take shape when exercised in community with others. She noted however that this collective dimension does not always overlap with group rights and with the rights of individuals exercised in community with others. She noted that challenges can arise due to a tendency for increased intervention by the State when this right is exercised collectively, but noted that the recognition of legal personality and the application of the non-discrimination principle should guide States in this regard.

Once again this year, this working session was one of the most popular ones and a broad range of issues were raised and recommendations issued by participants. This summary is therefore not exhaustive. One participating State deplored that it was not allowed to take the floor due to time restrictions.

The publication of the 2015 Joint ODIHR-Venice Commission Guidelines on the Legal Personality of Religious or Belief Communities was warmly welcomed by a large number of participating States and civil society representatives alike.

A large number of participants agreed with the introducers that the principle of non-discrimination is key to successfully ensuring that the right to freedom of thought, conscience, religion or belief is respected, in conjunction with other human rights. Some participants expressed strong concerns with discourses that associate particular religious or belief communities with extremism or terrorism

Many participants noted that this freedom protects theistic, non-theistic and atheistic beliefs as well as the rights not to profess any religion or belief, and that all should be afforded equal protection under the law.

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

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

Both the first introducer and many participants expressed concern at unjustified restrictions of this freedom and the potential for abuse by participating States of anti-extremism and counter-terrorism laws. Some expressed concern at excessive restrictions or requirements, such as providing State authorities with the time, place and participants of assemblies, including religious ones.



Through a combination of statements by various participants, a clear sense emerged that to protect the freedom of thought, conscience, religion or belief, there is an ongoing need to combat Anti-Semitism, discrimination against Muslims, discrimination against Christians, as well as against other religious or belief communities, including non-believers.

Some participants highlighted the serious risks to this freedom and issues that arise in times of armed conflict, including the destruction or illegal seizure of religious property, the destruction of religious literature, the persecution or torture of individuals on the basis of their religion or belief, or the persecution of individuals belonging to religious or belief communities perceived as opposing armed groups or occupation forces.

The issue of conscientious objection was raised by a number of participants, notably in the context of military service or in professional fields such as medical services. Other participants expressed concern at bias in the policies of some States that can affect the health of women and the services to which they have access.

Many participants stressed the need to protect the dignity and rights of refugees, including the right to freedom of thought, conscience, religion or belief.

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

- For participating States, to fully implement their human dimension commitments, including on freedom of thought, conscience, religion or belief, and to do so in light of the inter-linkage of this freedom with other rights such as freedom of assembly, association and expression.
- For participating States to make use of the various tools and documents available internationally, such as the OSCE/Venice Commission Joint Guidelines on the Legal Personality of Religion or Belief Communities and the OSCE Guidelines on the Protection of Human Rights Defenders.
- For participating States to adopt appropriate measures, in line with international standards, to allow individuals to practice their faith freely, including through the recognition of the legal personality of religious or belief communities.
- For participating States where such issues exist, to address issues pertaining to religious property, including restitution.
- For participating States to maintain and strengthen efforts to combat Anti-Semitism, discrimination against Christians, Muslims, as well as against members of other religious or belief communities, including non-believers.
- For participating States, to support inter-religious and inter-faith dialogue.
- For political, religious and other community leaders to refrain from discourses and actions that would limit the exercise of this freedom, discriminate or incite hate against other groups.
- For participating States to repeal blasphemy laws.
- For participating States to amend practices that require the disclosure of one's religion for access to certain services or exemption from others.
- For participating States to respect the right of the individual to change his or her religion, or to hold no belief.

- For OSCE participating States, to ensure that religious communities are able to peacefully practice their religion without the threat of violence and persecution.
- For participating States to effectively prevent and disrupt the operation of extremist or terrorist groups, notably those who target people on the basis of their religion or belief.
- For OSCE participating States, to cooperate and work closely with ODIHR's Human Rights and Tolerance and Non-Discrimination Departments to benefit from their expertise and experience.
- For participating States to ensure the freedom of thought, conscience, religion or belief of LGBTI persons and to effectively combat hate crimes against them.
- For participating States to protect the dignity and rights of refugees, including the right to freedom of thought, conscience, religion or belief.
- For participating States to review legislation that may unduly limit or prevent the establishment of places of worship.
- For participating States to address the issue of conscientious objection.
- For participating States to combat the under-reporting of hate crimes.
- For participating States falling under the jurisdiction of the European Court of Human Rights to fully implement court decisions related to freedom of thought, conscience, religion or belief.

#### **Recommendations to OSCE institutions, executive structures and field operations**

- For ODIHR to develop training and education material on how to combat discrimination against Christians (similar to material previously developed to combat Anti-Semitism and discrimination against Muslims).
- For ODIHR and the OSCE Special Monitoring Mission in Ukraine to monitor the state of freedom of religion or belief and to issue a thematic report on this issue.

#### **Working Session 16: Tolerance and non-discrimination I (continued)**

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

**No. of statements: 41**

**Delegations: 11**

**Civil Society: 27**

**OSCE Inst./Int'l Org: 1/2**

**Rights of Reply: 12**

The Working Session 16 was devoted to the tolerance and non-discrimination issues with focus on implementation of the OSCE Action Plan on Improving the Situation of Roma and Sinti. The session was introduced by Ms. Sarita Friman-Korpela, Ministerial Adviser in the Ministry of Social Affairs and Health of Finland and Mr. Atanas Stoyanov, Municipal Counsellor in Strazhitsa, Bulgaria.

Ms. Sarita Friman-Korpela highlighted the recent international efforts to address situation of Roma and Sinti and the implementation of the OSCE Action Plan. She introduced main challenges, which Roma and Sinti, in particular women face in the sphere of political and public participation, including the high rate of their underrepresentation in politics. Though there was certain progress in enhancing their political participation at the local and regional level, but their overall realization of the political rights remains low due to legal and administrative barriers, negative stereotyping, lack of voter education, registration documents. There is also certain progress in setting up consultative bodies, but few steps were taken to increase political participation of Roma and Sinti in electoral bodies. Ms. Friman-Korpela underlined the need for practical actions at local level, as well as called for more efforts at national level and pressure from international community to enhance exercise of political rights by Roma and Sinti, and particularly women both as voters and candidates.

Mr. Atanas Stoyanov focused his presentation on the Roma and Sinti youth public and political participation. He presented his own experience of participation in political life. On that basis he highlighted the challenges, which Roma and Sinti youth encounter in their daily life, i.e. discrimination, including segregation in education, discrimination in employment, lack of equal treatment by public servants, hate speech and challenges in political participation and forced evictions. He underlined the increased political participation of Roma at European level resulted in the official recognition of Roma Holocaust by the European Parliament in 2015. They were also instrumental for the adoption of the European Framework for National Roma Integration Strategies that lead to the adoption of National Roma Integration strategies within all EU Member States.

The session received high attention from the civil society. 41 participants made statements during the session, out of which 11 were from delegations of OSCE participating States, 27 participants intervened as Non-Governmental Organizations, 2 international organizations and 1 OSCE field operation. 12 OSCE participating States made use of their right to reply.

A large group of participants highlighted the positive role of adoption of the Council Conclusions on an EU Framework for National Roma Integration Strategies in 2011, which has put Roma and Sinti integration onto their political agenda. They have elaborated and are currently implementing Roma inclusion strategies or sets of policy measures within their broader social inclusion policies. These policies target in particular improving access to education, employment, healthcare and housing. Annual assessment of Roma and Sinti integration strategies shows positive results, but there is still a lot to be done, in particular on local level.

A number of participants commended the activities of OSCE institutions, notably the ODIHR Contact Point for Roma and Sinti Issues and the High Commissioner on National Minorities. They expressed readiness to continue efficient cooperation with the OSCE institutions.

A number of participating states provided information on the policies and measures undertaken at the national and local level to implement Roma and Sinti integration strategies, dynamics of implementation of National Action Plans, including ensuring realization of human rights of Roma and Sinti people, addressing discrimination and

negative stereotyping, improving access to quality education and particularly halting the practice of segregation of Roma children in education, employment and healthcare, enhancing participation in public and political life. Information was provided on elaboration of evaluation and assessment mechanisms, activities of coordinating mechanisms, such as inter-ministerial working groups to implement Roma and Sinti integration policies.

One participating State stressed the problems of forced evictions without prior consultation with Roma communities, continuous displacement of Roma people resulting from conflicts, racist discourse, which fuels discrimination and violence, property privatization, urban development etc.. It called on participating States to put an end to practice of segregation in the sphere of education.

Another participating State expressed concern on the situation of the Roma and Sinti and underlined that it testifies the overall negative situation with rights of national minorities. In that context the problem of statelessness was raised.

Some participating States presented their good practices of social inclusion of Roma people, such as launch of Roma outreach process, elimination of incorrect references to Roma people in the legislation, establishment of research institute of Roma language and promotion of their culture and history.

Participants from civil society organizations highlighted the challenges, which Roma and Sinti continue to face in their daily life and underlined in particular the situation of Roma and Sinti youth. They raised the lack of insufficient and poor implementation of OSCE commitments. Among those challenges were: continuous segregation of Roma children in school education, under-representation in public and political life, lack of access to education, housing, healthcare, unemployment, rise of anti-Roma, xenophobic and racist discourse, fuelled by right wing parties, violence and persecution, discrimination of Roma and Sinti women, youth and children, forced eviction without provision of alternative accommodation, trafficking, early marriages, social exclusion and marginalisation, lack of registration and identity cards, discrimination in policing and police violence and refusal to provide compensation for violated rights, such as the forced sterilization of Roma women in some OSCE participating States. They demanded from participating States to translate Roma and Sinti integration strategies and National Action Plans into concrete activities with the aim to eliminate all forms of discrimination against Roma and Sinti people, engage Roma and Sinti, including women and youth in consultations and preparation of and monitoring of the strategies and Action Plans, which affect them, empower Roma women and youth and encourage their political participation. As means of enhancing public and political participation of Roma and Sinti people some representatives of civil society proposed to introduce system of quotas. Several cases of inadequate and insufficient implementation of relevant international commitments by a number of participating States were highlighted.

One international organization highlighted the measures undertaken by his respective organization in the sphere of tackling anti-Roma prejudice, introducing innovative models for social inclusion of vulnerable Roma, training of judges, prosecutors and police, elaborating empowerment concepts for young Roma.

One representative of an OSCE field operation presented situation with regard to Roma and Sinti people in the host country, highlighting the progress made and shortcomings.

In exercising their right to reply the OSCE participating States acknowledged the concerns, expressed by the representatives of civil society organizations and welcomed the attention of the latter to the needs and expectations of Roma and Sinti people. They addressed the specific cases of violation of human rights of Roma and Sinti , highlighted by the representatives of non-governmental organizations and provided additional clarifications on the policies and measures undertaken by their respective authorities to implement their international commitments in regard to Roma and Sinti. A number of allegations raised by the participants from civil society and other participating States were refuted. Two participating States stressed that there were attempts to shift the attention from the topic of the session to other issues.

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

- Encourage and empower Roma and Sinti people, including women and youth to participate in political and public life and decision-making process, including through providing training and education.
- Strengthen implementation of commitments under OSCE Action Plan on improving the Situation of Roma and Sinti, as well as the OSCE Ministerial Council Decision 4/13 through introducing practical measures, mechanisms and tools.
- Continue to ensure complementarity of the OSCE Action Plan and the EU Framework for National Roma Integration Strategies.
- Establish mechanisms to ensure that Roma and Sinti people participate in elaboration, monitoring and implementation of Roma integration strategies.
- Address the issue of underrepresentation of Roma and Sinti women in public and political life.
- Take effective policy steps to ensure equal access of Roma and Sinti people to education, healthcare, housing, employment and social protection.
- Ensure civil registration of Roma and Sinti population and provide them identity documents.
- Strengthen efforts to prevent segregation of Roma and Sinti children and youth in the field of education, increase enrolment of Roma children and youth in state education.
- Take measures to prevent trafficking and labour exploitation of Roma children.
- Combat negative stereotypes, prejudice and marginalization of Roma and Sinti and hate crimes against them, address the issue of violent manifestation of intolerance against Roma and Sinti, including migrants, travellers and disadvantaged people.
- Mainstream education of the history of Roma and Sinti, including education and remembrance of the Roma and Sinti genocide.
- Promote culture and art of Roma and Sinti, as well as develop positive counter-narrative of Roma people.

- Take efficient measures to eradicate all forms of discrimination against Roma and Sinti people, with particular focus on Roma and Sinti women, youth and children.
- Fight violence against Roma and Sinti women and children, underage and forced marriages.
- Introduce legislative reforms in the sphere of election legislation to ensure fair competition and equal participation of Roma and Sinti candidates in elections.
- Improve collection of disaggregated data in regard to the situation with human rights of Roma and Sinti with the aim of efficient monitoring and evaluation of implementation of relevant international commitments, including OSCE Action Plan.
- Enhance co-operation and co-ordination among the international organizations, with regard to improving the situation of Roma and Sinti.
- Continue efficient cooperation with OSCE ODIHR and field operations in implementation of the OSCE Action Plan.

### **Recommendations to OSCE institutions, executive structures and field operations**

- OSCE ODIHR should continue to streamline in its activities the issues of discrimination against Roma and Sinti.
- OSCE ODIHR should continue to assist the OSCE participating States in implementation of the OSCE Action Plan on improving the Situation of Roma and Sinti, as well as the OSCE Ministerial Council Decision 4/13.
- OSCE ODIHR should organize trainings for civil society and state institutions with the aim to exchange best practices of implementation of relevant OSCE commitments.
- OSCE ODIHR should assist the participating States in developing institutional capacities for strengthening implementation of Roma and Sinti integration strategies.
- OSCE ODIHR should monitor hate speech and anti-Roma rhetoric in particular during election campaigns.
- OSCE ODIHR should enhance participation of Roma and Sinti and particularly women in election monitoring exercises.
- OSCE ODIHR support activities, including trainings for Roma and Sinti, in particular women aimed at enhancing their political participation.

### **Working Session 17: Tolerance and non-discrimination II (continued)**

*Rapporteur: Mr. John McKane, Delegation of the United States of America to the OSCE*

**No. of statements: 46**

**Delegations: 13**

**Civil Society: 22**

**OSCE Inst./Int'l Org: 1**

**Rights of Reply: 10**

*OSCE High Commissioner on National Minorities (HCNM) Astrid Thors* opened the session by reiterating the HCNM's mandate and focus on the prevention of conflict by providing early warning and early action in regards to ethnic tensions. HCNM Thors highlighted her office's finding that ignoring national minority rights seriously and fundamentally undermines security in the OSCE region. This was made evident most recently and most strikingly by the refugee and migration crisis. HCNM Thors said that xenophobia across the OSCE region is on the rise and nationalism is resurging. Efforts must be made, HCNM Thors argued, to reduce hate speech by local engagement, while at the same time not reducing media freedom and freedom of speech. Over simplification of minorities' issues and abuse of minority rights leads to conflict, she said. Abuse of minority rights exposes OSCE participating States to injustice and instability.

In the coming year, HCNM Thors will promote access to justice as a priority issue and she encouraged participating States to focus on promoting minorities' access to justice, as enshrined in OSCE commitments. HCNM Thors said she will visit various participating States in the coming year to help countries promote access to justice. She encouraged participating States to use OSCE tools and practical guidelines to improve the situation of ethnic minorities and to improve the integration of minority groups into society. HCNM Thors encouraged a growing willingness to pursue a shared vision of the future, one in which minorities are represented in law enforcement, judiciary, and public administration. States that limit access to minority groups are unstable; strong states recruit and encourage minorities to become judges, prosecutors, and police officers. HCNM Thors lamented that aggressive, anti-minority discourse has become the mainstream. The refugee crisis is a perfect example of some participating States acting in ways contrary to their OSCE commitments. Hate crimes must be countered with the full force of the law. Access to justice is a fundamental human right, and inadequate protections and inclusion weakens society and threatens stability.

HCNM Thors concluded saying that human dimension commitments do not implement themselves. She welcomed a continued discussion on the subject of protecting national minorities at an October 29-30 Supplemental Human Dimension Committee meeting in Vienna.

In the discussion that followed HCNM Thors' address, participating States expressed broad support for the work of the HCNM and for the institution. Several participating States encouraged other States to meet their OSCE commitments and cooperate with the HCNM, including inviting the HCNM their countries. Full, free, and unrestricted access was essential to the HCNM's work. Respect of national minority rights was highlighted as a key to the integrated security concept of the OSCE. Tolerance was considered by many to be essential to the development of stable societies.

Throughout their interventions, participating States stressed their national efforts to promote multilingual, integrated education and to increase the participation of minorities in political life. Representatives outlined efforts to ensure that minority candidates are represented in political parties and bodies of government.

Multiple interventions focused on the need for integrated, inclusive, multilingual education systems. Inclusive and integrated educational systems were essential to

building tolerance and trust among all groups. Education, it was noted, is critical to combatting discrimination and violence against ethnic minorities in the OSCE region. This, combined with equality and the rule of law, was very important to embracing tolerance and dialogue. Other interventions stressed the need for full participation of minorities in public, social, and political life, including in policy decision-making processes.

Numerous participating States' and civil society interventions focused on concern over the annexation of part of one participating State by another participating State. Reports of violence, media shutdowns, expulsions of minority groups, and religious repression in said region were noted as a major concern. *De facto* authorities in the region had not given the HCNM full, free, unrestricted access to the region in question. One participating State noted its displeasure with a recent OSCE report concerning said region, saying the report is politicized, biased, and only represents the opinions of those who authored the report. *De facto* authorities in multiple conflict zones, it was noted, had repressed minorities and restricted their rights. Despite repeated attempts by the Moderator to give the floor to a representative who wished to make a point of order, another representative refused to stop speaking and was refused the floor.

Participants noted a disturbing increase of aggressive nationalism, intolerance, discrimination, racist rhetoric and propaganda, attacks on minorities, and use of laws and other legal procedures to deny citizenship to minority groups, across the OSCE region. This nationalism knew no boundaries and anti-minority groups were coordinating across borders. Many interventions claimed that extremism was on the rise in many OSCE countries and use of nationalist symbols and slogans was growing. Xenophobia and aggressive nationalism, they offered, means minority populations are not safe. It was noted that some participating States that use registration of national minorities' organizations as a tool to force organizations to close. Some governments used official recognition and censuses to marginalize ethnic minorities and limit social services to minorities.

Some international organizations reminded participants that, in addition to OSCE commitments and guidelines, minority groups and languages were protected under the rubric of other international and European mechanisms and human rights commitments. They noted with concern that, given the global financial crisis, governments had reduced their financial commitments to tolerance and non-discrimination mechanisms and bodies. Repatriation and citizenship issues of minority groups, it was noted, were slow and legally complicated in many participating States.

HCNM Thors concluded the session by noting the 20th anniversary of the HCNM Hague Recommendations next year. She reminded participating States that access to all parts of the OSCE is crucial for the HCNM to discharge its mandate, and called upon all participating States to ensure that access.

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

- Participating States should co-operate with and make full use of HCNM's expertise, and grant it full access to their territories, to fulfil its mandate;



- Participating States should develop effective integration strategies for minority groups, in line with principles of integration and with respect for diversity;
- Participating States should ensure that minority groups have access of the justice sector;
- Participating States should publish official documentation that is easy to read and understand, and key legal texts should be translated into minority languages;
- Participating States should support public education on tolerance;
- Participating States should provide education to all young people, regardless of language or minority affiliation;
- Participating States should sign and ratify the Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages, and enact adequate legislation to reflect standards on equality and non-discrimination;
- Participating States should prioritize funding for government bodies and mechanisms dealing with discrimination, tolerance, and protection of minorities, in order to protect and integrate national minorities.

### **Recommendations to OSCE institutions, executive structures and field operations**

- OSCE should increase monitoring in countries of concern, while protecting its mandate and methodology.
- OSCE should address participating States' reservations to the Framework Convention for the Protection of National Minorities;
- OSCE should increase efforts to ensure minority representatives' access to justice;
- ODIHR and HCNM should monitor the human rights situation in various conflict regions of the OSCE region.
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### **Working Session 18: Discussion of human dimension activities (with special emphasis on project work)**

*Rapporteur: Mr. Robert Hull, Delegation of the European Union to the OSCE*

**No. of statements: 8**

**Delegations: 2**

**Civil Society: 1**

**OSCE Inst./Int'l Org:**

**Rights of Reply: 5**

Luc Lietaer, Project Coordinator in ODIHR, opened the session by reminding participants of the value of OSCE project work not only in assisting states in their implementation of OSCE commitments but also in helping build confidence among participating States. Serani Siegel, Senior Evaluator OSCE Office of Internal Oversight, then provided introductory remarks, focused on the crucial role of

monitoring, evaluation and learning in OSCE projects and programmes, including in the human dimension. She explained what constitutes monitoring and evaluation and the role of OSCE's Office of Internal Oversight. A number of practical examples were provided on how evaluation supports learning drawn from OSCE programmes on combatting trafficking in human beings and with National Human Rights Institutions. Limited resources, limited understanding on how to learn from evaluations, and limited mainstreaming of evaluation and monitoring into project planning were identified as challenges within the OSCE, which OIO is undertaking a number of initiatives to address. A series of recommendations on how the OSCE can be most effective in assisting participating States in implementing their human dimension commitments were offered.

A series of presentations were then made by representatives from OSCE autonomous Institutions and Field Operations. Officials from the office of the High Commissioner on National Minorities (HCNM) spoke of their work to assist participating States with practical measure to implement recommendations made by the HCNM. These included projects on access to higher education in their mother tongue for persons belong to national minorities, and language training for officials in municipal administrations to ensure the implementation of language laws.

The OSCE Mission to Serbia highlighted a broad range of initiatives that it has conducted covering issues such as criminal justice reform, torture prevention, women's political participation, UN Security Council Resolution 1325 and domestic violence. The Deputy Head of Mission also drew attention to joint initiatives with ODIHR and also with the Representative on Freedom of the Media. Central to the work of the Mission has been the solid working-level partnerships it enjoys with Serbian counterparts in the government, independent institutions and civil society.

The OSCE Project Coordinator in Ukraine provided an overview of the way his office is supporting dialogue in Ukraine. A series of different dialogues have been held this year and these meetings are a leading form of engagement and cooperation. They have also provided for the growing participation of civil society. In general he noted that interest and demand amongst the Ukrainian government and civil society for projects remains high.

Finally, the OSCE Mission in Bosnia and Herzegovina provide a short example of its successful work in assisting state and entity authorities in standardising civil procedure codes.

A large number of participating States expressed their firm support for the mandate and activities of the OSCE Executive Structures, in particular the autonomous institutions of ODIHR, the RFOM and the HCNM. ODIHR's internationally recognised election observation activities and the vital work undertaken by the RFOM and HCNM were particularly stressed. The work of the Special Representative on Combatting Trafficking in Human Beings and the OSCE Gender Section was also commended. OSCE Executive Structures were encouraged to increase project evaluation and employ key performance indicators to ensure lessons can be learned for future work. The importance of the impartiality of the work of the autonomous Institutions was a consistent theme in interventions, so too the importance of their mandates.

One delegation expressed its concern that some activities undertaken by OSCE Executive Structures are, in their individual assessment, outside of the mandates of these structures. In addition it suggested that other issues and developments are overlooked. This delegation then proposed a number of issues which it would like the Executive Structures to work on. This delegation also voiced its displeasure that the recent joint ODIHR-HCNM *"Report of the Human Rights Assessment Mission on Crimea,"* did not recognise the annexation of the peninsula, a term which this delegation finds unacceptable, but instead, in keeping with international practice, continued to treat Crimea and Sevastopol as part of Ukraine.

From civil society, there was a short intervention presenting an initiative in the South Caucasus aimed at measuring social cohesion. It noted different situations facing civil society in the three countries it had engaged in, and the clear recommendation was on the importance of states engaging with civil society in order for those states to advance their own democratic and economic progress. This prompted a discussion amongst two of the three states in question on the treatment of civil society in their respective countries.

#### **Recommendations to OSCE participating States**

- Take advantage of the services offered by OSCE Executive Structures in enhancing the implementation of commitments, including by facilitating visits and monitoring missions by the institutions
- Take account of and follow up on recommendations made by the Executive Structures
- Ensure timely adoption of the OSCE Unified Budget and provide more predictable extra budgetary contributions, in order to ensure that Executive Structures can properly plan their activities in good time

#### **Recommendations to OSCE institutions and field operations**

- Coordinate closely with each other and with other relevant international actors, such as the Council of Europe and the UN, to learn from each other's experiences, avoid duplication and bolster the impact of activities
- Executive Structures should continue to improve the evaluation of their projects, including by using key performance indicators
- When designing projects and activities, Executive Structures should foster close collaboration with civil society
- Be responsive to the needs expressed by the host country. National legislation, strategies and policies adopted in a democratic, transparent and legitimate manner provide a framework for OSCE work.

## IV. COMPILATION OF WRITTEN RECOMMENDATIONS\*

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

**Monday, 21 September 2015**

*Opening plenary session*

*Recommendations to participating States*

### **European Union (EU):**

- We call on **Russia** to cease the illegal annexation of Crimea and Sevastopol and to use its influence over the separatists to meet their Minsk commitments in full.
- the abduction of Estonian police officer E. Kohver by the **Russian** Security Services on Estonian territory, his subsequent illegal detention and conviction constitute a clear violation of international law. The EU calls for his immediate release
- We call on **Russia** to respect its international commitments and release without further delay all illegally detained Ukrainian citizens
- The EU calls upon the government of **Belarus** to take the next steps and carry out a comprehensive review of relevant legislation, policies and practices to ensure its full compliance with international human rights obligations, responsibilities and commitments.
- We also call on **Azerbaijan** to abide by its international obligations to respect human rights and fundamental freedoms and implement reforms to guarantee the rule of law, an independent judiciary and access to fair trials for all
- We call on **Azerbaijan** to engage in discussions with ODIHR on how ODIHR can provide assistance to Azerbaijan in the implementation of its election-related and other OSCE commitments.

*Recommendations to the OSCE*

### **Russian Federation:**

- Защита христиан должна стать важным направлением деятельности ОБСЕ, наряду с предотвращением антисемитизма и нетерпимости в отношении мусульман.

**Monday, 21 September 2015**

*Working session 1: Fundamental freedoms I, including: Address by the OSCE Representative on Freedom of the Media; Freedom of expression, free media and information*

## Recommendations to participating States

### **Canada:**

- to fully respect their OSCE commitments and international obligations with regards to the rights to freedoms of association, peaceful assembly and expression, both online and offline.
- to ensure that limits to freedom of expression are prescribed by law, transparent and demonstrably justifiable as reasonable limits in a free and democratic society.

### **European Union (EU):**

- Take urgent steps, including reviewing and revising existing legislation and practices, to improve the implementation of the commitments made on freedom of expression
- Recognize that freedom of expression is a key component of the concept of comprehensive security by putting it at the forefront of OSCE discussions, including in Ministerial Council preparations
- Draw on the expertise of the Representative on Freedom of the Media and engaging constructively on issues of concern while respecting her mandate

### **France:**

- It is the primary responsibility of governments to protect journalists and allow them to go about their work independently, without obstacle. That involves combating impunity for the perpetrators of violence. Governments need to systematically investigate, apprehend and prosecute those responsible.
- It is our common responsibility to update our commitments to protect the freedom of expression that was hard-won and was proclaimed by our predecessors at the outset of our Organization. The OSCE Belgrade Conference on the Safety of Journalists this June was a first step which we need to build upon.

### **United Kingdom:**

- There is no logical or principled reason why participating States should be unable to agree language on this [freedom of expression and free media] important issue at the OSCE when they already done so at the United Nations. We therefore call on participating States to reflect seriously and to come to the Belgrade Ministerial Council ready to show resolve and adopt a Ministerial decision that brings OSCE commitments in line with those already agreed in other international fora.

### **Switzerland:**

La Suisse souhaite formuler les deux recommandations suivantes concernant la liberté des médias et la protection des journalistes:

- Premièrement, nous recommandons à tous les Etats participants d'oeuvrer davantage à la protection des journalistes et des collaborateurs des médias en reconnaissant leur rôle fondamental comme piliers de nos démocraties. Il est également primordial que nous reconnaissons l'impact de leur travail sur l'exercice de nos droits, en particulier de notre droit à la liberté d'expression.
- Deuxièmement, nous recommandons à tous les Etats participants de s'associer de manière constructive à l'initiative prise par la présidence serbe de présenter au Conseil ministériel de Belgrade un projet de décision visant à renforcer la protection des journalistes.

### **Association of Internet Service Providers of Tajikistan:**

*The Government of the Republic of Tajikistan:*

- will take all necessary measures to cease, with immediate effect, the indiscriminate and illegal blocking of access to Internet websites within its jurisdiction;
- will instruct the working group under the National Centre for Legislation under the President of Tajikistan to resume its work on the regulation of illegal content in the Internet with a view to create within a given deadline a legal basis which allows, in line with national and international legislation and best practice, to prevent access to illegal content in the Internet;
- will establish two multi-stakeholders working groups tasked to review the existing legal and regulatory frameworks for broadcasting and telecommunication services with the objective to draw up proposals for the speedy creation of two separate and truly independent regulatory authorities by taking into account best international standards for independent telecommunication and broadcasting regulatory authorities.

### **Freedom House:**

- Reject draconian restrictions on individuals and outlets, except those absolutely necessary to address imminent threats of violence and war;
- Support programs to make citizens more informed media consumers, enabling them to identify and scrutinize propagandistic messages on their own;
- Support the training of independent and citizen journalists in investigative journalism and reporting, including through exchanges of experience and knowledge;
- Increase support for existing and new international public service news and information services, including those supported by government and non-government sources, that focus on transparent and objective reporting of current events;
- Support the development of independent media, especially local and community-driven media, to ensure that local-, regional-, national-, and international-level issues are covered consistently, transparently, and from diverse angles;
- Support and enable initiatives that seek to dispel myths and rumours as well as debunk propaganda, especially those led by civil society groups, such as the pioneering Stopfake.org in Ukraine;

- Support new initiatives to bolster demand among Russian speakers for impartial, accurate news, including exposés and investigations of corruption and abuses of power; and creative and educational entertainment, including satire.

### **Radio Free Europe / Radio Liberty:**

#### *To Azerbaijan:*

- On behalf of RFE/RL, I want to reiterate that the charges against her [Khadija Ismayilova] have no basis in law: they are punishment for her reporting and we call for her immediate release.

#### *To Turkmenistan:*

- On behalf of RFE/RL, I call for Mr. Nepeskuliev's immediate release, and condemn Turkmenistan's attempts to silence RFE/RL, in violation of its OSCE commitments.

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

#### *Calls upon the Greek State:*

- To respect the right to freedom of expression and free media to protect pluralism in the society and enrich the diversity of opinion in the media, especially for the disadvantaged groups and minorities.
- To reconsider and revise the related legislation and ensure the equality principle for the every segments of the society, including the Turkish Minority of Western Thrace.
- To eliminate disparities between minority media and mainstream media in the application of legislation and in judicial process.

#### *Recommendations to the OSCE:*

#### **Canada:**

- to continue her efforts to provoke reflection and actions of participating States on how freedom of expression and media freedom can be advanced through the internet.
- to continue to bring implementation issues to the attention of participating States, with a focus on egregious and violations of freedom of expression, freedom of the media and the safety of journalists.

**Tuesday, 22 September 2015**

*Working session 2 (specifically selected topic): Challenges to the enjoyment of fundamental freedoms and human rights in the age of new information and communication technologies, including the respect for privacy*

## Recommendations to participating States

### **Armenia:**

We would like to submit a relevant recommendation to the participating States:

- To refrain from persecuting journalists and civil society representatives involved in the confidence building measures in the conflict related environment.
- Ensure the ability of independent media to investigate issues of public interest, such as corruption and to publish the results of that investigation without fear of prosecution, persecution or physical harm.

### **Canada:**

- to fully respect their OSCE commitments and international obligations with regards to the rights of freedoms of association, peaceful assembly and expression, both online and offline;
- to repeal laws that seek to restrict media and stifle opposition voices online;
- to cease backing online propaganda operations aimed at fomenting hate against other States or particular groups or individuals.

### **European Union (EU):**

- Ensure that all human rights that are to be safeguarded offline are effectively protected online, in particular, but not limited to, the right to freedom of opinion and expression and the right to privacy.
- Ensure that the legislation and procedures of pS regarding lawful surveillance of communications and data retention respect international human rights standards, more specific the principles of the rule of law, legitimate purpose, non-arbitrariness, effective oversight, and transparency.
- Ensure unhindered, uncensored and non-discriminatory access and preserve openness to ICTs and online services for all, in accordance with international human rights standards.
- Ensure the participation of civil society and continue working towards maintaining and strengthening multi-stakeholder participation in Internet governance.

### **European Foundation for Democracy:**

- establish effective mechanisms and closer cooperation to tackle online radicalisation;
- ensure that social media companies respect national laws against incitement to religious hatred and violence;
- cooperate with social media companies to prevent their platforms from being used to disseminate propaganda, hatred and violent content;
- ensure that the laws which underpin our civil society are upheld online too in order to deter extremists and thereby send out a clear message about safeguarding European values;



- establish closer dialogue with different communities, NGOs and experts working on the ground with the aim of creating consistent and coherent counter narrative messages;
- avoid cooperating with NGOs and groups and organisations representing extremist and religious ideologies and identify new partners within different communities;
- cooperate with social media companies to develop and communicate effective and comprehensive counter narrative messaging against terrorist and extremist groups.

Recommendations to the OSCE:

**Armenia:**

- to the **OSCE Representative on the Freedom of the Media** to promote of regional cooperation and confidence building between free media.

**Canada:**

- to fully integrate and reflect an online perspective in their work for the protection and promotion of OSCE Human Dimension commitments.

**Tuesday, 22 September 2015**

***Working session 3 (specifically selected topic): Challenges to the enjoyment of fundamental freedoms and human rights in the age of new information and communication technologies, including the respect for privacy (continued)***

Recommendations to participating States

**United States of America:**

- We urge all participating States to respect the exercise of human rights and fundamental freedoms by individuals, including through new technologies such as the Internet, mobile networks and social media tools.

**Russia:**

- Во избежание злоупотреблений при использовании специальных программ и производстве программного обеспечения призываем все государства ОБСЕ объединить усилия и продолжить разработку общих подходов по укреплению мер доверия и по регулированию сети Интернет.

**Set My People Free:**

- Do not forget Charlie Hebdo.
- Do not forget the price they paid.
- Do not forget the agony their friends and families went through.

- Do not forget it was an attack on our basic right for freedom.
- Do not forget it was against the foundation of democracy, freedom of speech.
- Do Stand for freedom of speech.
- Do not forget Without freedom of speech there is no freedom.

**Tuesday, 22 September 2015**

***Side Event: Extinguishing the Flame of Propaganda with Media Freedom and Pluralism (Tuesday, 22 Sep, 08:00)***

*Recommendations to participating States*

**Lithuania:**

Compilation of recommendations on measures to combat and address the negative effects of propaganda

- Ensure media plurality and free media as an antidote to propaganda
- Refrain from introducing new restrictions; existing laws can deal with extreme propaganda
- Invest in media literacy for citizens to make informed choices
- Reform state media into genuine public service broadcasting
- Develop, maintain, and implement journalistic and media standards and ethics
- Support independent media with financial and technical assistance, in particular analytical media, to narrow the gap between journalists and “microphone holders.”
- Include civil society in media regulation bodies to share the burden and pressure, as well as to include an additional perspective
- Develop and support myth-busting initiatives and networks to confront and expose propaganda
- Establish and support a Russian-language news agency to provide news content that complies with journalistic standards
- Establish a center for media excellence to serve as a focal point to collect and share information about resources available to journalists and media as well as market research
- Support prosecuted journalists with moral and material assistance to enable them to continue their work, having in mind that in some cases the support must be given very carefully, so as not to make the prosecuted journalist even more trouble
- Engage with private sector actors, such as Internet companies, to encourage them to support civil society, authentic journalism, and independent media
- Establish early warning mechanisms to identify the emergence and growth of propaganda and propagandistic messages as a way to warn about the emergence of conflict
- Support efforts to deconstruct conflict-oriented media discourse
- Address the role of privately owned and controlled media in propaganda given their frequent role in generating and spreading propagandistic messages
- Address the role of the Internet and Internet resources in generating and spreading propagandistic messages

- Focus on the role of entertainment media such as films, television, and video games as vehicles for propaganda and propagandistic messages as well as opportunities to combat and address the negative effects of propaganda
- Improve transparency of OSCE institutions and mechanisms to shine light on actors opposing efforts to improve implementation of OSCE freedom of expression and media freedom commitments, including the mandate of the Representative on Freedom of the Media, by, for example, opening meetings and events such as the Permanent Council to journalists and increasing the online streaming of OSCE events and meetings
- Identify and implement ways to publicly and morally sanction journalists that engage in propaganda.
- Address cases of journalism being replaced by propagandistic messages through existing mechanisms and judicial proceedings in accordance with domestic and international law.
- Develop a definition of propaganda in conjunction with OSCE Representative on Freedom of the Media, the Council of Europe's Special Rapporteur on Freedom of the Media, and the UN's Special Rapporteur on Freedom of the Media to establish a consensus definition that appropriately balances security and human rights and can be used in legal proceedings.
- Support independent national-level media operating in exile by host countries and the international community given its knowledge and understanding of the national context.
- Given that propaganda coming from an individual country is often oriented towards internal and external consumption, consider all potential target audiences when designing and implementing measures to combat propaganda.
- Stop manipulating media; stop information and psychological wars.
- Ensure media plurality and free media as an antidote to propaganda.
- Refrain from introducing new restrictions; existing laws can deal with extreme propaganda.
- Invest in media literacy for citizens to make informed choices.
- Reform state media into genuine public service broadcasting.
- Set up a Content Factory to encourage independent actors to produce, share and distribute high-quality non-news programming on television and online, with particular emphasis on content that reflects local issues and local lives (this is a sister recommendation to a news agency).
- Set up a Multimedia Distribution Platform that ensures content generated by the news exchange and content factory reaches the widest possible audience. It should consist of a pan-regional brand that fronts traditional, linear channel of television output across various platforms and content segments available for consumption on demand, and finally as a supporting mechanism to all these proposals.
- Establish a Basket Fund to provide a critical mass of funding for the recommendations as well as to enable better coordination among donors.

**Wednesday, 23 September 2015**

***Working session 4: Fundamental freedoms I (continued), including: Freedom of peaceful assembly and association; National human rights institutions and the role of civil society in the protection of human rights; Human rights education***

## Recommendations to participating States

### **European Union (EU):**

- Avoid the excessive use of force in the policing of demonstrations and assemblies.
- Adopt laws and policies that clearly establish a presumption in favour of holding assemblies
- In accordance with OSCE commitments, permit organisations and individuals associated with them to seek, receive, manage and administer financial support from domestic, foreign and international entities without undue restrictions.
- Allow organisations the freedom to maintain contacts and co-operate with members of organisations within and outside the countries where they are based, as well as with foreign governments and international organisations.
- Encourage regular dialogue with civil society both at a national level and at the OSCE.
- Take advantage of tools such as the ODIHR/Venice Commission guidelines on Freedom of Peaceful Assembly and Freedom of Association.
- Extend invitations to ODIHR as part of their cycle of assembly monitoring in selected participating States

### **Netherlands:**

- The Netherlands is concerned by restrictions of the freedom of assembly and association within the OSCE region. We notice barriers to registering NGO's, barriers to funding and resources as well as barriers to organize and assemble. In **Azerbaijan, Tajikistan, Turkmenistan, Kazakhstan, Russia, Uzbekistan, Kyrgyzstan** and **Turkey** laws, regulations and practices restrict either one or both of these freedoms. We therefore urge all these participating States to implement their OSCE commitments and guarantee the rights to freedom of association and assembly. It is important that we can openly discuss the implementation of these rights, including with our civil society partners and we appreciate that HDIM provides many opportunities to do this.
- We therefore urge the Parliament as well as the President of **Kyrgyzstan** to guarantee the rights to freedom of expression, association and assembly of all people, regardless of sexual orientation or gender identity

### **Switzerland:**

- La Suisse appelle tous les Etats de la région à reconnaître, assumer et respecter leurs obligations en ce qui concerne le droit de réunion pacifique et d'association. Elle les invite, pour ce faire, à mettre activement à profit l'expertise et les outils mis à disposition par le BIDDH.
- Les défenseurs des droits de l'homme et tous ceux qui s'engagent individuellement ou en groupe pour faire valoir leur voix, en particulier si celle-ci est critique face aux autorités au pouvoir, doivent être protégés et soutenus. Nous encourageons dès lors les institutions pertinentes de l'OSCE ainsi que tous **les Etats** à qui, selon le droit international, incombe la responsabilité de protéger des DDH, à maintenir le dialogue avec les

défenseurs des droits de l'homme et à leur apporter un soutien adapté à leur situation et à leurs besoins.

### **Council of Europe:**

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.
- to allocate sufficient resources to national independent bodies entrusted with the fight against racism and intolerance.

Member States of the Council of Europe are once more encouraged:

- to sign and ratify Protocol No. 12 to the European Convention on Human Rights, which provides for the general prohibition of discrimination.
- to enact legislation against racism and racial discrimination, if such legislation does not already exist or is incomplete; they are also encouraged to ensure that such legislation reflects the key elements in ECRI's General Policy Recommendation No. 7, including the setting up of an independent body specialised in the fight against racism and racial discrimination; moreover, they are encouraged to ensure that this legislation is applied effectively.

### **Amnesty International:**

- We [therefore] urge the government of **Uzbekistan** to immediately and publicly condemn the use of torture and other ill-treatment and issue an immediate invitation to the UN Special Rapporteur on torture to undertake a fact-finding visit.
- We call on all other OSCE member states as a matter of priority to urge Uzbekistan to stop the practice of torture and to permit UN Special Procedures to visit Uzbekistan.

Recommendations to the authorities of **Uzbekistan**:

- Take meaningful steps to fully address the concerns and effectively implement all the recommendations of the UN Special Rapporteur on torture, Committee Against Torture and the Human Rights Committee;
- Issue a standing invitation to the Special Procedures of the UN Human Rights Council, and facilitate a country visit in particular by the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment;
- Immediately and publicly condemn the use of torture and other ill-treatment;
- Bring domestic law into full compliance with Uzbekistan's international obligations regarding the absolute prohibition against torture and other cruel, inhuman or degrading treatment or punishment. In particular, the Uzbekistani Criminal Code and Criminal Procedure Code must be amended to define torture as established in the UN Convention against Torture and explicitly prohibit any confession extracted under torture from being admitted as

evidence in criminal and other proceedings, except as evidence of abuse in a case against an alleged perpetrator;

- Issue and ensure the implementation of rules to ensure that all judges at every level are instructed regarding the proper actions to take and procedures to follow to determine whether confessions and/or other evidence submitted by prosecutors in criminal proceedings and by any state actor in any other proceeding have been extracted by the use of torture or other cruel, inhuman or degrading treatment or punishment;
- Establish an effective system of independent, unannounced inspection and supervision of all places of detention by competent, independent and impartial bodies;
- Initiate prompt, impartial and comprehensive investigations of all complaints of torture or other cruel, inhuman or degrading treatment or punishment of any person subjected to any form of arrest, detention or imprisonment, as well as when there are reasonable grounds to believe that the torture or ill-treatment has occurred even if no complaint has been made;
- Cease the practice of secretly filming suspects during interrogations and using the secretly recorded video footage as evidence in criminal cases as such practice compromises a suspect's right against self-incrimination and to be presumed innocent until found guilty in fair proceedings in a court of law.

#### **European Confederation of Police:**

calls upon the **EU** and **its Member States**:

- to respect and enforce the values and rights encompassed by the Charter of Fundamental Rights and the Social Charter and help build knowledge and understanding of their tenets amongst police forces across Europe

#### **European Organisation of Military Association (EUROMIL):**

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

#### **Freedom House:**

urges the **Belarusian** government, as a participating State to the Helsinki Accords, to demonstrate that it is acting in good faith and implementing a comprehensive reform to support and advance the fundamental freedoms of association, assembly, and expression, by taking, among others, such concrete and immediate steps:

- expunge the criminal record of all former political prisoners;

- remove the detrimental Article 193.1 of the Criminal Code and allow civic activists to defend and advocate for fundamental rights and freedoms without fear of reprisal, notwithstanding organization's registration status;
- simplify registration and reporting procedures for nongovernmental organizations;
- repeal statutory limitations on the ability of nongovernmental organizations, registered or not, to receive funding from abroad;
- cease persecution of freelancing journalists, especially those covering socio-political issues, by frivolously applying Article 22.9 of the Law on Mass Media and other laws;
- repeal the administratively punishable statutory requirement of state accreditation for journalists of foreign media outlets, following the 2008 recommendations of the Office of the OSCE Representative on Freedom of the Media.

### **Human Rights Educational Centre, Belarus:**

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

### **Human Rights Movement "Bir Duino-Kyrgyzstan":**

#### *To Kyrgyzstan:*

- There is a need for continuous objective monitoring of assemblies by independent observers in order to monitor the following aspects: the level of compliance of state bodies and officials with the law on peaceful assemblies, implementation of the law, the provision of objective information about the real situation in this area, existing problems, the mobilization and involvement of civil society in the active advocacy and lobbying to improve the situation.
- Termination of excessive restrictions on media. In particular, the authorities should take measures to provide space for the independent and opposition media, so that it can work openly, and to refrain from censoring or blocking websites because they contain information that state authorities disagree with or that they do not like.
- Adopt regulations and improve the legislative framework to ensure the expansion of the number of representatives of different ethnic communities in the personnel of law enforcement agencies. State Agency for the Local Government and Inter-Ethnic Relations of the Government of the Kyrgyz Republic during the monitoring process in the sphere of inter-ethnic relations has to pay enough attention to representation of ethnic minorities in the police, created at the level of local government (district, regional) providing a system for early detection of contradictions and conflict prevention of different character which can turn into ethnic conflict.
- Consider the possibility of creating in the Prosecutor's Office, Interior Ministry and other government bodies, sectors (departments, special positions) to monitor the situation with the implementation of legislation in the sphere of

interethnic relations; provide an impartial application of the law, prevent ethnic discrimination, improve the system of legal protection of people belonging to ethnic communities, in conformity with international commitments.

- In accordance with the article 14, para. 3 a) and f) of the International Covenant on Civil and Political Rights, article 5, para. 2 and article 6, para. 3 e) of the European Convention on Human Rights, rules and laws governing the use of language in legal proceedings should provide that investigation and court documents that have to be given to a suspect, as well as other participants in the proceedings, upon request, have to be translated into the native language of a participant of criminal proceedings or into a language which he/she understands. The new editions of the Code of Criminal Procedure of the Kyrgyz Republic, the law “On Enforcement Proceedings”, the Criminal Code of the Kyrgyz Republic and other laws should include these norms. Also, the services of an interpreter in criminal proceedings should be provided free of charge.
- Reform of law enforcement bodies, increase their capacity to eradicate prejudice against the local communities, intolerance to discrimination, develop skills and competencies to work in a multinational environment. The ability to harmonize interethnic relations should be put at the heart of their activities because it would help to keep national unity, preserve cultural heritage and ethnic diversity of the country. Independent monitoring institute/person/s of law enforcement agencies should be introduced in order to monitor their compliance with common standards of professional work in improving inter-ethnic situation.
- Develop and implement a government-level program to increase the capacity of law enforcement bodies to manage ethnic diversity, including the development of monitoring skills and analysis of ethnic processes. Ethnic issues should be included in the planning of local and national development strategies. Rules and regulations should be developed according to which inalienable ethno-cultural rights and needs would be realized.
- Provide support for the initiatives of civil society, ethnic, youth, other communities, aimed at creating and strengthening the credibility of law enforcement authorities in a multicultural environment, promoting national unity through improvement of interethnic relations, preservation of cultural heritage and ethnic diversity of the country.
- It is necessary to conduct a comprehensive review of the law on religion, to bring it in conformity with the Constitution of the Kyrgyz Republic and international standards. It is necessary to ensure cooperation between all public officials, including the State Agency for Religious Affairs, civil society, recognized local and international experts in the field of religion and, of course, representatives of religious organizations. It is necessary to eliminate the complex and often not feasible procedures for registration, facilitate, and not complicate reporting process.

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

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



- Guarantee in all circumstances the physical and psychological integrity of human rights defenders in the OSCE Participating States;
- Put an end to the continuous repression and harassment of human rights defenders and their organisations;
- Release immediately and unconditionally all human rights defenders since their detention is arbitrary and only aims at sanctioning their human rights activities;
- Carry out immediate, thorough, impartial and transparent investigations into the threats, attacks and acts of intimidation mentioned above, in order to identify all those responsible and sanction them according to the law;
- Fully recognise the vital role of defenders in the promotion and consolidation of democracy and the rule of law;
- Review their national legislation to conform with international and regional human rights instruments, in particular regarding freedoms of association and assembly;
- Comply with the provisions of the OSCE/ODIHR Guidelines on Human Rights Defenders, the joint OSCE/ODIHR and Venice Commission Guidelines on Freedom of Association and of the Declaration on Human Rights Defenders, adopted on December 9, 1998 by the United Nations General Assembly;

With respect to the implementation of the OSCE/ODIHR Guidelines on Human Rights Defenders, the Observatory also calls upon OSCE Participating States:

- to develop protection mechanisms both nationally and in third-countries, through their diplomatic representations, in coordination, where required, with mechanisms that already exist on the basis of the EU, Swiss and Norwegian Guidelines
- to make public pledges on their commitment to implement the OSCE/ODIHR Guidelines
- to systematically raise cases of violations of the Guidelines within the framework of the OSCE weekly Permanent Council in Vienna, and ensure regular follow-up.

### **International Partnership for Human Rights (IPHR):**

The authorities of **Kazakhstan** should:

- Take concrete and effective measures to implement the recommendations made by the UN Special Rapporteur on freedom of peaceful assembly and of association in the outcome report on his mission to Kazakhstan in January 2015.
- Bring existing legislation and practice on freedom of association and assembly into line with Kazakhstan's international human rights obligations; ensure that any new legislation that is adopted fully complies with these requirements; and consult and cooperate closely with civil society on reforming and improving relevant law and practice.
- Ensure that no one is arrested, charged or convicted for exercising their rights to freedom of expression, association and assembly; and immediately and unconditionally release all those who are held on such grounds. As long as

Vladimir Kozlov, Aron Atabek and Vadim Kurasmhin remain in prison, protect their safety and well-being and ensure that they are not penalized for alleged violations of prison rules as a form of retaliation.

- Safeguard the right to freedom of association of trade unions and political parties and ensure that such organizations are not denied registration or closed down in violation of international human rights standards.

The authorities of **Kyrgyzstan** should:

- Reject the draft law on "foreign agents" due to its inconsistency with Kyrgyzstan's national and international human rights obligations.
- Refrain from using rhetoric that stigmatizes and discredits NGOs and their representatives; acknowledge the importance of their work; and ensure that they can carry out their work without hindrance and fear, irrespective of their sources of funding or the issues they address.
- Uphold the right of lawyers to integrity and confidentiality of their work and ensure that all court decisions relating to the March 2015 searches of the office of Bir Duino and the homes of its lawyers are effectively implemented.
- Carry out a new, full, independent and impartial investigation into the case of human rights defender Azimjan Askarov, including his allegations of torture and other human rights violations, and release him pending such an investigation due to the failure to protect his rights and grant him a fair trial upon his arrest in 2010.

The authorities of **Tajikistan** should:

- Ensure that the new legislation on NGO funding is not implemented so as to impede the access to funding of NGOs; and revise this legislation in accordance with the recommendations of civil society and international human rights experts to ensure that it safeguards the right to freedom of association.
- Refrain from undue interference into the work of NGOs and ensure that NGOs can operate freely and are not sanctioned or closed down on arbitrary grounds, in violation of Tajikistan's obligations under international human rights law.
- Bring the provisions of the Law on Assemblies into compliance with international human rights standards and promote an enabling environment in practice for the exercise of the right to freedom of assembly.
- Revise the Law on the Bar and the Practice of Law in accordance with the recommendations of national and international experts and refrain from adopting any further provisions undermining the independence of the legal profession. Ensure that no lawyer is arrested, charged or imprisoned in retaliation for his or her work.
- Ensure that political opposition parties can carry out their activities without hindrance.

The authorities of **Turkmenistan** should:

- Request international experts to review the Law on Public Associations and the Law on Assemblies in the light of Turkmenistan's international human rights obligations and amend these laws in full accordance with the recommendations received.

- Ensure that NGOs and political parties that are independent from state structures may obtain legal status in a fair and transparent process and carry out their activities without undue interference.
- Allow peaceful, spontaneous protests to take place without repercussions for the organizers and participants.
- Put an end to intimidation and harassment of independent journalists, civil society activists and others who dare to criticize government policies.
- Immediately release all individuals who have been detained on politically motivated grounds; and disclose the fate of those who have disappeared in prison.

The authorities of **Uzbekistan** should:

- Take concrete and effective measures to implement the recommendations made by the UN Human Rights Committee with respect to safeguarding freedom of expression, association and assembly.
- Enable independent human rights NGOs to obtain legal status and carry out their work without hindrance; allow peaceful assemblies to take place without undue interference; and stop intimidating and harassing human rights defenders, journalists and dissidents.
- Release all those who have been imprisoned in retaliation for their peaceful exercise of freedom of expression, association and assembly; and put an end to the practice of arbitrarily prolonging the expiring sentences of “inconvenient” individuals because of alleged violations of prison rules.
- Ensure the safety and well-being of those in prison and thoroughly and impartially investigate all allegations of torture and ill-treatment of prisoners and bring those responsible to justice.

### **Set My People Free:**

- Education. Encouraging countries and the international media to make UDHR known and the human rights values systemically presented! Required to be tough in schools and to government employees. Speaking out collectively against any breach. To blame and shame any breach the UDHR. There should be no justification.
- Measuring Stick. Using UDHR as measuring stick for their values and practice of HR to allow individuals or organisation or countries to be part of councils, panels or committees in the OSCE, UN and other international institutions on human rights.
- Boycotting. To have a mechanism to boycott countries which breach human rights.

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

calls upon the **Greek State**:

- To respect and implement the provisions of the international human rights instruments in which the freedom of assembly and association is safeguarded.

- To ensure that the right to freedom of peaceful assembly and association is enjoyed by the whole society, either individually or as a group, without discrimination and restriction on the basis of ethnic or social origin,
- To repeal any restrictions on the right to freedom of association discriminating against Turkish minority of Western Thrace,
- To recognize and take positive measures to implement the decisions of the European Court of Human Rights,
- To respect the Turkish Minority's self-identification and repeal its decisions regarding the banning of Turkish associations,
- To facilitate dialogue with the Turkish Minority's decision making bodies on the related issues to build trust towards the authorities.

#### Recommendations to the OSCE chairmanship

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

- With respect to the implementation of the OSCE/ODIHR Guidelines on Human Rights Defenders, the Observatory also calls upon the OSCE Chairmanship to nominate an OSCE Personal Representative on the situation of human rights defenders, who could be in charge of:
  - monitoring the implementation of the Guidelines;
  - raise individual cases of violations with national governments
  - undertake country visits
  - publish periodic reports

#### Recommendations to the OSCE institutions

##### **Switzerland:**

- Les défenseurs des droits de l'homme et tous ceux qui s'engagent individuellement ou en groupe pour faire valoir leur voix, en particulier si celle-ci est critique face aux autorités au pouvoir, doivent être protégés et soutenus. Nous encourageons dès lors **les institutions pertinentes de l'OSCE** ainsi que tous les Etats à qui, selon le droit international, incombe la responsabilité de protéger des DDH, à maintenir le dialogue avec les défenseurs des droits de l'homme et à leur apporter un soutien adapté à leur situation et à leurs besoins.

##### **Council of Europe:**

- OSCE institutions are encouraged to continue their co-operation in the fight against racism, racial discrimination, xenophobia, antisemitism and intolerance with the Council of Europe, and in particular ECRI, by further strengthening mechanisms enabling the exchange of information and data to support common action.

##### **Human Rights Educational Centre, Belarus:**

- Просим **БДИПЧ**, ОБСЕ продолжать тему «просвещение в области прав человека».

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

Recommendations to international organizations

**Human Rights Educational Centre, Belarus:**

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

**Wednesday, 23 September 2015**

***Working session 5: Tolerance and non-discrimination I, including:***

- *Address by the OSCE Special Representative/Senior Adviser on Gender Issues;*
- *Equal opportunity for women and men in all spheres of life, including through implementation of the OSCE Action Plan for the Promotion of Gender Equality;*
- *Prevention of violence against women and children*

Recommendations to participating States

**United States of America:**

- We commend the Czech Republic for taking steps toward compensating Romani women who were forcibly sterilized and encourage other participating States to investigate and seek to rectify any similar incidents.
- The use of rape as a weapon of war must stop. [...] We urge all states to step up efforts to ensure that perpetrators are held accountable for this heinous crime.
- The United States encourages participating States to cooperate with the Office of Democratic Institutions and Human Rights, the OSCE Senior Advisor on Gender Issues, and the Chairmanship's Special Representative on Gender Issues, Melanne Verweir. We support an Addendum to the 2004 Action Plan for the Promotion of Gender Equality and look forward to its adoption at the OSCE ministerial in Belgrade.

**Armenia:**

- Women residing in conflict areas should be involved in confidence building measures.
- Participating states should refrain from persecuting women for taking part in confidence building measures.

**Austria:**

- To ratify and implement the “Convention on preventing and combating violence against women and domestic violence” (Istanbul Convention) and to support its independent expert body responsible for monitoring the implementation.

**Canada:**

- To strongly condemn all forms of violence and discrimination against women, notably violence against women belonging to vulnerable groups.
- The OSCE and its institutions to adopt a multi-disciplinary and multi-sectoral approach in order to address violence against women and girls, including legislative and non-legislative measures to prevent such violence and reduce its prevalence, to provide support and appropriate resources to victims and to hold perpetrators accountable for their actions.
- To fully recognize the relevance and benefits to our collective security of implementing the United Nations resolutions on women, peace and security, of reflecting this commitment in OSCE decisions, and of ensuring that women are fully involved in all decision-making processes.

**European Union (EU):**

- Adopt an Addendum to the OSCE 2004 Action Plan for the Promotion of Gender Equality
- Enhance efforts to eliminate violence against women throughout the OSCE area
- Adopt an OSCE-Wide Action Plan on Women, Peace and Security
- Encourage participating States to increase representation of women in political and public life.

**Czech Republic:**

- To adopt the proposed Addendum to the Action Plan [for the Promotion of Gender Equality] which would strengthen the existing commitments and to enhance efforts to achieve gender equality and equal participation of women in their countries.

**Alliance for Democracy:**

- To achieve tangible results in supporting democratic reforms including gender equality, tolerance, non-discrimination and domestic violence, the European Institutions should implement more tailored and adopted approaches to the partner countries by using more effective tools and leverage when elaborating policies.
- The European institutions should continue the implementation of their policies and pay even more attention to strengthening the civil society in Armenia as a more effective and vibrant alternative to less democracy in place.

**Association for the Prevention of Torture:**

- The APT calls on OSCE participating States to consistently apply these standards [Standard Minimum Rules, known as Mandela rules], and to ensure that the dignity and rights of all individuals and groups are effectively protected in situations of deprivation of liberty.

### Recommendations to the OSCE

#### **Austria:**

- A more systematic approach towards gender issues in the OSCE, including capacity building, benchmarking, monitoring, measuring and evaluating progress. The current Gender Action Plan in our view provides insufficient guidance to this end and the adoption of an Addendum updating this framework to current needs and standards has therefore Austria's full support. An effective institutional mechanism for gender equality will be necessary for a consistent implementation of existing commitments.

#### **Canada:**

- Its institutions and its field operations to help participating States to develop policies, programs and training to address the issues related to all forms of violence and discrimination against women.

#### **European Union (EU):**

- We would like to see concrete improvements in the area of promoting gender equality. Establishing a biennial OSCE gender equality conference supported by adequate resources is one practical suggestion to promote gender equality within the OSCE.

#### **France:**

- To continue its efforts to promote universal access to women's rights which constitutes the basis for gender equality and for the fight against violence against women.

#### **Switzerland:**

Die Schweiz möchte drei Empfehlungen machen:

- Eine effektive Umsetzung der Verpflichtungen des Ministerratsbeschlusses 14/07 zur Verhütung und Bekämpfung von Gewalt gegen Frauen.
- Die Ausarbeitung eines umfassenden Addendums zum Aktionsplan zur Förderung der Geschlechtergleichstellung in allen drei Dimensionen.
- Die Überprüfung der Implementierung von Verpflichtungen zur Förderung der Geschlechtergleichstellung durch regelmässige Review Konferenzen.

#### **United States of America:**

- NGOs and the OSCE Special Monitoring Mission to Ukraine have also received reports of sexual violence and rape, including by men in military uniforms. We urge the OSCE to investigate these reports, as well as to support NGO efforts to do so, with a view to assisting victims and holding perpetrators accountable.

#### **Association for the Prevention of Torture:**

- We call on the OSCE to advance the protection of individuals and groups in situations of vulnerability in detention, by building further links between its torture prevention and its anti-discrimination work.

**Thursday, 24 September 2015**

***Working session 6 (specifically selected topic): Independence of the judicial System, with a particular focus on accountability and integrity of judges and prosecutors***

*Recommendations to participating States*

#### **United States of America:**

- We continue to be troubled by the lack of appropriate procedural guarantees for those accused of involvement in the 2010 violence in southern Kyrgyzstan. We call on the Government of **Kyrgyzstan** to reevaluate these cases and judgments in order to ensure that all trials in the country are conducted in a fair and impartial manner.
- With respect to Belarus, we welcome the release from prison of Mikalai Statkevich and five other prisoners, and we reiterate our call for the Government of **Belarus** to restore the political rights of these six and other former political prisoners.
- In Russia, those who reveal fraud or corruption, who write about the destruction and theft of natural resources, or who challenge the views of the government have been targeted for prosecution and worse. My delegation calls on the **Russian Federation** to release prisoners held on politically motivated charges, including Krasnodar environmentalist Yevgeny Vitishko and the remaining imprisoned Bolotnaya Square protest defendants.

#### **European Union (EU):**

- Ensure that the criteria of selection of judges and prosecutors are based on objective qualifications and professional capabilities.
- Remove the possibility of dismissal as an outcome from any evaluation of judges.
- Introduce and strengthen the principle of proportionality in disciplinary measures against judges and ensure that decisions on the disciplinary measures against judges are taken by an independent body.
- Ensure that dismissal of a judge is only possible as a consequence of a disciplinary procedure which is in conformity with international standards of fair procedure that safeguard the independence of the judiciary.



- Recall the UN Basic Principles on the Independence of the Judiciary, under which judges should have guaranteed tenure until a mandatory retirement age or the expiry of their term of office (Principle 12) and should be subject to suspension or removal only following fair procedures (Principle 17 and 19) and only for reasons of incapacity or behaviour that renders them unfit to discharge their duties (Principle 18).
- Encourage OSCE participating States who are considering institutional and legal reforms to seek the expert advice and technical assistance of ODIHR.
- With regard to Ukraine, the EU wishes to recall that judicial reforms must be carried out in line with the relevant European and international standards. In this respect, the EU encourages the Ukrainian authorities to further consult the Council of Europe and take into account the opinions of the Venice Commission.

#### **Russian Federation:**

- Призываем страны, в которых есть военные суды или трибуналы по расследованию уголовных дел, обеспечить, чтобы эти органы были неотъемлемой частью их судебной системы и применяли принципы судопроизводства, закрепленные на международном уровне в качестве гарантий справедливого правосудия.

#### **Association "For Free Russia":**

- We also call on the **Russian** authorities to stop their practice of putting pressure on environmental, anti-corruption and human rights activists, who peacefully engage in their legitimate activity.

#### **"EZGULIK" Human Rights Society of Uzbekistan (HRSU):**

*To Uzbekistan:*

Сенату Олий Мажлиса:

- Выполнение норм и требований Комитета по пыткам ООН, включая введение судебной проверки законности задержания, обеспечение прав задержанного на защиту и найма адвоката в течение 24 часов с момента ареста, наказание судом должностных лиц, выбивших «признательные показания», посредством пыток и отказ от проведения судебных заседаний в отсутствия адвоката.

Генеральному прокурору Республики Узбекистан; Министру внутренних дел Республики Узбекистан; Председателю СНБ Республики Узбекистан:

- Принять к сведению изложенные факты переданные нами и дать им юридическую оценку, а также к руководству республики соблюдать общепризнанные нормы права человека, положения Международного пакта «О гражданских и политических правах личности», ратифицированного парламентом страны в 1995 г.

- Принять меры в отношении сотрудников правоохранительных органов с целью предотвращения противоправных действий в отношении независимых правозащитников и СМИ в Узбекистане;
- Принять необходимые меры для информирования сотрудников милиции о деятельности неправительственных правозащитных организаций в Узбекистане, недопустимости любого давления и угроз, равно как и вмешательства в их деятельность, что предусмотрено в международных соглашениях, подписанных Узбекистаном;
- Принять необходимые меры для предотвращения пыток верующих мусульман в местах лишения свободы и жестокого обращения с ними.

#### Руководству страны:

- Прекратить практику, противоречащую Конвенциям МОТ о правах ребенка (1989 г.) и Закону «Об основах государственной молодежной политики в Республике Узбекистан» (1991 г.), принудительного привлечения детей, включая учащихся различных учебных заведений, к сбору урожая хлопка. Экономически она невыгодна и не соответствует требованиям обеспечения здоровья и безопасности молодого поколения. Найти альтернативные решения.
- Принять решительные меры против руководителей, злоупотребляющих властью ходе уборки ежегодного урожая хлопка.
- Рекомендации по обеспечению свободы выражения мнения и слова:
  - - Немедленно освободить всех заключенных правозащитников и журналистов, пересмотреть их уголовные дела и снять с них обвинения и судимость;
  - - Публично осудить преследование, атаки, нападения и угрозы против журналистов в Узбекистане и гарантировать необходимую защиту журналистов, чтобы они могли беспрепятственно продолжать свою работу;
  - - Упростить процедуру лицензирования СМИ в Узбекистане и всячески способствовать и поддерживать создание истинно независимого сектора СМИ в стране;
  - - Снять всяческие ограничения, цензуру и блокирования на онлайн информационные ресурсы;
  - - Прекратить преследования, атаки, нападения и угрозы против представителей гражданского общества в Узбекистане за распространение информации о ситуации в стране;
  - - Пригласить официально Специального Докладчика ООН по свободе выра
- Рекомендации по предотвращению пыток:
  - - Публично осуждать самыми первыми лицами и лидерами страны практику применения пыток в уголовном судопроизводстве страны, чтобы это прозвучало как однозначный сигнал и предупреждение о недопустимости пыток и неотвратимости наказания для виновников;
  - - Ратифицировать Факультативный протокол к Конвенции ООН против пыток и создать независимый национальный орган или ведомство, уполномоченное расследовать заявления и жалобы о пытках;
  - - Признать полномочия Комитета ООН против пыток по ст. 21 и 22 Конвенции ООН по пыткам (полномочие Комитета принимать и

рассматривать жалобы по индивидуальным делам и жалобы от государств-участников Конвенции);

- - Создать действенный национальный механизм признания, реабилитации и компенсации для жертв пыток в Узбекистане;
- - Пригласить Специального докладчика ООН по вопросу пыток повторно посетить Узбекистан;
- - Пересмотреть уголовные дела и судебные решения всех политических заключенных – осужденных представителей гражданского общества и религиозных заключенных (людей осужденных по ст. ст. 156, 159, 216, 244, 244-1, 244-2 и другие Уголовного кодекса) на предмет применения пыток и схожих форм обращения и наказания против них во время предварительного следствия и судебного процесса;
- - Либерализация существующих правил и создание прозрачной, открытой и доступной пенитенциарной системы Узбекистана для свободного посещения и мониторинга независимыми наблюдателями, представителями правозащитных организаций, неправительственных некоммерческих организаций, международных наблюдателей и журналистов.

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

#### **Calls upon Armenia:**

- To remove the President's discretionary power in endorsing the list of judges from the Judicial Code; the list proposed by the Justice Council should be deemed as final and the President's signature should simply be a matter of protocol;
- To ensure internal independence in adjudication by removing the pressure placed on first instance courts by the Court of Cassation;
- To modify the grounds for disciplinary liability of judges by establishing clear and precisely defined criteria, in compliance with well-recognized international standards and best practice, including an appeal procedure;
- To abolish depositions of defendant confessional testimonies during criminal proceedings;
- To provide effective access to the Court of Cassation, so that private parties of criminal or administrative cases are able to bring complaints to the Court of Cassation without a licensed attorney.

### **Norwegian Helsinki Committee:**

- Norway and other democratic countries should establish mechanisms to freeze the assets of persons who commit gross violations of human rights with impunity and prohibit their entry into the country – the victims of these violations being human rights defenders or whistle-blowers. The mechanisms may resemble the current US Magnitsky legislation, however without being limited to Russian citizens. They should include strong safeguards in order to ensure fair treatment.
- Norway should seek to influence other democratic countries to establish similar mechanisms. If a large number of democratic states establish such

mechanisms, it would represent an important breakthrough in the fight against impunity for gross human rights violations.

#### **Protection of Rights Without Borders Armenia:**

- We call to **Armenian** authorities to take constant measures for safeguarding perceivable independence of judiciary
- we claim from the RA authorities to define and prohibit in the Constitutional reform package the decisive power of the president for the selection of judges and to insure the independence of judiciary through relevant legal regulations and practice in a line with the international standards and recommendations, including the recommendations of the Universal Periodic Review for Armenia

#### Recommendations to international organizations

#### **"EZGULIK" Human Rights Society of Uzbekistan (HRSU):**

- Создать специальную, независимую комиссию для расследования случаев варварского обращения с верующими в узбекских тюрьмах;
- Осудить произвол и неправомерные действия сотрудников МВД и СНБ Республики Узбекистан в отношении невинных граждан;
- Обратить внимание правительства Узбекистана на необходимость выполнения взятых на себя обязательств по международным соглашениям, особенно в части соблюдения прав и свобод человека и МОТ

**Thursday, 24 September 2015**

***Working session 7 (specifically selected topic): Independence of the judicial System, with a particular focus on accountability and integrity of judges and prosecutors (continued)***

#### Recommendations to participating States

#### **Danish Helsinki Committee for Human Rights:**

- The Danish Helsinki Committee therefore recommends that the participating states should take appropriate measures to secure effective independence of the public prosecution services from the executive and that instructions cannot be given in individual cases.

**Thursday, 24 September 2015, 18:00**

***Side event: Mechanisms to investigate torture allegations in Kazakhstan, Kyrgyzstan and Tajikistan: Problems and solutions***

#### Recommendations to participating States

## **Helsinki Foundation for Human Rights:**

Государственным органам Республики Казахстан:

- Обеспечить защиту на практике и закрепить законодательно для всех лиц, подвергнутых задержанию, в какой бы то ни было форме.
  - Считать любое ограничение личной свободы фактическим задержанием вне зависимости от его целей.
  - Распространить гарантии защиты от пыток на все случаи фактического задержания.
  - К основным гарантиям защиты от пыток при этом отнести: право быть уведомленным о своих правах; право на уведомление 3-их лиц; право на защиту; право быть осмотренным независимым врачом; и право обжаловать законность своего задержания в суде.
  - Для исполнения вышеуказанных рекомендаций принять соответствующий нормативно-правовой акт
- Незамедлительно реформировать существующий механизм расследования пыток.
  - Исключить существующую в настоящее время альтернативную подследственность по делам о пытках.
  - В Уголовно-процессуальном кодексе наделить исключительными следственными полномочиями по делам о пытках Департамент специальных прокуроров Генеральной прокуратуры («Департамент»).
  - Департамент обеспечить надлежащими ресурсами, включая собственный оперативно-следственный аппарат.
  - Работа Департамента должна на практике исключать конфликт с функцией прокуратуры по поддержанию государственного обвинения в судах.
  - Предусмотреть обязательную гражданскую подотчетность, в том числе парламентский контроль, Департамента с приданием публичной огласке всех случаев уголовной ответственности за пытки.
  - Предусмотреть прозрачность работы Департамента с обязательным и полным информированием на практике потерпевших и их представителей о ходе расследования сообщений о пытках.
  - К работе над реформированием и дальнейшим усовершенствованием механизма расследования привлекать субъектов гражданского общества, например Коалицию НПО Казахстана против пыток.
  - Имплементировать нормы Стамбульского протокола в работу механизма, включая как расследование, так и медицинское документирование.
  - Немедленно учредить правительственный механизм по контролю за исполнением решений договорных органов ООН, наделив его широкими полномочиями.
  - Расследовать незамедлительно факт получения телесных повреждений Искандером Тюгельбаевым в РГУ ОБ 156/18 Департамента УИС по Восточно-Казахстанской области. Обеспечить безопасность его и свидетелей. Гарантировать надлежащий уход и лечение И. Тюгельбаева. По итогам расследования наказать всех виновных, возместить причиненный вред и не допускать подобных нарушений в будущем в пенитенциарной системе.

## **International Partnership for Human Rights (IPHR):**

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

- Promptly act on all complaints involving allegations of torture and ill-treatment by initiating thorough, impartial and independent investigations.
- Oblige judges at remand hearings to routinely ask detainees arriving from police custody how they were treated and to order an investigation should there be any reason to suspect that they may have been subjected to torture or other ill-treatment.
- Create and fund an independent body endowed with sufficient authority and competence to conduct prompt, thorough, impartial and independent investigations into all allegations of torture and other forms of ill-treatment.
- Ensure that complainants, their families and civil society activists are protected against any reprisals as a consequence of their complaint, and that law enforcement officers are subjected to appropriate disciplinary or, where relevant, criminal measures for such actions.
- Suspend any law enforcement officer who is under investigation for having committed acts of torture or ill-treatment, for the duration of the investigation.
- Train prosecutors in the effective conduct of investigations.

### Recommendations to International Organizations

#### **Helsinki Foundation for Human Rights:**

Международным организациям и дипломатическим миссиям:

- В диалоге с правительством Республики Казахстан поднимать вопрос борьбы с безнаказанностью за пытки, в том числе через развитие эффективного механизма расследования.
- Оказывать экспертную и аналитическую поддержку государству и неправительственному сектору Республики Казахстан в вопросах борьбы с безнаказанностью за пытки.
- При формировании грантовой политики определить борьбу с безнаказанностью за пытки в качестве приоритетной.
- Обратиться к правительству Казахстана с требованием провести надлежащее расследование по факту получения телесных повреждений Искандером Тюгельбаевым в РГУ ОБ 156/18 Департамента УИС по Восточно-Казахстанской области.

### Recommendations to NGOs

#### **Helsinki Foundation for Human Rights:**

Иностранным неправительственным организациям:

- Включить вопрос борьбы с безнаказанностью за пытки в свои адвокаси кампании по Казахстану.
- При формировании грантовой политики определить борьбу с безнаказанностью за пытки в качестве приоритетной.

- Оказывать экспертную и аналитическую поддержку неправительственному сектору Республики Казахстан в вопросах борьбы с безнаказанностью за пытки
- Обратиться к правительству Казахстана с требованием провести надлежащее расследование по факту получения телесных повреждений Искандером Тюгельбаевым в РГУ ОБ 156/18 Департамента УИС по Восточно-Казахстанской области.

## **Friday, 25 September 2015**

### ***Working session 8: Rule of law, including:***

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

### **Recommendations to participating States**

#### **United States of America:**

##### ***To Uzbekistan:***

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

##### ***To Turkmenistan:***

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

#### **European Union (EU):**

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

#### **France:**

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

**Switzerland :**

- nous recommandons que les engagements de l'OSCE dans le domaine de la prévention de la torture soient renouvelés et renforcés par l'adoption d'une décision du Conseil ministériel à Belgrade.
- nous recommandons également aux Etats participants de l'OSCE qui ne l'auraient pas encore fait de ratifier l'OPCAT et de créer un mécanisme national de prévention indépendant.

**Action by Christians Against Torture – ACAT:**

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

**Association for the Prevention of Torture:**

- We call on the OSCE to make full use of its resources and develop its expertise to advance the combat against torture and the protection of all those who are deprived of their liberty, in its participating States.
- The APT calls on all OSCE participating States to follow up on their commitments to combat and prevent torture and ill-treatment, and ensure that all persons deprived of their liberty are effectively protected from any abuse

**Center for the Development of Democracy and Human Rights:**

- Consider ratification of the OPCAT for those of them which have not yet done so, provided its effective implementation can be guaranteed in practice.
- Effectively implement the OPCAT for those of them which are parties to it, notably by guaranteeing the effectiveness of their National Preventive Mechanisms and ensuring the latter enjoy full functional, institutional and personal independence, and benefit from adequate human and financial resources.
- Ensure that other oversight mechanisms, such as Russian Public Monitoring Commissions, enjoy the functional and personal independence necessary to effectively implement their mandate.
- Ensure, in law and practice, unimpeded access of National Preventive Mechanisms and any other preventive monitoring bodies to all places of deprivation of liberty, persons and information.



- Enter into genuine dialogue with National Preventive Mechanisms and any other preventive monitoring bodies on the implementation of their recommendations.
- Take legislative and practical steps to ensure the prevention of torture and ill-treatment during the policing of demonstrations, including introduction of a requirement that officers policing demonstrations wear name tags and mandatory human rights education and training programmes for police and personnel working in places of detention.
- Ensure that use of force by law enforcement officials and detaining authorities is regulated in accordance with law, respecting the principle of proportionality and necessity.
- All OSCE participating States should ratify without any further delay the International Convention for the Protection of All Persons from Enforced Disappearance and recognise the competence of the UN Committee on Enforced Disappearances;
- State parties to the International Convention for the Protection of All Persons from Enforced Disappearance should apply the mechanism of universal jurisdiction to apprehend individuals from other countries suspected in or responsible for committing the crime of enforced disappearance, effectively investigate allegations brought against them, and bring perpetrators to justice.
- Effectively cooperate with and fully implement relevant decisions and judgments of existing international human rights mechanisms, including the UN Committee on Human Rights, the UN Working Group on Enforced and Involuntary Disappearances, and the European Court of Human Rights as concerns both individual cases and general measures;
- Enact domestic legislation criminalising enforced disappearances based on the provisions of the International Convention for the Protection of All Persons from Enforced Disappearance;
- Take all necessary practical steps to combat enforced disappearances, effectively investigate allegations of enforced disappearance, bring perpetrators to justice and provide proper compensation to the victims and their families.
- OSCE political bodies, institutions and **participating States** should start working without delay on drafting an explicit OSCE commitment on enforced disappearances with the aim of adopting such a commitment in the nearest future. The OSCE Chairmanship should take a lead in this process;
- Meanwhile, until the moment an explicit OSCE commitment on enforced disappearances is agreed upon and adopted, the OSCE political bodies, institutions and **participating States** should immediately review and update the existing OSCE commitments related to torture, and in the process recognize enforced disappearance as a crime and a form of torture. The OSCE Chairmanship should organise the process of preparing updated OSCE commitments on torture that would include enforced disappearance as a form of torture.

### **Golos Svobody Public Foundation:**

*To Kyrgyzstan:*

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

### **International Partnership for Human Rights (IPHR):**

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

- Follow each other's recent positive steps in order to combat torture and other ill-treatment more effectively:
  - Kyrgyzstan and Tajikistan should abolish the statute of limitations for torture and other forms of ill-treatment.
  - Kyrgyzstan and Tajikistan should exclude perpetrators of torture and other forms of ill-treatment from amnesties.
  - Kyrgyzstan and Tajikistan should clarify in domestic legislation that a person is considered a detainee as soon as he or she is deprived of liberty and amend the countries' criminal procedure codes to ensure that they explicitly provide, from the moment of deprivation of liberty, for the right to notify a third person, for access to a lawyer of their choice and ensure that detainees are informed of these rights at the moment of de facto apprehension.
  - In order to further strengthen the legal safeguards of detainees in Kazakhstan the authorities should build on the current practice whereby traffic police video-record all interactions with citizens about traffic rules and oblige all police carrying out arrests to video-record the arrest and transfer to the detention facility.
  - The Ministry of Health of Kazakhstan should oblige medical personnel, when conducting examinations of detainees, to document torture and other ill-treatment in line with principles contained in the UN Istanbul Protocol. Other medical personnel also conducting examinations of detainees in Kazakhstan, Kyrgyzstan and Tajikistan should also be obliged to follow the same standards.
  - Kyrgyzstan should ensure that victims of torture and other ill-treatment or their families are compensated for moral damages by the State. All three countries should ensure that torture victims have access to redress, including fair and adequate compensation and rehabilitation for damages caused by torture.
  - Tajikistan should swiftly ratify the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) and establish an effective National Preventive Mechanism.
  - Kyrgyzstan should amend its legislation to the effect that extradition must be denied when there is a risk of torture in the receiving country.

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

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

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

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

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

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

- Amend domestic legislation to ensure that the definition of deprivation of liberty is in line with international human rights law, in particular that the moment of apprehension is treated as the outset of detention.
- Amend the Criminal Procedure Code of Kyrgyzstan (CPC) to ensure that it explicitly provides, from the moment a person is deprived of his or her liberty, for access to basic safeguards such as access to a lawyer of the detainee's choice, information about the detainee's rights, notification of family, and access to an independent medical doctor.

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

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

#### **Newsmaker.md:**

- Taking in consideration the fact that lots of countries from OSCE region are the ones of transitional justice period and face fight with corruption and politically motivated persecutions I would like to call upon **OSCE member states** and responsible unites as well as presented in here international CSOs and NGOs to pay closely attention to the court cases involving groups or individuals proclaimed by prosecutors as "extremist" or "terrorist".

#### **NGO “Sandidzan”:**

- Выработка механизмов принуждения Грузии к выполнению международных соглашений и конвенций, участником которых она является.
- Допуск представителей Южной Осетии к дискуссиям на площадки гуманитарного и политического характера, подпадающие под юрисдикцию ОБСЕ, к которым на данный момент они не допущены.

#### **Office Attorney at Law Umarova Aiman:**

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

#### **Penal Reform International:**

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

### Recommendations to the OSCE

#### **France:**

- In line with its mandate, **ODIHR** must continue to lead the discussions with the authorities of countries which have yet to abolish capital punishment, as well as with civil society. The OSCE, which has made undeniable progress in this area since 1975, must and can become a model space for this struggle by ensuring that abolition prevails in all its participating States.
- Updating the commitments made by the OSCE on capital punishment over 20 years ago is essential. These commitments should at any rate reflect United Nations General Assembly resolutions and developments in international law.
- It also calls for the taking into account of the pressing need to combat this problem under the commitments made at OSCE level on the prevention of torture.

#### **Switzerland :**

- nous recommandons que les engagements de l'OSCE dans le domaine de la prévention de la torture soient renouvelés et renforcés par l'adoption d'une décision du Conseil ministériel à Belgrade.

#### **Action by Christians Against Torture – ACAT:**

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

#### **Association for the Prevention of Torture:**

- We encourage the OSCE to further develop its role in this regard and to support National Preventive Mechanisms in its participating States, and strengthen their capacities and effectiveness.
- The APT calls on the OSCE to increase its torture prevention work with the police and other law enforcement officials, and contribute to reducing the risks of torture in police custody throughout the OSCE region
- The APT believes that the OSCE could greatly contribute to advancing the protection of individuals and groups in specific situations of vulnerability in detention, among others by raising awareness on their situations and needs, and enabling the set-up of effective protection measures

#### **Center for the Development of Democracy and Human Rights:**

- The incoming **Chairmanships-in-office** should ensure that the fight against torture is a priority on the political agenda of the organisation for the coming years.
- The OSCE **Chairmanship** should oversee the preparation of updated OSCE commitments on eradicating torture that would include enforced disappearance as a form of grave human rights violation and torture.
- The OSCE **Chairmanship** should develop an OSCE internal strategy outlining measures it commits to undertake to eradicate torture in participating States, including monitoring of places of deprivation of liberty, prevention, investigation and documentation, prosecution, and ensuring redress, including reparation and the right to rehabilitation.
- The OSCE **Chairmanship** should task OSCE ODIHR to produce a “white paper” on the situation of torture in participating States and the necessary steps for its eradication, including its prevention, prosecution and redress, including rehabilitation.
- OSCE **political bodies, institutions** and participating States should start working without delay on drafting an explicit OSCE commitment on enforced disappearances with the aim of adopting such a commitment in the nearest future. The OSCE **Chairmanship** should take a lead in this process;
- Meanwhile, until the moment an explicit OSCE commitment on enforced disappearances is agreed upon and adopted, the OSCE **political bodies, institutions** and participating States should immediately review and update the existing OSCE commitments related to torture, and in the process recognize enforced disappearance as a crime and a form of torture. The OSCE **Chairmanship** should organise the process of preparing updated OSCE commitments on torture that would include enforced disappearance as a form of torture.
- The newly established Focal Point on Prevention of Torture at OSCE/ODIHR should include enforced disappearances in its mandate, including in its monitoring of places of deprivation of liberty.
- The OSCE **Chairmanship** should take a leading role in raising the cases of enforced disappearances with participating states in question.
- The OSCE Moscow Mechanism should be used more often as a tool of investigation of allegation of enforced disappearances as part of a human dimension crisis.
- Continued application of the OSCE Moscow Mechanism regarding a human dimension situation in a participating State (or a similar human dimension mechanism, should it be established) should not be considered finished until substantial progress in the implementation of recommendations contained in the already released Moscow Mechanism report has happened. An absolute minimum requirement for continued application of the Moscow Mechanism should be the continuation of such gross violations of human dimension commitments as continued abductions and enforced disappearances, lack of effective investigation of the past cases of abductions and enforced disappearances, continued incarceration of political prisoners, repeated and widespread use of force against participants of peaceful assemblies, and systematic use of torture against political prisoners, victims of abductions and participants of peaceful assemblies. Each incoming OSCE **Chairmanship** should look into such “open Moscow Mechanism cases”, examine the current situation in a country and organise a follow-up process if needed. Progress in

implementing recommendations in the previous report(s) should be documented in subsequent reports by a working group or a rapporteur established by the OSCE Chairmanship or the HDC Chair or a group of concerned participating States (with a more informal status).

- OSCE **field missions** should play a more active role in addressing the crime of enforced disappearances in the countries of their presence.
- The OSCE **Secretary General** should improve coordination among all OSCE bodies, including the mainstreaming of human rights considerations, and the transparency of all activities conducted by the OSCE institutions and field presences.

#### To OSCE/ODIHR:

- Support the effectiveness of National Preventive Mechanisms by following up on the related commitments of OSCE participating States to ensure they are fully independent, benefit from adequate human and financial resources, and have unimpeded access to all places of deprivation of liberty, persons and information, in compliance with the OPCAT.
- Support the effectiveness of other detention monitoring mechanisms and bodies, including civil society mechanisms and Public Monitoring Commissions, among others by supporting the full independence of their members from any undue governmental influence.
- Facilitate the monitoring of the work and effectiveness of National Preventive Mechanisms and any other preventive monitoring bodies, among others by civil society organisations.
- Contribute to the follow-up of recommendations of international and national torture prevention bodies such as the SPT, the CPT and National Preventive Mechanisms.
- The OSCE should strengthen the capacity and effectiveness of detention monitoring mechanisms by:
  - Collecting baseline data on models, methodologies for monitoring including reprisals mitigation measures, follow-up of recommendations, and impact;
  - Supporting the codification of best practices;
  - Facilitating the dissemination of best practices, including through training;
  - Facilitating annual peer-to-peer exchanges between National Preventive Mechanisms from the OSCE region, and regular meetings between all detention monitoring bodies including National Preventive Mechanisms. Consideration should be given to the establishment of a platform for this purpose;
  - Facilitating regular exchanges between all stakeholders involved in preventive monitoring.
- To conduct follow-up assessment to see how police at the national level follows recommendations made by OSCE during police training programmes
- To consult with local civil society organisations at the early stages of planning of OSCE programmes on police training
- OSCE Police Training and capacity building programs should analyse the implication of the current refugee crisis in Europe on the capacity of law enforcement bodies to perform their functions based on human rights standards, and develop additional tools and training programs in this respect

- To include work on professional standards of law enforcement performance (analysing best practices, elaborating standards and assisting in introduction them in member states) as one of the task for Expert panel on Torture
- The OSCE ODIHR should establish an expert panel on the fight against torture to support the work of the newly established Focal Point on Torture Prevention, which should meet at least twice a year to assess the relevant laws and practices in participating States, monitor progress, and give advice on implementation by participating State of their commitments on eradication of torture.
- The OSCE ODIHR should conduct a baseline study on the situation of torture in the OSCE participating States, including its occurrence, prevention, prosecution, and redress, including rehabilitation. The baseline study should identify shortfalls and gaps as well as best practices.
- The OSCE ODIHR should include in its comprehensive baseline study on the situation of torture in participating States, an assessment of the mechanisms existing in participating States to investigate and document torture.
- The OSCE ODIHR should promote the standards and principles of the Istanbul Protocol and apply them throughout its existing human rights, fair trial, and justice reform work, including by focusing on the need for involvement of medical and psychological professionals in the prompt, effective, and impartial investigation of torture cases.
- The OSCE ODIHR should promote full implementation of the Istanbul Protocol in participating States, including:
  - a. recognition and implementation of the Istanbul Protocol standards;
  - b. legal, administrative and judicial reforms, including appropriate complaints mechanisms;
  - c. compulsory training and continuing education for target groups;
  - d. creation of independent forensic institute;
  - e. establishment and enforcement of forensic rules and regulations;
  - f. development and effective use of standardised IP medical evaluation forms;
  - g. monitoring and accountability of implementation of the Istanbul Protocol.
- The OSCE ODIHR should include in its comprehensive baseline study on the situation of torture in participating States an assessment of the steps taken by them to ensure full implementation of torture victims' right to rehabilitation.
- The OSCE ODIHR should promote torture victims' rights to holistic rehabilitation as an essential component of the rights and needs of torture victims and apply these standards throughout its existing human rights, fair trial, and justice reform work. Promotion of an effective right to rehabilitation should include that state policies and budgets secure the availability, accessibility, appropriateness of rehabilitation services for all torture victims, including medical and psychological support, social and economic reintegration, legal and judicial remedies.
- OSCE ODIHR should promote full implementation of torture victims' rights to holistic rehabilitation in participating States, in accordance with General Comment 3 on Article 14 of the UN Convention against Torture, including:
  - a. early identification of victims
  - b. early access to services
  - c. no requirement of prior application for judicial remedies
  - d. free choice of service provider
  - e. safety and personal integrity for victims and service providers



f. monitoring and evaluation, including data collection on the implementation of rehabilitation programmes

**Golos Svobody Public Foundation:**

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

**International Association of Independent Democrats Against Authoritarian Regimes:**

- С 2004 года мы делаем рекомендацию ОБСЕ: добейтесь согласия стран участников, где царствует диктатура, посещения дипломатами европейских стран тюрем и мониторинга ситуации фактов пыток. Прежде всего, обратите внимание на Uzbekistan, Turkmenistan, Azerbaijan. Мы повторяем эту рекомендации и предлагаем (и готовы участвовать) разработать механизм предложенного мониторинга. Пытки, как явление, должно исчезнуть из региона ОБСЕ.

**NGO “Sandidzan”:**

- Выработка механизмов принуждения Грузии к выполнению международных соглашений и конвенций, участником которых она является.
- Допуск представителей Южной Осетии к дискуссиям на площадки гуманитарного и политического характера, подпадающие под юрисдикцию ОБСЕ, к которым на данный момент они не допущены.

*Recommendations to International Organizations*

**NGO “Sandidzan”:**

- Выработка механизмов принуждения Грузии к выполнению международных соглашений и конвенций, участником которых она является.
- Допуск представителей Южной Осетии к дискуссиям на площадки гуманитарного и политического характера, подпадающие под юрисдикцию ОБСЕ, к которым на данный момент они не допущены.

**Newsmaker.md:**

- Taking in consideration the fact that lots of countries from OSCE region are the ones of transitional justice period and face fight with corruption and politically motivated persecutions I would like to call upon OSCE member states and responsible unites as well as presented in here **international CSOs** and NGOs to pay closely attention to the court cases involving groups or individuals proclaimed by prosecutors as "extremist" or "terrorist".

*Recommendations to NGOs*

## **Newsmaker.md:**

- Taking in consideration the fact that lots of countries from OSCE region are the ones of transitional justice period and face fight with corruption and politically motivated persecutions I would like to call upon OSCE member states and responsible unites as well as presented in here international CSOs and NGOs to pay closely attention to the court cases involving groups or individuals proclaimed by prosecutors as "extremist" or "terrorist".

**Friday, 25 September 2015**

### ***Working session 9: Democratic institutions, including:***

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

### **Recommendations to participating States**

#### **Canada:**

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

#### **European Union (EU):**

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

Our recommendations to the Participating States:

- Ensure the right of citizens to political participation, in a free and fair climate without undue restrictions imposed by the administration, violence, intimidation or fear of retribution, against voters, candidates, parties and elected representatives, both in the run-up to and beyond the elections.
- Ensure the right to stand for election, without any undue restrictions, allowing for the representation of the whole diversity of interests present in society at large.
- Ensure transparent, pluralist and competitive elections that provide the electorate with a genuine choice on the basis of a level playing field and an informed vote.
- Secure timely financial and human resources needed by ODIHR to carry out effectively its election observation activities in the region.
- Extend early and unrestricted invitations to ODIHR to observe their elections in line with OSCE commitments

- Constructively engage on follow-up activities to Election Observation reports in cooperation with ODIHR, including by making voluntary updates to the OSCE Human Dimension Committee.
- Ensure a strong, independent and empowered civil society that is free and able to contribute to the public and political decision-making process to the benefit of the citizens.

#### **Council of Europe:**

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

#### **Norwegian Helsinki Committee:**

##### Urges:

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

#### *Recommendations to OSCE/ODIHR*

##### **Canada:**

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

##### **Baltic Center of Historical and Socio-Political Research:**

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

### **Transparency International:**

- It is critical that OSCE/ODIHR demand adequate and timely implementation of recommendations of its election observation missions by the countries' governments to demonstrate their genuine will for promotion of reforms and justify the expenditures for deployment of observation missions. In case of failure of the necessary changes, the elections/referendums taken place in the same conditions shall be monitored on a much larger scale or not deemed to be acceptable.
- It is important that OSCE/ODIHR demonstrate constant attention and prompt and principled reaction to the negative processes within the context of its programs and cooperation areas and demands the partner governments to actually advance its reforms.
- OSCE/ODIHR as well as other international organizations promoting human rights and democratic elections shall not tolerate the administration of constitutional referendum the situation of distrust towards the authorities and shall support the Armenian public's demand for publishing of electoral lists.

**Friday, 25 September 2015**

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

*Recommendations to participating States*

### **International Partnership for Human Rights (IPHR):**

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

## *Side Event: Repressions against Russian civil society in 2015*

### Recommendations to participating States, OSCE, international and non-governmental organisations:

#### **Human Rights Centre "Memorial":**

we recommend to the OSCE, its **member states** and international and non-governmental organisations:

- Special attention to cases of politically-motivated criminal prosecutions in Russia, especially in cases of political prisoners a demand to release imprisoned people who have been prosecuted on obviously falsified charges and/or exclusively due to their political, religious or other convictions, and also in connection with the non-violent implementation of freedom of thought, conscience and religion, freedom to express opinions and information, freedom of peaceful gatherings and association, and other rights and freedoms guaranteed by Russia's international obligations.
- Demand the abolition of article 212.1 of the Russian Criminal Code;
- Demand the abolition of article 284.1 and all amendments in the legislation establishing the status of an "undesirable organisation";
- Demand the abolition of article 330.1 and all amendments in the legislation establishing the status of organisations fulfilling the functions of a foreign agent;
- Demand an amendment to article 282.1 of the Russian Criminal Code, excluding penalties for calls for non-violent actions;
- Demand the specification and narrowing of the legislative definition and practical use of the legislation defining extremist activity, and also part 1, article 213, article 214, article 205.2, article 280, article 275, article 282, article 282.1, article 282.2 and article 282.3 of the Russian Criminal Code;
- Demand the abolition of the procedure of extrajudicial inclusion to the list of persons, whose accounts and property are a subject to blocking;
- Monitor violations and demand the observation of the obligations established as Russia's international obligations in the sphere of fair trial and of democratic procedures guaranteeing political competition and the changeability of government as a result of elections;
- Create a list of investigators, prosecutors, judges and other persons personally responsible for the human rights violations in connection with political repressions in Russia (similar with the Magnitskiy list), subject to sanctions outside of Russia.

**Monday, 28 September 2015**

#### ***WORKING SESSION 10: Fundamental freedoms II, including:***

- *Freedom of movement*
- *Treatment of citizens of other States*
- *Migrant workers, the integration of legal migrants*

## Recommendations to participating States

### **United States of America:**

- The United States remains concerned that the right to leave and return to one's country eludes many citizens in the OSCE region. Several OSCE participating States inhibit external and internal movement through exit visa regimes and other mechanisms that frequently target activists, human rights defenders and political opposition figures. These participating States interfere with the exercise of other rights of their own citizens, such as the freedoms of expression and association, thus limiting their ability to engage with the international community. We urge participating States to cease such restrictions and uphold their commitments in this area.
- Public officials throughout the OSCE region must speak out against xenophobia and refrain from fanning the flames of hate. Those who commit hate crimes against migrants and violate labor laws must be prosecuted. More programs and protections are needed in Russia to assist hundreds of thousands of labor migrants from Tajikistan, Kyrgyzstan, and Uzbekistan, in addition to government support inside those countries for migrants returning from Russia.

### **Armenia:**

- Facilitate free and secure movement of persons among participating States through ensuring open and secure borders.
- Remove the illegal restrictions imposed on the freedom of movement of all individuals residing in the conflict affected areas and ensure humanitarian access of international organizations, including OSCE to those areas.
- Promote regional and cross-border cooperation at all levels of governance, including civil society through ensuring freedom of movement for representatives of governmental bodies, NGOs and international actors, including OSCE.

### **European Union (EU):**

- We continue to firmly believe that everyone has the right to freedom of movement and residence within the borders of their own country and that everyone has the right to leave any country, including their own, and return to his or her country
- In the instances where residency registration or declaration procedures are used they should be applied fully respecting freedom of movement.
- We believe that exit visa regimes should be abolished to ensure that the rights of all citizens to freedom of movement are respected. OSCE participating States should enable residents of conflict zones, refugees and IDPs to exercise their right to freedom of movement, in particular, to safe, dignified and voluntary return, access health-care as well as for other humanitarian purposes, including reunification of families.
- Freedom of movement of human rights defenders must be respected to ensure they can perform their tasks without any restrictions.

## **Georgia:**

there is an urgent need to:

- Call upon the Russian Federation to immediately stop and reverse the process of barbed wire installation along the occupational lines and act in accordance with the international law, Helsinki Final Act and its commitments under the 12 August 2008 Ceasefire Agreement;
- Call upon the Russian Federation to comply with its obligations under the international humanitarian and human rights law and as an occupying power, cease the ongoing flagrant violations of fundamental rights and freedoms of the population residing in the occupied territories;
- Urge the international community to become more active in seeking the access to the occupied territories as well as adjacent areas and establish a human rights monitoring mechanism which will be tasked with the assessment of the situation on the ground;
- Place the OSCE at the forefront of addressing restriction of freedom of movement, displacement and human right violations on the occupied territories and start discussions on restoration of the OSCE mission in Georgia.

## **Ukraine**

- We call upon participating States and all HDIM participants to support Global #FreeSavchenko Day on-line and off-line and send a clear message that it must be no political prisoners in the OSCE region.
- We urge the **Russian** authorities to undertake effective investigation of information on torture and other ill-treatment of Oleg Sentsov, Oleksandr Kolchenko, Henady Afanasyev, Stanislav Klyh and others. We call on Russia to invite OSCE representatives to this investigation and court trials.
- We urge **Russia** to immediately grant consular access to all Ukrainian citizens kept in custody on the territory of the Russian Federation.
- There is an ever growing number of cases of flagrant discrimination, intolerance and hate crimes in Crimea under the Russian illegal occupation. We urge **Russia** to take all necessary measures to prevent any acts of violence or intolerance based on ethnicity or any other biases in line with its OSCE commitments.

## **Anti-Discrimination Centre "Memorial":**

*To the **Russian Federation**:*

- We continue to insist on the need to provide foreign nationals and stateless persons with access to actual judicial protection within the framework of current Russian and international law.
- Russian authorities must take urgent general measures to improve detention conditions at SITDFNs (Special Institutions for the Temporary Detention of Foreign Nationals) and introduce judicial control over periods of detention.
- To avoid holding people in custody for an extended period of time without a valid reason, periodic judicial control over the deadlines for executing a resolution on expulsion and the legality of detention in a SITDFN must be

specified in the law (by analogy with articles 108 – 109 of the RF Criminal Procedural Code), and there must be a sharp reduction in periods for executing resolutions on expulsion and, accordingly, detention in SITDFNs, during which the competent authorities must establish the identity of the people in custody and create documentation for them.

- It will be necessary to create the procedural ability to terminate execution of a resolution on deportation and release the detained person, including at this person's own petition, if it is not possible to carry out the expulsion or there are other humanitarian reasons or new circumstances (lack of citizenship or the right to enter another country, state of health, military actions, a natural disaster, granting of asylum in the RF, etc.).
- It will be necessary to introduce a legal norm that upon the release of stateless persons who cannot be expelled to another country or persons not subject to expulsion for other reasons, these people must be issued documents that would allow them to remain in Russia legally (for example, a residence permit for stateless persons or temporary asylum).
- It will be necessary to introduce a legal norm that people held in a SITDFN must be provided with the free legal assistance of an attorney from the time they are detained until their expulsion from the country, release from the SITDFN, or, in the case of release without the termination of administrative prosecution, until the end of the administrative case, while people who are released due to the impossibility of expulsion must also be provided with free legal assistance when they apply for permits for their legal stay in the Russian Federation.
- It will be necessary to stop placing pregnant women, the mothers of young children, the elderly, sick people, and disabled people in SITDFNs in accordance with the norms of administrative detention established by the RF Administrative Offenses Code. Children, including those over the age of 16 should not be separated from their parents and placed in remand centers or orphanages. Living conditions must be created in SITDFNs for detained people who are married.
- It will be necessary to ensure that social watchdog commissions and other interested persons like relatives, friends, journalists, volunteers, human rights defenders, ombudsmen, lawyers, and attorneys are not prevented from visiting people held in SITDFNs. Rooms for meetings and appointments will have to be furnished so that people can meet there comfortably, and these rooms should have a corner for children in case prisoners are visited by their children. Conditions for extended meetings must be created for visits from relatives.
- End the practice of the arbitrary application of punishment for breaches of discipline. Bar the use of isolation cells and other forms of punishment and penalties against people held in SITDFNs.
- Ensure that prisoners have a connection with the outside world: allow them to use landlines and mobile phones, ensure that they have the opportunity to watch television and listen to the radio, create a free internet station, offer them the chance to file appeals in written form by mail or online, ensure that they can correspond freely.
- Bar solitary confinement and confinement in locked cells (people should be able to walk out into the hallway or take a walk in the courtyard when they



want); create conditions for unlimited walks and conversation, both during walks and at other times.

- Arrange for high-quality and timely medical care that includes the possibility of hospitalization (increase the number of personnel in the medical section of the SITDFN or enter into agreements with outside organizations to service the SITDFN); arrange for pharmacies.
- Create the opportunity for the unobstructed use of the shower and laundry room, provide prisoners with all the necessary hygienic supplies, including soap, laundry detergent, clean linens, changes of clothes, shaving and hair cutting items, toilet paper, feminine hygiene items, warm clothing.
- Set up stores in SITDFNs selling essential items, personal hygiene items, and food products.
- Improve nutrition; include fruits and vegetables in the diet.
- Organize leisure activities for prisoners: create conditions for exercising (equipment, space, gear); set up libraries.
- Create paid job opportunities (for example, open production shops in SITDFNs).

### **Center for Support of International Protection:**

To Jogorku Kenesh (Parliament) of the **Kyrgyz Republic:**

- Провести ревизию действующих, приостановленных и отмененных двусторонних соглашений с Российской Федерацией по вопросам правового положения граждан КР, постоянно проживающих в РФ, и граждан РФ, постоянно проживающих в КР;
- Инициировать разработку Соглашения о пенсионном обеспечении граждан КР, имеющих трудовой стаж в Российской Федерации, и граждан РФ, имеющих трудовой стаж в КР;
- Инициировать разработку закона о государственной поддержке социально ориентированных некоммерческих организаций, в том числе оказывающих поддержку гражданам КР – трудящимся-мигрантам и членам их семей.

To Ministry of Labour, Migration and Youth of the **Kyrgyz Republic:**

- Открыть представительство Министерства труда, молодежи и миграции КР в г. Москва;
- Инициировать создание межведомственной комиссии в рамках ЕАЭС по вопросам, связанным с миграционными процессами;
- Инициировать создание межсекторной рабочей группы по вопросам, связанным с миграционными процессами в ЕАЭС
- Открыть центр сертификации профессиональных квалификаций рабочих кадров для граждан КР в г. Москва;
- Разместить на сайте Министерства подробную и доступную информацию о правовом положении граждан КР в РФ согласно положениям Договора о ЕАЭС;
- Разработать и запустить информационную кампанию по правовому просвещению граждан КР о правовом положении трудящихся

государств-членов Евразийского экономического союза, трудовом и миграционном законодательстве стран ЕАЭС;

- Разработать программу по профилактике нелегальной занятости граждан КР, трудоустроенных на территории РФ;
- Открыть центр юридической и психологической поддержки граждан КР, трудоустроенных на территории РФ, в г. Москва

To Ministry of Culture, Information and Tourism of the **Kyrgyz Republic**:

- Подготовить и выпустить в эфир серию телепередач с разъяснением миграционного законодательства РФ, рисков, прав и возможностей кыргызских граждан – трудящихся-мигрантов, пребывающих в РФ;

To Ombudsman of the **Kyrgyz Republic**:

- Открыть представительство Омбудсмана КР в г. Москва;
- Содействовать созданию Совета по правам человека ЕАЭС;

To Ministry of Foreign Affairs of the **Kyrgyz Republic**:

- Инициировать переговоры с МИД РФ о продлении «окна возможностей» миграционной амнистии граждан КР и дифференцированной отмене неразрешений на въезд в РФ, вынесенных по линиям всех уполномоченных органов РФ за незначительные нарушения;
- Открыть консульские отделения КР в крупных регионах РФ с целью расширения сети консульской поддержки граждан КР;

To Embassy of the **Kyrgyz Republic** in the Russian Federation:

- Разработать и разместить в открытом доступе на стендах консульской службы, на сайте Посольства актуальную памятку для трудящихся – граждан Кыргызстана и членов их семей в Российской Федерации с учетом положений Договора о ЕАЭС;
- Активизировать работу по информационному обеспечению правовой защиты трудящихся-мигрантов и членов их семей из КР в РФ с привлечением ресурсов некоммерческих и диаспоральных организаций;
- При содействии НКО и органов власти РФ – провести мониторинг условий содержания и доступа к правовой защите граждан КР, содержащихся в СУВСИГах регионов РФ;
- Сформировать и разместить в открытом доступе «черный список» посреднических организаций, на деятельность которых в консульскую службу Посольства КР поступали жалобы.

**Group 484:**

- We call for immediate action in reaffirming and observing existing international instruments and the standards contained therein for protection of human rights and for granting the assistance to refugees and migrants, which in addition must include observance of the commitments for solidarity and burden sharing among countries

## Recommendations to OSCE

### **United States of America:**

- With hate crimes towards African and Muslim migrants on the rise in the OSCE region, we commend ODIHR's efforts to collect hate crimes data and work with affected communities, with a special focus on women and youth.

### **Latvian Anti-Fascist Committee:**

- Предлагаю ОБСЕ ознакомиться с существующими на сегодня запретами на въезд стран – участников: кто и по каким причинам внесен в эти списки и вынести на рассмотрение вопрос об ограничении такого чиновничьего произвола. Как вариант могло бы быть предложение допускать ограничение свободы передвижения исключительно решением суда.

**Monday, 28 September 2015**

### ***WORKING SESSION 11: Humanitarian issues and other commitments, including:***

- *Address by the OSCE Special Representative/Co-ordinator for Combating Trafficking in Human Beings*
- *Combating trafficking in human beings*
- *Refugees and displaced persons*

## Recommendations to participating States

### **Armenia:**

- Strengthen regional and sub-regional cooperation with the OSCE in the field of combating trafficking in cooperation with the OSCE field operations.
- Strengthen the role of the OSCE as a platform for dialogue and cooperation in the field of anti-trafficking between those participating States, which do not have bilateral relations.
- The OSCE participating states should provide unhindered humanitarian access of the UNHCR and the UN special procedures to the refugees and internally displaced people in the conflict affected areas in the entire OSCE area
- Both the OSCE and the participating States should undertake measures to effectively uphold commitment on non-discrimination against asylum seekers, refugees and IDPs on the national, ethnic and any other ground, as stated in the Maastricht Ministerial Council Decision 4/03 on Tolerance and Non-discrimination, adopted in 2003.

### **Azerbaijan:**

- We call on OSCE participating States, in particular the co-chairmen of the OSCE Minsk Group and its member-states to take effective measures to stop Armenia's policy of illegal settlements in the occupied territories and persuade Armenia to constructively engage in negotiations for finding solution to the Armenia-Azerbaijan conflict.

### **Switzerland:**

- Verstärkte Zusammenarbeit der OSZE-Staaten für die Verbesserung des Schutzes von Flüchtlingen und intern Vertriebenen, inklusive Umsetzung bestehender Instrumente und Empfehlungen, darunter die „*Protection Checklist*“ und die Empfehlungen des Sonderberichterstatters für die Menschenrechte von intern Vertriebenen.
- Dimensionsübergreifende Weiterentwicklung der Instrumente der OSZE zum Umgang mit der aktuellen Flüchtlingssituation in Europa, inklusive der OSZE Feld Operationen, in Bezug auf nachhaltige Lösungen, mit Konsultation und Einbezug von Betroffenen und der Zivilgesellschaft.

### **Turkey:**

- Call on participating States to attend the World Humanitarian Summit at the highest possible level.

### **Ukraine:**

#### *To the **Russian Federation:***

- С целью восстановления прав человека на всей территории Украины призываем РФ: вернуть Украине незаконно аннексированный Крым; вывести свои войска с оккупированных территорий Донецкой и Луганской областей и вывести оттуда свои вооружения;
- прекратить поставку так называемых «гуманитарных конвоев», которые въезжают на территорию Украины с полным нарушением украинского законодательства и норм международного права; создать условия (не препятствовать) восстановлению Украиной полного контроля на всей протяженности украино-российской границы.

### **United Nations High Commissioner for Refugees:**

- We urge participating States to prioritize measures implementing OSCE commitments focused on protection, saving lives and addressing root causes of forced displacement. As the Assistant High Commissioner for Protection, Mr. Volker Türk, pointed out in his keynote address at the Special Human Dimension event on refugees and IDPs in July4, it is time to revisit discussions that took place in the 1980s and 90s in seeking solutions to the causes of displacement. The “Root Causes of Displacement” is the theme UNHCR has chosen for the High Commissioner’s Dialogue on Protection Challenges in Geneva in December 2015.

- By further strengthening our relationship, there will be a possibility of protecting and assisting refugees and displaced persons in the OSCE region in a more comprehensive way already at the outset of humanitarian crises. We invite participating States to reiterate their support and effort by showing their commitment to finding solutions for what is arguably one of the most crucial humanitarian issues of the last century.

### **OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings**

- As a general recommendation, I would like to recall that the best interests of the child shall be considered paramount at all times. In order to achieve this we must go beyond a mere promotion of a child victim-focused approach to concrete action.

More specifically I would like to mention that in the **area of prevention**:

- participating States should improve educational opportunities for all children without discrimination. This should also include the elimination of administrative and practical barriers that impede equal access to education for vulnerable children;
- participating States should improve child care and child protection systems;
- participating States should develop measures to prevent child trafficking and improve their identification in sectors where child trafficking is most prevalent.

There should also be a progress in the **area of implementation of protection** measures:

- as mentioned before the non-punishment clause applies to all victims of trafficking, including children;
- participating States should provide unconditional access for children to shelters addressing their needs, regardless of their administrative status or their readiness to co-operate with the authorities;
- children should have access to comprehensive protective services including physical, psychosocial, legal, educational, housing and healthcare assistance.

### **Group 484:**

- We call for immediate action in reaffirming and observing existing international instruments and the standards contained therein for protection of human rights and for granting the assistance to refugees and migrants, which in addition must include observance of the commitments for solidarity and burden sharing among countries.

### **National Forum 'Ossetia Accuses':**

- Наши рекомендации странам участницам ОБСЕ, большинство которых также принимает участие в голосовании в Генеральной Ассамблее ООН по вносимым грузинской стороной резолюциям, рассматривать проблему с учетом беженцев из самой Грузии осетинской национальности, их более ста тысяч после этнических чисток 1989-91 годов и более 36 тысяч

осетин вынужденных покинуть свои дома в Республике Южная Осетия и бежать в Российскую Федерацию вследствие агрессии Грузии в августе 2008 года.

#### **Soteria International:**

- We recommend **Swedish** authorities to take immediate actions to stop the persecution of the refugee in Sweden, by Swedish authorities.
- We recommend **Sweden** and other **EU** member states to work for a legislative solution, so that political or religious persecution cannot be continued with a European Arrest Warrant.

#### **University of Lucerne, Faculty of Law:**

- with regards to prevention and specific at-risk children, I would ask you all to consider whether and how the OSCE and its **Participating States** could play a more significant role in ending childhood statelessness.

#### Recommendations to OSCE

##### **Armenia:**

- Both the OSCE and the participating States should undertake measures to effectively uphold commitment on non-discrimination against asylum seekers, refugees and IDPs on the national, ethnic and any other ground, as stated in the Maastricht Ministerial Council Decision 4/03 on Tolerance and Non-discrimination, adopted in 2003.

##### **Azerbaijan:**

- Azerbaijani delegation recalls its appeal to the co-chairmen of the OSCE Minsk Group, in which Azerbaijani side has requested to organize a fact-finding mission to the occupied territories with a view to addressing the illegal activities therein, including the illegal transfer of population to these territories.

##### **Russian Federation:**

- Призываем ОБСЕ и ее институты и все государства-участники продолжать уделять пристальное внимание решению вопросов борьбы со всеми формами торговли людьми. Рассчитываем, что в дальнейшем особое внимание в рамках реализации обязательств ОБСЕ будет обращать на уделяться такой важнейший аспект, как борьба с торговлей детьми, особенно оставшимися без родителей и воспитывающихся в приемных семьях. Необходимо поставить заслон распространенные в Интернете и соцсетях «Интернет-биржам» по продаже и обмену приемных детей. Помимо сурового наказания для злоумышленников должны быть предусмотрены специальные программы реабилитации и психологической помощи для детей-жертв торговли людьми.

## **Switzerland:**

- Dimensionsübergreifende Weiterentwicklung der Instrumente der OSZE zum Umgang mit der aktuellen Flüchtlingssituation in Europa, inklusive der OSZE Feld Operationen, in Bezug auf nachhaltige Lösungen, mit Konsultation und Einbezug von Betroffenen und der Zivilgesellschaft.  
Für die zukünftigen Anstrengungen der OSZE zur Bekämpfung des Menschenhandels empfehlen wir:
- die überregionale Zusammenarbeit zur Verbesserung des Schutzes von Hausangestellten in diplomatischen Haushalten;
- die Förderung der Zusammenarbeit aller relevanten Akteure, einschliesslich der Zivilgesellschaft, für die erfolgreiche Prävention und Bekämpfung des Menschenhandels.

## **Ukraine:**

- Обращаемся к ОБСЕ, Совету Европы, ООН, НАТО и другим международным организациям с просьбой способствовать установлению мира, защите территориальной целостности Украины и неприкосновенности ее государственной границы. Только после этого Украина сможет защитить в полном объеме права своих граждан

## **University of Lucerne, Faculty of Law:**

- with regards to prevention and specific at-risk children, I would ask you all to consider whether and how the OSCE and its Participating States could play a more significant role in ending childhood statelessness.
- with regards to prosecution, the OSCE should continue to support Participating States in establishing and developing National Referral Mechanisms.
- concerning protection efforts the OSCE could collect and exchange good practices regarding the operationalisation of the principle of the best interests of the child in all measures to assist and to protect trafficked children. In particular, this would include Best Interests Determination procedures that aim to identify a durable solution in line with the good practice compiled in UNHCR and UNICEF's recent report Safe & Sound.

**Tuesday, 29 September 2015**

***WORKING SESSION 12: Specifically selected topic: Combating hate crimes and ensuring effective protection against discrimination***

*Recommendations to participating States*

## **Armenia:**

- Governments and political figures should denounce racist and xenophobic discourse, including targeting certain ethnic and religious groups as tool to gain political advantage

- Participating States should convey clear political message in favour of diversity and pluralism, extend support at state level to projects aimed at promoting confidence, trust and reconciliation between peoples
- Participating States should ensure that the fight against terrorism must never become a pretext for misuse of criminal prosecutions or for other repressive measures against individuals on account of their ethnic origin.

#### **Canada:**

- For participating States, to develop or improve their monitoring and data collection of hate crime and implement whole of government approaches to combating hate, violence and discrimination.
- For participating States, to develop and implement legislation to combat hate-motivated violence.
- For participating States, to ensure that hate crimes committed against persons because of their sexual orientation are included within their definition of hate crime in their national criminal codes

#### **European Union (EU):**

- Increase efforts to strengthen the implementation of the OSCE Ministerial Council's Decision No. 9/2009 on Combating Hate Crimes.
- Boost the OSCE wide fight against hate speech, while fully respecting freedom of expression, including by using all opportunities offered to publicly condemn and speak out against hate crimes, regardless of pretext.
- Continue cooperating actively with the Office for Democratic Institutions and Human Rights (ODIHR) and to fully support its activities in preventing hate crimes.
- Submit available and relevant data to ODIHR for its annual report on hate crimes in the OSCE region.

#### **Article 19:**

- States must initiate clear measures and steps to ensure that discrimination on any grounds is made unacceptable in our societies. However, policies and laws need to respond to a double challenge: guaranteeing freedom of expression on the one hand while also finding ways to promote tolerance, including by combating incitement to discrimination, hostility or violence. ARTICLE 19 strongly believes that there is no contradiction in this, and that freedom of expression, combined with strong anti-discrimination laws, education and training policies, is the best way to challenge intolerance.

#### **Barnabas Fund:**

we call upon European authorities to:

- protect and aid minority populations, and to provide aid and support to Syrian and Iraqi minorities in just proportion to their numbers in the general population. This should be an explicit and verifiable policy. European states should likewise ensure that humanitarian asylum for refugees is likewise



provided with an explicit and verifiable policy that vulnerable religious/ethnic groups receive a fair quota of places.

### **Bürgerbewegung Pax Europa:**

Recommends:

- That border and internal security be significantly strengthened by participating States.
- That participating States abstain from violating fundamental rights of their citizens, such as freedom of expression and assembly or property rights, in order to accommodate foreigners.
- That solid policing, including the use of relevant profiling, remain a top priority.
- That the quality of policing must never be impaired by a struggle against 'Discrimination'.
- That organizations seeking to destroy democracy and secular society be controlled or dissolved.

### **Center for Information and Analysis (SOVA):**

- Change the crime reporting system so that suspected hate motive could be recorded at any stage, including the earliest one. Specialized police units are more effective in investigating hate crimes, but regular police should conduct such investigations as well.
- Publish hate crime statistics, highlighting the different types, regions, and number of victims. Official statistics should be based both on court decisions (for both proven and unproven cases), and on the number of opened criminal cases.
- More actively use the information collected by non-governmental organizations that perform systematic monitoring of racist groups, and consult NGOs on law enforcement issues. Despite methodological, and even political, differences, such cooperation can be very productive.
- Take statements from victims of suspected hate crimes also at mediation with such NGOs and specialized public authorities, dealing with discrimination problems.
- Adjust the legislative framework covering hate crimes and related activities, including public incitement, organizing, financing, etc. Legislation should focus law enforcement efforts, first and foremost, on prosecuting the most dangerous crimes against the person. The internal policies and regulations of law enforcement agencies should reflect the same priorities.
- To investigate the activities of the groups involved in the war crimes in one way or another; to investigate other especially grave crimes during the conflict in Ukraine.

### **Center for Security Policy:**

- recommends that the OSCE and all participating States not make Orwell a prophet but instead rethink the suppression of thought through the unbridled assault on its expression through the thinly veiled hate speech narrative.

### **Collectif contre L'islamophobe en France:**

We call upon OSCE member states to support victims of discriminations by:

- enforcing their right to file charges
- for civil servants to accept them
- and for the justice system to consider islamophobia as an aggravating factor

We call upon OSCE and its member states to:

- recognize islamophobia as it is, a hate fueled ideology threatening social cohesion.

### **European Centre for Law and Justice:**

- d'organiser une collecte de l'ensemble des faits concernant la haine anti-chrétienne
- de permettre au public, et notamment aux journalistes, d'y avoir accès librement ;
- de bien distinguer dans ces statistiques des faits de nature très différente ;
- de réprimer avec fermeté et justice l'ensemble des actes anti-chrétiens ;
- de protéger la liberté religieuse et la liberté d'expression et, plus largement, de protéger l'ensemble des activités chrétiennes, privées comme publiques.

### **“Giuseppe Dossetti” Observatory for Religious Tolerance and Freedom:**

Participating States are urged to:

- Provide disaggregated data on hate crimes, paying more attention to the hate crimes against Christians – also where they are majority – in the questionnaire collecting data from national data collection point.
- Compile and publish a national report on hate crimes.
- Develop training programs on hate crimes for public officials and law enforcement agencies operating at local level.
- Adopt national action plan in order to prevent and respond to hate crimes.
- Request the assistance of the OSCE/ODIHR in order to implement TACHLE and ПАНСТ at national level.

### **Golos Svobody Public Foundation:**

To Republic of **Kyrgyzstan:**

- Необходимо принять закон о наркологической помощи населению для определения видов наркологической помощи, гарантии прав медицинских работников в предоставлении наркологической помощи, механизмов защиты прав пациентов от дискриминации и т.д.
- Необходимо изменить/отменить систему наркологического учета пациентов опиоидной заместительной терапии.

- Необходимо внести поправки в законодательство о применении принудительного лечения наркотической зависимости только в тех случаях, когда существует реальный риск причинения лицом тяжкого вреда себе или третьим лицам.
- Необходимо внести изменения в Уголовный Кодекс страны и исключить состояние опьянения из числа отягчающих вину обстоятельств.
- Необходимо внести изменения в Уголовный кодекс, которые позволят осуществлять меры наказания, альтернативные тюремному заключению, за ненасильственные преступления, связанные с наркотиками (без цели сбыта).

### **LGBT Association "LIGA":**

We call upon the OSCE Participating States to use their influence and recommend the governments of Ukraine and Kazakhstan to:

- Ensure protection of citizens from discrimination based on sexual orientation and gender identity by including these grounds in the legal framework;
- Ensure prohibition of discrimination of LGBT people by including sexual orientation and gender identity into the Constitution of Ukraine;
- Ensure exhaustive list of grounds for protection from and investigating hate crimes including those committed with the homophobic or transphobic motives;
- Include civil society organizations working for human rights protection of LGBT people into the law-making processes.

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

To Greece:

- To respect and promote basic principles of equality and non-discrimination across the country, treat members of the Turkish Minority as equal citizens and promote their ethnic, religious, linguistic and cultural characteristics,
- To trial those who are responsible for the hate motivated attacks and crimes against the Turkish Minority and its foundations,
- To start an objective, effective, result-oriented dialogue mechanism with representatives of the Turkish Minority that aims to fight against any kind of actions based on discrimination, inequality and intolerance towards Muslim and Turkish identities in Western Thrace.

### *Recommendations to OSCE*

#### **Russian Federation:**

- Исполнительные структуры ОБСЕ - БДИПЧ, Представитель ОБСЕ по свободе СМИ, Верховный комиссар по делам нацменьшинств - должны сфокусировать свою деятельность на борьбе с преступлениями на почве ненависти и разжиганием ненависти в СМИ и Интернете, на пресечении распространения материалов радикального и экстремистского толка, пропаганды и вербовки новых членов в экстремистские организации.

### **Center for Information and Analysis (SOVA):**

- In the context of the conflict in Ukraine, establish a working group that would monitor military activities of the ultranationalists. An agreement between Ukraine and Russia on the format of such a group should be reached.
- Compile and distribute experience gained from comprehensive efforts against groups that practice racist violence, including specific criminal investigations, detection and destruction of the groups' infrastructure, isolation of their funding sources, identifying organizers and coordinators of violent actions, etc. Hold an international expert workshop on this topic, if needed.
- Organize a seminar – or better a series of seminars - for law enforcement officials from different countries, presenting a summary of successful practices for collecting information and recording hate crimes statistic.

### **Center for Security Policy:**

- recommends that the OSCE and all participating States not make Orwell a prophet but instead rethink the suppression of thought through the unbridled assault on its expression through the thinly veiled hate speech narrative.

### **Collectif contre L'islamophobe en France:**

We call upon OSCE and its member states to:

- recognize islamophobia as it is, a hate fueled ideology threatening social cohesion.

### **Core Issues Trust, UK:**

- We request the OSCE to note :
  - (1) the rising intolerance of liberal orthodoxy among politicians in an increasingly intolerant UK state;
  - (2) the un-censured propagation of hate-speech terms such a 'bigot' to denounce unpopular viewpoints about therapy for unwanted same-sex attractions.

### **European Center for Democracy Development:**

My recommendations of the OSCE:

- It is necessary to detail and carefully to standardize the concept of hate crimes.
- The recommendations of the OSCE needed to build the infrastructure to work with the population in the countries of the OSCE.
- It is necessary to lead OSCE monitoring of the legislation on the subject of analysis of how the hate motive affect the classification of the crime.

### **International Human Rights Movement "World without Nazism":**

- Я хотел бы предложить ОБСЕ следующие рекомендации: настоятельно требовать от правоохранительных органов стран-членов ОБСЕ выделять преступления ненависти в общей криминальной статистке и не пытаться маскировать их.
- Второе – ОБСЕ желательно инициировать просветительские программы, в которых бы четко указывалось на недопустимость злоупотреблений правами меньшинств для оправдания ксенофобской пропаганды или преступлений ненависти.

### Recommendations to OSCE/ODIHR

#### **European Centre for Law and Justice:**

- de soutenir et de développer la prise de conscience sur les actes anti-chrétiens ;
- de promouvoir la liberté religieuse ;
- d’encourager les Etats membres à prendre les dispositions législatives et jurisprudentielles nécessaires pour ne pas laisser impunies les agressions anti-chrétiennes ;
- d’encourager les Etats membres à prendre les dispositions administratives nécessaires pour suivre précisément les agressions anti-chrétiennes.

#### **“Giuseppe Dossetti” Observatory for Religious Tolerance and Freedom:**

The OSCE/ODIHR is called upon to:

- Train law enforcement agencies, media and civil society to consider carefully also the hate crimes perpetrated against majority groups.
- Develop Guidelines for educators on countering intolerance and discrimination against Christians.

**Tuesday, 29 September 2015**

***WORKING SESSION 13: Specifically selected topic: Combating hate crimes and ensuring effective protection against discrimination (continued)***

### Recommendations to participating States

#### **ACT for America 5280 Coalition:**

- Act for America 5280 Coalition recommends that complaints by self-identified Islamic entities concerning “hate crimes and discrimination” be ignored until they themselves uphold the same standards that they demand from the rest of the non-Muslim world.

#### **Alliance Defending Freedom:**

- ADF International further calls on Participating States to repeal vaguely worded “hate speech” laws to ensure a free exchange in the marketplace of ideas.

#### **Center for Security Policy:**

- In places like this OSCE forum, there seems to be an emerging tyranny of facially neutral narratives driven by ill-defined terms purposefully directed at the suppression of the very freedoms and liberties they say they promote. The Center for Security Policy recommends that the OSCE and participating States rethink the “Hate Speech / Hate Crime” narratives they seek to adopt that have the effect of undermining the very rights they claim to promote.

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

##### *To Ukraine:*

- Принять новый антидискриминационный закон, соответствующий международным правовым стандартам, а не модифицировать имеющийся
- Отслеживать финансовые транзакции украинских чиновников за границу,
- ввести санкции против украинских чиновников и олигархов, занимающихся разворовыванием бюджетных средств, не разрешать им въезд на территорию Европейских государств и США
- вернуть украденные чиновниками деньги и вывезенные за рубеж в бюджет Украины с целью предотвращения геноцида украинского народа
- принять закон о защите прав правозащитников – одной из наиболее дискриминируемой группе в Украине

#### **Collectif contre L'islamophobe en France:**

- We call upon the OSCE and its member states to promote integration through anti discriminatory recruitment policies in companies and to, and we cannot stress this enough, let the justice system do its work when cases of anti-Muslim crimes and cases of discrimination are brought to court. The impunity of these attacks is only a call for them to increase

#### **Public Union "Labrys":**

- All three state have general laws, which protect all citizens. However, there are no laws specifically protecting the LGBTI community from hate crimes. This situation justifies hate crimes and neglects violations of human rights. We urge **Tajikistan, Kazakhstan and Kyrgyzstan** to introduce comprehensive laws and policies against hate crimes, violence and discrimination, that are inclusive of LGBTI.
- Take measures to reports, investigation and prosecution of hate crimes against members of the LGBT community.

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

- To give an evaluation to the national laws on incitement to hatred and their implementation, with reference to the Rabat Action Plan
- There is a need to adopt and develop comprehensive anti-discrimination legislation or a series of individual acts containing effective rules and procedures of proving discrimination
- Public officials should have no right to express publicly their intolerance or even disrespect to any minorities. Civil service legislation should include effective sanctions against such actions. These penalties also need to be made public.

### Recommendations to OSCE

#### **Alliance Defending Freedom:**

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

#### **Bürgerbewegung Pax Europa:**

Recommends:

- That definitions of terms used in OSCE documents always be provided, possibly by reference.
- That terms with overly broad or unclear definitions should not be used in OSCE documents, also in order to secure that well-meaning decisions cannot be exploited by enemies of free societies.
- That care be taken to not incite a mob mentality through the use of poorly defined terms.
- That the Rule of Law principle of "Innocent until proven guilty" be kept in mind and applied.

#### **Collectif contre L'islamophobie en France:**

- We call upon the OSCE and its member states to promote integration through anti-discriminatory recruitment policies in companies and to, and we cannot stress this enough, let the justice system do its work when cases of anti-Muslim crimes and cases of discrimination are brought to court. The impunity of these attacks is only a call for them to increase

#### **Institute of European Studies, Latvia:**

My recommendations of the OSCE leadership:

- Create a commission to monitor the problem of mass non-citizenship in Latvia and Estonia. The Commission should pay attention to the facts of the persecution of activists of non-citizens in Latvia and Estonia by Political police.

- We appeal to the leadership of the OSCE to apply the tools of influence on Latvia in the field of protection of minorities that are discriminated against, which are in its possession.

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

- Personal Representatives of the Chairman- in- Office on Tolerance and Non-Discrimination should increase the visibility of their work and enhance their cooperation with civil society (including seeking increased media coverage of their country visits, wider dissemination of their reports and more active participation in international and national events on topics relevant to their mandates, including those organized by NGOs).

#### *Recommendations to OSCE/ODIHR*

#### **Muslim Denomination in Bulgaria:**

- To suggest specific measures to prevent intolerance, xenophobia and hate crimes;
- To undertake measures for better supporting OSCE participating States in implementing their commitments on tolerance and non-discrimination;
- To continue with the training programs on responding to hate crimes and all kind of intolerance for law enforcement, educators, NGOs etc.

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

- ODIHR, together with the Venice Commission, should examine the legislation of participating States for discriminatory provisions targeting religious and ethnic minorities, Roma and Sinti, migrants, LGBT, and other groups, and issue recommendations upon results of this examination; participating States should request such examinations and follow their recommendations.
- ODIHR should organize expert consultations on ways to address violations of fundamental rights, including incitement to hatred, in the context of elections in participating States, by using, inter alia, existing tools such as ODIHR election observation missions and the Panel of experts on political party regulation.

#### *Recommendations to FoM*

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

- The Representative on Freedom of the Media should develop and promote guidelines for participating States on combating hate speech in the media and the Internet as well as by public officials and politicians, while also upholding freedom of expression

#### ***Side Event: Human Rights Situation in the Occupied Regions of Georgia***



### Recommendations to participating States

#### **Georgia:**

Appeals to the international community, **states** as well as international intergovernmental and non-governmental organizations:

- to continue recognizing extensively and widely the occupation of the territories of Georgia by the Russian Federation;
- to continue calling on the Russian Federation to bear responsibility for human rights violations on the occupied regions of Georgia;
- to continue calling on the Russian Federation to stop placing and remove barbed wire fences and other artificial obstacles along the occupation line;
- to take additional measures in order to monitor and report on the human rights situation in the occupied regions of Georgia;
- to continue calling on the Russian Federation to allow a) access of the international human rights monitoring mechanisms to the occupied regions of Georgia; b) relevant missions of international organizations (e.g. EUMM), including humanitarian organizations, to the occupied regions of Georgia through legal routes;
- to continue and intensify condemning violations of human rights such as freedom of movement; freedom from torture and ill-treatment; the right to liberty; and the right to property in the occupied regions of Georgia.

**Wednesday, 30 September 2015**

#### ***WORKING SESSION 14: Tolerance and non-discrimination II, including:***

- ***Combating racism, xenophobia and discrimination, also focusing on intolerance and discrimination against Christians and members of other religions***
- ***Combating anti-Semitism***
- ***Combating intolerance and discrimination against Muslims***

### Recommendations to participating States

#### **United States of America:**

- We urge participating States to support these efforts by increasing funding for ODIHR within the unified budget and through extra-budgetary projects. We welcome the launch of ODIHR's hate crimes website late last year. Thirty-two participating States have fulfilled the commitment to provide hate crimes data to ODIHR; we encourage the remaining participating States to do so without delay.
- We urge the EU and individual governments to ensure sustained attention to anti-Semitism by appointing envoys for that purpose. We also agree with the closing statement of the Swiss Chair-in-Office at last year's Berlin Conference that the Working Definition of Anti-Semitism disseminated by the EU

Monitoring Center remains a useful tool for governments and civil society in explaining how anti-Zionism is frequently a mask for anti-Semitism.

### **Holy See:**

- We call upon the OSCE participating States, in particular, and the international community in general, as well as the media and other relevant role-players to combat intolerance and discrimination, as well as hate incidents and crimes against Christians, with the same determination as they would fight hatred against members of other religious communities.

### **European Union (EU) :**

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

### **Switzerland:**

La collaboration entre les Etats et la société civile est un élément déterminant pour renforcer la lutte contre l'intolérance et la discrimination. A cet effet, nous recommandons en particulier aux Etats participants:

- Premièrement, de mettre en œuvre sans attendre la Déclaration ministérielle de Bâle sur le renforcement des efforts de lutte contre l'antisémitisme.
- Deuxièmement, de promouvoir toute forme de coopération et de partenariat avec la société civile, notamment avec les organisations culturelles et religieuses, pour sensibiliser aux effets négatifs de la discrimination et pour favoriser le respect ainsi que la compréhension entre les diverses communautés ethniques et religieuses.

### **ACT for America 5280 Coalition:**

- The ACT for America 5280 Coalition recommends that any complaints by self-defined Islamic entities concerning "intolerance" be ignored until such a time that these same entities show some of the tolerance to others that they are demanding from the West.

### **Atheist Ireland**

Overall Recommendations

- Host an event to combat specifically discrimination against atheists
- Appoint an official to report specifically on discrimination against atheists
- Support Dublin Declaration on Secularism and the Place of Religion in Public Life
- Support Dublin Declaration on Empowering Women Through Secularism
- Change relations of OSCE and States with the Holy See/Catholic Church

#### Recommendations related to *Ireland*

- Constitutional amendments regarding freedom of religion or belief in Ireland
- End religious discrimination in the Irish education system
- Amend the Civil Registration Act in Ireland to treat atheists equally
- Vindicate the reproductive rights of women in Ireland
- Redress for historic abuse of women and children in Ireland
- Implement conclusions on freedom of religion of UN Human Rights Committee
- Implement conclusions on the right to education of UN Committee on Economic, Social and Cultural Rights 2015, UN Human Rights Committee under ICCPR 2014, European Commission Against Racism and Intolerance 2013, UN Committee on Elimination of Racial Discrimination 2011, UN Human Rights Committee under ICCPR 2008, Council of Europe Framework Convention on the Protection of National Minorities 2006, UN Committee on the Rights of the Child 2006, and UN Committee on the Elimination of all Forms of Racial Discrimination 2005.

#### **B'nai B'rith International:**

- We must continue to affirm commitments made at the landmark 2004 conference and reiterated at last year's review conference and assess the implementation of those commitments.
- We should widely promote, within the OSCE, the European Union Fundamental Rights Agency's comprehensive working definition of anti-Semitism.
- We must enhance funding for ODIHR's Tolerance and Non-Discrimination unit, which has now become a fixed and integral part of the OSCE's work. We must enable the TND unit to sustain and expand its critical activities, which include educational programs on anti-Semitism in more than a dozen countries.
- We must extend, for the foreseeable future, the terms of the three personal representatives on intolerance.
- Member-states must fulfill their reporting requirements with respect to hate crimes data. Far too few governments have done so until now.
- Finally, we must strongly reinforce the crucial principle declared at the 2004 Berlin Conference – That no political position, cause or grievance can ever justify anti-Semitism – and make clear that the demonization and delegitimization of the Jewish state is often none other than a pretext for the hatred of Jews themselves.

#### **Buergerbewegung Pax Europa:**

Recommends:

- That our security organizations investigate the ideologies of any and all religious groups.
- That any religious group promoting anti-Semitism and similar views be re-categorized as political.
- And that any such group be held legally responsible for how they motivate their members.

**Center for Security Policy:**

- OSCE and participating States juristically define the terms they seek to impose on the citizens of participating States. Where appropriate, definitions should include identifying terms that have taken on divergent – even Orwellian – double meanings when used in official forums as opposed to their common and often defined use. When terms turn out to lack precise definition, their use when suppressing speech in the interest of hate should be suspended.

**Centre of Civic Education "ALMENDA":**

- Неукоснительно исполнять нормы Женевской конвенции от 12 августа 1949 года о защите гражданского населения во время войны, особенно в части принуждения о её соблюдении. Необходимо выработать конкретные механизмы, воздействующие на оккупирующую державу, для принуждения её к соблюдению конвенции.

**Constantinopolitan Society:**

Property rights

- Return properties of minority foundations registered in the 1936 Declarations without precondition and bureaucratic obstacles to their rightful owners. If there is any kind of dispute as for the ownership of a particular property, the burden of proof should lay on the state and not on the foundations.
- Amend the Law on non-Muslim Welfare Foundations in such a way that would allow for, inter alia,
- Solving the question of property that was seized and sold to third parties.
- Issuing new regulations for the arbitrarily suspended elections within the minority foundations and immediately permit conduct of elections in all foundations.
- Returning the three churches of Panayia Kafatiani, Aya Yani and Aya Nikola in the district of Karakoy - Galata in Istanbul, as well as their immovable properties, which are illegally and forcibly occupied by the self-declared and nonexistent “Turkish Orthodox Patriarchate (TOP)”, to their legal owners. Turkish authorities should grant them full legal entity status so as to be able to elect their governing bodies and freely administer and manage their own foundations.
- Returning the archives and the library of 50.000 valuable volumes of the Hellenic
- Literary Society of Constantinople (Ellinikos Filologikos Syllogos Konstantinoupoleos) - which has been illegally confiscated in 1925- to a

Greek Minority Foundation in Istanbul. This library represents the intellectual heritage of the Hellenism of Constantinople.

- Ensuring that Greek citizens are able to fully enjoy their rights over inherited patrimonial property, by implementing as of March 2010 recommendations of the Council of Europe Venice Commission on the protection of property rights. Turkey should conform to the relevant rulings of the European Court for Human Rights.

#### Educational rights

- Amend the Law on Private Schools Education, so as the diplomas of students of European and other nationalities are officially recognized and validated for their admittance in Turkish Universities etc.
- Facilitate the approval of textbooks used by Greek minority schools through a simple and speedy process.
- Support financially minority schools, as it is foreseen by the 1923 Lausanne Treaty.
- Delete all anti-minority references from schoolbooks used for teaching in Turkey, as it forges historic realities, fosters discriminatory behavior against members of the minority and incites hate actions.

#### Human rights, non-discrimination issues

- Restitute Turkish Republic citizenship to Greek minority members living abroad and issue permanent residence and work permit to those who are willing to live in Turkey.
- Ensure that Greek citizens are able to fully enjoy their rights over inherited patrimonial property.
- Comply with decisions made by the European Court of Human Rights by removing the space listing religious affiliation on official identification cards.
- Fully implement the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights and interpret the 1923 Lausanne Treaty so as to provide equal rights to the Greek Minority in Turkey.
- Sign and ratify the Framework Convention for the Protection of National Minorities (FCNM) of the Council of Europe.
- Revise the law on the National Human Rights Institution (NHRI) in order to make it an independent body which is adequately accountable to the public and which includes the participation of non-Muslim minorities' members.
- Turkey is urged to make sustained efforts to prevent and punish hate speech or crimes targeting persons belonging to minorities.

#### **CST - Community Security Trust:**

- We have a right to expect States to take initiative, and to ensure that education of all students incorporates to history of Jews' contribution to European culture and science, greater awareness and understanding of contemporary anti-Semitism, as well as the history of the Holocaust and the learning that emerges from this. We also have the right to expect Participating States to facilitate continuing cooperation between Jewish and other faith communities.

### **Christian Solidarity Worldwide (CSW):**

- CSW further calls on OSCE participating States and institutions to encourage and assist the Turkish authorities in promoting freedom of religion or belief in accordance with the accepted international human rights standards on freedom of religion or belief.

### **CSW urges Turkey to:**

- Ensure that all religion or belief groups and their institutions can obtain legal personality and exercise their internationally established rights;
- Effectively prosecute those who attack places of worship or individuals due to their religion or belief and provide the victims of rights violations with reparations;
- Educate all public officials, including those charged with law enforcement in their duty to protect the rights of religious minorities in a manner consistent with the international human rights framework on freedom of religion or belief;
- Monitor the implementation of the decree returning confiscated properties to minority communities, to ensure that the General Foundations Board of Turkey processes each application for return of assets quickly and fairly;
- Remove the box denoting religion on ID cards in line with the ECtHR's 2010 decision in *Sinan Işık v. Turkey* in order to avoid further breaches of Article 9 of the ECHR.
- Ensure the implementation of recommendations made in the 2015 UN UPR, especially those pertaining to Freedom of Religion or Belief and Freedom of Expression;
- Ratify the Council of Europe Framework Convention for the Protection of National Minorities;
- Remove all reservations to international human rights treaties and uphold the rights outlined in the international statutes to which it is party; including withdrawing its reservations to article 27 of the ICCPR on minority rights, which limits the rights afforded to religious minorities

### **European Centre for Law and Justice:**

- To assess freedom of conscience legislations to fully secure conscientious objection; to refrain from interferences and to modify legislation that discriminates or interferes with freedom of conscience and religion; to follow the OSCE Parliamentary Assembly Resolution of July 2011.
- ECLJ recommends to employers to make possible the conscientious objection of medical staff.
- To publicly recognize the contribution of Christianity and Christians in all the fields of the society and to encouraged the media to do so too; to recognize and condemn crimes and discrimination against Christians and ensure their right to participate fully in public life; to monitor carefully the growing phenomenon of hostility against Christians and take appropriate measures in response; to brief and train law enforcement officials as to protect Christian activities adequately within the framework of the law; and to follow up the OSCE Parliamentary Assembly resolution of July 2011.

### **European Muslim Initiative for Social Cohesion (EMISCO):**

- Encourage political leaders and public figures to speak out strongly and promptly when anti-Muslim incidents occur as well as for other majority religions;
- Re-define European values through an inclusive, pluralistic approach **based on a Reflexive VIRTUE ethics** that acknowledges the fruitful historical interaction between Judeo-Christian and Muslim values in order to move towards a more inclusive definition of what Europe stands for today;
- Introduce a new contract between governments, majority societies, and all ethnic and religious minorities, based on this re-defined discourse about “Western values”.
- Take steps to effectively address intolerance against Muslims in the OSCE area, both in preventing and responding to incidents by implementing concrete measures in every level;
- Implement existing OSCE commitments related to monitoring hate crime and collecting relevant data on incidents targeting Muslim communities, ensuring that data is disaggregated to show specific bias motivations related to religion;
- Ensure that security measures and anti-terrorism efforts are not directed at any specific ethnic, religious or cultural group, in their design, implementation or impact;
- Collaborate with local civil society groups, and Muslim communities, through effective partnerships and strengthened dialogue to address intolerance, discrimination and to promote mutual respect and understanding.
- Encourage cultural and religious diversity in public debates, as well as in consultations during important legislative initiatives.
- Make progress in **intercultural and interreligious education** as recommended in the Council of Europe Reference Book on Religious Diversity and Intercultural Education published in 2007 in line with the European Cultural Convention (1954) (ETS No. 18) which underlines the need for education to develop mutual understanding between peoples.

### **European Union of Jewish Students:**

- We recommend to the OSCE and participating states to undertake awareness raising measures that enable public stakeholders the following: To strongly differentiate between what it means to have a Jewish identity, one hand, and the political image of the State of Israel, on the other hand.
- We ask governments to implement their commitment to promote Holocaust remembrance and education, and to resist the political and revisionist motives behind distortion of the Holocaust.
- We recommend that various forms of Holocaust education should in no way be compromised.
- The online incitement of hatred may prepare the ground for offline violence. Therefore governments should support civil society initiatives which promote counter speech and a critical approach towards online content.

### **FEMYSO - Forum of European Muslim Youth and Student Organisations**

FEMYSO urges:

- EU institutions and Member States (MS) to officially recognise of Islamophobia and discrimination as being an aggravating circumstances in hate crimes
- Member States to adopt national strategies to tackle and address discrimination faced by Muslims.
- Member states to collect disaggregated data on gender, ethnicity, religion and belief with the aim to better implement anti-discrimination law and shape policies to undermine disadvantages faces by Muslims.
- UE institutions and MS to monitor hate speech in the political, media and social media in order to address them strongly as they create a favourable environment normalising Islamophobic violence and discrimination.
- Empower ngo's by supporting them financially to provide training on grassroots organisation, law enforcement bodies and professionals and the victims themselves.
- UE institutions and MS to implement and improve EU directives aiming to tackle discrimination (race equality directives, employment framework).

### **Forum for Religious Freedom Europe (FOREF):**

*To Germany:*

- Investigate the disproportion of the measures taken by the local authorities and the instigating role played by so-called cult experts in the case of the Twelve Tribes community and prioritize the physical and psychological well-being of their children regardless of religious affiliation;
- Consider professional opinions of sociologists or accredited scholars of Religious Studies (*Religionswissenschaft*) instead of adopting the biased views of so-called cult-experts (*Sektenexperten*) or TV reporters when dealing with New Religious Movements such as the Twelve Tribes;
- Avoid stigmatization and bullying of children in foster homes (*Jugendheime*) and schools through promoting a culture of mutual tolerance and respect toward religious minorities;
- Encourage mediation, dialogue and de-escalation approaches instead of criminalization of religious communities;
- Implement OSCE commitments on the freedom of religion of thought, conscience, religion or belief as stated in the Helsinki 1975, Vienna 1989, Copenhagen 1990 and Kyiev 2013 documents.

*To Austria:*

- Remove the pejorative cult term in the title of the BSS and all state sponsored observation offices or information centers.
- Revise the unconstitutional federal law to install a documentation and information center for cult issues (Bundesgesetz über die Einrichtung einer Dokumentations- und Informationsstelle für Sektenfragen (EDISG) 1998).
- Install a confessionally independent, scientific center for the purpose of collecting information and providing professional counseling on religious, spiritual and esoteric communities, regardless of their legal status. (e. g. the British model of INFORM – information network focus on religious



movements, which encompasses experts from psychology, sociology and religious studies.)

- Introduce transparency and publicity as guiding principles of state documentation on religious minorities and inhibit state collaboration with established churches in emanating information on non-established religious minorities.
- Inhibit state collaboration with and monitor FECRIS-affiliated private information centers (e. g. GSK).
- Enable a due legal process for religious groups to present their standpoint, in the case that they are named in state reports.
- Introduce a reformed legislation on religion that fully respects the principle of equality, the autonomy of religious communities and the free practice of religion (cf. Art. 9 ECHR).

#### To *Hungary*:

- Remove the pejorative cult term in the title of the BSS and all state sponsored observation offices or information centers.
- Revise the unconstitutional federal law to install a documentation and information center for cult issues (Bundesgesetz über die Einrichtung einer Dokumentations- und Informationsstelle für Sektenfragen (EDISG) 1998).
- Install a confessionally independent, scientific center for the purpose of collecting information and providing professional counseling on religious, spiritual and esoteric communities, regardless of their legal status. (e. g. the British model of INFORM – information network focus on religious movements, which encompasses experts from psychology, sociology and religious studies.)
- Introduce transparency and publicity as guiding principles of state documentation on religious minorities and inhibit state collaboration with established churches in emanating information on non-established religious minorities.
- Inhibit state collaboration with and monitor FECRIS-affiliated private information centers (e. g. GSK).
- Enable a due legal process for religious groups to present their standpoint, in the case that they are named in state reports.
- Introduce a reformed legislation on religion that fully respects the principle of equality, the autonomy of religious communities and the free practice of religion (cf. Art. 9 ECHR).

#### **Foundation "CitizenGO":**

- To develop a policy on asylum, based on religious grounds, especially for persecuted Christians and other religious minorities.
- To establish a policy which will help Christians and members of other religious minorities forced to run to reunite with their families in their homeland as soon as possible.

#### **Greek Helsinki Monitor:**

##### *To Greece:*

- Greece should see to it promptly that prosecuting and judicial authorities stop violating religious freedom, upholding instead the amended provisions of the Code of Criminal Procedure; launch disciplinary and criminal proceedings against all those who are liable for the violation of the Greek legal provisions after 2 April 2012; as well as award compensation to the individuals whose religious freedom has been violated through statements with a reference to their religion and a presumption of an oath to the Gospel.
- Greece should also adopt the proposed legislative amendments to implement the Greek National Commission for Human Rights' recommendation that religious oath should be completely replaced by political oath.

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

#### *To the Russian Federation:*

- To release the 1 million brochures of Jehovah's Witnesses blocked by the customs in St Petersburg for allegedly containing extremist material while such brochures are distributed worldwide in more than 100 countries without any restriction or problem
- To lift the ban on the works of Turkish Muslim theologian Said Nursi as they do not contain any call to violence and to stop prosecuting those who read his books.
- To follow the repeated recommendations of the UN Human Rights Committee that the Federal Law on Combating Extremist Activity should be revised without undue delay with a view to clarifying the vague and open-ended definition of "extremist activity", ensuring that the definition requires an element of violence or hatred, and establishing clear and precise criteria on how materials may be classified as extremist.

### **MAZSIHISZ - Federation of Jewish Communities in Hungary:**

- I would recommend to all Participating States to have a fair position in criticizing Israel and do not use boycott as political tool, otherwise your Jewish communities will pay the price.
- To encourage cooperation between counter terrorist forces and Jewish communities and give aid to communities (if it is needed financially) to develop their security infrastructure, to have their members safe.

### **NGO Public Advocacy:**

- The international community has to pay careful attention to the processes currently taking place in Ukraine in view of the attitudes of state authorities to one of the biggest religious denominations in the country.
- Ukrainian authorities to halt the wave of illegal seizures of the UOC churches and take actions to bring the guilty to justice in order to put a stop to impunity and ensure defense of human rights in the country.

### **Observatory for Religious Tolerance and Freedom 'Giuseppe Dossetti':**

- adopt practical measures to assure that the media as well as the political and public discourse are respectful for Christians, their representatives, teaching and symbols.
- foster the participation of Christians in public life and welcome the interventions in the public debate of the representatives of religious communities that give their view – based on moral convictions deriving from faith – about everyday’s life and, in particular, on legislative and administrative provisions of their Countries.
- follow-up the Cordoba, Bucharest, Astana and Tirana Conferences by convening a Conference at the appropriate high-level in 2016 to examine in a balanced way racism, intolerance and discrimination, within the realm of the existing commitments.

#### **Order of St. Andrew:**

- First, the Government of Turkey should reopen and extend the August 27, 2012 Decree deadline for the submission of applications to recover seized property, which did not give applicants sufficient time to respond. The Decree should be expanded to include all seized properties that were excluded. The Government should also revamp the manner by which the Decree is implemented. A Public Advocate, who is not a Government bureaucrat, should be employed to ensure that the Decree is implemented in a fair and expeditious manner.
- Second, the Government of Turkey should allow the Halki School of Theology to reopen and operate with its own theologians and in a manner consistent with its own Christian beliefs.
- Third, the Government of Turkey should refrain from interfering in the internal affairs of the Ecumenical Patriarchate. The 1923 and 1970 directives of the local Istanbul Government, relating to the citizenship of those who are entitled to vote for, or be elected as, a new Ecumenical Patriarch should be rescinded.

#### **Wuestenstrom e.V.:**

##### **Recommendations to OSCE/ODIHR and Participating States:**

- Please do not support programs of sex education that are inappropriate for the young person’s age.
- Please prevent children and youths from being harmed in the development of their personalities by nonscientific and ideologic agenda concerning sexuality.
- Please prevent children from being early sexualised by controversial sex educators.
- Please do not promote programs that threaten the fundamental rights of parents to educate their children and that do not respect the culture or the religion of parents and their children.

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

- To take necessary steps to eliminate the problems derived from the duality of the religious leaders,

- To put an end to those policies that aim to create social division within the Turkish society,
- To recognize the popularly elected muftis of the Turkish Minority,
- To abolish the practice of state appointed officials / appointed muftis and imams that is against the religious autonomy of the Turkish-Muslim Minority,
- To respect the Greek historical leaders who signed 1913 Athens Treaty and 1923 Lausanne Peace Treaty,
- To have a dialogue with the representatives of the Turkish Minority while preparing laws and regulations related to Turkish Minority,
- To revise Law No: 3647/2008 regarding the charitable foundations (Waqfs) that undermines the religious autonomy of the Turkish Minority,
- To stop the implementation of the Law No: 4115/2013 regarding the appointment of imams.

### Recommendations to OSCE

#### **Baha'i International Community:**

- encourages the OSCE to explore how educational processes and capacity-building endeavours can reinforce the collective awareness of humanity's oneness, especially among the youth and younger generations.

#### **European Center for Democracy Development:**

- Take under control the situation with the xenophobic vandalism in Ukraine and to make every effort to stop the xenophobic campaign initiated by different political forces who are forming the public demand for radicalism.
- We are pleased to note that the OSCE plans to take forward the recommendations from the Vienna meeting held in April between some Participating States, civil society experts and Jewish community representatives and to now formulate concrete proposals for a programme to address the concerns.

### Recommendations to Chairmanship-in-Office

#### **Observatory for Religious Tolerance and Freedom 'Giuseppe Dossetti':**

- Consult closely with the Personal Representatives and support their work.
- Appoint a fourth Personal Representative on Combating Racism, Xenophobia and Discrimination, focusing on Intolerance and Discrimination against the members of other religious communities and against Roma and Sinti, in order to focus one Personal Representative's mandate on Intolerance and Discrimination against Christians

### Recommendations to Personal Representatives of the Chairman-in-Office

#### **Observatory for Religious Tolerance and Freedom 'Giuseppe Dossetti':**

- focus on, and adopt a standardized approach to, country visits and subsequent reports.

- intervene when incidents do occur, through public statements and engagement with authorities of relevant participating States.

### Recommendations to OSCE/ODIHR

#### **Holy See:**

- It is not necessary to be a Christian to recognize the growing intolerance, discrimination and hate crimes against Christians. Nevertheless, prevailing inaction highlights the urgent need for further raising awareness in society in general, and in the police and government representatives in particular. The OSCE and especially ODIHR could play an important role in this endeavour. Educational materials on countering and raising awareness of this negative phenomenon, as in the case of anti-Semitism and discrimination and intolerance against Muslims, should be urgently developed and widely circulated. This should be seen not only as a necessity, but also as the just thing to do. It would certainly elevate and enrich the profile of the OSCE/ODIHR.

#### **European Union (EU) :**

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

#### **European Centre for Law and Justice:**

- The ECLJ requests OSCE/ODIHR and to international Governmental Human Rights institutions: to implement its Parliamentary Assembly resolution of July 2011 and to recommend appropriate action to their member states or participating states.
- to report on crimes and discrimination against Christians and recommend appropriate action to their member states; to encourage governments to monitor the situation of Christians carefully and to collect segregated data on hate incidents and crimes against Christians; to examine their own documents and recommendations with regard to indirect discrimination against Christians and to recommend to the EU not to adopt the proposed 5th equal treatment directive.

#### **European Muslim Initiative for Social Cohesion (EMISCO):**

- Facilitate open discussion and constructive dialogue among and between government officials, civil society, and religious or belief communities with the aim of implementing OSCE commitments on the freedom of thought, conscience, religion or belief;
- Highlight patterns on intolerance and discrimination against Muslims, in order to better understand and proactively address intolerance and discrimination against Muslims;

- Foster broad civil society co-operations, and the sharing of best practices among stakeholders, on educational initiatives, as well as other measures to raise awareness of intolerance against Muslims;

#### **Observatory for Religious Tolerance and Freedom 'Giuseppe Dossetti':**

- develop Guidelines for educators on countering intolerance and discrimination against Christians.
- develop and strengthen capacity building activities with regard to the protection of religious properties, including the Christian ones.

#### **Wuestenstrom e.V.:**

Recommendations to **OSCE/ODIHR** and Participating States:

- Please do not support programs of sex education that are inappropriate for the young person's age.
- Please prevent children and youths from being harmed in the development of their personalities by nonscientific and ideologic agenda concerning sexuality.
- Please prevent children from being early sexualised by controversial sex educators.
- Please do not promote programs that threaten the fundamental rights of parents to educate their children and that do not respect the culture or the religion of parents and their children.

#### ***Side Event: Combatting Hate Speech, Racism and Incitement against Roma and Sinti in Election Campaigns***

##### Recommendations to OSCE

#### **Zentralrat Deutscher Sinti und Roma**

The Central Council of German Sinti and Roma, calls upon the **OSCE** to:

- Outlaw in general antigypsyism as well as anti-Semitism. Antigypsyism is not only a direct threat to Roma in the OSCE region, but it constitutes a threat to our democracy and our community of values.
- document antigypsyism as part of its election observation missions and to respond with their institutions.
- the OSCE should encourage the Member States to enforce the relevant international agreements such as the Framework Convention for the Protection of National Minorities of the Council of Europe, which prohibits any discrimination on grounds of membership to a national minority.

**Wednesday, 30 September 2015**

***WORKING SESSION 15: Fundamental freedoms II (continued), including:  
Freedom of thought, conscience, religion or belief***

*Recommendations to participating States*

**Armenia:**

- Prevent the use of territory of OSCE participating States by terrorist organizations, including Al-Nusra Front and ISIL for cross-border attacks of religious minorities in Syria and Iraq.
- Strengthen the commitments of OSCE participating States to combat violent extremism based on the religious grounds against individuals and religious communities.
- Address the issue of restitution and compensation for the religious property through dialogue and consultation between governmental bodies and religious or belief communities
- Adopt measures to promote full respect for and protection of places of worship, religious sites, symbols and cemeteries.
- Investigate effectively, promptly and impartially and punish acts of violence motivated by intolerance against Christians regardless of the perpetrator.
- Assist participating states in education on and remembrance of the genocides and crimes against humanity perpetrated against Christians.
- Highlight patterns on intolerance and discrimination including with regard of past grave crimes perpetrated against Christians in order to better understand and proactively address intolerance and discrimination against Christians

**Canada:**

- For OSCE participating States, to ensure that legislation pertaining to registration of religious organizations embrace the principles of Article 18 of the ICCPR and are not used to obstruct and curtail activities of religious communities;
- For OSCE participating States, to respect the right of those individuals who wish to change their religion or belief, or to hold no belief;
- For OSCE participating States, to ensure that religious communities are able to peacefully practice their religion without the threat of violence and persecution.
- For OSCE participating States, to cooperate and work closely with ODIHR's Human Rights and Tolerance and Non-Discrimination Departments to benefit from their expertise and experience, so as to foster the implementation of their OSCE commitments on Freedom of thought, conscience, religion or belief, as well as combat hate crime and discrimination on the basis of religion.

**European Union (EU):**

- Participating States as well as OSCE Institutions and field operations should recognise, in their structures and activity, that violations of the right to freedom of thought, conscience, religion and belief are violations of the

fundamental freedoms of all citizens, regardless of their religious, deeply held ethical, or non-religious beliefs. They should address such human rights violations in a way which does not discriminate against or in favour of any belief and safeguards the right to freedom of expression, which includes the right to publicly criticise religious or other beliefs.

- Participating States should fulfil their commitments by facilitating groups, associations and communities, existing on the basis of religious or non-religious beliefs to peacefully operate and publicly manifest their beliefs, according to their legal status and respecting their autonomy. They should establish fair and clear standards of recognition which do not infringe OSCE commitments and international human rights standards, as outlined in the OSCE/ODIHR “Guidelines on the legal personality of religious or belief communities” is of utmost importance.
- We assert that violence against persons, groups or communities in violation of their right to freedom of thought, conscience, religion or belief is unacceptable under any circumstances.
- We highlight the positive role that free and independent media can have on preventing the increase of bias and prejudice based on religion and in promoting mutual respect and understanding, including through specific educational and awareness-raising programmes.
- We stress the important role of political leaders, elected and state officials and civil society in denouncing public manifestations of religious intolerance with a loud and clear voice and in a timely manner.
- We support the participating States’ promotion of opportunities for religious and non-religious groups within society to have the possibility of open dialogue with each other and with policy makers on all relevant issues.

### **Alma-TQ:**

#### *To Kazakhstan:*

- Raise the issue of homophobic rhetoric, discrimination, censorship and acts of violence against LGBT people in routine and high-level meetings with government;
- Ensure that hate speech by religious and other community leaders against LGBT people are investigated and judged;
- Create a dialogue in society on freedom of belief that is inclusive of diversity;
- Strengthen the capacity of LGBT civil society organizations to systematically monitor freedom of thought.

### **Buergerbewegung Pax Europa:**

#### Recommends:

- That OSCE pS refrain from any form of contact with Hamas, Hezbollah and other anti-Semitic organizations.
- That 'religion' must not be a cover for promoting anti-Semitic sentiment and action.
- That teachers are supported in teaching about the Holocaust, even in the face of Islamist pressure.



- That any public grants or privileges are revoked from organizations promoting anti-Semitic dogma.

**Center for Information and Analysis (SOVA):**

- Do not use lists of banned literature as an instrument for protecting tolerance, including religious tolerance as this tool has already demonstrated a complete lack of efficiency, and it generates a lot of human rights violations.
- Accept the fact that religious tolerance should be protected by the same mechanisms as other forms of tolerance, and refrain from creating special rules that restrict certain freedoms for the sake of specifically religious tolerance.
- Disavow any and all laws that interpret religious polemics as incitement to religious hatred, and to revise the previously adopted solutions reflecting this spirit.
- Develop an effective mechanism for adopting decisions on the construction of religious buildings.
- Refuse the requirements to informal communities of believers to give their information to the public authorities if only they are not claiming any official status.

**Christian Solidarity Worldwide (CSW):**

We call on the Turkish government to:

- Either enact a clear and efficient system that exempts all religious minorities from RCKE classes or to abolish these classes altogether;
- In line with recommendations by states during its two UN Universal Periodic Reviews, Turkey should ensure full protection of the rights of all faiths, including Alevi, Jehovah's Witnesses, Baha'is, and other religious communities not covered by the 1935 Law of Foundations, removing restrictions that prevent these groups from establishing places of worship and manifesting their religion as communities with legal personality;
- Ensure that the Turkish state, including the Diyanet, acts in a non-discriminatory manner in accordance with Turkey's international human rights commitments on freedom of religion or belief;
- Remove the box denoting religion on ID cards in line with the ECtHR's 2010 decision in *Sinan Işık v. Turkey* in order to avoid further breaches of Article 9 of the ECHR.
- Remove all reservations to international human rights treaties and uphold the rights outlined in the international statutes to which it is party;
- Effectively prosecute those who attack places of worship or individuals due to their religion or belief and provide victims of rights violations with reparations;
- Educate all public officials, including those charged with law enforcement in their duty to protect the rights of religious minorities in a manner consistent with the international human rights framework on freedom of religion or belief;

- Monitor the implementation of the decree returning confiscated properties to minority communities, to ensure that the General Foundations Board of Turkey processes each application for return of assets quickly and fairly.
- CSW further calls on OSCE participating States
- To encourage and assist the Turkish authorities in implementing accepted international human rights standards on freedom of religion or belief, thereby promoting greater social harmony and understanding.

### **CSO "Equal Opportunities":**

#### *To Tajikistan:*

- Take measures in policy and law to combat stigmatization and discrimination against LGBT people to protect their freedom of thought;
- Train law enforcement to protect LGBT people equally;
- Inform the public about tolerance and equality via campaigns and dialogue;
- Involve LGBT organizations and other civil society in drafting laws and policies.

### **European Association of Jehovah's Christian Witnesses:**

Jehovah's Witnesses respectfully request the government of **Azerbaijan** to:

- Release immediately all of Jehovah's Witnesses currently imprisoned for their religious activities and beliefs
- Stop interfering with their worship and manifestation of belief
- Recognize the right to conscientious objection and provide an alternative service programme, conforming to international standards
- Recognize the right to religious freedom and fully register Jehovah's Witnesses
- Allow Jehovah's Witnesses the unhindered use of their religious literature
- Jehovah's Witnesses respectfully request the government of Bulgaria to:
- Ensure that law enforcement authorities provide appropriate protection against the physical assaults on Jehovah's Witnesses, and acknowledge acts of religious hatred
- Protect the right to manifest one's religious beliefs individually and jointly with others
- Allow Jehovah's Witnesses to build houses of worship without interference or discrimination
- Hold responsible those who slander others in the public media and incite religious hatred

Jehovah's Witnesses respectfully request that the government of **Kazakhstan**:

- Stop imposing bans on religious publications of Jehovah's Witnesses
- Allow the free distribution of religious literature in locations other than places of worship and places authorized by the local authorities
- Stop the arrest, prosecution, deportation, and harassment of Jehovah's Witnesses for so-called unregistered missionary activity

- Annul the deportation of several of Jehovah’s Witnesses for unregistered “missionary activity”
- Prevent police raids and harassment of peaceful gatherings of Jehovah’s Witnesses
- Require that officials not make disparaging and discriminatory comments about minorities, including Jehovah’s Witnesses
- Fulfil its obligations under international law to guarantee freedom of religion, expression, assembly, and association for all citizens, including Jehovah’s Witnesses

Jehovah’s Witnesses respectfully request the government of **Kyrgyzstan** to:

- Allow Jehovah’s Witnesses to register their local religious organisations in the southern regions of Kyrgyzstan
- Stop harassment by authorities in Osh
- Terminate criminal proceedings of Mrs. Koriakina and Mrs. Sergienko

Jehovah’s Witnesses respectfully request the government of **Uzbekistan** to:

- Grant registration to the local community of Jehovah’s Witnesses in Tashkent and in other cities of Uzbekistan
- Grant registration to the local community of Jehovah’s Witnesses in Tashkent and in other cities of Uzbekistan
- Stop illegal searches of private homes and seizures of religious literature
- Stop harassing and molesting Jehovah’s Witnesses
- Stop arrests and prosecutions for attending religious meetings and for peacefully and respectfully sharing one’s belief with others
- Stop arrests and prosecutions for attending religious meetings and for peacefully and respectfully sharing one’s belief with others
- Allow religious literature without censorship and access to the international website of Jehovah’s Witnesses, jw.org
- Uphold the fundamental freedoms guaranteed by the constitution of Uzbekistan and the International Covenant on Civil and Political Rights

Jehovah’s Witnesses respectfully request that the **Russian Federation** to:

- Abide by the PACE Resolution 1896 (2012) and the 31 March 2015 concluding observations of the UN Human Rights Committee: Refrain from misapplying the law on extremist activities to Jehovah’s Witnesses, and terminate all legal cases and criminal investigations against Jehovah’s Witnesses based on extremist charges
- End the persecution of Jehovah’s Witnesses in Taganrog, Samara, Abinsk, and elsewhere
- Remove all publications of Jehovah’s Witnesses from the Federal List of Extremist Materials
- Ensure that Jehovah’s Witnesses can peacefully enjoy freedom of religion and assembly without further illegal police interference

Jehovah’s Witnesses respectfully request the government of **Tajikistan** to:

- Allow Jehovah's Witnesses to register their local religious organization
- Allow Jehovah's Witnesses legally to import and use their religious literature
- Recognize the right to conscientious objection to military service and provide for alternative civilian service so that Jehovah's Witnesses may serve their country with a clean conscience
- Allow Jehovah's Witnesses peacefully to practise their religious beliefs and share them with their neighbours
- Allow Jehovah's Witnesses to own or use property for religious purposes, to receive donations, to carry out charitable activity, and to invite foreign citizens to participate in religious events

Jehovah's Witnesses respectfully request the government of **Turkmenistan** to:

- Grant official registration to Jehovah's Witnesses
- Introduce genuine alternative civilian service
- Stop police threats, illegal searches and seizures, false accusations, beatings, and inhuman treatment of Jehovah's Witnesses
- Allow Jehovah's Witnesses to import and use their religious literature legally
- Allow Jehovah's Witnesses to hold religious meetings and assemblies and to practice their religious beliefs peacefully and share them with neighbours
- Allow Jehovah's Witnesses to own or use property for religious purposes, to receive donations, to carry out charitable activity, and to invite foreign citizens to participate in religious events

Jehovah's Witnesses respectfully request the government of **Turkey** to:

- Recognize the right to conscientious objection to military service and provide for alternative civilian service that Jehovah's Witnesses may serve their country with a clean conscience
- Apply the zoning law properly to allow them to build and register places of worship

Jehovah's Witnesses respectfully request the government of **Ukraine** to:

- Prosecute vandals and hooligans who attack our houses of worship and harass and harm our members, in order to discourage further violations of human rights
- Meet with local representatives to discuss the attacks and issues

### **European Humanist Federation:**

We urge Member States to:

- treat women as first-class citizens and to ensure them – both in law and in practice – legal and safe access to abortion when they request it.

Finally, we respectfully call on the OSCE:

- to include the promotion of abortion right – at least under certain circumstances – as part of its broad human rights strategy.

### **Federation of Western Thrace Turks in Europe:**

We call upon the Government of Greece:

- not to diminish by no means autonomous establishment of the Turkish Minority of Western Thrace in accordance with Athens Treaty of 1913 and Its Third Protocol,
- to recognize the right of the Turkish Minority to elect its own religious leaders and repeal Law 4115/2013,
- to fully guarantee and realize that the members of the Turkish Minority would enjoy the same treatment and security in law and in fact as other Greek nationals in the management and control of their religious institutions and that they could exercise their religion freely therein,

### **Forum 18:**

- Insist that human dimension commitments are implemented in full by all participating States;
- situate freedom of religion or belief work within an all human rights for all perspective, making its aim assisting implementation of the freedoms of religion or belief and other fundamental freedoms including those of expression, assembly, and the right to be free from torture;
- mainstream work to ensure and promote freedom of religion or belief with its interlinked human rights, building on the other work of the ODIHR Human Rights and Tolerance and Non-Discrimination departments;
- use tools such as the *EU Guidelines on the promotion and protection of freedom of religion or belief*, the *OSCE/Venice Commission Joint Guidelines on the Legal Personality of Religion or Belief Communities* and the *OSCE Guidelines on the Protection of Human Rights Defenders*

### **Foundation "CitizenGO":**

*Participating States are urged to:*

- Guarantee the right to conscientious objection not only in respect of compulsory military service but also in relation to all morally sensitive questions.
- Not force children to undertake compulsory sexual, religious or ethical teaching which may be inconsistent with the convictions of the children's parents, providing in this case non-discriminatory opt-out provisions.

### **Greek Helsinki Monitor:**

*To Greece:*

- Greece should abolish blasphemy laws, i.e. Articles 198 and 199 of its Criminal Code.

- Greece should promptly amend recent circulars that require parents to declare the non-Orthodox Christian identity of their children as a prerequisite to be exempted from religious education as well as revise the content of religious education so as to include an introduction to the history and the main values of each religion and be neutral towards all religions including the prevailing one.

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

#### *To France:*

- to prevent and prosecute any form of state-sponsored or tolerated stigmatization and defamation of minority religious or belief groups and their members, and to revise in this regard the mandate of MIVILUDES;
- to cancel its support of, and its collaboration with, private associations which stigmatize some religious groups and promote hostility and discrimination based on religion or belief;
- to give unimpeded and equal access to the spiritual assistance of their choice to prisoners of all religions or beliefs;
- to monitor the compatibility of the implementation of the *laïcité* principle with the international standards related to freedom of religion or belief, and to sanction or prosecute the state agents or private persons who violate them;
- to guarantee the equal access to education to Muslim girls who wear headscarves;
- to end the criminalization of Muslim women who choose to cover their faces, and protect those who are coerced to do so without excluding them from public space.

### **Novae Terrae Foundation:**

- Participant States to consider the OSCE/ODIHR *Guideline on The Legal Personality of Religion or Belief Communities* as good way to understand and implement their commitments and adapt their legislation accordingly.

### **Observatory for Religious Tolerance and Freedom 'Giuseppe Dossetti':**

- benefit from the Guidelines on the Legal Personality of Religious or Belief Communities in drafting and reviewing legislation pertaining to registration of religious communities.
- engage in consultations with religious communities in order to adopt anti-discrimination laws which do not violate the autonomy and self-organization of the religious communities.
- foster the participation of religious communities in public life and welcome the interventions in the public debate of the religious leaders.
- promote a dialogue between the representatives of the religious communities that are building a new place of worship and the religious communities historically present in the places in order to foster a climate of mutual tolerance and respect between believers of different communities.
- return to religious communities the place of worship which were confiscated by public

- authorities, returning them to the original owner instead allocating to other religious communities.
- adopt legislation and zoning laws which prohibits zoning of place of worship for different use than the original.
- guarantee the right to wear religious symbols and attire in public spaces, which is encompassed by the freedom of religion or belief.
- guarantee the conscientious objection not only to the compulsory military service but also in relation to all morally sensitive questions.
- not force children to a compulsory religious or ethical teaching which may be not consistent with the convictions of the children's parents, providing for this case non-discriminatory opt-out possibilities.
- request the assistance of the OSCE/ODIHR in reviewing or drafting legislation pertaining freedom of religion or belief.
- mainstream freedom of religion or belief in their foreign policies.

### **Observatory on Intolerance and Discrimination Against Christians in Europe:**

- First, we respectfully remind participating states to combat underreporting by collecting disaggregated data on hate crimes against Christians. For example, in some countries, vandalism against a Christian church is merely reported as vandalism against a public building.
- Secondly, we recommend to participating states to be aware of unintended discrimination, which could be caused as a side effect of anti-discrimination or equality policies. Excessive regulation of private conduct often forces Christians to choose to either violate their sincerely held beliefs or abandon their businesses or professions. An example of such overbroad legislation is the proposed EU fifth Equal Treatment Directive.

### **Office of the Church of Jesus Christ of Latter-day Saints:**

- We would like to address the participating States about the importance of regular, structured and open dialogue with churches and religious communities
- We commend the European Union for its commitment to an open, transparent and regular dialogue with churches, according to Article 17 TFEU and we invite participating States to adopt similar provisions at the national and local level, if not already in place.

### **Redeemed Lives:**

- Central Recommendation: I am requesting the participating States of the OSCE acknowledge that some Christians with unwanted sexual attractions are denied their fundamental right to self-emancipation, through legislation that blocksacting on the convictions of their religious beliefs and conscience. These Christians —
  - Have the fundamental freedom to the right to self-emancipation from unwanted sexual attractions of all kinds, because of the convictions of their religious beliefs and conscience that such practices are incompatible with the faith they hold.

- Freely choose to self-identify exclusively according to their Christian conscience, and do not self-identify as lesbian, gay, bisexual or transgender (LGBT) because they believe their only genuine identity is that of Christian.
- Suffer from *intolerance* when Social and Print Media assert they are living in a closet of lies, when according to their Christian belief system they are actually living in the truth of their faith.
- Are *discriminated* against when labeled as LGBT by Society and even some Christians, when they hold to the Christian conviction that human sexual behavior is a practice, not a constitutional orientation in which to invest their human identity.
- Are *discriminated* against when Governments outlaw therapies that may help them overcome their unwanted sexual attractions, when their Christian religious beliefs strongly motivate them to seek to inhibit sexual behavior outside of heterosexual marriage and to change the internal motivation that might lead them to violate the sacramental bond of Holy Matrimony, faithful Christian abstinence until marriage and the spiritual gift of life-long celibacy should they never marry.

#### **Soteria International:**

- We recommend the proper authorities to investigate possible human rights violations in the case of Jaroslav Dobes and Barbora Plaskova, especially when it comes to collaboration between police, prosecutor, anti-sect movements and media.
- We recommend the Belgian authorities to not use the “sect-list” as a reference in any way.

#### **The Values Foundation:**

- We also call on the **Swedish, French** and **UK** delegations, where we are aware of genuine Christian minorities being demonized and targeted as dangerous, suicidal cults or sects, that they do more to understand the seriousness of this and provide the needed protection of the fundamental rights of these minorities.

#### **Twelve Tribes:**

##### *The German Authorities Need To Be Called To:*

- Uphold Their Own Laws, Declarations, Treaties And Agreements That They Have Signed.
- From the protocol of the Bavarian Parliament it is clear that the German Federal Office of Justice has been involved. The Jugendamt is required by law to work with parents individually before considering removal; the Twelve Tribes’ parents were not contacted about their own children before they were indefinitely put in custody for an indeterminate period.
- We ask the Germany Government to keep its commitments to rights pertaining to Freedom of Religion and Belief issues as defined in the OSCE International Standards. To proceed, we request to have an official meeting with the



German Delegation present today. And a further meeting with our lawyers to facilitate the return of the children still held. Some are very young, 5 years and under.

**Western Thrace Minority University Graduates Association:**

*To Greece:*

- To respect the Turkish Minority's religious autonomy and stop the implementation of appointed imams,
- To respect the Turkish Minority's right to elect its imams according to the minority's long lasting traditions,
- To stop creating disturbance within the Turkish society via appointed officials.

Recommendations to OSCE

**Baha'i International Community:**

- We therefore encourage the OSCE to start a process of exploring how religion, its principles, its concepts and its insights, contribute to resolving conflict, to facilitating greater social harmony and to creating stable and peaceful societies

**Christian Solidarity Worldwide (CSW):**

*Calls on OSCE institutions:*

- To encourage and assist the Turkish authorities in implementing accepted international human rights standards on freedom of religion or belief, thereby promoting greater social harmony and understanding.

**European Center for Democracy Development:**

- Develop guidelines and general criteria for determination of the unacceptable abuses of freedom of expression in the media, visual media advertising and the Internet. There is a fine line between freedom of speech and expression, which shall not be violated, and the rights of minorities are violated as a result of abuse of these rights. This boundary should be defined.
- Develop guidelines for the application of sanctions for Internet resources that allow the publication of materials inciting hatred against minorities.
- To pay attention to the governments of Hungary and Ukraine on inadmissibility of hate propaganda on the Internet and in the media of visual advertising.

**NGO Public Advocacy:**

- Рекомендуем ОБСЕ принять все меры для прекращения дискриминации и прямого насилия в отношении общин Украинской Православной Церкви в Украине.

**Observatory on Intolerance and Discrimination Against Christians in Europe:**

- We reiterate our previous 2014 recommendation to OSCE to develop materials on how to combat intolerance against Christians and to disseminate them through the OSCE region. Manuals on how to combat anti-Semitism and discrimination against Muslims have previously been developed.
- Ladies and Gentlemen, let me conclude with a fourth recommendation: In the light of horrifying global developments, combating persecution of Christians outside the OSCE area must become a priority of the foreign secretaries of participating states in their foreign policy.

#### **Soteria International:**

- We recommend international and national institutions of the OSCE member states to consider any use of the term “sect” as religious discrimination.

#### **The Values Foundation:**

- Christian groups must be able to manifest their conscience and faith, to operate schools that fulfil national curriculum, to have fiscal benefits as appropriate to religious churches, be recognized that they are for public-benefit – many of them have integrated with society for many years and are part of Europe’s cultural heritage. We call on the OSCE to issue guidelines to highlight this concern to member states

#### **Twelve Tribes:**

- We also request that the OSCE call the German officials involved to uphold the OSCE international agreements that they have signed including the United Nations Declaration of Universal Human Rights and Convention on the Rights of the Child, specifically Art. 2 and 14 which have been denied the children of the Twelve Tribes.

#### *Recommendations to OSCE/ODIHR*

#### **European Union:**

- We encourage the ODIHR to address the connections between fundamental human rights, especially freedom of religion or belief and tolerance and non-discrimination issues and we recommend that this be reflected to all relevant OSCE events and activities.
- We acknowledge the crucial role played by the OSCE/ODIHR Advisory Council on Freedom of Religion or Belief, noting particularly its legal assistance to participating States, and call for the Council to be supported and for its activities to be expanded, be made more visible and accessible. We call for resources to be given to enable this to happen.

#### **Alliance Defending Freedom:**

- ADF International notes the contribution to the drafting process of the advisory panel on freedom of religion or belief yet notes a dearth of publicly

available information on the membership of this panel, its remit, the term, or selection criteria. To afford the panel maximum legitimacy, ADF International calls on ODIHR to publish these details as a priority so civil society can better understand this work.

### **Church of Scientology; Human Rights Office:**

OSCE participating States promised to abide by fundamental human rights standards protecting freedom of religion in OSCE Commitments such as Paragraph 16 of the Vienna Concluding document. Yet, Belgium is egregiously violating these standards by initiating a heresy trial against basic Scientology beliefs.

- On behalf of the Scientology religious community, we call on ODIHR to implement legal standards regarding freedom of religion for prosecutors similar to the 2004 ODIHR and Venice Commission Guidelines for Review of Legislation to ensure that such heresy trials never happen again.

### **Constantinopolitan Society:**

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

- Grant full legal personality to the Ecumenical Patriarchate, so that the latter may enjoy, inter alia, ownership rights and exercise property ownership, administration and management.
- End Turkish citizenship requirements for the Ecumenical Patriarch and the Holy Synod of the Greek Orthodox Church, and permit them to select and appoint their leadership and members in accordance with their internal guidelines and beliefs.
- Lift the prerequisite that the election of the Ecumenical Patriarch depends on the pre-approval of the Prefecture of Istanbul.
- Reopen without any delay and prerequisite the Theological School of Halki with exactly the same status it held before 1971 to offer religious education and permit students to enroll from both within and outside Turkey.
- Return immediately the three churches of Panayia Kafatiani, Aya Yani and Aya Nikola in the district of Karakoy - Galata in Istanbul, as well as their immovable properties, which have been illegally and forcibly occupied by the self - declared and nonexistent “Turkish Orthodox Patriarchate (TOP)” to their legal owner, which is the Ecumenical Patriarchate, and grant full legal status so as to be able to elect their governing bodies and freely administer and manage its own foundation.
- Comply with decisions made by the European Court of Human Rights by removing the space listing religious affiliation on official identification cards.
- Restore historical Byzantine churches of Haghia Sophia in Nicaea (Iznik) and Haghia Sophia in Trebizond, which were arbitrarily turned into mosques, to their previous function as museums.
- Fully implement the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights by withdrawing

reservations that negatively impact religious freedom, and interpret the 1923 Lausanne Treaty so as to provide equal rights to all religious minority communities.

### **Foundation "CitizenGO":**

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

- Assist – in cooperation with the Advisory Panel of Experts on Freedom of Religion or Belief – the participating States in reviewing or drafting legislation pertaining freedom of religion or belief in order to guarantee the right to conscientious objection in all morally sensitive questions, providing that the rights of others to be free from discrimination are respected and that the access to lawful services is guaranteed.
- Assist the participating States in reviewing or drafting legislation pertaining to freedom of religion or belief in order to guarantee (a) that the liberty of parents to ensure the religious and moral education of their children in conformity with their own convictions is fully respected and (b) that the participating States provide non-discriminatory opt-out possibilities that would accommodate the right of parents.

### **Institute for Religious Freedom (IRF), Kyiv:**

- We recommend the ODIHR and the OSCE Special Monitoring Mission in Ukraine to conduct the monitoring of the religious situation in the eastern Ukraine and make a report based on results. Donetsk and Luhansk regions also require a permanent independent human rights monitoring.

### **Muslim Denomination in Bulgaria:**

- To Observe whether Bulgarian authorities are implementing the religious rights of Muslims in the country, as well to recommend and advise Bulgarian government on the issue of Freedom of Religion or Belief and Fundamental Rights.
- To undertake measures for better supporting OSCE participating States in implementing their commitments on the issue;
- To observe closely the Freedom of Religion of Muslim Minorities in non-Muslim countries.

### **Novae Terrae Foundation:**

- OSCE/ODIHR to assist the member states in the use of its *Guideline on The Legal Personality of Religion or Belief Communities*, especially on the aspect of their autonomy;

### **Observatory for Religious Tolerance and Freedom 'Giuseppe Dossetti':**

- Raise awareness on the positive contribution of the religions to the building and the well-being of our democratic societies.

- assist – in cooperation with the Advisory Panel of Experts on Freedom of Religion or Belief – the participating States in reviewing or drafting legislation pertaining freedom of religion or belief in order to guarantee (a) that the liberty of parents to ensure the religious and moral education of their children in conformity with their own convictions is fully respected and (b) that the participating States provide non-discriminatory opt-out possibilities that would accommodate the wishes of parents.
- assist – in cooperation with the Advisory Panel of Experts on Freedom of Religion or Belief – the participating States in reviewing or drafting legislation pertaining freedom of religion or belief in order to guarantee the right to conscientious objection in all morally sensitive questions, providing that the rights of others to be free from discrimination are respected and that the access to lawful services is guaranteed.

Recommendations to FoM

**Observatory for Religious Tolerance and Freedom 'Giuseppe Dossetti':**

- Provide – in close cooperation with the OSCE-ODIHR and the Advisory Panel of Experts on Freedom of Religion or Belief – guidelines for voluntary professional standards and self-regulation of the media aimed to (i) promote knowledge and understanding of religions, (ii) give a fair and accurate account of religious beliefs, and (iii) ensure that members of religious communities are given the chance to express their own views on the media.

Recommendations to the OSCE Field Missions

**Observatory for Religious Tolerance and Freedom 'Giuseppe Dossetti':**

- Mainstream freedom of religion or belief in their programs and activities.

**Thursday, 1 October 2015**

***WORKING SESSION 16: Tolerance and non-discrimination I (continued), including:***

- ***Roma and Sinti issues, including:***
- ***Implementation of the OSCE Action Plan on Improving the Situation of Roma and Sinti***

Recommendations to participating States

**Azerbaijan:**

*To Czech Republic:*

- More efforts should be taken to combat hate crimes against the Roma, to put an end to the negative public attitude towards the Roma, to reduce high unemployment rate and this is just a few to mention. In this regard, we call on

the Czech Republic to accelerate its efforts in line with the Roma integration Strategy 2014-2020.

### **European Union (EU):**

- Increase the efforts to implement all OSCE commitments, in particular the Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area, as well as continue the regular review of its implementation; in this context, participating States should respond promptly and comprehensively to all ODIHR's requests for information;
- Continue to ensure the complementarity of the OSCE Action Plan on improving the situation of Roma and Sinti and the EU Framework for National Roma Integration Strategies.
- Take effective policy measures to ensure the equal treatment and the respect of fundamental rights, including access to education, employment, healthcare and housing; take measures to ensure that all Roma population is registered and holds identity documents;
- Enhance efforts to increase enrolment for Roma and Sinti children and youth at all levels in State-provided education and reduce school dropout rate; enhance efforts to eliminate segregation of Roma and Sinti at all levels in education; adopt measures to avoid the children fall victims to labour exploitation and trafficking;
- Enhance efforts to strengthen the rights of Roma women and girls and to eliminate discrimination on multiple grounds; fight violence, including domestic violence, against women and girls, trafficking, underage and forced marriages; promote the effective and equal participation of Roma and Sinti women in public and political life, including through the promotion of women's access to public office, public administration and decision making positions;
- Prevent further marginalization and exclusion of Roma and Sinti and address the rise of discrimination and violent manifestations of intolerance against Roma and Sinti, including Roma and Sinti migrants, refugees and IDPs, who may be subject of multiple discrimination;
- Enhance the participation of Roma and Sinti in the elaboration, implementation and evaluation of the policies that affect them; where appropriate, promote the training and employment of qualified mediators dedicated to Roma and use mediation as one of the measures to tackle inequalities in terms of access to education, employment, healthcare and housing;
- Enhance implementation of the OSCE commitments with regard to Roma and Sinti by local authorities;
- Enhance data collection with regard to the situation of Roma and Sinti in all fields of the Action Plan, as far as this is in compliance with the legal framework and overall policy of a Member State
- Include, where appropriate, a monitoring and assessment component in strategies, policies, measures and programmes related to Roma and Sinti, as well as review mechanisms taking into account the respective results of monitoring and assessment, as far as this is necessary by taking into account any existing monitoring mechanisms enhance cooperation among international organizations with regard to improving the situation of Roma and Sinti;

- The full implementation of all OSCE commitments continues to be the EU's guiding principles. We take this opportunity to reiterate our calls for full implementation of all OSCE commitments regarding Roma and Sinti and our firm determination in this respect.

### **Greek Helsinki Monitor:**

#### *To Greece:*

- Greece should compile credible statistics on homelessness including among Roma and undocumented migrants; as well as on evictions of Roma and other marginalized groups with information about provision of adequate alternative housing to all persons evicted from their homes and where applicable compensation for unlawful forced evictions.
- Greece should provide a comprehensive report on all persons, Roma or other, who live under the minimum adequate standards and of the specific measures taken to relocate them providing them with adequate housing which is the State party's obligation under international treaties ratified by Greece.
- Greece should promptly implement the letter and the spirit of the three ECtHR judgments on discrimination and segregation in education of Roma not only in the two communities concerned but throughout the country so that from 2015-2016 onwards the Ministry of Education make sure that all Roma children of mandatory school age attend school with appropriate support to secure their successful integration and that all those hindering school attendance by Roma children, be they authorities, non-Roma neighbours or even Roma parents, are sanctioned.
- Greece should fully investigate the phenomenon of unequal hence unfair treatment of Roma in the judicial system, establish statistics on the length of investigations of cases with Roma as plaintiffs and Roma as defendants, and impose sanctions on those who discriminate against Roma seeking justice, so as to combat the phenomenon.
- Greece should be commended for having abandoned the Xenios Zeus police profiling operations against migrants and is urged to also discontinue the similar sweep operations in Roma settlements as well the reference to the Roma identity of persons arrested or charged for alleged crimes.

### **Independent Roma Rights Activist:**

#### *Recommendations to Slovak government:*

- Create an environment that would allow for qualified people of Roma origin to apply in various areas in the labour market
- Encourage Roma youth and Roma as such to engage in the political field
- Take into consideration existing documents focusing on youth and incorporate them to the National Roma Integration Strategy in order to reinforce integration of Roma youth
- Establish mechanism that would secure proper and independent investigation of police crime and punishment

### **International Charitable Organization Roma Women Fund "Chiricli":**

*Recommendations to the **Ukrainian** national and regional authorities and NGOs:*

- To review and amend the NAP and regional Action Plans in close consultation with Roma civil society and in line with the international standards (with clear measures, results and indicators).
- To organize consultations with the international human rights organizations on the revised NAP.
- To conduct regional thematic visits on education, employment, housing and health, civil registration documents and, in particular, passports and birth certificates, Romani women's and youth issues.
- To collect comprehensive gender disaggregated official data on the number of Roma in Ukraine as well as on their socio-economic situation in cooperation with Roma NGOs, Roma mediators.

**Pavee Point Traveller and Roma Centre:**

*To Ireland:*

- Recognise Travellers as a minority ethnic group as a matter of urgency and include Travellers in anti-racism and discrimination legislation and intercultural initiatives
- Introduce an ethnic identifier across all administrative systems in line with human rights framework to develop responsive, adequate and non-discriminatory policies, and monitor and assess their impact on Travellers and Roma
- Base all budgetary decisions on comprehensive human rights impact assessment so that such measures do not result in increased inequalities and discrimination
- Ensure funding is reinstated and increased for national and local Traveller/Roma organisations to undertake autonomous community development work
- Develop a progressive Traveller Roma Integration Strategy with clear goals, indicators, timeframes and budget through meaningful consultation with Traveller and Roma representative organisations
- Integrate strong goals to promote the inclusion of Traveller and Roma women and youth
- Introduce an independent institutional mechanism to monitor and drive the implementation of the Strategy
- Undertake impact assessment of the HRC based on gender and ethnicity to eliminate its discriminatory impact on disadvantaged individuals and groups
- Introduce an exemption in the HRC for women affected by gender-based violence to ensure all women have equal access to safety and protection
- Ensure consistent and transparent application of the HRC criteria by providing clear guidelines and training to relevant officials, including anti-racism and discrimination training
- Resource initiatives to support national and local Traveller/Roma organisations to work towards greater empowerment, participation and inclusion of Roma and Travellers. Specifically target Traveller and Roma



women and youth with a specific focus on gender equality, gender-based violence and early marriage

- Renew/introduce a new National Action Plan against Racism with strong civil society involvement in its development and implementation

### **Romani CRISS:**

#### *To Romania:*

- To take seriously the commitments made as a member of various regional and international bodies, and to put into practice the recommendations received from the OSCE and from the Venice Commission
- To modify the legislation on electoral process as to ensure a correct competition between the organizations of the national minorities, without favoring the organizations which are represented in the Council for National Minorities or in the Parliament
- To add to the existent affirmative measures to ensure women participation to elections, affirmative measures to ensure the participation of citizens of national minorities
- To make sure the current project law on the election of the Senate and of the Deputy Chamber and for the organization and functioning of the Permanent Electoral Authority is modified accordingly

### **Serbian Roma Youth Association:**

- Improving of cooperation between the local Office for Youth and Roma youth in **Serbia**;
- Including Roma Youth in preparation, monitoring and evaluation the policy which affect them on local, national, regional level, and in **OSCE area**.

### **Settlement Operator and Integration Association:**

#### *To Hungary:*

- Other Roma organizations should have the right to appoint candidates on the nationality list. By this set up, not only government related people will have to chance to represent Hungary's biggest minority. Roma organizations will not be excluded and the principle of equal chance will not be violated.
- Alternatively, I would propose to introduce quota system by which Roma people could be represented in a more equal and powerful manner. Such system is already in place in some OSCE participating states.

### **Slovo 21:**

#### *To Czech Republic:*

- take and invite Romani women as members of your national delegation
- support the political trainings for Romani women to empowerment and support of Roma women for full participation in both society and politics.
- join Romani women to the country observing in election

- monitor and support financial compensation for victims of forced sterilization

**Utrecht University/European Research Centre on Migration and Ethnic Relations:**

- My recommendation is for this Strategy for Integrated Education to be fully adopted and fully implemented because the Roma are the ones that would benefit from it the most.

Recommendations to OSCE

**United States of America:**

- We commend ODIHR Director Link for speaking up on displacement and other issues relating to the human rights of Roma. We encourage other OSCE officials to continue to mainstream Romani issues into their work. We also encourage participating States to collect and learn from data to address issues identified to more fully implement OSCE commitments, whether related to Roma and Sinti, tolerance and non-discrimination, or other human dimension priorities.

**European Union (EU):**

- Continue activities of the OSCE field operations with regard to improving the situation of Roma and Sinti,
- Ensure effective coordination between the OSCE, EU and the Council of Europe.
- The European Union commends the work of OSCE institutions, notably the ODIHR Contact Point for Roma and Sinti Issues and the High Commissioner on National Minorities, for their dedicated efforts in advancing the implementation of the OSCE commitments and assisting participating States to this end.

**Association "ARA ART":**

- Commit to sharing information and expertise on the situation of LGBTIQ Roma, Gypsy, Sinti and Travellers across Europe as part of the envisaged international cooperation that will aim to further provide the responsible authorities and other relevant stakeholders at local, regional, national and international level, such as the Council of Europe, the European Commission, the European Parliament LGBT group, the Organisation for Security and Cooperation in Europe, the United Nations based on our recommendations;
- In Czech Republic exist municipal decree called zero tolerance. Decree says where you can sit or not, but most of the places where you can't sit is situated in streets where live mostly Roma. This is the practice of the Duchcov city, but other cities implemented this practice too. In Czech Republic zero tolerance is silence supported by society. My recommendation is observing this practice in member countries OSCE.

**Independent Roma Youth Activist:**

*My recommendation to OSCE:*

- Please advise your OSCE state and their ministries of education to please make an amendment in their law for education to make HIGH SCHOOL mandatory. In this way we will have Romani women educated, and their position will be better in public life. As we know, they have very small incomes. If there was a fine for not finishing school, the Roma would not be able to afford to pay the fines, and therefore they would have to finish school. In this way we will also lower the number of early marriages.
- Make the inclusion of Roma and Sinti women mandatory at municipal and governmental levels and in decision-making mechanisms.
- Please advise your OSCE states who have Roma and Sinti populations to please let the Roma draft and create any documents which have something to do with Roma; let the Roma prioritise their own needs, because they know best what they need most. Ensure women's participation.
- Ensure the implementation of any Action Plan regarding Roma Sinti issues. Advise your state to ensure the funds for the implementation of the same.
- Advise your states to prioritise Roma and Sinti, especially women, when comes to employment at municipal and governmental levels.
- Advise your states to always come with Roma Sinti representatives to any such related event.
- Support the use of Romani language in public institutions in your states.

**Serbian Roma Youth Association:**

- Roma and Sinti youth need to be part of OSCE Action plan for Youth;

**Zentralrat Deutscher Sinti und Roma e.V.:**

- Outlaw in general antigypsyism as well as anti-Semitism. Antigypsyism is not only a direct threat to Roma in the OSCE region, but it constitutes a threat to our democracy and our community of values.
- We call upon the OSCE to document antigypsyism as part of its election observation missions and to respond with their institutions.
- Finally, the OSCE should encourage the Member States to enforce the relevant international agreements such as the Framework Convention for the Protection of National Minorities of the Council of Europe, which prohibits any discrimination on grounds of membership to a national minority.

*Recommendations to OSCE/ODIHR*

**International Charitable Organization Roma Women Fund "Chiricli":**

The Coalition appeals to ODIHR with a request to assist in the implementation of such initiatives:

- In case the Intergovernmental Coordinating working group will be established by the Ministry of Culture of Ukraine, to provide technical and expert support

to its work. Detailed information - the State intergovernmental coordination working group should be composed of representatives of the Ministry of Culture, Ministry of Justice, Migration Service, Ministry of Internal Affairs, Ministry of Social policy, the State Employment Service, the Ministry of Health, Roma NGOs and international experts.

- To train the local authorities on International Standards, i.e how to develop real Action Plan with concrete measure, indicators, gender component and etc.
- To assist the Coalition in lobbying the local authorities to appoint Roma focal points at the regional levels to ensure effective cooperation between all relevant stakeholders in implementation of the Action Plan.
- To raise attention to the needs of internally displaced Roma (more than 10 000 Roma<sup>3</sup> had to leave Donetsk and Lugansk regions).
- To ensure better coordination between the international organizations in particular, the OSCE ODIHR, the Council of Europe, European Commission. Especially in the field of work with the police, Romani women and youth.

#### **Pavee Point Traveller and Roma Centre:**

- Apply pressure on the Irish State to give legal recognition to Travellers as a minority ethnic group
- Explicitly name Travellers as a target group in all OSCE Roma related
- Actively promote public duty in participating States to disaggregate data by ethnicity and develop initiatives to ensure participating States undertake such data collection in line with human rights standards and principles
- Develop and support the capacity of participating States in instituting human rights impact assessments in their policy-making processes
- Endorse the work of national Traveller/Roma organisations and promote community development as an effective approach to address the marginalisation and exclusion of Travellers/Roma
- Support the European Union institutions to maximise the potential of the EU Framework for National Roma Integration Strategies up to 2020
- Apply pressure on participant States to amend any policy or legislation, which discriminates against minority ethnic groups and victims of gender-based violence
- Undertake an assessment of the criteria and implementation of the right to reside in the EU and its impact on Travellers and Roma
- Reinforce initiatives whereby Traveller and Roma women and youth are resourced to become leaders in issues affecting their communities
- Prioritise the elimination of gender-based violence and early marriage within Traveller and Roma communities
- Show leadership and innovation in the prevention of gender inequality and gender-based violence by developing initiatives which not only target women but men and young people

#### **Romani CRISS:**

- To urge the Romanian state to make the adequate legislative amendments, as described previously in the OSCE report on the Romanian Parliamentary Elections and as stated below

- To continue to take steps to put into practice the OSCE Action Plan on Improving the Situation of Roma and Sinti, with respect to enhancing the participation in political life

**Thursday, 1 October 2015**

***WORKING SESSION 17: Tolerance and non-discrimination II (continued), including:***

- *Address by the OSCE High Commissioner on National Minorities*
- *Rights of persons belonging to national minorities*
- *Preventing aggressive nationalism, racism and chauvinism*

*Recommendations to participating States*

**European Union (EU):**

- Participating States meet the commitment made by all OSCE participating States, without exception, to fully cooperate with the High Commissioner in order to enable the High Commissioner to fulfil the mandate.
- Participating States extend an invitation to the HCNM and make full use of the expertise of this Institution. Quiet diplomacy, which characterizes the work of the High Commissioner, is sometimes less visible to the public but brings results of lasting importance.
- Participating States should always grant HCNM full, free and unrestricted access in order to fulfil the mandate.

**Switzerland:**

*La Suisse souhaite adresser trois recommandations aux Etats participants:*

- Premièrement, redoubler d'efforts pour favoriser la création de conditions de vie respectueuses des droits fondamentaux des personnes appartenant à une minorité nationale.
- Deuxièmement, traduire les textes normatifs d'importance de sorte à les rendre accessibles dans leur langue aux personnes appartenant à une minorité nationale.
- Troisièmement, mettre en oeuvre de manière effective le droit fondamental à l'assistance gratuite d'un interprète dans les procédures judiciaires impliquant des personnes appartenant à une minorité nationale.

**Ukraine:**

- We call upon Russia to address the root causes of the rise of violent radicalism, neo-Nazism and xenophobia in the Russian Federation and to use the valuable expertise of the OSCE Institutions to assist in this process.

**Council of Europe:**

- Member States of the Council of Europe are once more encouraged to sign and ratify Protocol No. 12 to the European Convention on Human Rights, which provides for the general prohibition of discrimination.
- OSCE participating States are encouraged to sign and ratify the Additional Protocol to the Council of Europe's Convention on Cybercrime, on the criminalisation of acts of a racist and xenophobic nature committed through computer systems.
- Member States of the Council of Europe are once again encouraged to enact legislation against racism and racial discrimination, if such legislation does not already exist or is incomplete; they are also encouraged to ensure that such legislation reflects the key elements in ECRI's General Policy Recommendation No. 7, including the setting up of an independent body specialised in the fight against racism and racial discrimination; moreover, they are encouraged to ensure that this legislation is applied effectively.
- OSCE participating States are encouraged to allocate sufficient resources to national independent bodies entrusted with the fight against racism and intolerance.

#### **ABTTF - Federation of Western Thrace Turks in Europe:**

##### *To Greece:*

- We call upon Greece to restore the educational and religious autonomy of the Turkish minority of Western Thrace enshrined in the 1923 Lausanne Treaty. A mechanism for dialogue between governmental authorities and the Minority should be established in the form of advisory or consultative bodies that would be the channel for the Turkish minority to raise its own voice.
- ABTTF recommends the establishment of a department of Turkish Literature and Language in Democritus University of Thrace for educators who will teach in Turkish curriculum at minority schools.
- To take into consideration its international obligations and respect to the Turkish Minority's right to education,
- To eliminate the inequality within the educational system and provide equal opportunity for all segments of the society to access to compulsory education, especially for the Turkish minority which is the only recognized minority in Greece,
- To promote the mother tongue education that is Turkish within the compulsory education system in Western Thrace,
- To allow the Turkish Minority to establish its bilingual nursery schools,
- To give bilingual education in public nursery schools where the Turkish students/ children attend until the bilingual minority ones are established,
- To stop state-hand discrimination within the education system,
- To have a concrete dialogue with the Turkish Minority representatives during the legislation process,

#### **Centre for Research and Protection of Fundamental Rights:**

##### *Рекомендации странам участницам:*

- Соблюдать и имплементировать в национальное законодательство ратифицированные международно-правовые акты, как универсальные, так и региональные, касающиеся защиты прав меньшинств, справедливости и не дискриминации.
- Принимать меры по изменению прав меньшинств только после проведения надлежащих консультаций с меньшинствами, включая контакты с организациями или ассоциациями таких меньшинств.

*Рекомендации для Литвы:*

- Ускорить процесс принятия нового Закона о национальных меньшинствах, старый закон утратил силу в 2011 году, а до этого момента принять эффективные меры по обеспечению полной защиты прав национальных меньшинств, в том числе их языка, религии, культуры и самобытности, включая использование их имен в их оригинальной форме.
- Предпринимать эффективные меры по борьбе с предрассудками и ксенофобией в средствах массовой информации и сети Интернет;
- Предоставлять публично информацию о возбужденных делах и вынесенных приговорах на основании правовых норм о введении уголовной ответственности за участие в деятельности групп и организаций, пропагандирующих расовую ненависть и дискриминацию, так как в последние годы активизировалась деятельность экстремистских группировок (шествия, с нацистской символикой, проводимые ежегодно в феврале и марте, с лозунгами «Литва литовцам», «космополиты, вон из Литвы»)
- Не препятствовать правозащитным просветительным мероприятиям, направленным на обращение внимания молодого поколения на то, что подобные организации нарушают права меньшинств и могут стимулировать дискриминацию и раскол общества. Проведению последнего международного форума «Этнонационализм – угроза стабильности и безопасности в мире», были созданы препятствия: выдворение докладчиков из страны, а на данный момент отделом особо тяжких преступлений при криминальной полиции проводится проверка по запросу мэра города Клайпеды, имели ли мы право на организацию такого правозащитного мероприятия.
- Соблюдать свободу передвижения правозащитников и способствовать работе правозащитников.
- Установить порядок выдачи уведомлений иностранцам о запрете на въезд в Литву, соответствующий требованиям директивы ЕС о свободе передвижения и таким образом обеспечить доступ к правосудию.
- Расширять диалог с организациями гражданского общества и работающими в сфере защиты прав человека и прав меньшинств. А так же обязать Департамент государственной безопасности в своих отчётах анализировать преступления и нарушения на почве ненависти, а не строить размышления по поводу законопослушной деятельности правозащитников, общественных деятелей, русскоязычных СМИ Литвы и русских школ.
- Обеспечить, чтобы национальные меньшинства имели право на образование на родном языке. Для этого определить понятие «школа

национального меньшинства», внести поправки в Закон об образовании, который ограничил использование языков национальных меньшинств в финансируемых государством школах, восстановив предшествующий этому закону порядок, в том числе пересмотреть требования к единому государственному экзамену, так как процент не сдавших единый экзамен среди представителей национальных меньшинств растёт ежегодно.

- Ратифицировать Конвенцию ЮНЕСКО о борьбе с дискриминацией в области образования и 12-ый протокол к Европейской конвенции о правах человека.

### **Ecumenical Federation of Constantinopolitans:**

#### *To Turkey:*

- Reinstitution of the right of Turkish citizenship which showed progress but there are still problems to be tackled such as the discriminatory attitude towards the members of our Community on the provision of civil rights recognized to ex-citizens under the “Blue Card” arrangement contrary to the fact that the Law doesn’t foresee any such exception.
- Establishment of a long term and state supported repatriation programme, focused especially to young generations, which will guarantee the survival of the shrinking population of Community. Last summer’s pilot program in the form of an educational visit by a group of expatriated youngsters, supported by the Department of Citizen Abroad belonging to Prime-Minister’s Office, showed the importance of establishing a long-term project.
- Establishment of research centers, as proposed by our federation, in cooperation with Turkey should be taken seriously as a measure of remedy.
- Remedy on the ownership rights by establishing a service department providing legal advice to expatriated citizens.
- Reinstitution of the cultural heritage by approving as a symbolical gesture, the return to Istanbul Foundation the Historic Library and Archive of the Greek Literary Society of Istanbul.
- Take initiatives on the appointment of minority members to public service functions.

### **European Center for Democracy Development:**

#### *Recommendations to countries of OSCE:*

- To withdraw its reservations to the Framework Convention for the Protection of National Minorities and to revise the model of integration of ethnic minorities towards the rejection of the principle of assimilation.

### **Federal Lezghin National and Cultural Autonomy (FLNCA):**

#### *To Azerbaijan:*

- Conduct accurate census of the population numbers, disaggregating it to take into account minority groups;



- Adopt laws that will give the opportunity to the entire minorities divided by the state border to hold dual citizenship;
- Establish quotas for the State service for ethnic minorities;
- Observe ethnic balance in sending conscripts to the frontlines of the Nagorno-Karabakh border;
- Develop the educational system in minority areas, including through construction of schools, the development of quality scientific and educational material in minority languages, the inclusion of native languages as a mandatory option of the school curriculum, and specific trainings for minority language teachers;
- Ensure regular broadcasting in minority languages and publishing of newspapers and other periodicals in these languages;
- Give legal status as a regional language of the Republic of Azerbaijan to the Lezghin language;
- Guarantee freedom of conscience in the country, notably by removing obstacles created for the registration of Sunni communities and functioning religious institutions relating to them;
- Recognize and promote the existence of minorities' cultural heritage in Azerbaijan, and stop the process of modification of the toponymy in minority areas;
- To allow creation of all-Azeri cultural, linguistic and other associations of Lezghin people;
- Improve the living conditions in minority areas, including construction of adequate infrastructure, facilities, and development of communications and transportation networks;
- Create conditions for unhindered functioning and development for Lezghin NGOs in the Republic of Azerbaijan.

### **Greek Helsinki Monitor:**

#### *To Greece:*

- Greece must acknowledge all groups that aspire to a minority status, and respect the names they choose to define their identity, as well as register all minority associations with names reflecting those identities, including “Macedonian” and “Turkish”, so as to implement repeated ECtHR judgments.
- Greece should implement the UN Independent Expert on Minorities' recommendation “*to reconsider its position* with regard to the recognition of other ethnic, religious or linguistic minorities which may exist within its territory in accordance with recognized international standards, and ... to ratify the 1995 Council of Europe Framework Convention for the Protection of National Minorities;”
- Greece must additionally grant to the Muslims of Rhodes and Kos the special minority protection regime enjoyed by the Muslims of Thrace; and promptly implement the recommendations of PACE on the rights of Muslims of Rhodes and Kos including the right to be offered classes in their mother Turkish language.
- Greece should grant both Muslim communities of Thrace and of Rhodes and Kos the right to freely choose their religious leaders and administer their

religious foundations, while Muslims religious leaders should be restricted to religious duties.

- Greece should abolish the new discriminatory provisions against Turkish language minority teachers and continue instead the implementation of the current provisions which also have the approval of the minority and of minority teachers or alternatively establish a comprehensive Turkish-language teachers' academy in consultation with the minority and its teachers.

#### **Latvian Human Rights Committee:**

##### *To Latvia:*

- To sustain the network of public minority schools;
- To reconsider the language policy based on wider freedom to use minority languages as media of instruction in public education and as a means of communication with local authorities;
- To withdraw the restrictive declarations to Articles 10 and 11, made while ratifying the Framework Convention for the Protection of National Minorities;
- To send a clear signal from the top officials that honouring of Nazi collaborators by politicians is unacceptable, even if some of the collaborators weren't volunteers;
- To refrain from pressure upon Latvian minority rights activists and to stand up against pressure on them exerted by other participating states;
- To grant non-citizens of Latvia the right to vote in the municipality and European elections;
- To simplify and accelerate the naturalization procedure.

##### Recommendations to OSCE

#### **Ukraine:**

- We reiterate the need for the HCNM to continue to seek access to the occupied Crimea. It is critical to continue close and permanent monitoring of the situation with the national minorities' rights in Crimea and react to unacceptable cases of serious human rights violations and increasing repressions against the Crimean Tatar and Ukrainian communities. We welcome the joint work in this area undertaken by HCNM and ODIHR.

#### **Council of Europe:**

- OSCE institutions are encouraged to continue their co-operation in the fight against racism, racial discrimination, xenophobia, antisemitism and intolerance with the Council of Europe, and in particular ECRI, by further strengthening mechanisms enabling the exchange of information and data to support common action.

#### **Latvian Human Rights Committee:**

- To reaffirm its commitment to the use of minority languages in education, as expressed in the Hague Recommendations Regarding the Education Rights of National Minorities of 1996;
- To reaffirm its commitment to the Guidelines on the Protection of Human Rights Defenders and the relevant provisions of Moscow Document and Copenhagen Document;
- To send a clear signal that honouring of Nazi collaborators by politicians is unacceptable, even if some of the collaborators weren't volunteers.

**Friday, 02 October 2015**

***Working session 18: Discussion of human dimension activities (with special emphasis on project work). Presentation of activities of the ODIHR and other OSCE institutions and field operations to implement priorities and tasks contained in the relevant OSCE decisions and other document***

*Recommendations to participating States*

**European Union (EU):**

- Participating States should take advantage of the services offered by OSCE Executive Structures in enhancing the implementation of commitments, including by facilitating visits and monitoring missions by the institutions.
- Participating States should take account of and follow up on recommendations made by the Executive Structures.
- Participating States should ensure timely adoption of the OSCE Unified Budget and provide more predictable extra budgetary contributions, in order to ensure that Executive Structures can properly plan their activities in good time.

*Recommendations to the OSCE*

**European Union (EU):**

- Executive Structures should continue to coordinate closely with each other and with other relevant international actors, such as the Council of Europe and the UN, to learn from each other's experiences, avoid duplication and bolster the impact of activities.
- When designing projects and activities, Executive Structures should foster close collaboration with civil society.
- Executive Structures should continue to improve the evaluation of their projects, including by using key performance indicators.

**Friday, 02 October 2015**

*Closing Reinforced Plenary Session (reinforced by the participation of human rights directors, OSCE ambassadors and heads of OSCE institutions)*

Recommendations to participating States

**United States of America:**

- We reiterate the call we have made many times since Russia’s occupation of Crimea began: for all participating States to support – and certainly to refrain from obstructing – access to Crimea by OSCE institutions and field operations, including the High Commissioner on National Minorities, the Office for Democratic Institutions and Human Rights, the Representative on Freedom of the Media, and the Special Monitoring Mission to Ukraine
- We again urge the Government of **Belarus** to review the comprehensive and succinct recommendations of the report and adopt measures that would guarantee human rights, rule of law, and democracy.
- We also reiterate our call for the Government of **Belarus** to restore the political rights of the six individuals mentioned above, and of other former political prisoners.

**European Union (EU):**

- As a first step, all participating States need to rededicate themselves to implementing in full our OSCE commitments and taking immediate measures to reverse the violations of these principles that we have witnessed, most notably through Russia’s illegal annexation of Crimea and Sevastopol and support to illegal armed groups in eastern Ukraine. We share the concerns expressed in the ODIHR/HCNM human rights assessment mission on the situation of human rights in illegally annexed Crimea and **call** for the implementation of its recommendations, as well as for immediate and unrestricted access for the OSCE institutions to this region.
- We call on all participating States to embrace independent civil society as a partner.
- We encourage **Turkmenistan** to deepen dialogue with its citizens, particularly with the families of the “disappeared” and to allow greater space for civil society.
- We call on all participating States to recognise the supportive role they can play, resource them fully, and to the few that do so, desist from attacking their consensually agreed mandates.

**Ukraine:**

- We encourage the OSCE Institutions to offer Russia assistance in overcoming these disturbing trends inconsistent with the OSCE commitments and international obligations. We call on **Russia** to avail itself of such assistance.

Recommendations to OSCE

**United States of America:**

- We encourage the OSCE to remain actively engaged on these concerns [the invocation of the Moscow Mechanism concerning **Turkmenistan** and **Belarus**] until they are resolved

**Russian Federation:**

- Хотели бы предложить вернуться к идее о переносе места проведения Совещания и сокращения его продолжительности.

**Ukraine:**

- We encourage the **OSCE Institutions** to offer Russia assistance in overcoming these disturbing trends inconsistent with the OSCE commitments and international obligations. We call on Russia to avail itself of such assistance.

## V. REMARKS AND SPEECHES

### *Opening remarks by Mr. Michael Georg Link, Director of the OSCE/ODIHR*

Excellencies,  
Ladies and Gentlemen,

It is my pleasure and a privilege to welcome you to the opening of the 2015 Human Dimension Implementation Meeting in Warsaw.

Let me start by welcoming our distinguished speakers and thanking them for accepting our invitation and being able to join us this morning.

First of all, it is an honour and a great pleasure to welcome the OSCE's Chairperson-in-Office, the Foreign Minister and First Deputy Prime Minister of Serbia, Mr. Ivica Dačić.

Next, we will have the privilege to welcome Mr. Grzegorz Schetyna, the Minister of Foreign Affairs of our host country Poland.

Our scheduled next speaker, Mr. Ilkka Kanerva, the President of the OSCE Parliamentary Assembly, is unfortunately unable to attend, but I want to stress the excellent co-operation with the OSCE PA.

Next to take the floor will be Mr. Gernot Erler, MP, the Special Representative of the Federal Government of Germany for the OSCE Chairmanship in 2016.

We will then hear the address by the Secretary General of the OSCE, Ambassador Lamberto Zannier.

Finally, we will hear the heads of the OSCE's autonomous institutions: Ms. Dunja Mijatović, the OSCE Representative on Freedom of the Media, as well as Ms. Astrid Thors, the High Commissioner on National Minorities.

Ladies and Gentlemen,

I would also like to welcome all other representatives from our participating States, from OSCE Institutions and OSCE Missions, from the media, and, this is particularly important for us, from NGOs and Civil Society. It is a pleasure having you here. You are making this Human Dimension Implementation Meeting what it is, a unique forum for discussion about the state of human rights and fundamental freedoms in the OSCE.

Ladies and Gentlemen,

We have a long list of prominent and distinguished guests here today and I have no doubts that you are as eager as I am to hear their remarks. Please join me in welcoming our first speaker, Minister Ivica Dačić, the OSCE's Chairperson in Office.

Ladies and Gentlemen,

Before we can proceed to officially announce the beginning of this year's Human Dimension Implementation meeting, allow me to say a couple of words myself.

We are gathered here in Warsaw in the year of the 25th anniversary of the Copenhagen Document and one year ahead of the 25th year of my Office's existence.

While we are all looking forward to celebrating these important anniversaries in a

time of increased international attention we have received in the recent past, we know that this increased attention comes with more responsibility.

2015 has been an extremely challenging year for us so far. We observed and are preparing to observe a record number of elections, we published an enormous number of reports and publications, and we have the privilege of hosting a record number of almost 1400 participants at this year's HDIM. And while we were busy doing our work to the highest standards that we are expected to fulfil, we were also caught in a fascinating debate reforming of our organization, including the discussions stimulated by the Panel of Eminent Persons.

To the outside world, the OSCE in general and its structures, offices and institutions may have appeared as some kind of a sleeping beauty for much of the second half of the last 25 years.

Questions have been raised about the relevance and the effectiveness of the OSCE. But I would argue that this "crisis of relevance" of the last decade has been less of a crisis of the operative effectiveness of the executive structures, but has been in reality a crisis of political decision-making in our decision-making bodies.

During this time, the OSCE's executive structures, including ODIHR, have continued to develop as centers of excellence, enhancing their expertise, competence and ability to deliver a meaningful human rights impact in many areas.

The main reason the institutions have been able to further develop their capacities despite ever scarcer resources can be attributed to their status, which makes them autonomous in the execution of their mandates, as they can be tasked only by the participating States as a collective whole, and not by any single or group of States. It is therefore of utmost importance, not only for the Institutions themselves but for the OSCE at large, that this autonomy is maintained and operational ability strengthened, not weakened, through adequate resourcing. Given that the main challenge to the Institutions' operational capacity, including in preventing and responding to emerging crisis, rests with resources rather than mandate, the main question is how this challenge could be faced best.

For 40 years, the very corner stone of the OSCE as a regional security organization has been its comprehensive concept of security. The first security organization to put human rights and fundamental freedoms on par with principles on the inviolability of borders and territorial integrity, the participating States have committed themselves to protecting human rights and fundamental freedoms as the first responsibility of government and placing the human dimension at the core of the OSCE's comprehensive concept of security. This fact makes the OSCE unique and sets it apart from other regional intergovernmental organizations, and it is precisely because all 57 participating States have both committed themselves to and repeatedly reaffirmed this, that no strategy for strengthening the OSCE will work unless this concept is at the core of the assessments and recommendations.

The importance of drawing upon all the tools the OSCE has at its disposal, and the comprehensive concept of security, was demonstrated to its fullest last year by the Secretariat in Vienna, by the RfOM, the HCNM - and ODIHR - during the crises in and around Ukraine. The autonomous but coordinated human rights assessment mission of HCNM and ODIHR, the two election observation missions conducted by

ODIHR, as well as the Special Monitoring Mission to Ukraine, all these were complimentary efforts each adding value to the OSCE.

Despite decreasing resources, we will continue to work on becoming even more effective and even more reactive to address crises whenever they arise and prevent them whenever this is possible.

Ladies and Gentlemen,

As we speak, there is a new crisis confronting us in the human dimension of security: the Refugee and Migration Crisis.

In 2015 alone, more than 400.000 refugees from North Africa, the Middle East and South Asia have crossed into OSCE participating States, across the Mediterranean Sea and through the Western Balkan States. They are fleeing war, violence, poverty and prosecution in their countries of origin and are in search of international protection. All of them deserve human treatment, respect for their basic human rights as well as access to fair and efficient asylum procedures.

As the sheer numbers of refugees challenges the capability of some of our participating States to accommodate them, and as most are insufficiently equipped to adequately respond to this influx of refugees, it is the time for solidarity among human beings, but also among states, and also to fight the causes at the root of the refugee crisis.

It is critical that we all recognize that the obligation of governments to respect human rights does not apply only to citizens of OSCE participating States, but to everyone, including migrants, asylum seekers and refugees. Strengthening barriers at our borders will not make this crisis go away, we must instead focus on providing dignified treatment and protecting the human rights of all people in need. And, let me say that clearly, the EU cannot solve this crisis alone. The OSCE will be needed in this effort.

In Helsinki in 1992, the OSCE participating States recognized the need for international co-operation in dealing with mass flows of refugees and committed to ensuring the protection of and assistance to refugees with the aim of finding durable solutions. It is now the time to redouble our efforts to fulfill these commitments.

ODIHR stands ready to assist in fulfilling these commitments. In a combined effort of our Departments, we have developed a co-ordinated response to this crisis that I would like to share with you in its basic ideas. We are preparing to deploy monitoring teams to several places most affected by the influx of refugees and asylum seekers to independently assess and report on the human rights situation. We will organize an expert panel meeting on the safeguarding of rights of asylum seekers and refugees in the OSCE region, bringing together representatives of the affected community, distinguished experts from OSCE structures and institutions, international organizations and our participating States. And we will publish our findings to make specific recommendations how to improve the implementation of the commitments in this field.

I know that we at ODIHR can only contribute a modest share to solve this crisis. But I can assure you that we will do our utmost and use our strengths to contribute to safeguarding the human rights and the dignity of as many refugees as possible while supporting participating States to manage this enormous challenge.

Ladies and Gentlemen,



I am sure that this topic will be intensely discussed in the two weeks to come. But there is an incredible wealth of other issues to debate about in the Human Dimension of Security. I encourage you to join us in as many sessions as possible, and in as many side events as possible. I can assure you, it is worth it. I wish all of us an interesting and eventful Human Dimension Implementation Meeting.

***Remarks by Mr. Ivica Dačić, the OSCE Chairperson-in-Office, First Deputy Prime Minister and Minister of Foreign Affairs of Serbia***

Excellencies,  
Ladies and Gentleman,  
Distinguished participants,

It is my great pleasure to welcome you on behalf of the Serbia's Chairmanship of the OSCE to the Human Dimension Implementation Meeting.

At the outset I would like to express my sincere gratitude to Polish authorities as well as Director Link and his team at ODIHR for organizing this most important annual meeting within human dimension.

I would also like to welcome representatives of the OSCE participating States, Partners for cooperation, international organizations, civil society and academia.

As one of the largest annual human rights forums, Human Dimension Implementation Meeting is an excellent opportunity to review the implementation of commitments and exchange views on numerous issues in the area of human rights. At the same time, it is an important occasion to discuss emerging challenges that we are facing currently. And challenges are many.

As we all know, Serbia took over OSCE Chairmanship in extremely difficult moment for the whole OSCE area. Situation in and around Ukraine continues to pose a serious threat to European security. Throughout the year the Chairmanship, and the Organization as a whole, continued to do its utmost to support implementation of the Minsk agreements and to ensure the cessation of hostilities and to bring political process on track. These efforts included also engagement aimed at emphasizing the importance of upholding the OSCE human rights commitments. We also opened a debate on how to address the structural damage caused by the crisis in and around Ukraine to the European security system, at the core of which our Organization is embodied. We hope that by the Belgrade Ministerial Council in December we will have a clearer picture how to proceed in rebuilding trust within the OSCE and reaffirm its basic principles. Report of the Panel of Eminent Persons that was established by the Swiss Chairmanship last year will help us in that regard, we believe.

Speaking of challenges, in Europe these days we are witnessing increasing and extremely serious migrant crises. In the time when thousands of people are risking their lives leaving the countries affected by conflicts in the OSCE neighborhood, we must not forget the human rights and humanitarian aspects of the migrant crisis. The response in that sense so far has been less than adequate, to say the least. Building fences, closing borders, using excessive force against people who are fleeing from devastating conflicts is not a response in line with human rights commitments

participating States of this Organization undertook to respect, nor other international human rights norms and standards. We have to therefore, stand for respecting human rights for all, especially having in mind that in the times of conflicts and crisis the fundamental human rights are the ones most affected.

The Republic of Serbia is among the countries affected by the huge wave of migrants coming from war-torn areas. We have put all our efforts to respond adequately to the current crisis.

Ladies and Gentlemen,

This year we are marking 40 anniversary of the Helsinki Final Act. This was the first time that respect for human rights and fundamental freedoms were included in a regional security agreement. Not as an annex, but on par with politico-military considerations. The Helsinki Final Act also established that citizens had the right to know and act upon their rights. It provided a major starting point for the development of civic and civil society engagement throughout the OSCE area.

Contributions given by civil society organizations remain highly important in enhancing human rights protection. I expect this year's Human Dimension Implementation meeting will provide us a good basis for fruitful discussion among participating States and with civil society on our common challenging agenda.

As recognized in Astana Declaration civil society organizations have over the past four decades played an invaluable and indispensable role in monitoring governments' respect of their commitments, for the benefit and security of all. Nowhere is this more visible than at HDIM.

The role of the civil society remains high on the agenda during our two Swiss and Serbian consecutive Chairmanships. For example, both countries carried out self-evaluation of the implementation of their OSCE commitments in cooperation with civil society. Therefore, I would like to use this opportunity to personally thank all of you here for your tireless efforts and contributions.

Ladies and gentlemen,

During our Chairmanship of the OSCE, Serbia has been devoted to further updating and strengthening the implementation of OSCE commitments in all three dimensions. In the third dimension we have paid special attention to the rule of law, national human rights institutions, freedom of expression and freedom of the media, including safety of journalist, freedom of religion or belief, freedom of assembly and association, protection of rights of persons belonging to national minorities and promotion of tolerance and non-discrimination.

Serbia's Chairmanship started preparing deliverables for the Belgrade Ministerial Council earlier than usually, in order to have enough time for inclusive and constructive debate among delegations. With this respect, I would like to encourage delegations to engage in that discussion in a constructive manner, underlying that our main goal should be adoption of substantive documents rather than the big number of decisions just reconfirming existing commitments. Your contributions and concrete recommendations will be valuable for our future steps towards Ministerial Council, to be held in Belgrade on 3-4 December.

Before concluding, I would like to underline important role of the OSCE institutions, especially having in mind that only strong and professional institutions with adequate

financial and human resources are able to assist participating States in implementing their OSCE commitments. Therefore, we have to create necessary conditions for fulfillment of their respective mandates.

At the very end, let me thank once again to the distinguished representatives of the OSCE Institutions and Executive Structures for their support and fruitful cooperation. Thank you.

***Address by Mr. Grzegorz Schetyna, Minister of Foreign Affairs of the Republic of Poland***

Chairperson,  
Excellencies,  
Ladies and Gentlemen,

It is my great pleasure to welcome you to the annual Human Dimension Implementation Meeting in Warsaw.

In the beginning, I would like to commend the Serbian Chairmanship of the OSCE and personally Minister Dacic for the effective leadership throughout the year. Let me also express my appreciation to Director of ODIHR, Michael Link and his team for organizing this meeting and for your work in democracy and human rights. This event today is a major instrument for monitoring human rights situation in Europe and Central Asia and allows an open exchange of views and ideas with civil society.

Forty years have passed since signing of the Helsinki Final Act. Its Ten Principles have been recognized as universal values for the Euro-Atlantic community. Especially, the "inviolability of frontiers, respect for territorial integrity, respect for human rights and fundamental freedoms" are all necessary conditions of peace and cooperation in Europe.

Policy of force and aggression and disrespect for human rights and fundamental freedoms are contrary to the spirit and letter of the Helsinki Final Act. Only full respect of all principles in all three dimensions of OSCE may restore trust and lower the tension in Europe.

Current situation has proved once again that security is a multidimensional matter. For last months the European security architecture has been weakened. The crisis in and around Ukraine brings new challenges for international community. The settlement of the conflict should be based on a principle of peaceful cooperation between states and on full respect for territorial integrity and sovereignty of Ukraine. The OSCE remains a unique forum for discussing European security system -arms control, human rights, and economic or environmental issues as well. At the same time, its comprehensive character guarantees equal participation of states and other stakeholders.

The human dimension is a fundamental component of OSCE comprehensive concept of security. But this concept requires that all participating states fulfill their commitments undertaken in the field of democracy, human rights and the rule of law.

The Polish peaceful transition proved how important efficient democratic institutions are, that freedom of speech, freedom of media and strong civil society are essential for long-term social development and political stability.

Ladies and Gentlemen,

There can be no democracy without fair, transparent and inclusive elections. Therefore, we value deeply the role of OSCE in assisting states in electoral processes. I particularly commend the role of the Office of Democratic Institutions and Human Rights in the area of election observation. The cooperation in human dimension should strengthen mutual trust and security in the OSCE area. In this respect, we welcome the decision of the Government of Belarus to invite an election observation mission of ODIHR ahead of the October Presidential election.

Poland also highly values the ODIHR activity in fostering human rights, promoting democracy, rule of law and non-discrimination. We strongly oppose any attempts to restrict effectiveness and independence of the Office.

We shall not allow questioning the importance of human dimension in the OSCE acquis. Now a joint effort on a full implementation of human dimension commitments of the OSCE participating states should be a priority. The upcoming Ministerial Council Meeting in Belgrade is an opportunity to further reinforce the OSCE mechanisms of monitoring and verification.

In this context I would like to emphasize the role and relevance of the Human Dimension Implementation Meeting. In our view, it is still a powerful tool and valuable platform for discussion on human rights and democracy, assisting countries to meet their commitments in the human dimension. Important voice in this debate comes from non-governmental organizations. We are very satisfied that this important Meeting is held annually in the capital of Poland.

Ladies and Gentlemen,

Let me finish by quoting President Ford, who forty years ago in Helsinki said: "History will judge this conference not by what we say here today, but by what we do tomorrow - not by the promises we make, but by the promises we keep". Since then, great progress has been made, but we still have much to do to fulfill the promises we made forty years ago. Particularly we need to make every effort to strengthen democracy, respect for human rights and fundamental freedoms, as they are so closely interlinked and mutually reinforcing with peace and security in Europe. I do hope that the Human Dimension Implementation meeting will bring us closer to that end.

I wish you an interesting and inspiring discussion.

Thank you very much for your attention.

***Opening statement by Mr. Gernot Erler, Special Representative of the Federal Government of Germany for OSCE Chairmanship 2016***

I am delighted to have been invited to Warsaw to open this year's OSCE Human Dimension Implementation Meeting with you today.

Allow me first of all to thank the Serbian Chairmanship for its tireless commitment to the OSCE this year. We all know how complex the tasks facing the chairmanship are – especially in these times.

For that, you deserve our greatest respect.

I would also like to thank ODIHR Director Michael Link and his team most sincerely for their dedicated and professional preparatory work for this meeting here in Warsaw. I know that this always involves a great deal of work.

Ladies and gentlemen,

The previous speakers touched briefly upon the development of crises in Europe and the importance of human rights and the Human Dimension.

I would like to add to this the perspective of Germany – the future OSCE Chair.

Right now, we are in the middle of the worst crisis facing Europe's security order since the end of the Cold War.

The annexation of Crimea in violation of international law and Russia's actions in the Ukraine conflict threaten European security in all of its facets, and therefore also the fundamental principles and achievements of the CSCE process and the OSCE.

These actions are therefore also threatening the very existence and implementation of obligations in the area of human rights and fundamental freedoms, which are an integral part of what the OSCE stands for.

However, the crisis has reminded us just how valuable the OSCE is for Europe's security policy architecture.

First, the OSCE is invaluable as an operative instrument of conflict management:

The assistance provided by the organisation in context of the Ukraine crisis – the Special Monitoring Mission, the Trilateral Contact Group, the Observer Mission at the Ukrainian-Russian border and the Project Coordination Unit in Ukraine – is impressive and beyond doubt.

Ladies and gentlemen,

Second, the crisis also shows us how important the OSCE is as the guardian of the acquis of obligations and principles.

To our mind, the principles of the Helsinki Final Act are just as relevant today as they were 40 years ago: the principles of the inviolability of frontiers, territorial integrity and the peaceful settlement of disputes between states, as well as non-intervention in internal affairs and respect for human rights and fundamental freedoms.

Since Helsinki, the area of human rights and fundamental freedoms – the “Human Dimension” – has evolved into a comprehensive acquis of shared norms, standards and obligations and is, to our mind, a cornerstone of European security.

Current events in and around Ukraine have not only called principles such as the inviolability of frontiers into question, but have also put human rights, fundamental freedoms and principles of democratic governance increasingly in the firing line.

These events thus underscore the significance and importance of this OSCE acquis as a body of shared obligations.

After all – and I firmly believe this to be true – common security and dialogue in the spirit of trust are only possible if a common set of rules is adhered to.

These politically binding rules apply equally to all OSCE participating States. They are and remain the irrevocable foundation of our cooperation that we must defend and reinforce.

In the Document of the Moscow Meeting of 1991, the participating States used strikingly clear language to enshrine their collective determination to cooperate with each other.

The declaration ran as follows – and I quote:

“They [the participating States] categorically and irrevocably declare that the commitments undertaken in the field of the human dimension of the CSCE are matters of direct and legitimate concern to all participating States and do not belong exclusively to the internal affairs of the State concerned.”

All participating States reaffirmed this to the letter at the OSCE Summit in Astana in 2010.

This far-reaching voluntary commitment and the willingness to engage in critical dialogue with others also on developments in participating States’ own countries was an expression of the common objective of the Charter of Paris, which reads:

“Our States will co-operate and support each other with the aim of making democratic gains irreversible.”

This aim should remain the guidepost for our actions.

Our intention here is not to exert unreasonable pressure on individual countries, but rather to call for these common values and obligations to be adhered to as we believe in the vital importance of these values and obligations for security and stability in the OSCE area.

Ladies and gentlemen,

ODIHR does extremely valuable work to help OSCE countries implement the standards that they set for themselves. Next year, ODIHR will be marking 25 years since its establishment. We want to celebrate this anniversary in the firm belief that “human rights and fundamental freedoms are the birthright of all human beings, are inalienable and are guaranteed by law.” That is what we established in the Charter of Paris back in 1990.

The High Commissioner on National Minorities and her predecessors have also set important standards. The constructive coexistence of the majority and national minorities was fostered with silent diplomacy and landmark recommendations.

Among the milestones to be celebrated in the coming year, we will be marking the 20th anniversary of the Hague Recommendations Regarding the Education Rights of National Minorities. We should also pay tribute to this together.

An eminently important institution is, last but not least, the Representative on Freedom of the Media – a post that was created in 1997 at the instigation of Germany, among others, and whose first incumbent was the German Freimut Duve.

The independence and security of journalists is, unfortunately, all too often in the firing line at the present, and I believe that we have a greater need for this institution than ever before.

Dunja Mijatović deserves our utmost respect for her dedicated and independent work in this role.

The Serbian Chairmanship and the upcoming German Chairmanship will work with all participating States to nominate a suitable successor from 2016.

Ladies and gentlemen,

I have pinpointed the Human Dimension as part of what the OSCE stands for.

Germany intends to preserve and strengthen this very essence.

This also entails the provision of sufficient financial resources for the institutions that comprise the Human Dimension.

During the current OSCE budget negotiations, we should therefore bear in mind that sufficient resources are required in order to get on top of security policy challenges, particular those that we currently face.

Ladies and gentlemen,

I would like to turn to the third decisive function that I believe the OSCE fulfils, namely its role as a dialogue platform.

Of course, public pressure and other means may also be necessary if people are not protected from infringements of their rights and fundamental freedoms.

The centrepieces of the OSCE's focus on conflict prevention remain dialogue and cooperation, however.

This is why the Human Dimension Implementation Meeting (HDIM) is so very important, particularly at this time of fundamental crisis.

As the largest human rights conference in Europe and the entire OSCE area, the meeting – as a forum for dialogue on an equal footing between countries and civil society – is our central mechanism for reviewing the implementation of our human rights obligations.

We should make the best possible use of this instrument as I do not wish to deny that I regard the state of implementation of OSCE obligations in a number of participating States with great and increasing concern – whether with regard to territorial integrity, the freedom of assembly or the safety of journalists.

Ladies and gentlemen,

We Germans are both delighted and humble to be assuming the OSCE Chairmanship in 2016.

In so doing, we are also taking responsibility for preserving the OSCE's achievements of the past decades, also and especially – and I would like to emphasise this point particularly in the current context – for the obligations in the area of human rights and fundamental freedoms.

We intend to use our chairmanship to promote dialogue and avoid further estrangement and lack of communication in the OSCE area.

At the same time, dialogue also means that we will call for obligations to be complied with as well as clearly draw attention to shortcomings.

We want to do our part to strengthen the OSCE's institutions and mechanisms.

And, as the OSCE's portfolio requires, we will focus on a wide spectrum of topics during our chairmanship. We will discuss options for the 2016 agenda in more detail with you all in Warsaw this week.

Allow me to close by emphasising just three priorities:

We intend to give tolerance and non-discrimination the attention they deserve, including perhaps with a special event organised by the chairmanship.

We intend to have a stronger focus on national minorities in order to shed light on their potential as bridge-builders and a force for reconciliation between nations.

And, in these unsettled times, we intend to underscore the importance of the freedom of expression and freedom of the press unshackled by propaganda.

And, last but not least – and I believe this to be essential – we should promote dialogue between our societies.

After all, when we observe current developments with regard to the migration of thousands of refugees to Europe each day, one thing is abundantly clear:

These developments appeal to our sense of humanity, but they also make us face great challenges.

We will only master these challenges if we engage in intensive dialogue on our common difficulties and if we seek solutions together.

And these solutions must take our shared values and obligations into account – for the good of all concerned.

Ladies and gentlemen,

Foreign Minister Steinmeier said the following at the award ceremony for the Emperor Otto Prize of the city of Magdeburg last Saturday:

“The present crisis has left cracks in the foundations of Europe’s security architecture. But it has also shown that the principles of construction applied in Helsinki and the fundamental elements building on this such as the Charter of Paris and the Copenhagen Document on the Human Dimension were and remain the right ones.”

We should not continue to undermine these fundamental elements, but strengthen them as the girders that underpin our common security.

Germany intends to do its part in this endeavour with its chairmanship of the OSCE in 2016.

Thank you very much for listening.

### ***Opening Remarks by Mr. Lamberto Zannier, OSCE Secretary General***

Minister Dačić,  
Minister Schetyna,  
Special Envoy Erler,  
Director Link,  
Excellencies,  
Ladies and Gentlemen,

I am very glad to speak at the opening of this year’s Human Dimension Implementation Meeting, the HDIM, not only because this is one of the OSCE’s key annual events but especially as this is our main instrument for reviewing and fostering the implementation of OSCE commitments in the human dimension. I would like to thank Director Link and his talented and dedicated team for organizing this important event and to commend them for their tireless efforts to promote and protect human rights and fundamental freedoms, which remain at the core of the OSCE’s comprehensive and multi-dimensional concept of security.



This meeting should inspire the entire OSCE community to support these efforts, and ensure that the human dimension remains an essential part of our daily work across the Organization. As we are all part of the same team, we should use all tools and opportunities at our disposal to continue advancing human rights, democratic institutions and the rule of law in the OSCE area.

We can do this most effectively if we speak with one voice within the Organization and work together. An excellent example of how successful we can be when we join forces is the joint effort of the Secretariat and ODIHR to deepen OSCE co-operation with Belarus. By co-ordinating closely and developing a common and comprehensive approach, we were able to strengthen the OSCE's engagement with this country much more effectively than if we had pursued separate agendas. By working together, we were able to achieve a new package of projects covering all three dimensions of the OSCE security concept and including cross-dimensional elements. This was consolidated when Michael joined me in high-level meetings during a recent trip to Minsk. We have much to gain by working together, including when we co-operate with external partners.

And in today's increasingly complex world, the OSCE must reach out and work together with external partners. Civil society is one of the most crucial partners, as it helps multiply the impact of the OSCE's efforts, particularly in the implementation of OSCE human dimension commitments by our participating States. I am very pleased to see so many civil society organizations from so many participating States represented here today. Your contributions and active participation are vital to our efforts to strengthen respect for human rights and promote democratic principles and the rule of law throughout the OSCE region, while stimulating the Organization with fresh ideas and forward-looking recommendations. In this context, I would like to emphasize that youth organizations should play a key role. We need to engage young people today to encourage them to strive for a world with greater respect for human rights, fundamental freedoms and the rule of law tomorrow.

The role of youth is all the more urgent when we consider the violent extremism and radicalization that lead to terrorism, since it especially affects young people. Countering radicalization and violent extremism is not a task for governments and law enforcement agencies alone. It is a responsibility shared by all parts of society. This is why last May I organized a Security Days conference to stimulate a wide-ranging and constructive discussion on how the media, education, inter-religious and inter-cultural dialogue, and the empowerment of women and youth can effectively help to prevent and counter this phenomenon. I was very pleased that ODIHR, the High Commissioner on National Minorities and the Representative on Freedom of the Media, as well as the Anna Lindh Foundation, co-sponsored and took part in this debate, which generated a number of proposals and recommendations for follow-up activities that the OSCE can undertake both on its own and with external partners.

One immediate step I myself took at this Security Days event, together with the Serbian Chairmanship, was to launch an Organization-wide campaign to encourage and inspire us all to do our part to counteract radicalization and violent extremism. All OSCE structures, including Institutions and Field Operations, participating States, Partners for Co-operation, as well as civil society, academia and religious institutions across the OSCE area, are invited to rally around and promote a common slogan: "OSCE United in Countering Violent Extremism". This campaign will be featured

throughout the HDIM sessions and I invite you all to join in, express your support, and spread the word online and offline.

But violent extremism is only one of many increasingly complex and interconnected challenges that the OSCE faces today. The crisis in and around Ukraine remains very high on the Organization's agenda, requiring an unprecedented level of engagement both at the political level and on the ground to help de-escalate the situation. The crisis has further undermined trust and the spirit of co-operation among participating States, and it has opened a divisive debate about the consequences of violations of key OSCE principles and commitments, including in the human dimension. Despite these profound challenges, the OSCE has managed to hold true to its vision of comprehensive security and continues to support efforts to restore peace and stability, including by promoting dialogue and reconciliation. Indeed, the OSCE has mobilized all its structures and put its entire toolbox into action. All our Institutions, the Secretariat and its Conflict Prevention Center, and of course our Field Operations – the Special Monitoring Mission to Ukraine, the Project Co-ordinator's office in Kyiv, and the Observer Mission at two Russian Checkpoints – are doing their part to achieve a lasting peace. The OSCE has once again demonstrated that it can respond rapidly and flexibly in times of crisis.

The current refugee and migration crisis is another pressing issue that calls for a comprehensive, co-ordinated and humane response from the international community and OSCE participating States. As an organization encompassing all of Europe and with strong ties in the Mediterranean and Asian regions, the OSCE can provide an important platform for co-operation. We have a significant role to play in making sure that migration does not become yet another divisive issue. Relying on its comprehensive and cross-dimensional security concept, the OSCE can offer specific expertise to deal with some of the root causes of migration, including conflict and poverty, as well as other challenges that are often intertwined with migration, such as human trafficking and smuggling, violent extremism and terrorism, and even climate change. We can also offer an inclusive forum for dialogue where our participating States together with our Partners for Co-operation can exchange ideas and explore common approaches to the crisis. This year's OSCE Mediterranean Conference will provide a platform for high-level discussions on how some of these interconnected issues affect the Mediterranean region and how the OSCE could help to address them. And I am planning to hold a Security Days event on migration in early 2016 to stimulate forward-looking thinking for a more strategic and systematic approach to this phenomenon within the OSCE.

In concluding, I would like to underscore that all of the security challenges that affect the OSCE area cannot be successfully addressed without genuine consideration for the rule of law and the protection and promotion of human rights. What is more, the challenges we face today are too big and too complex for any country or organization to tackle alone. We need a co-ordinated approach involving many different actors – first and foremost civil society – but we also need to enhance co-ordination among the various parts of the OSCE itself. The HDIM provides the ideal forum to bring all these elements together to strengthen security for citizens, communities and countries throughout the OSCE region and beyond. I look forward to hearing about the results of your discussions over the next couple of weeks.

Thank you.

## ***Opening Statement by Ms. Dunja Mijatovic, OSCE Representative on Freedom of the Media***

I am pleased to be here in Warsaw at the 2015 Human Dimension Implantation Meeting.

The start of this unique event always carries with it a special energy. We know the difficulties this organization faces; we know the political realities. Yet here we are devoting significant time and effort to make sure that the event will bring us closer to our mutual goals: to protect and, I hope, also strengthen security and peace in the OSCE region.

The session on media freedom is only a few hours away. I trust that many of you will be able to attend. The issues to discuss are numerous, the concerns are major, but the first step is to be crystal clear about each other's views and priorities in order to stop the further decline of media freedom and freedom of expression.

We can't expect that the differences that participating States harbor about the role of freedom of expression and media freedom will magically disappear by the end of this event. But all participating States have something in common, and this is the commitments that they themselves agreed to honor when they joined this organization.

We know how powerful these commitments are on paper, and what a difference they could make to the lives of the citizens.

We are also aware of how few of them have been successfully implemented.

It would be too easy, however, and I dare to say it would be also too cynical, to accept that these days strong commitments all too often remain unfulfilled words on paper.

Participating States must continue searching for ways to advance the values that we all hold so dear. And my institution is one of the tools that they can, and should, use in this process.

Much like last year, my Office continues to devote considerable time and resources to the issues arising from the crisis in and around Ukraine. We continue to provide specialized knowledge and resources for the media affected by the crisis. Over the course of the last two years, we have also provided a unique forum for Ukrainian and Russian journalists to meet, discuss and try to resolve issues of mutual concern. We have played a significant role in providing advice to governmental authorities on media freedom issues, including legislation that is essential in this crisis situation.

While circumstances require that we keep a close eye on Ukraine, the last year has presented far-too-many other challenges to free media and free expression across the entire OSCE region. Since my time is limited, I'll classify them into two major areas.

The first, as you know, is the continuing violence against members of the media. My Office held a large-scale conference in June on the topic, focusing especially on the Ukrainian conflict.

The issues discussed and the lessons learned are applicable to all OSCE states. The message also is absolutely clear – attacks on journalists are unacceptable - but they continue. These cases of violence and harassment take several forms and create a major threat not only to the journalists, but also to freedom of expression in general, which we will address in the afternoon working session.

Second, and also very worrisome and dangerous, is the proliferation of laws that may have been designed to make our societies safer, but are drafted in ways that not only do not increase our safety, but indeed they do the opposite: if misused, they can silence pluralistic, well-informed debates which are essential if we want to continue living in free and safe societies.

We can not ensure security without respect for human rights, including the freedom to express ourselves, and we can not enjoy our freedoms without security.

Before I conclude, I would like to welcome the important campaign launched by the Secretary General and the Serbian Chairmanship to counter violent extremism. My Office closely follows the media freedom implications of the efforts by participating States to fight violent extremism.

In their legitimate efforts to create safe societies, it is of utmost importance that participating States recognize the essential role that the media can play in this issue.

Violent extremism can not be fought by silencing those informing the public about it.

Protecting our fundamental freedoms, including freedom of expression and the corollary right to freedom of the media, is essential in the fight against violent extremism. We need to ensure that there is a pluralistic and open debate on all issues in our societies, especially on the controversial or difficult ones.

I trust that you will find the upcoming discussions, including our afternoon session, lively and thoughtful. And I hope that we will make progress on the ultimate goal – to protect and increase security, peace and freedom in our societies.

### ***Opening remarks by Mrs. Astrid Thors, OSCE High Commissioner on National Minorities***

Dear excellencies,  
Ladies and gentlemen,

I am honoured and delighted to participate at the Human Dimension Implementation Meeting. I wish to warmly thank the Polish Government and the Office for Democratic Institutions and Human Rights for continuing to host this important meeting.

As you recall, my mandate is essentially a conflict prevention one. Participating States have mandated my office to provide early warning and take early action to prevent tensions involving national minority issues from developing into conflict.

At the same time, participating States have acknowledged the inseparable linkage between minority rights, and peace and stability. This connection is part of the OSCE DNA. Indeed, ensuring respect for the rights of persons belonging to national minorities is essential for the prevention of conflict. Key to addressing minority issues lies, therefore, in the full implementation of relevant international commitments, including OSCE Human Dimension commitments, related to the rights of persons belonging to national minorities.

The linkage between minority rights, and security and stability was reaffirmed by the participating States in the CSCE Copenhagen Document. This document, adopted 25 years ago, represents a milestone in the protection of the rights of persons belonging to national minorities.

It is to be noted that the starting point of the provisions related to national minorities in the Copenhagen Document emphasize that questions relating to national minorities can only be satisfactorily resolved in a democratic political framework based on the rule of law with a functioning, independent judiciary. This statement is more valid than ever. Unfortunately, we see today many instances where national minorities do not feel secure enough to seek legal remedy to their grievances. That is also why we have invited participants at the session devoted to the rights of persons belonging to national minorities on 1 October to discuss what can be done to guarantee access to justice for minorities. I hope that practical examples will enrich the discussion.

The Copenhagen Document played a key role in the development of international norms for minority protection and paved the way for the creation of my institution. Against this historical backdrop, I would like to underscore that the Copenhagen Document continues to be of crucial importance for minority protection. The commitments undertaken by the participating States in the Copenhagen Document remain highly relevant today and will remain so in the future.

The Copenhagen Document also inspired the creation of other international documents, including with relevance for national minorities, like the Council of Europe's Framework Convention for the Protection of National Minorities. Unfortunately, we have seen that the inspirational force of the Copenhagen Document has not been maintained; other binding multinational documents in the OSCE area have not been as clear regarding the rights of persons belonging to national minorities and the protection of their identities.

Dear excellencies,  
Ladies and gentlemen,

Let me now turn to the crisis in and around Ukraine, and highlight the situation in the Autonomous Republic of Crimea. As you will have noticed, ODIHR and my institution, with input from the Representative for the Freedom of the Media, published the Report of the Human Rights Assessment Mission on Crimea (6–18 July 2015) last week. As you know, we will present the report in more detail with ODIHR Director Michael Georg Link on Thursday here in Warsaw.

The Assessment Mission found that since the annexation of Crimea, the Crimean Tatar and Ukrainian communities have been subjected to increasing pressure on and control of the peaceful expression of both their culture and their political views. The

situation is particularly precarious for those who have openly opposed the annexation or refused to take Russian citizenship.

Unfortunately, the Assessment Mission had to base its evaluation mainly on interviews, without visiting the peninsula. The Report of the Assessment Mission contains a simple recommendation on how to improve this assessment methodology: grant access to the peninsula to relevant international actors.

In this context, I reiterate my call on the Russian Federation to facilitate my access to Crimea without further delay so that I can make a first-hand assessment of the situation, in line with my mandate.

Dear Excellencies,

Ladies and gentlemen,

The refugee crisis that is now a focus of the international community's attention cannot but touch all of us. We see the human desperation and the political tensions that are rising as a consequence. We can all ask ourselves why we did not listen to the warnings that were issued – warnings that the capacity of international organizations working in the countries neighbouring conflict areas had been drained. Once again, an international alert that was not heeded.

But we also see that not all participating States have lived up to another commitment in the Copenhagen Document: the commitment [40.1] to take effective measures [...] to provide protection against any acts that constitute incitement to violence against persons and groups based on national, racial, ethnic or religious discrimination, hostility or hatred, including anti-Semitism. The participating States also committed to promote tolerance and understanding. [40.3]

This commitment is reflected in subsequent OSCE decisions. It is followed by our colleagues in ODIHR and in the Council of Europe's Framework Convention for the Protection of National Minorities, where Article 6 is a direct continuation of the OSCE commitment to take effective measures to promote mutual respect and understanding between all persons living on their territory.

Countries that have taken these commitments seriously are those that treat all human beings with respect.

My conclusion is that we must continue to work even more vigorously to promote understanding between all persons living on a country's territory. The Ljubljana Guidelines on Integration of Diverse Societies, issued by my institution, is a good tool in this respect.

We are unfortunately witnessing increased politicization and instrumentalization of minority issues in the OSCE area. There is also a growing tendency to view national minorities as targets of regulation rather than as active participants in a society. These trends greatly worry me, as they risk jeopardizing the protection of the rights of persons belonging to national minorities and thereby increasing tensions in and between participating States. It is crucial that we promote the full implementation of international norms related to the rights of persons belonging to national minorities to address these trends.

Dear excellencies,

Ladies and gentlemen,

I look forward to our common deliberations at this meeting and wish us all a successful Human Dimension Implementation Meeting. Thank you for your attention.

***Closing remarks by Mr. Michael Georg Link, Director of the OSCE/ODIHR***

Excellencies,  
Ladies and Gentlemen,

As another HDIM is coming to an end, I am happy to have this opportunity to share some preliminary reflections and findings with you. I do not see the HDIM as an end in itself. It should rather be seen as part of a continuous human dimension implementation review process. In this process, HDIM is the largest, regular stock-taking exercise.

Many efforts have been vested over the years to make HDIM a more effective forum for review of reform through dialogue. Issues such as a standing agenda, moving the dates of the HDIM to a more optimal time and ensuring a more interactive format should remain on the table for further discussions among the participating States. Meanwhile, in ODIHR, we continue to work hard on improving and modernizing HDIM within the existing modalities. Last year we introduced web streaming for the first time. Based on the feedback we got, we have expanded the use of this technology this year. We have also introduced a Twitter Wall, which certainly seemed to have contributed to a more lively exchange both in and around HDIM. We will continue to explore such options in the future. Not least because if HDIM is to remain relevant for youth and future generations, we certainly also have to apply all relevant communication platforms.

Excellencies,  
Ladies and Gentlemen,

Based on the discussions that have taken place over these two past weeks, both at plenary sessions and the many side events, there can be no question about the continued relevance of the issues discussed. The lasting relevance depends of course on the extent to which the recommendations are addressed, followed up and ultimately implemented.

The preliminary findings from the discussions having taken place are as always presented by the rapporteurs and shared. Once consolidated, I also look forward to present the final report with recommendations to you at the Permanent Council on 29 October.

In line with the good practice established by my predecessors, allow me to share some statistical highlights from this year's HDIM:

This year, we could welcome 1383 representatives from governments, NGOs and civil society activists, coming from 54 of our participating States. 766 of these were representatives from NGOs and Civil Society.

The most popular session was the working session 15 on "Fundamental freedoms, including Freedom of thought, conscience, religion or belief". Here, we had an exceptionally intense discussion with an impressive number of 61 statements.

A remarkable number of 80 side events were organized on the margins of this HDIM, highlighting and addressing a wide range of human dimension topics. Let me encourage all of you to be even more active in the future and help us make HDIM an even more vibrant, thought-provoking and interactive event.

Ladies and Gentlemen,

I believe these numbers in themselves speak volumes about the continued relevance and importance not only of HDIM as the largest European stock-taking exercise, but more importantly about the human dimension of security.

Much has been said about the historical importance of the Helsinki Final Act 40 years, and rightly so. This year we are also marking the 25th anniversary of the perhaps equally monumental Copenhagen Document and the Charter of Paris. In a time of crisis and unresolved conflicts in our region, it is my firm conviction that these landmark documents remain as relevant as ever. The crises we have seen and continue to see over these past 25 years certainly are not due to the commitments made back then, but rather despite and because of lack of faithful implementation.

Looking ahead, next year we will mark another important 25th anniversary in the evolution of our Organization. I am here not so much thinking about ODIHR's anniversary as that of the seminal 1991 Moscow Meeting. Namely, it was in Moscow that the participating States (...) categorically and irrevocably declared that the commitments undertaken in the field of the human dimension of the OSCE are matters of direct and legitimate concern to all participating States and do not belong exclusively to the internal affairs of the State concerned." I leave this as food for thought for how to build on that astonishing achievement as we soon will start preparing for the next HDIM, in light of Moscow+25.

Excellencies,

Ladies and Gentlemen,

Let me conclude by thanking our host country Poland, the Serbian OSCE Chairmanship, representatives of the Troika, all Delegations of our participating States and Partners for Co-operation, NGO representatives, colleagues from the OSCE institutions and field operations as well as other international organizations for taking an active role in this year's Human Dimension Implementation meeting.

A very special thanks goes to the OSCE's Chairperson-in-Office, the Foreign Minister and First Deputy Prime Minister of Serbia, Mr. Ivica Dačić, as well as Mr. Grzegorz Schetyna, the Minister of Foreign Affairs of our host country Poland, for having honored us with their presence at the opening session last week, thereby underlining the high profile of this important event.

I would also like to thank all introducers, moderators and rapporteurs who participated in the sessions of the past weeks. Finally, I would like to thank the interpreters and, last but certainly not least, the excellent and dedicated team of professionals at ODIHR for the very hard work they have invested to make this meeting a great success.

I look forward to welcoming all of you to Warsaw next year!



***Closing remarks by Ambassador Vuk Zugić, Permanent Representative of the Republic of Serbia to the OSCE, Chairperson of the Permanent***

Mr. Chairperson,  
Colleagues,  
Ladies and Gentlemen,

Another HDIM has passed and I would like to extend sincere thanks on behalf of the Chairmanship to the organizers, in particular ODIHR and director Link. ODIHR introduced a number of innovations this year which help that discussions have become more structured but better publicized as well. I would also like to thank the Polish government for their continued hospitality. The address of our two Ministers of Foreign Affairs at the opening this year's HDIM has definitely raised the profile of the HDIM. We hope that the introduction of a ministerial segment will become a regular practice of the coming Chairmanships.

Despite the technical improvements, the discussions over the past two weeks resembled to a great extent the ones we have witnessed over the past few years. As it was stated by many of this year's participants, the concerns over the respect for human rights and fundamental freedoms have lost nothing of their importance and urgency.

Ladies and Gentlemen,  
After ten days of work, we would like to share with you our three key takeaways from this year's HDIM.  
*Firstly*, that the OSCE's institutions have to be strengthened.  
*Secondly*, the efforts to maintain the space for civil society and genuine NGOs must be reinvigorated.  
Finally, the OSCE Chairmanship along with participating States plays a decisive role in achieving the former two.

This year's HDIM took place during a time of one of the most serious crisis since the OSCE has been established. If the statements that spoke about the implications of the ongoing crisis in and around Ukraine were not equally frequent this year as last, they still largely carried the same message and sense of urgency.

The fact that instability and violence create a fertile ground for human rights violations is no news to anyone here, but it nonetheless bears repeating. It is clear that we need to devote our attention to the human rights situation in the context of the ongoing crisis, as well as with regard to protracted conflicts. Security crises lead to an increase in human rights crises while, in turn, the disrespect for human rights drives security crises. This is at the core of the notion of comprehensive security.

Apart from that, we face other challenges as well this year: the OSCE region is witnessing the largest refugee influx in decades and, as was mentioned in a number of sessions and statements, this is posing threats not only to the respect for human rights, but as well as serious security implications. In light of this bleak security situation and looming instability, it is paramount that all the mechanisms that were designed and adopted by the participating States to watch over the implementation of commitments are strong and functioning.

Ladies and Gentlemen,

In keeping with the Joint Work Plan of consecutive Swiss and Serbian OSCE Chairmanships and the overarching priority to strengthen the implementation of commitments, we believe that the calls of civil society organizations and many participating States to strengthen our institutions must be taken seriously.

While the primary responsibility for respecting commitments, of course, lies with the participating States, it is the ODIHR, the RFOM or the HCNM that we mandated with reminding us of our commitments and assisting us in implementing them. Solid funding and a clear mandate are required to guarantee that they maintain their room for action as independent institutions in the future. The Chairmanship therefore aims to secure that in the MC Decisions that we will table this year.

As far as the civil society is concerned, it was underlined again in this room and in many other side events that civil society organizations face growing limitations. Needless to say that HDIM or any other OSCE event should not be seen as a compensation for the shrinking space that non-governmental organizations have to operate in. However, the OSCE remains the organization that is better placed than any other to allow civil society voices to be heard. In the future, we should aim to preserve and – wherever possible – extend the role of the civil society.

Ladies and Gentlemen,

This brings me to my third point: The Serbian Chairmanship is pursuing an ambitious human dimension package in view of the forthcoming Belgrade Ministerial Council. All in all 9 Ministerial Council Decisions touching on the human dimension are now under consultation with participating States. Judging from the discussions of the past two weeks, we feel encouraged that the path we have chosen is right as it takes us to all the current hotspots of the human rights debates. As we start negotiating in the coming days, we intend to incorporate into the draft decisions as many concrete recommendations as possible.

Three draft decisions touch on the issue of Tolerance and Non-Discrimination this year, specifically on intolerance against Christians and Muslims as well as on interfaith and interreligious dialogue and partnership. We will further pursue new commitments in the areas of the fundamental freedoms, that is, one DD on the Freedom of Association and one on the Freedom of Assembly.

Following numerous events on media freedom this year, a draft decision on Media in the Digital Age and one on the Safety of Journalists will be as well tabled.

Moreover, torture prevention remains high on the agenda and there will be another attempt to pass a respective decision this year. The same is true for Draft Decision on National Human Rights Institutions, our topic of the Seminar earlier this year in Warsaw.

Finally, numerous human dimension aspects will be touched upon in the Youth Action Plan as well as the Gender Addendum.

The Chairmanship sees merit in all of these drafts and intends to pursue them with utmost expedience and in an inclusive manner. Going back to what I previously

mentioned, it is obvious that our common goal should be to strengthen the institutions in the process. That means that the Chairmanship will be guided by the will to solidify and improve but never weaken provisions in existing commitments.

Finally, since 2013 when we chaired the HDC, and later as a member of Troika and now as the OSCE Chairmanship, we have supported and pursued calls for meaningful HD reforms. We still believe that at the core of this process is the further improvement of work of the HDIM.

At the same time, we have to bear in mind that this forum, despite many different voices, should be seen first and foremost as a structural platform for dialogue.

With this, we should be able to assure the greatest possible follow up to the many important exchanges we have had in the past two weeks here. On behalf of the Serbia's OSCE Chairmanship we are looking forward to work with participating States in an engaging and constructive way on achieving these ambitious goals.

At the very end, let me once again express our gratitude to ODIHR and all those included in excellent organization of this event.

Thank you.

## ***LINK TO THE TIMETABLE***

<http://www.osce.org/odihr/182381?download=true>

## ***MODALITIES FOR OSCE MEETING ON HUMAN DIMENSION ISSUES***

The 1992 Helsinki Document mandates ODIHR – as the main institution of the human dimension – to organize a meeting to review the implementation of human dimension commitments entered into by all OSCE participating States and to look at ways to enhance compliance with these commitments.

The modalities for the Human Dimension Implementation Meeting are set in the Permanent Council Decision No. 476 of 23 May 2002 (on the modalities for OSCE Meetings on Human Dimension Issues). The Decision can be found here: <http://www.osce.org/pc/13198>.

Since 1998, the HDIM has taken place annually for a two-week period in Warsaw (except for 1999 and 2010, due to the Istanbul and Astana Summits, respectively). The agenda for these meetings is adopted by the Permanent Council reflecting three special subjects to be dealt with more in-depth. For the 2015 meeting, the Permanent Council adopted the agenda in its Decision No. 1168 as of 23 April 2015. It is available here: <http://www.osce.org/odihr/170621>.

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

English: <http://www.osce.org/odihr/179066?download=true>

Russian: <http://www.osce.org/ru/odihr/182221?download=true>

## ***LINK TO THE OVERVIEW OF SIDE EVENTS***

English: <http://www.osce.org/odihr/181746?download=true>

## ***LINK TO JOURNALS***

The Journals will be available on 2015 HDIM website:  
[http://www.osce.org/odihr/hdim\\_2015](http://www.osce.org/odihr/hdim_2015)

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202. Statement on Prevention of Violence against Women and Children, Working Session 5: Tolerance and non-discrimination I.
153. Statement on independence of judicial system, Working Session 7 (specifically selected topic): Independence of the judicial system, with a particular focus on accountability and integrity of judges and prosecutors (continued).
316. Statement, Working Session 8 Rule of law.
174. Migrant workers, Working Session 10: Fundamental freedoms II.
496. Statement, Working Session 10: Fundamental freedoms II.
187. Combating human trafficking, Working Session 11: Humanitarian issues and other commitments.
188. Internally displaced persons, Working Session 11: Humanitarian issues and other commitments.
317. Statement on trafficking in human beings, Working Session 11: Humanitarian issues and other commitments.
573. Statement, Working Session 12 (specifically selected topic): Combating hate crimes and ensuring effective protection against discrimination.
497. Statement, Working Session 17: Tolerance and non-discrimination II.
524. Concluding Statement, Closing Reinforced Plenary Session.

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#### OSCE Institutions

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##### OSCE High Commissioner on National Minorities

301. Opening remarks by Astrid Thors, Opening Plenary Session.
539. No security without access to justice. Address by Astrid Thors, Working Session 17: Tolerance and non-discrimination II.

##### OSCE ODIHR

1. Agenda for the 2015 Human Dimension Implementation Meeting, Background Documents.
3. Bios of speakers, introducers and moderators, Background Documents.
4. Provisional List of Participants, Background Documents.
23. Timetable of the 2015 Human Dimension Implementation Meeting and Side Events as submitted by Convenors, Background Documents.
98. Compilation of written recommendations covering working sessions 1-4, Background Documents.
166. Compilation of written recommendations covering working sessions 5-7, Background Documents.
191. Compilation of written recommendations covering working sessions 8-9, Background Documents.
386. Compilation of written recommendations covering working sessions 10 - 13, Background Documents.
507. Compilation of written recommendations covering working sessions 14-17, Background Documents.
548. Final List of Participants, Background Documents.
40. Opening remarks by Director of ODIHR Mr. Michael Georg Link, Opening Plenary Session.
33. Recommendations on Enhancing the Participation of Associations in Public Decision-Making Processes, Side Event: Launch of the Final Recommendations on Enhancing the Participation of Associations in Public Decision-Making Processes.
461. Rapporteur's Report for Working Session 1, Closing Reinforced Plenary Session.
462. Rapporteur's Report for Working Session 2, Closing Reinforced Plenary Session.

- 463. Rapporteur's Report for Working Session 4, Closing Reinforced Plenary Session.
- 464. Rapporteur's Report for Working Session 5, Closing Reinforced Plenary Session.
- 465. Rapporteur's Report for Working Session 6, Closing Reinforced Plenary Session.
- 466. Rapporteur's Report for Working Session 7, Closing Reinforced Plenary Session.
- 467. Rapporteur's Report for Working Session 8, Closing Reinforced Plenary Session.
- 474. Rapporteur's report for working session 12, Closing Reinforced Plenary Session.
- 475. Rapporteur's report for working session 13, Closing Reinforced Plenary Session.
- 477. Rapporteur's Report for Working Session 3, Closing Reinforced Plenary Session.
- 478. Rapporteur's Report for Working Session 15, Closing Reinforced Plenary Session.
- 480. Rapporteur's Report for Working Session 16, Closing Reinforced Plenary Session.
- 482. Rapporteur's Report for Working Session 11, Closing Reinforced Plenary Session.
- 483. Rapporteur's Report for Working Session 14, Closing Reinforced Plenary Session.
- 490. Rapporteur's report for working session 10, Closing Reinforced Plenary Session.
- 503. Rapporteur's report for working session 9, Closing Reinforced Plenary Session.
- 504. Rapporteur's report for working session 17, Closing Reinforced Plenary Session.
- 553. Closing remarks by Director of ODIHR Mr. Michael Georg Link, Closing Reinforced Plenary Session.
- 572. Rapporteur's report working session 18, Closing Reinforced Plenary Session.

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**OSCE Secretariat**

<b>OSCE Secretariat</b>	<ul style="list-style-type: none"> <li>82. Opening Remarks by Secretary General Lamberto Zannier, Opening Plenary Session.</li> <li>138. Statement by Thomas Wuchte, OSCE Head on Anti-Terrorism Issues Transnational Threats Department, Working Session 8 Rule of law.</li> <li>562. Welcoming Address by Ms. Madina Jarbussynova, OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings, Working Session 11: Humanitarian issues and other commitments.</li> </ul>
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**International Organizations**

<b>Council of Europe</b>	<ul style="list-style-type: none"> <li>24. Overview of the work of the Council of Europe in the media and information society field, Working Session 2 (specifically selected topic): Challenges to the enjoyment of fundamental freedoms and human rights in the age of new information and communication technologies, including the respect for privacy.</li> <li>53. Action by the Conference of INGOs of the Council of Europe for the promotion of civil participation and active citizenship, Working Session 4: Fundamental freedoms I (continued).</li> <li>55. Protection of national minorities, Working Session 4: Fundamental freedoms I (continued).</li> <li>56. Education for democratic citizenship and human rights education, Working Session 4: Fundamental freedoms I (continued).</li> <li>63. Council of Europe standards and action for the promotion of an active role by civil society in political decision-making, Working Session 4: Fundamental freedoms I (continued).</li> <li>69. Contribution of the Council of Europe, Working Session 5: Tolerance and non-discrimination I.</li> <li>96. Contribution of the Council of Europe, Working Session 6 (specifically selected topic): Independence of the judicial system, with a particular focus on accountability and integrity of judges and prosecutors.</li> <li>139. Report on Council of Europe / OSCE Co-operation Regarding the Fight against Terrorism September 2014-September 2015, Working Session 8 Rule of law.</li> <li>140. The work of the European Committee for the Prevention of torture and inhuman or degrading treatment or punishment (CPT), Working Session 8 Rule of law.</li> <li>141. Exchange of views on the question of abolition of capital punishment, Working Session 8 Rule of law.</li> <li>161. Election assistance, Working Session 9: Democratic institutions.</li> <li>162. Good Democratic Governance, Working Session 9: Democratic institutions.</li> <li>177. Migrant workers' rights as guaranteed by the European Social Charter, Working Session</li> </ul>
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	<p>10: Fundamental freedoms II.</p> <p>394. Statement, Working Session 16: Tolerance and non-discrimination I (continued).</p> <p>395. Statement, Working Session 16: Tolerance and non-discrimination I (continued).</p> <p>444. Contribution on protection of national minorities, Working Session 17: Tolerance and non-discrimination II.</p>
<b>Office of the High Commissioner for Human Rights (OHCHR)</b>	66. UN Special Rapporteur on the situation of human rights defenders Michel Forst, Working Session 4: Fundamental freedoms I (continued).
<b>United Nations High Commissioner for Refugees (UNHCR)</b>	189. UNHCR written statement on refugees and IDPs, Working Session 11: Humanitarian issues and other commitments.
<b>Non-Governmental Organizations</b>	
<b>"Article 19"</b>	227. Combating hate crimes and ensuring effective protection against discrimination, Working Session 12 (specifically selected topic): Combating hate crimes and ensuring effective protection against discrimination.
<b>"EZGULIK" Human Rights Society of Uzbekistan (HRSU)</b>	<p>102. Statement by Human Rights Society of Uzbekistan, Working Session 6 (specifically selected topic): Independence of the judicial system, with a particular focus on accountability and integrity of judges and prosecutors.</p> <p>119. Statement by Human Rights Society of Uzbekistan, Working Session 7 (specifically selected topic): Independence of the judicial system, with a particular focus on accountability and integrity of judges and prosecutors (continued).</p>
<b>ABTTF - Federation of Western Thrace Turks in Europe</b>	<p>285. Statement, Working Session 14: Tolerance and non-discrimination II.</p> <p>380. Statement, Working Session 15: Fundamental freedoms II (continued).</p> <p>441. Written contribution by ABTTF, Working Session 17: Tolerance and non-discrimination II.</p>
<b>ACT for America 5280 Coalition</b>	<p>238. Discrimination and Hate Speech, Working Session 12 (specifically selected topic): Combating hate crimes and ensuring effective protection against discrimination.</p> <p>239. Discrimination, Working Session 13 (specifically selected topic): Combating hate crimes and ensuring effective protection against discrimination (continued).</p> <p>286. Statement and written recommendations, Working Session 14: Tolerance and non-discrimination II.</p> <p>347. Fundamental Freedoms, Working Session 15: Fundamental freedoms II (continued).</p>
<b>Action by Christians Against Torture - ACAT</b>	137. Torture: Promotion of universal jurisdiction in OSCE participating States, Working Session 8 Rule of law.
<b>Administrative Centre of Jehovah's Witnesses in Russia</b>	340. Persecution of Jehovah's Witnesses continues in Russia, Working Session 15: Fundamental freedoms II (continued).
<b>Alliance Defending Freedom</b>	<p>254. Statement of ADF International, Working Session 13 (specifically selected topic): Combating hate crimes and ensuring effective protection against discrimination (continued).</p> <p>331. Statement of ADF International, Working Session 15: Fundamental freedoms II (continued).</p>
<b>Alliance for Democracy</b>	<p>75. Statement on dialogue vs. isolation, Working Session 5: Tolerance and non-discrimination I.</p> <p>116. Why we need more tailored and inclusive EU's policies, Working Session 5: Tolerance and non-discrimination I.</p>
<b>Alliance of Youth Initiatives of Kazakhstan</b>	<p>13. Statement of Alliance of Youth Initiatives of Kazakhstan, Working Session 1: Fundamental freedoms I.</p> <p>170. Statement on violations of rights of Crimea Tatars, Side Event: Convention against Torture Initiative: Supporting the fight against torture in the OSCE.</p>
<b>Alma-TQ</b>	412. Violations of fundamental rights to freedom of thought and belief in Kazakhstan, Working Session 15: Fundamental freedoms II (continued).
<b>Amnesty International</b>	127. Oral Statement: A Matter of International Concern: Endemic Torture in Uzbekistan,

	<p>Working Session 4: Fundamental freedoms I (continued).</p> <p>128. Statement by International Partnership for Human Rights, Amnesty International, Association for Human Rights in Central Asia, Civic Solidarity Platform, Human Rights Watch, Working Session 4: Fundamental freedoms I (continued).</p>
<b>Anti-Discrimination Centre "Memorial"</b>	175. ADC Memorial Human Rights report (short version) Foreign National Detention Centers and the Failure to Comply with EHCR Rulings on the Protection of Migrant Rights, Working Session 10: Fundamental freedoms II.
<b>Association "ARA ART"</b>	421. Statement, Working Session 16: Tolerance and non-discrimination I (continued). 422. Zero Tolerance, Working Session 16: Tolerance and non-discrimination I (continued).
<b>Association "For Free Russia"</b>	514. Statement on the case of Evgeny Vitishko, Working Session 6 (specifically selected topic): Independence of the judicial system, with a particular focus on accountability and integrity of judges and prosecutors. 515. Statement on the need for international assistance to the investigation of the murder of the Russian opposition leader Boris Nemtsov, Working Session 6 (specifically selected topic): Independence of the judicial system, with a particular focus on accountability and integrity of judges and prosecutors. 513. Collection of Reports on Situation with Human Rights in Russia, Side Event: Repressions against Russian civil society in 2015.
<b>Association for the Prevention of Torture</b>	549. Statement on the issue of “Addressing discrimination in detention in the OSCE region: a pressing need”, Working Session 5: Tolerance and non-discrimination I. 554. Statement and written recommendations, Working Session 8 Rule of law.
<b>Association of Internet Service Providers of Tajikistan</b>	16. Challenges for the freedom of the media and the freedom of information in Tajikistan. Statement by Mr. Asomudin Atoev, Chairman, Working Session 1: Fundamental freedoms I.
<b>Atheist Ireland</b>	274. Religious discrimination in Ireland, Working Session 14: Tolerance and non-discrimination II. 567. Statement, Working Session 14: Tolerance and non-discrimination II. 568. Recommendations, Working Session 14: Tolerance and non-discrimination II. 359. Statement on combating discrimination against atheists, Working Session 15: Fundamental freedoms II (continued). 569. Statement, Working Session 15: Fundamental freedoms II (continued). 570. Recommendations, Working Session 15: Fundamental freedoms II (continued).
<b>Azerbaijan Institute for Democracy and Human Rights</b>	14. Speech of Mr. Ahmad Shahidov, Chairman, Working Session 1: Fundamental freedoms I.
<b>Azerbaijani Community of Nagorno Karabakh Region of the Republic of Azerbaijan</b>	228. Refugees and displaced persons, Working Session 11: Humanitarian issues and other commitments.
<b>B'nai B'rith International</b>	288. Combating Anti-Semitism in the OSCE Region statement and written recommendations, Working Session 14: Tolerance and non-discrimination II.
<b>Baha'i International Community</b>	546. Statement, Working Session 14: Tolerance and non-discrimination II. 547. Statement, Working Session 15: Fundamental freedoms II (continued).
<b>Baltic Center of Historical and Socio-Political Research</b>	158. Eighth Conference of Organizations of Russian Compatriots in Latvia, Working Session 9: Democratic institutions. 159. Statement on election in Latvia, Working Session 9: Democratic institutions.
<b>Barnabas Fund</b>	215. Statement on refugee situation in Middle East and European asylum, Working Session 12 (specifically selected topic): Combating hate crimes and ensuring effective protection against discrimination.
<b>Buergerbewegung Pax Europa</b>	448. The urgent need for security, sovereignty and defensible borders, Working Session 12 (specifically selected topic): Combating hate crimes and ensuring effective protection against discrimination. 491. Statement, Working Session 12 (specifically selected topic): Combating hate crimes and ensuring effective protection against discrimination.

	<p>492. Statement, Working Session 13 (specifically selected topic): Combating hate crimes and ensuring effective protection against discrimination (continued).</p> <p>493. Statement, Working Session 14: Tolerance and non-discrimination II.</p> <p>494. Statement, Working Session 15: Fundamental freedoms II (continued).</p>
<b>CAPLC - Coordination des Associations et Particuliers pour la Liberte de Conscience</b>	372. Freedom of Religion or Belief, Fostering Mutual Respect and Understanding, Working Session 15: Fundamental freedoms II (continued).
<b>Center for Civil Liberties, Ukraine</b>	<p>97. Statement, Working Session 6 (specifically selected topic): Independence of the judicial system, with a particular focus on accountability and integrity of judges and prosecutors.</p> <p>147. Speech by Center for Civil Liberties, Working Session 8 Rule of law.</p>
<b>Center for Information and Analysis (SOVA)</b>	<p>229. Statement for Session 12, Working Session 12 (specifically selected topic): Combating hate crimes and ensuring effective protection against discrimination.</p> <p>236. Statement for Session 13, Working Session 13 (specifically selected topic): Combating hate crimes and ensuring effective protection against discrimination (continued).</p> <p>332. Address and recommendations on fundamental freedoms, Working Session 15: Fundamental freedoms II (continued).</p>
<b>Center for Security Policy</b>	<p>378. Statement on Orwell and Hate Crime, Working Session 12 (specifically selected topic): Combating hate crimes and ensuring effective protection against discrimination.</p> <p>257. Working Session 13, Working Session 13 (specifically selected topic): Combating hate crimes and ensuring effective protection against discrimination (continued).</p> <p>299. Session 14 - On Tolerance, Working Session 14: Tolerance and non-discrimination II.</p>
<b>Center for Social Economic and Legal Reforms</b>	71. On the distrust between IntDonors and National Government in Azerbaijan, Working Session 4: Fundamental freedoms I (continued).
<b>Center for Support of International Protection</b>	176. Statement and written recommendations on migration in Kyrgyzstan., Working Session 10: Fundamental freedoms II.
<b>Center for the Development of Democracy and Human Rights</b>	476. Written recommendations, Working Session 8 Rule of law.
<b>Centre for Research and Protection of Fundamental Rights</b>	505. Statement and written recommendations, Working Session 17: Tolerance and non-discrimination II.
<b>Centre of Civic Education "ALMENDA"</b>	<p>287. Statement on Discrimination against Muslims in Crimea, Working Session 14: Tolerance and non-discrimination II.</p> <p>356. Violations of freedom of thought and belief in Crimea, Working Session 15: Fundamental freedoms II (continued).</p>
<b>Chance for Children Foundation</b>	564. Statement by Ms. Henriett Dinok: Hate Speech and evictions in Miskolc (Hungary), Side Event: Combatting Hate Speech, Racism and Incitement against Roma and Sinti in Election Campaigns.
<b>Chernivtsy Regional NGO 'Human Rights'</b>	297. Statement, Working Session 13 (specifically selected topic): Combating hate crimes and ensuring effective protection against discrimination (continued).
<b>Christian Evangelical Church, Temirtau</b>	<p>382. Statement on violation of freedom of conscience, Working Session 15: Fundamental freedoms II (continued).</p> <p>383. Statement by Pastor Igor Andreikin, Working Session 15: Fundamental freedoms II (continued).</p>
<b>Christian Solidarity Worldwide (CSW)</b>	<p>517. Statement, Working Session 14: Tolerance and non-discrimination II.</p> <p>518. Statement, Working Session 15: Fundamental freedoms II (continued).</p>
<b>Church of Scientology; Human Rights Office</b>	371. Church of Scientology - ODIHR 2015, Working Session 15: Fundamental freedoms II (continued).
<b>Collectif contre L'islamophobe en France</b>	<p>210. Statement by CCIF, Working Session 12 (specifically selected topic): Combating hate crimes and ensuring effective protection against discrimination.</p> <p>234. From promises to action: tackling Islamophobia, Working Session 12 (specifically selected topic): Combating hate crimes and ensuring effective protection against</p>



	<p>discrimination.</p> <p>530. Statement, Working Session 13 (specifically selected topic): Combating hate crimes and ensuring effective protection against discrimination (continued).</p> <p>375. Refugees, New State Sponsored Islamophobia and Confronting Religious Minorities, Working Session 15: Fundamental freedoms II (continued).</p>
<b>Constantinopolitan Society</b>	<p>282. Statement on the Greek minority in Turkey, Working Session 14: Tolerance and non-discrimination II.</p> <p>283. Recommendations, Working Session 14: Tolerance and non-discrimination II.</p> <p>333. The Ecumenical Patriarchate in Turkey. Statement, Working Session 15: Fundamental freedoms II (continued).</p> <p>334. The Ecumenical Patriarchate in Turkey. Recommendations, Working Session 15: Fundamental freedoms II (continued).</p>
<b>Core Issues Trust</b>	<p>214. How evidence, rights, freedoms and conscience are trampled through view-point discrimination under the UK's aggressive secular state, Working Session 12 (specifically selected topic): Combating hate crimes and ensuring effective protection against discrimination.</p>
<b>Crimean Field Mission on Human Rights</b>	<p>209. Hate crimes in Crimea, Working Session 12 (specifically selected topic): Combating hate crimes and ensuring effective protection against discrimination.</p> <p>289. Statement on Discrimination against Ukrainian Orthodox Church of the Kyiv Patriarchate in Crimea, Working Session 14: Tolerance and non-discrimination II.</p>
<b>CSO "Equal Opportunities"</b>	<p>360. Statement supporting LGBT people in Tajikistan., Working Session 15: Fundamental freedoms II (continued).</p>
<b>CST - Community Security Trust</b>	<p>261. Statement, Working Session 13 (specifically selected topic): Combating hate crimes and ensuring effective protection against discrimination (continued).</p> <p>294. Statement, Working Session 14: Tolerance and non-discrimination II.</p>
<b>Danish Helsinki Committee for Human Rights</b>	<p>118. Recommendation on the relationship between prosecution and the executive, Working Session 7 (specifically selected topic): Independence of the judicial system, with a particular focus on accountability and integrity of judges and prosecutors (continued).</p>
<b>Department for External Church Relations of the Ukrainian Orthodox Church</b>	<p>269. Statement regarding the violation of rights of the Ukrainian Orthodox Church, Working Session 14: Tolerance and non-discrimination II.</p>
<b>Ecumenical Federation of Costantinopolitans</b>	<p>437. Remedy and Reparations towards the Greek-Orthodox Community of the Republic of Turkey on the 60th Anniversary of Istanbul Pogrom of 6-7/9/1955, Working Session 17: Tolerance and non-discrimination II.</p>
<b>Educational Center of Glafki; Xanthi Prefecture</b>	<p>550. Statement, Working Session 17: Tolerance and non-discrimination II.</p>
<b>Equal Opportunities Initiative Association</b>	<p>565. Presentation by Mrs. Daniela Mihailova: Hate Speech in pre-election situation in Bulgaria, Side Event: Combatting Hate Speech, Racism and Incitement against Roma and Sinti in Election Campaigns.</p>
<b>European Association of Jehovah's Christian Witnesses</b>	<p>336. Azerbaijan severely restricts the religious activity of Jehovah's Witnesses, Working Session 15: Fundamental freedoms II (continued).</p> <p>337. Bulgaria Religious Freedom Concerns, Working Session 15: Fundamental freedoms II (continued).</p> <p>338. Kazakhstan continues its restrictions on the religious activity of Jehovah's Witnesses, Working Session 15: Fundamental freedoms II (continued).</p> <p>339. Kyrgyzstan has recently taken some steps to protect religious freedom, Working Session 15: Fundamental freedoms II (continued).</p> <p>341. Tajikistan revoked legal registration for Jehovah's Witnesses in 2007, and authorities view all religious activity of the Witnesses as illegal, Working Session 15: Fundamental freedoms II (continued).</p> <p>342. Turkmenistan Religious Freedom Concerns, Working Session 15: Fundamental freedoms II (continued).</p> <p>343. Jehovah's Witnesses in Turkey Religious Freedom Concerns, Working Session 15: Fundamental freedoms II (continued).</p>

	<p>344. Ukraine Religious Freedom Concerns: Jehovah's Witnesses are pleased to report recent positive developments, Working Session 15: Fundamental freedoms II (continued).</p> <p>345. Jehovah's Witnesses in Ukraine Donetsk and Luhansk Regions Religious Freedom Concerns, Working Session 15: Fundamental freedoms II (continued).</p> <p>346. The government of Uzbekistan withholds religious freedom from Jehovah's Witnesses and local authorities frequently harass and mistreat them, Working Session 15: Fundamental freedoms II (continued).</p>
<b>European Center for Artsakh (EUCFA)</b>	<p>222. Democratic Elections in Nagorno Karabakh Republic, Working Session 9: Democratic institutions.</p> <p>194. Refugees in the Republic of Nagorno Karabakh, Working Session 11: Humanitarian issues and other commitments.</p>
<b>European Center for Democracy Development</b>	<p>418. Statement about the situation with the hate crimes in Europe, Working Session 12 (specifically selected topic): Combating hate crimes and ensuring effective protection against discrimination.</p> <p>417. Statement about the anti-Semitism in Ukraine, Working Session 14: Tolerance and non-discrimination II.</p> <p>419. Statement on freedom of speech in Europe. Problems and borders, Working Session 15: Fundamental freedoms II (continued).</p> <p>451. Statement about the situation with the Rights of National Minorities in Europe, Working Session 17: Tolerance and non-discrimination II.</p> <p>455. Report "Xenophobia, Discrimination and Aggressive Nationalism in Europe", Side Event: Xenophobia, Racism and anti-Semitism in Europe.</p>
<b>European Centre for Law and Justice</b>	<p>217. Statement on behalf of L'Observatoire de la Christianophobie, Working Session 12 (specifically selected topic): Combating hate crimes and ensuring effective protection against discrimination.</p> <p>218. Statement on Evident and Subtle Hate Crimes against Christians, Working Session 12 (specifically selected topic): Combating hate crimes and ensuring effective protection against discrimination.</p> <p>290. The Right to Conscientious Objection in the Medical Field, Working Session 14: Tolerance and non-discrimination II.</p> <p>291. Discrimination of Christians and Christianity in Society, Working Session 14: Tolerance and non-discrimination II.</p>
<b>European Confederation of Police</b>	<p>54. Recommendation on Freedom of Association for Police Personnel, Working Session 4: Fundamental freedoms I (continued).</p>
<b>European Federation for Freedom of Belief (FOB)</b>	<p>368. Statement on freedom of belief in Italy, Working Session 15: Fundamental freedoms II (continued).</p> <p>369. Anti-mosque act, FOB report: "It violates EU's rules", Working Session 15: Fundamental freedoms II (continued).</p>
<b>European Foundation for Democracy</b>	<p>25. Participating States of OSCE must counter extremist narrative on social media, Working Session 2 (specifically selected topic): Challenges to the enjoyment of fundamental freedoms and human rights in the age of new information and communication technologies, including the respect for privacy.</p>
<b>European Humanist Federation</b>	<p>351. Let women decide over their body, Working Session 15: Fundamental freedoms II (continued).</p>
<b>European Muslim Initiative for Social Cohesion (EMISCO)</b>	<p>311. Tolerance and non-discrimination including Islamophobia, Working Session 14: Tolerance and non-discrimination II.</p>
<b>European Organisation of Military Association (EUROMIL)</b>	<p>57. Recommendations on Freedom of Association for Military Personnel, Working Session 4: Fundamental freedoms I (continued).</p>
<b>European Union of Jewish Students</b>	<p>293. Statement by Karin Flieswasser, Working Session 14: Tolerance and non-discrimination II.</p>
<b>Federal Lezghin National and Cultural Autonomy (FLNCA)</b>	<p>440. Statement and recommendations, Working Session 17: Tolerance and non-discrimination II.</p>
<b>Federation Europeenne des Centres de</b>	<p>364. Declaration by Luigi Corvaglia, President of CESAP, Member of FECRIS, Working</p>

<b>Recherche et d'Information sur le Sectarisme (FECRIS)</b>	<p>Session 15: Fundamental freedoms II (continued).</p> <p>365. Declaration by Daniele Muller-Tull, President of FECRIS, Working Session 15: Fundamental freedoms II (continued).</p>
<b>FEMYSO - Forum of European Muslim Youth and Student Organisations</b>	<p>560. Statement, Working Session 14: Tolerance and non-discrimination II.</p>
<b>Forum 18</b>	<p>284. Tolerance &amp; non-discrimination including discrimination on grounds of belief, Working Session 14: Tolerance and non-discrimination II.</p> <p>335. Ensuring the collective dimension of freedom of religion or belief, Working Session 15: Fundamental freedoms II (continued).</p>
<b>Forum for Religious Freedom Europe (FOREF)</b>	<p>266. Germany: Seizure of Children from Twelve Tribes Community at Variance with OSCE Standards, Working Session 14: Tolerance and non-discrimination II.</p> <p>267. Hungary: Amended Church Law Remains at Variance with OSCE Standards and the European Convention on Human Rights, Working Session 14: Tolerance and non-discrimination II.</p> <p>268. AUSTRIA: Policies on Religion at Variance with OSCE Standards and the European Convention on Human Rights, Working Session 14: Tolerance and non-discrimination II. [English, 3 pages]</p> <p>292. Statement concerning the seizure of children from the Twelve Tribes community in Germany, Working Session 14: Tolerance and non-discrimination II.</p>
<b>Foundation "CitizenGO"</b>	<p>276. Statement about freedom of religion and persecutions of Christians and other religious minorities, Working Session 14: Tolerance and non-discrimination II.</p> <p>326. Written recommendations: ADF International, Novae Terrae Foundation, "Giuseppe Dossetti " Observatory for Religious Tolerance and Freedom, Observatory on Intolerance and Discrimination Against Christians in Europe and European Center for Law and Justice, Working Session 15: Fundamental freedoms II (continued).</p>
<b>Freedom House</b>	<p>15. Statement on Appropriate Response to Propaganda, Working Session 1: Fundamental freedoms I.</p> <p>52. Statement on the Urgency of Consistent Reforms in Support of Fundamental Freedoms and Civil Society in Belarus, Working Session 4: Fundamental freedoms I (continued).</p>
<b>Fund to Support of Fundamental Researches</b>	<p>94. Universal Jurisdiction as a Tool of Russian Aggression in Ukraine, Working Session 6 (specifically selected topic): Independence of the judicial system, with a particular focus on accountability and integrity of judges and prosecutors.</p> <p>157. Dissemination of knowledge about human rights and international humanitarian law in times of armed conflicts: role and tasks of non-governmental organizations and academic circles, Working Session 9: Democratic institutions.</p>
<b>Giuseppe Dossetti Observatory for Religious Tolerance and Freedom</b>	<p>220. Statement, Working Session 12 (specifically selected topic): Combating hate crimes and ensuring effective protection against discrimination.</p> <p>221. Recommendations, Working Session 12 (specifically selected topic): Combating hate crimes and ensuring effective protection against discrimination.</p> <p>456. Statement, Working Session 14: Tolerance and non-discrimination II.</p> <p>457. Recommendations, Working Session 14: Tolerance and non-discrimination II.</p> <p>458. Statement, Working Session 15: Fundamental freedoms II (continued).</p> <p>459. Recommendations, Working Session 15: Fundamental freedoms II (continued).</p>
<b>Go-Governance Institute</b>	<p>195. Statement, Working Session 4: Fundamental freedoms I (continued).</p>
<b>Golos Svobody Public Foundation</b>	<p>135. Statement by Ms. Evgeniia Krapivina, Working Session 8 Rule of law.</p> <p>213. Statement on Discrimination, Working Session 12 (specifically selected topic): Combating hate crimes and ensuring effective protection against discrimination.</p>
<b>Greek Helsinki Monitor</b>	<p>281. Statement on religious intolerance, Working Session 14: Tolerance and non-discrimination II.</p> <p>327. Greece: Blasphemy laws &amp; declaration of religion for exemption from religious education, Working Session 15: Fundamental freedoms II (continued).</p> <p>391. Statement, Working Session 16: Tolerance and non-discrimination I (continued).</p> <p>434. Statement, Working Session 17: Tolerance and non-discrimination II.</p>

<b>Group 484</b>	192. Statement on Western Balkan challenges on refugee crisis, Working Session 11: Humanitarian issues and other commitments.
<b>Helsinki Citizens' Assembly-Vanadzor</b>	26. Report: Human Rights Violations of the Electricity Price Hike Protesters, Working Session 2 (specifically selected topic): Challenges to the enjoyment of fundamental freedoms and human rights in the age of new information and communication technologies, including the respect for privacy. 27. Implementation of IEOM Recommendations in Armenia in 2003-2013 Assessment Report, Working Session 2 (specifically selected topic): Challenges to the enjoyment of fundamental freedoms and human rights in the age of new information and communication technologies, including the respect for privacy. 99. Contribution on the situation of human rights defenders in Armenia, Working Session 4: Fundamental freedoms I (continued).
<b>Helsinki Committee of Armenia</b>	60. Statement on the right to peaceful assembly in the Republic of Armenia, Working Session 4: Fundamental freedoms I (continued).
<b>Helsinki Foundation for Human Rights</b>	169. Recommendations to interested parties on investigation of torture in Kazakhstan, Side Event: Mechanisms to investigate torture allegations in Kazakhstan, Kyrgyzstan and Tajikistan: Problems and solutions.
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